

APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (HEARINGS PROCEDURE) (ENGLAND)
(AMENDMENT) RULES 2000 (AS AMENDED)**

STATEMENT OF CASE

OF

THE LOCAL PLANNING AUTHORITY

HEARINGS PROCEDURE

Appeal by: Beechcroft Developments Ltd.

Site at: 1 Fonthill 58 Reigate Road, Reigate, Surrey, RH2 0QN

Description: The conversion of a former nursing home to 8 flats, including the addition of dormer windows, and fenestration changes, demolition of modern extensions, conversion and sunroom/terrace extension of the Coach House to two flats, erection of 27 flats and ancillary accommodation in the form of two new 3 storey blocks all for people aged 55 and over with associated car parking.

References:

Planning Inspectorate Ref: APP/L3625/W/22/3310799

Local Planning Authority Ref: 21/03270/F/AP

1.0 INTRODUCTION

1.1 The application reference 21/03270/F was validated on 11th January 2021. The application sought the conversion of a former nursing home to 8 flats, including the addition of dormer windows, and fenestration changes, demolition of modern extensions, conversion and sunroom/terrace extension of the Coach House to two flats, erection of 26 flats and ancillary accommodation in the form of a new 3 storey block all for people aged 55 and over with associated car parking.

1.2 During the course of the application; amended plans were submitted and the description of proposed works updated accordingly to:

The conversion of a former nursing home to 8 flats, including the addition of dormer windows, and fenestration changes, demolition of modern extensions, conversion and sunroom/terrace extension of the Coach House to two flats, erection of 27 flats and ancillary accommodation in the form of two new 3 storey blocks all for people aged 55 and over with associated car parking.

1.3 This appeal is against the refusal by Reigate and Banstead Borough Council to grant planning permission.

1.4 The application was refused by under delegated powers on 11th October 2022. The Decision Notice gives four reasons for refusal.

1. The proposed development, by way of the design, scale, and spread of development of the two new blocks of flats, as well as associated levels of car parking, would sit uncomfortably in the setting of the locally listed building due to their lack of subservience and affinity with the Locally Listed building and would harm both the Conservation Area and Locally Listed Building. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

2. The proposed development would, by virtue of the proximity of the north elevations of both proposed blocks of flats and north facing balconies, result in a development which would have a harmful impact upon the amenities of the neighbouring dwellings Hilliers Ringley Park Road and 62 The Cedars and their gardens by way of overlooking and loss of privacy. The proposal would thereby be contrary to policy DES1 of the Development Management Plan 2019.

3. The proposed development would, by virtue of the proposed layout, spread of development and proximity to protected trees, diminish the landscape visual amenity of the site and result in future pressure for the loss of trees protected by Tree Preservation Order RE 964 and the Chart Lane Conservation Area, which positively contribute to the visual appearance of the local landscape. The development would therefore be contrary to Policies NHE3 of the Development Management Plan 2019.

4. The proposed development, by virtue of the absence of a S106 legal agreement to secure affordable housing on site or a commuted sum, would be contrary to policies

2.0 THE APPEAL SITE AND SURROUNDINGS

- 2.1 The application site is located on the corner of Reigate Road and Ringley Park Road, within the Chart Lane Conservation Area. The spacious site incorporates one hectare of land and is well screened with large, thick, vegetation established along both road frontages. The site is subject to a Tree Preservation Order (TPO) covering three large groups of trees along the Reigate Road frontage and a smaller group on the Ringley Park Road frontage. The mature vegetation obscures the existing buildings on the site from the streetscene.
- 2.2 Fonthill itself is a two-and-a-half-storey Victorian house constructed in 1880 of Reigate stone and is locally listed. There have been several unsympathetic extensions undertaken in the last 30 years in association with the site's former use as a nursing home. Access to the site is from Reigate Road and includes parking and manoeuvring areas near the east boundary. There is a coach house located next to the parking and garage area against the east side boundary, which has had a two storey flat roof extension completed to the rear as well as a corridor linking the coach house to the main building. The land to the rear is generally level and laid out in lawn and ornamental planting. There is a bungalow positioned near the north west corner of the site. The extent of vegetative screening together with a brick wall around the site provides a high level of privacy with the exception of the east boundary adjacent to a block of flats in Fir Tree Walk, which are clearly visible from the rear garden area.
- 2.3 The surrounding area is characterised by a wide range of residential densities. The land to the east of the site is characterised by high-density residential development in the form of three-storey blocks of flats (19 - 45 Fir Tree Walk), two-storey terraced dwellings (1 - 17 Fir Tree Walk) and a tower block of flats (2 - 54 Fir Tree Walk). To the north the density is considered medium and represented by detached dwellings on varying plot sizes. To the west the density is low, characterised by the large locally listed building at 56 Reigate Road and detached dwellings in Ringley Park Road. To the south, the density is low, with detached dwellings on spacious plots. With the exception of the higher density land to the east, the area is generally considered to be medium density residential development with a high level of established vegetation creating a leafy area with good levels of privacy.

3.0 RELEVANT PLANNING HISTORY

- 3.1 06/01110/F - Conversion of vacant former nursing home to 8 no. flats, with demolition of modern extensions, conversion of coachouse to 2 flats erection of new 3 storey block of 19 flats, all with associated parking. Approved with conditions 18 July 2007
- 3.2 10/00746/F - Renewal of planning permission No. 06/01110/F for: Conversion of vacant former nursing home to 8 no. flats, with demolition of modern extensions, conversion of coachouse to 2 flats erection of new 3 storey block of 19 flats, all with associated parking. Approved with conditions 03 August 2010
- 3.3 16/00043/F - Conversion of former nursing home to 8 flats, demolition of modern

extensions, conversion of Coach House to two flats, erection of new 3 storey block of 19 flats all with associated parking. Approved with conditions 02 March 2017

- 3.4 20/02081/F - The conversion of a former nursing home to 8 flats, demolition of modern extensions, conversion of Coach House to two flats, erection of 19 flats in the form of a new 3 storey block all with associated car parking. As amended on 30/11/2020, 09/12/2020, 10/12/2020, on 14/01/2021, on 11/06/2021, on 17/06/2021, and on 17/08/2021. - Approved with conditions

4.0 **THE APPEAL PROPOSAL**

- 4.1 This is a full application for the conversion of the existing locally listed building on site as well as the coach house. The main building is proposed to be converted into 8 flats and the coach house into 2 flats.
- 4.2 Towards the rear of the site, two new buildings are proposed, one to accommodate 12 flats and one to accommodate 15 flats. New parking areas and landscaping are proposed within the site to accommodate a total of 47 parking spaces, 8 of these would be designated for visitors.

5.0 **POLICY CONTEXT**

- 5.1 The site lies within the following Development plan designations:

- Urban area
- Locally Listed Building
- Tree Preservation Order RE964
- Wray Common Conservation Area
- Parking standards - medium accessibility

Development Management Plan

- 5.2 The Borough Council adopted its Development Management Plan in September 2019. It forms the part of the current statutory development plan for this site and appeal. Policies that relate to the development are:

DES1: Design of new development

DES2: Residential garden land development

DES4: Housing mix

DES5: Delivering high quality homes

DES6: Affordable housing

DES8: Construction management

DES9: Pollution and contaminated land

NHE2: Protecting and enhancing biodiversity and areas of geological importance

NHE3: Protecting trees, woodland areas and natural habitats

NHE9: Heritage assets

INF3: Electronic communication networks

TAP1: Access, parking and servicing

CCF1: Climate change mitigation

CCF2: Flood risk

INF3: Electronic communication networks

Reigate and Banstead Core Strategy 2014

- 5.3 The Reigate and Banstead Core Strategy was adopted on 2 July 2014. This followed independent examination by an Inspector appointed by the Secretary of State who concluded in a report dated 31 January 2014 that, with recommended modifications, the Core Strategy met the criteria for sound and legal compliance as set out in the NPPF. It therefore forms part of the statutory development plan alongside the Borough Local Plan saved policies for purposes of this site.
- 5.4 Policies that relate to the proposal, listed within the officer report are:
- CS1 (Sustainable Development)
 - CS4 (Valued Townscapes and Historic Environment)
 - CS10 (Sustainable Development),
 - CS11 (Sustainable Construction),
 - CS14 (Housing Needs)
 - CS15 (Affordable Housing)
- 5.5 In accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Council completed a review of the Core Strategy in June 2019. The review looked comprehensively at each policy considering relevant evidence and information, as well as compliance with national policy and guidance. The overall conclusion of the review was that no policies needed modifying or updating, and that it remains a robust, up to date, and appropriate strategic policy framework for managing development in the borough in accordance with paragraph 11 of the NPPF.
- 5.6 Accordingly, and in the context of paragraph 213 of the NPPF, it is considered that full weight can be afforded to these policies in the determination of this appeal.

The National Planning Policy Framework

- 5.7 A revised NPPF was published on 20th July 2021 and is a material consideration in the assessment of planning applications.
- 5.8 Paragraph 8 of the Framework sets out the three roles which the planning system is

expected to fulfil. Whilst promoting the supply of housing required to meet the needs of present and future generations, the three dimensions also reflect a need to “create a high quality built environment” and for planning to contribute to “protecting and enhancing our natural, built and historic environment”.

- 5.9 Chapter 12 of the Framework in relation to achieving well designed places is also relevant. Paragraph 127 sets out that planning decisions should aim to ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased density. The Framework is also explicit in stating that “planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (paragraph 130).
- 5.10 Chapter 16 of the Framework in relation to proposals affecting heritage assets is also relevant. Paragraphs 199 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Other material considerations

- National Planning Practice Guidance
- Supplementary Planning Guidance
- Local Character and Distinctiveness Design Guide 2021
- Vehicle and Cycle Parking Guidance 2018
- Affordable Housing SPD 2020
- Householder Extensions and Alterations SPG 2004
- Housing Monitor 2022
- Housing Monitor 2022 – Erratum October 2022

6.0 THE COUNCIL’S CASE

- 6.1 The Local Planning Authority considers the principal issues to be considered in this appeal relate to the harm to the character of the area, harm to neighbour amenity, harm to the landscape visual amenity of the site and future pressure for the loss of trees protected and finally the absence of a S106 to secure the provision of affordable housing.

Harm to character of the area

- 6.2 The first reason for refusal states:

The proposed development, by way of the design, scale, and spread of development of the two new blocks of flats, as well as associated levels of car parking, would sit uncomfortably in the setting of the locally listed building due to their lack of subservience and affinity with the Locally Listed building and would harm both the Conservation Area and Locally Listed Building. The benefits associated with the

proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

- 6.3 The site lies within the Chart Lane Conservation Area and Fonthill is a locally listed building. There is an existing permission for a scheme on the site but this scheme increases the built form and parking. The proposed new buildings towards the rear of the site are considered to result in a detrimental impact upon the setting of the locally listed building due to their lack of subservience and affinity with the Locally Listed building, and their design, and would harm both Conservation Area and Locally Listed Building.
- 6.4 The Council's Conservation Officer has provided a detailed response to the Heritage Appeal Statement and this is attached at Appendix A.

Harm to neighbour amenity

- 6.5 The second reason for refusal states:

The proposed development would, by virtue of the proximity of the north elevations of both proposed blocks of flats and north facing balconies, result in a development which would have a harmful impact upon the amenities of the neighbouring dwellings Hilliers Ringley Park Road and 62 The Cedars and their gardens by way of overlooking and loss of privacy. The proposal would thereby be contrary to policy DES1 of the Development Management Plan 2019.

- 6.6 To clarify there is a typing error in the Case Officer Report and reason for refusal. The concern in terms of neighbour amenity relates to Hilliers Ringley Park Road and 53 The Cedars.
- 6.7 To the rear of the site two new blocks are proposed to accommodate a total of 27 new flats. The new block in the north western corner of the site would be sited approximately 13.5m from the northern boundary, with a separation distance of approximately 29.5m - 31.5m to Hilliers, Ringley Park Road (south elevation of the neighbouring dwelling to the north). The relationship to this dwelling is closer to that than the consented scheme (20/2081/F) and introduces 4 balconies that would face towards this dwelling. The introduction of a three storey elevation facing towards the boundary of this dwelling, combined with the first and second floor balconies, is considered to result in a harmful impact upon the amenities of this dwelling and its garden by way of overlooking and loss of privacy.
- 6.8 To the eastern side of the north boundary of the site, the second of the new blocks would be sited in closer proximity to the north and eastern boundary than the previous block proposed under application 20/02081/F. To the north of this boundary is 53 The Cedars, orientated with the west elevation being the rear elevation. The rear elevation of the new block would have a separation distance of between 17 - 22m from the southern side boundary of this dwelling. The introduction of a three storey elevation facing towards the side boundary of this dwelling and its rear garden is considered to result in a harmful impact upon the amenities of this dwelling by way of overlooking and loss of privacy.
- 6.9 With the appeal the Appellant has submitted an Urban Design Statement that responds to the second reason for refusal and concludes '*The change in the level of*

privacy and overlooking is in my view not materially different. The document also contains a number of comparison plans, section plans and CGI images of the views into and out of the site.

- 6.10 When comparing the proposed scheme to the extant (planning application ref: 20/2081/F) it is clear that the proposed scheme would be closer and wider than that of the extant permission. The proposal brings the development closer to the northern boundary and neighboring dwellings, particularly at the eastern end of the north elevation where the building would be approximately 4m closer. Not only would the building be closer at this point, it would also be 10.2m wider. This would exacerbate the presence of the building over and above the approved scheme.
- 6.11 There would also be an increase in the number of windows and the introduction of balconies and Juliet balconies.

	First floor windows	Second floor windows	First floor Balconies	Second floor balconies
Extant permission 20/02081/F	11	10	0	0
Proposed 21/03270/F	14	11	2	2

- 6.12 The proposal would see an additional 3 windows at first floor and 1 more at second floor, when compared to the extant scheme. Furthermore, there would be balconies introduced at first and second floor creating outdoor living space and opportunity for future occupants to stand and sit outdoors with greater opportunities for overlooking and loss of privacy.
- 6.13 The first and second floor windows in the extant scheme are serving mostly bedrooms, with one serving a shower room, one a living room and one a loft void. In the proposed scheme, most of the windows/Juliet balconies would serve kitchen/lounge/dining spaces. In view of this the habitable spaces to be served by these windows in the proposed scheme, the opportunity for overlooking would be intensified as these would be the primary living spaces for future occupants.
- 6.14 In the Appellants Urban Design Statement para 8.7 it notes ‘The nature of the site boundaries, many heavily and densely vegetated by mature landscape screens the views into and out of the site. However, additional landscaping can be incorporated and secured via an appropriately worded condition.’
- 6.15 However, it is clear from visiting the site and when viewed from the adjacent public footpath to the north, the northern boundary is not heavily and densely vegetated by mature landscape screens, particularly at the western and eastern end of the northern boundary where little to no vegetation can be seen growing above the boundary wall.
- 6.16 The submitted CGI images and cross section plans show mature trees within the application site boundary, however these are not in place and would take many years to mature to provide screening that is indicated in these images.

6.17 The Appellant notes additional landscaping can be incorporated and secured by condition. The Appellant has also referred and made comparison to the approved landscaping scheme (20/02081/DET12) at para. 6.17. This landscaping scheme includes new tree planting along the northern boundary that includes the addition of 12 new trees. Of these only 3 are evergreen and the different varieties of trees would take between 10 – 50 years to mature to their ultimate height. These would not provide an instant screen and even when mature, would not provide year round screening to the neighboring properties as some of the fully mature heights are between 2 – 4m. Furthermore, trees can become diseased or damaged and cannot be relied upon to provide screening for the lifetime of the development.

Harm to the landscape visual amenity of the site and future pressure for the loss of trees protected

6.18 The third reason for refusal states:

The proposed development would, by virtue of the proposed layout, spread of development and proximity to protected trees, diminish the landscape visual amenity of the site and result in future pressure for the loss of trees protected by Tree Preservation Order RE 964 and the Chart Lane Conservation Area, which positively contribute to the visual appearance of the local landscape. The development would therefore be contrary to Policies NHE3 of the Development Management Plan 2019.

6.19 The site lies within a Conservation Area and covered in part by Tree Preservation Order RE964 and therefore many of the trees within the site are protected. Trees, hedges and woodland areas make a particularly valuable contribution to the character and visual amenity of the borough, both in the townscape and the landscape. They can also be valuable for biodiversity, providing important habitats for local wildlife and as part of wildlife corridors; and are important for flood resilience.

6.20 The main point of objection to the proposed new layout is that the new building to the rear of the site is much nearer to the west side boundary trees and the feature cedar tree to the south than what has been approved. The approved plan looked to be a good layout that is sympathetic to the landscaping of the site and that will be of benefit. The Tree Officer's previous comments about diminished amenity value with the new proposed layout were in reference to internal landscaping of the site rather than from a public point of view and it is maintained that this is the case. This may not matter as much as the wider public amenity of the site and its trees, which may not be affected much, but the new layout will likely diminish the landscape amenity of the site internally and this will be a negative move in comparison to what has been approved.

6.21 In respect to future pressure to fell or remove protected trees along the west side boundary it is correct that this can be controlled through the status of the Tree Preservation Order; however, there is speculation and mixed experience on both sides as to what could happen in the future, and it is a common point of disagreement between Arboricultural Consultants and Tree Officers. The Tree Officer generally expects there to be future pressure on the management of trees retained in close proximity to a new development as this is often something a Tree Officer has to deal with. Often, applications for unsuitable management or tree removal can be refused, but the Council needs to understand the reasonable requests of new occupants in

respect to tree management and the potential for refused applications to be appealed. It is better to not create such a situation in the first place by not building in such proximity to a significant line of protected landscape trees if there is an alternative not to. The new proposal may have such an impact, or it may not, and the Council can be in control of that up to a point, however, the Council can also be in control of not setting up such a situation in the first place.

- 6.22 The Applicant has submitted a Daylight and Sunlight review report (Ref: 2079/I rev-01) with the appeal. The report concludes *'the provision of daylight and sunlight within the 6 No residential units reviewed, as being considered closest to mature trees, given the analysis results adequate daylight and sunlight is considered to be provided in reference to minimum target criteria within the new BRE guide, and in our opinion should be considered acceptable.'* Policy DES5 of the DMP requires *'All new residential developments (including conversions) must provide high quality, adaptable accommodation, and provide good living conditions for future occupants.'* In the submitted report it notes nine instances where the sunlight and daylight targets would fall below the target level. The sunlight target levels would not be met in both winter and summer time for the bedrooms of units 11, 12 and 22. In view of this, the proposal is not considered to result in high quality accommodation, and there would be real pressure in demands for future tree works or tree removals.
- 6.23 It is agreed that the proposed new layout is in accordance with the British Standard, BS5837 (2012) Trees in Relation to Design, Demolition & Construction - Recommendations and the Tree Officer's previous comments acknowledged that the proposed new layout is technically possible in respect to the retention of significant site trees and suitable mitigation for the build. It is also agreed that the previous comments about layout and diminished amenity are an opinion; however, this remains the case and it is the Tree Officer's professional opinion based on what has been approved, what the site looks like and much experience of dealing with tree matters on behalf of Local Planning Authorities and others in respect to retained trees in the built environment. The new proposed layout could have the impacts described in the previous comments and, for the site trees, the layout is not as good as what has already been approved.
- 6.24 This increased proximity will put pressure on the future healthy growth of the trees and is likely to lead to demands for future tree works or tree removals - for example, for reasons of restrictions of light levels, building maintenance or concerns about safety. The trees will be cramped by the proposed building, and this will diminish their amenity value and the aesthetic and landscape character of the whole site.
- 6.25 It is recommended that given the relationship between the proposed new building and the western boundary in particularly, the appeal be refused on the grounds of impact on trees and local landscape character.

Affordable housing

- 6.26 The fourth reason for refusal states:
- 6.27 *The proposed development, by virtue of the absence of a S106 legal agreement to secure affordable housing on site or a commuted sum, would be contrary to policies DES6 of the Reigate and Banstead Development Management Plan 2019 and the National Planning Policy Framework.*

- 6.28 At this time, a S106 agreement has not been agreed to secure affordable housing on site or a commuted sum and therefore this reason for refusal is maintained.
- 6.29 The Council is in correspondence with the Appellant with a view to agree a S106 to secure a commuted sum to provide alternative affordable housing provision off site.

Housing need and supply

- 6.30 The Appellant has submitted a Hearing Statement on Housing Need and Supply. The Council's Policy Team have provided a detailed written response to the issues raised in this regard and this is attached at Appendix B.

7.0 CONCLUSION

- 7.1 The Council has undertaken a balancing exercise as to whether the public benefits of the proposal, outweigh the harm to character of the area, harm to neighbour amenity and harm to the landscape visual amenity of the site and future pressure for the loss of protected trees.
- 7.2 In this case there are public benefits to the scheme weighing in favour of the development, by way of new dwellings adding to housing supply, and the provision of affordable dwellings/commuted sum to provide affordable dwellings subject to S106 agreement which are given significant weight. The proposal would provide a temporary economic benefit during design and construction and an ongoing spend in the local economy once occupied and are given moderate weight. Subject to conditions then further enhancements to the scheme could be made in respect to biodiversity net gain and to energy and water use, and these are also given moderate weight in the planning balance. Whilst the proposed development would result in a net increase of 8 dwellings over and above the consented extant scheme, the Council considers that the benefit of this should only be afforded limited weight, especially given there is currently comfortable exceedance of the Council's 5 year housing land supply, as set out in the annual Housing Monitor.
- 7.3 However, these benefits are not considered to outweigh the significant harm to the character identified, nor the impact upon neighbour amenity and harm to the landscape visual amenity of the site and future pressure for the loss of protected trees. The proposals conflict with the policies of the statutory development plan.
- 7.4 The Appellant has raised a number of benefits in favour of the proposal in regards to the provision of specialist retirement housing and the provision of sheltered/retirement housing. In this case, the proposal is for self contained flats for over 55's. The current state pension age is 66 years of age, and under the current law, the State Pension age is due to increase to 68 between 2044 and 2046. Therefore, a number of future occupants may not be of retirement age, providing a limited benefit in this case.
- 7.5 Also, the Appellant notes benefits including decreasing the chances of residents becoming lonely and reducing the cost burden on health and social care systems. In this case there is no provision of care proposed, only minimum level of support in the form of an "estate manager" to maintain the property and site. No communal facilities such as day rooms/communal dining areas etc to alleviate loneliness are proposed.

Therefore, it is considered no weight should be afforded to these benefits in this instance.

- 7.6 In summary, the proposed development conflicts with the aims of policies in the statutory development plan and the policies of the Framework in respect of harm to the character of the area, harm to neighbour amenity and harm to the landscape visual amenity of the site and future pressure for the loss of protected trees. These matters attract significant weight against the scheme and therefore the benefits of the scheme do not outweigh the harm from the development and the Inspector is respectfully invited to dismiss the appeal.

RECOMMENDED CONDITIONS (WITHOUT PREJUDICE)

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

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

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

Plan Type	Reference	Version	Date Received
Proposed Plans	132	P5	12.07.2022
Proposed Plans	131	P3	12.07.2022
Proposed Plans	125	P2	12.07.2022
Proposed Plans	108	P4	12.07.2022
Site Layout Plan	104	P2	12.07.2022
Combined Plan	103	P2	12.07.2022
Roof Plan	102	B	12.07.2022
Floor Plan	105	P6	14.09.2022
Proposed Plans	108	P4	14.09.2022
Floor Plan	107	P5	14.09.2022
Floor Plan	106	P6	14.09.2022
Site Layout Plan	140	P2	14.09.2022
Site Layout Plan	133	P5	14.09.2022
Site Layout Plan	132	P5	14.09.2022
Site Layout Plan	130	P5	14.09.2022
Elevation Plan	114	P3	14.09.2022
Site Layout Plan	101	P3	14.09.2022
Elevation Plan	115	P3	14.09.2022
Elevation Plan	111	P3	14.09.2022
Elevation Plan	110	P4	14.09.2022
Location Plan	UNNUMBERED		22.12.2021
Site Layout Plan	TPP 01		22.12.2021
Site Layout Plan	133	P5	22.12.2021
Proposed Plans	124	P1	22.12.2021
Proposed Plans	121	P1	22.12.2021
Elevation Plan	112	P1	22.12.2021
Site Layout Plan	E1		07.01.2022
Site Layout Plan	2047 PL 100		07.01.2022
Elevation Plan	E8		07.01.2022
Elevation Plan	E7		07.01.2022
Elevation Plan	E9		07.01.2022
Elevation Plan	E10		07.01.2022
Floor Plan	E2		07.01.2022
Floor Plan	E3		07.01.2022
Floor Plan	E4		07.01.2022
Floor Plan	E5		07.01.2022
Roof Plan	E6		07.01.2022
Elevation Plan	113	P3	07/07/2022
Floor Plan	120	P1	22 /12/2021

Elevation Plan	122	P1	22/12/2021
Elevation Plan	123	P1	22/12/2021

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. No development shall be undertaken until the details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings have been submitted and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality with regard to Development Management Plan 2019 policies NHE9 and DES1.

4. Notwithstanding the drawings, the proposed external finishing materials and details shall be carried out using the external facing materials and details specified below and there shall be no variation without the prior approval in writing of the Local Planning Authority;

a) All stonework shall be of stone to match the existing Reigate Stone blocks to match in colour, texture, dimensions, coursing and face profile, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level. Given the difficult in sourcing such stone this should be sourced at an early stage.

b) All doors shall be of painted timber set back behind the reveal at one brick depth. All windows shall be white painted vertically sliding sashes set back behind the reveal at one brick depth. All bargeboards shall be of detail and moulding profile to match existing. Details of all joinery, which shall be of painted timber, including doors, windows, bargeboards, dormers and eaves detail, shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level.

c) All tiles shall be handmade sandfaced plain clay tiles with decorative ridge tiles and finials to match existing and bonnet tiles to hip, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level.

d) All brickwork shall be handmade sandfaced red stock, in Flemish Bond, with all detail and moulded decorative bricks to match existing, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level including a photographic sample against the existing building.

e) All paths and drives shall be of tarmac or fixed gravel unless otherwise agreed in writing by the Local Planning Authority; and

f) All freestanding and boundary walls shall be of flint walls shall match the existing boundary walls with brick dentillations and saddleback bricks, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level. Details of the dismantling of the gate piers and a specification for their rebuilding shall be submitted to and approved in writing by the Local Planning

Authority before any works above ground level as well as any other means of enclosure or boundary treatment.. Brick bond shall be of detailing to match existing including English bond and closer bricks and all flint shall be of unknapped field flint set back behind the edges of the flint with tight joints to match existing.

g) All rooflights shall be black painted metal conservation rooflights with single vertical glazing bars. Standard aluminium wrapped timber rooflights would not be acceptable.

h) For the new flat blocks where windows are not vertically sliding sash they shall be of white painted timber casements with casements in each opening to ensure equal sightlines and set back behind the reveal at one brick depth with external glazing bars and segmental brick arches

Reason: To ensure the development is not detrimental to the setting and appearance of the locally listed building Fonthill, and preserve and enhance the character of the Conservation Area in accordance with policies NHE9 and DES1 of the Development Management Plan 2019.

5. Any photovoltaics or solar panels shall be sited to minimise their impact on the Conservation Area and locally listed building and details and locations of which of which shall be submitted to and approved in writing by the LPA before any work above ground floor slab level. Panels shall only be sited in hidden valleys or crown roofs and laid so no higher than the surrounding ridge.

Reason: To ensure the development is not detrimental to the setting and appearance of the locally listed building Fonthill, and preserve and enhance the character of the Conservation Area in accordance with policies NHE9 and DES1 of the Development Management Plan 2019.

6. The development hereby approved shall not be commenced unless and until the proposed modified access to Reigate Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.

7. No development shall commence until a Construction Management Statement, to include details of:
 - a) Prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions and odours, wildlife. Where potential impacts are identified, mitigation measures should be identified to address these impacts.
 - b) Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses, including provision of appropriate boundary protection,
 - c) Means of communication and liaison with neighbouring residents and businesses,
 - d) Hours of work,

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

Reason: The condition above is required in order that the development is managed in a safe and considerate manner to help mitigate potential impact on the amenity and safety of neighbours and to accord with Reigate and Banstead Development Management Plan 2019 policy DES8.

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

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing with the local planning authority for a minimum of 36 bicycles to be parked in a secure and covered location. Thereafter the bicycle storage area shall be retained and maintained for its designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) measures to prevent the deposit of materials on the highway

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

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy DES8 Construction Management of the Reigate and Banstead Local Plan Development Management Plan September 2019.

11. The development hereby approved shall not be occupied unless and until all of the proposed 37 flats are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase

dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

12. The development shall not be occupied until a pedestrian route has been constructed between Reigate Road A25 and the internal footpaths within the site in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority, all to be permanently retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

13. The development shall not be occupied until a pedestrian route has been constructed between Townpath T9073 along the northern boundary of the site and the internal footpaths within the site in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority, all to be permanently retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

14. No development shall commence including demolition and or groundworks preparation until a detailed, scaled finalised Tree Protection Plan (TPP) and the related finalized Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings, type of surfacing for the entrance drive and location of site offices. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and reason: To ensure good landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies NHE3 and DES1 of the Reigate and Banstead Development Management Plan 2019 and the recommendations within British Standard 5837:2012 Trees in relation to design, demolition and construction

15. No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures have been submitted to and approved in writing by the local planning authority. The pre commencement meeting, supervision and monitoring shall be undertaken in

accordance with these approved details. The submitted details shall include.

1. Pre commencement meeting between the retained arboricultural consultant, local planning authority Tree Officer and individuals and personnel responsible for the implementation of the approved development
2. Timings, frequency of the supervision and monitoring regime and an agreed reporting process to the local planning authority.
3. The supervision monitoring and reporting process shall be undertaken by a qualified arboriculturist.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan.

16. No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction.

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

Reason: To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies NHE3, DES1 and NHE9 of the Reigate and Banstead Borough Local Plan 2019, British Standards including BS8545:2014 and British Standard 5837:2012

17. The grounds shall be kept in communal use and there shall be no subdivision by way of hedges/planting or other means of enclosure.

Reason: To ensure the development is not detrimental to the setting and appearance of the locally listed building Fonthill, and preserve and enhance the character of the Conservation Area in accordance with policies NHE9 and DES1 of the Development Management Plan 2019.

18. No development shall take place until the applicant has secured the implementation of a programme of archaeological excavation and post-excavation work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: The site covers an area in which it is considered necessary to preserve for future reference any archaeological information before it is destroyed by the development with regard to Reigate and Banstead Borough Development Management Plan 2019 policy NHE9. This is necessary to be a pre-commencement condition because the suitable recording of archaeology goes to the heart of the planning permission.

19. The developer must either submit evidence that the building was built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement of the development. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future occupiers of the land, occupiers of nearby land and the environment with regard to policy CS10 of the Reigate and Banstead Borough Core Strategy, Development Management Plan 2019 policy DES9 and the provisions of the NPPF.

20. Prior to occupation, the Local Planning Authority shall require the applicant to demonstrate that areas of private gardens are suitable for its new intended use. The applicant shall provide in writing to the Local Planning Authority a brief methodology of how they shall demonstrate this. This could comprise a simple soil sampling exercise in garden/landscaped areas that shall also incorporate chemical analysis of any soils brought onto site. If remediation is required a brief remediation statement would be required.

Once agreed in writing by the Local Planning Authority the applicant shall submit the results/ remediation validation in writing, and said results/ remediation validation shall require written sign off prior to occupation of the site.

REASON: To comply with paragraph 122 of the NPPF to demonstrate that the site is suitable for its new use as residential accommodation and the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land).

21. Unexpected ground contamination: Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted in writing

to the Local Planning Authority. The remediation method statement is subject to the written approval of the Local Planning Authority and any additional requirements that it may specify.

Note: Should no further contamination be identified then a brief comment to this effect shall be required to discharge this condition

REASON: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

22. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant 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 further infiltration testing in the location of proposed soakaways 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 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5.15 l/s/ha.
 - 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.).
 - 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.
 - 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.

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

23. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the 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).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

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

Any external lighting installed on this development should comply with the recommendations of Section 5.3.14 of the 'Ecological Assessment' report and the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK - Bats and The Built Environment Series".

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the protection of the protected species with regard to Development Management Plan 2019 policy NHE2 and Reigate and Banstead Core Strategy 2014 policy CS2, the NPPF and the Natural Environment and Rural Communities Act (2006)

25. The development hereby permitted shall be implemented in accordance with the mitigation and enhancement measures identified in the Ecological Assessment by Ecology Solutions dated December 2021 ref: 9234.EcoAss.2021.vf.

Any variation shall be agreed in writing by the Local Planning Authority before such change is made. All ecological enhancement shall be completed prior to first occupation of the development. This condition will be discharged on receipt of a letter from the project ecologist stating that the mitigation has been completed according to the recommendations.

Reason: To ensure that the development would not harm wildlife or protected species and deliver a biodiversity enhancement in accordance with Policy NHE2 of the Development Management Plan, Natural England standing advice and the provisions of the NPPF.

26. No development shall commence until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail how the development will promote local training and employment opportunities during construction and include:

- Measures to ensure the developer and contractors work directly with local employment and training agencies;
- Targets for employment of local labour
- Targets for work experience and apprenticeships
- Measures for monitoring and reporting outcomes against the plan to the Local Planning Authority at appropriate intervals during the development.

The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development promotes local training and employment opportunities with regard to Policy CS5 of the Reigate & Banstead Core Strategy 2014 and Policy EMP5 of the Reigate & Banstead Development Management Plan 2019.

27. The development hereby approved shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:
- a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

Reason: To ensure that the development supports the efficient use of resources and minimises carbon emissions with regard to Policy CS10 of the Reigate & Banstead Core Strategy 2014 and Policy CCF1 of the Reigate & Banstead Development Management Plan 2019.

28. All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:

- a) A broadband connection accessed directly from the nearest exchange or cabinet
- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

Reason: To ensure that the development promotes access to, and the expansion of, a high quality electronic communications network in accordance with Policy INF3 of the Reigate & Banstead Development Management Plan 2019.

29. The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment and/or means of enclosure to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall include wildlife friendly access (hedgehog holes) and be completed before the occupation of the development hereby permitted.

Reason: To preserve the visual amenity of the area and protect neighbouring residential amenities with regard to the policy DES1 of the Reigate and Banstead Development Management Plan 2019.

30. The development hereby approved shall not be first occupied unless and until full details (and plans where appropriate) of the waste storage and collection points within the site (and pulling distances where applicable), and road surface, throughout the development, have been submitted to and approved in writing by the Local Planning Authority.

The waste storage and collection points should be of an adequate size to accommodate the bins and containers required for the dwellings which they are intended to serve in accordance with the Council's guidance contained within Making Space for Waste Management in New Development.

Each dwelling shall be provided with the above facilities in accordance with the approved details prior to occupation of the relevant dwellings.

Reason: To provide adequate waste facilities in the interests of the amenities of the area and to encourage in accordance with Development Management Plan 2019 policy DES1.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure permitted by Class A of Part 2 of the Second Schedule of the 2015 Order (as amended) shall be constructed without the prior approval of the Local Planning Authority.

Reason: To control any means of enclosure in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and NHE9.

32. The two new flat blocks hereby approved shall not be occupied unless and until the Victorian Mansion and Coach House have been fully repaired in accordance with a specification to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development is not detrimental to the setting and appearance of the locally listed building Fonthill, and preserve and enhance the character of the Conservation Area in accordance with policies NHE9 and DES1 of the Development Management Plan 2019.

Appendix A – Conservation Officer’s comments

- Chart Lane Conservation Area Appraisal
- Roof Alterations and Dormers SPG
- Brockmere Appeal 2013

Appendix B – Housing need and supply - Council’s Policy Team comments

Appendix C - 2022 Housing Monitor

Appendix D - 2022 Housing Monitor Erratum

Appendix E - Core Strategy Review

Appendix F - Core Strategy Inspector’s Report

Appendix G - Housing for older people (June 2016)

Appendix H - Housing for older people (Oct 2017)