

Town and Country Planning Act 1990

Appellant: Beechcroft Developments Limited

Local Planning Authority: Reigate and Banstead Borough Council

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

STATEMENT OF COMMON GROUND

BETWEEN THE APPELLANT AND LOCAL PLANNING AUTHORITY

Appeal Reference: APP/L3625/W/22/3310799

Local Planning Authority Refence: 21/03270/F

Signed on behalf of the appellant:



Giles Brockbank
Partner
Ridge and Partners LLP
On Behalf of Beechcroft Developments Limited

Signed on behalf of the Local Planning Authority:

H Marshall

Hollie Marshall
Senior Planning Officer
Reigate and Banstead Borough Council

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1. INTRODUCTION

1.1 This Statement of Common Ground (SoCG) refers to the appeal against the refusal of planning application 21/03270/F by Reigate and Banstead Borough Council.

1.2 The planning application (and subsequent appeal) seeks:

“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 a two new 3 storey blocks all for people aged 55 and over with associated car parking.”

1.3 This Statement sets out agreed matters of fact and the matters of agreement and disagreement between the Council and the Appellant.

2. SITE DESCRIPTION

2.1 The site description is as set out within the officer report CD 10.2.

3. THE APPEAL PLANS

3.1 The following list of plans, as agreed between both parties, are sought for approval:

Plan Type	Reference	Version	Date Submitted to the LPA
Location Plan	193 P		22/12/2021
Site Plan – Colour	193 P 101	P3	14/09/2022
Site Plan - Roof	193 P 102	C	08/08/2022
Site Plan Comparison	193 P 103	P2	12/07/2022
Demolition Plan	193 P 104	P2	12/07/2022
Ground Floor Plan - New Build	193 P 105	P6	14/09/2022
First Floor Plan - New Build	193 P 106	P6	14/09/2022
Second Floor Plan - New Build	193 P 107	P5	14/09/2022
Roof & Terrace Floor Plan - New Build	193 P 108	P4	14/09/2022
North and South Elevations - New Build	193 P 110	P4	14/09/2022
West and East Elevations - New Build	193 P 111	P3	14/09/2022
Comparison Elevations	193 P 112	P3	23/03/2023
South Elevation - New Build	193 P 113	P3	12/07/2022
Combined Elevation West	193 P 114	P3	14/09/2022
Combined East and West Elevations	193 P 115	P3	14/09/2022
Main House basement and Coach House Ground Floor Plans	193 P 120	P1	22/12/2021
Main House Ground Floor Plan	193 P 121	P1	22/12/2021
Main House Elevations	193 P 122	P1	22/12/2021
Coach House Front and rear Elevations	193 P 123	P1	22/12/2021
Main House Sections and Hidden elevation	193 P 124	P1	22/12/2021
Coach House - Proposed Floor plans and elevations	193 P 125	P2	12/07/2022
Refuse plan	193 P 130	P5	14/09/2022

Refuse Store Plans and Elevations	193 P 131	P3	12/07/2022
Fire Plan	193 P 132	P5	14/09/2022
Traffic Plan	193 P 133	P5	14/09/2022
Site Plan - Wider Context	193 P 140	P2	14/09/2022
Existing Site Layout	E1		07/01/2022
Basement Floor Plan	E2		07/01/2022
Existing Ground Floor Plan	E3		07/01/2022
Existing First Floor Plan	E4		07/1/2022
Existing Second Floor Plan	E5		07/01/2022
Existing Roof Plan	E6		07/01/2022
Existing South Elevation	E7		07/01/2022
Existing West Elevation	E8		07/01/2022
Existing North Elevation	E9		07/01/2022
Existing East Elevation	E10		07/01/2022

4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, this includes national guidance set out within the National Planning Policy Framework and the accompanying Practice Guidance.
- 4.2 The site falls within the administrative area of Reigate and Banstead Borough Council. The adopted development plan comprises the Reigate and Banstead Local Plan: Core Strategy (adopted July 2014) and the Reigate and Banstead Borough Council Development Management Plan (2019).

The Development Plan

The Core Strategy

- 4.3 The Reigate and Banstead Local Plan: Core Strategy was adopted in July 2014 and provides a spatial strategy for the Borough up until 2031, reviewed and found not to require updating in July 2019.
- **Policy CS1** – Presumption in favour of sustainable development
 - **Policy CS4** - Valued townscapes and the historic environment
 - **Policy CS10** - Sustainable development
 - **Policy CS11** - Sustainable construction
 - **Policy CS13** - Housing delivery
 - **Policy CS14** - Housing needs of the community
 - **Policy CS15** - Affordable housing

The Development Management Plan

- 4.4 The Reigate and Banstead Development Management Plan adopted September 2019 sets out in more how the objectives of the Core Strategy can be achieved.
- **Policy DES1** - Design of new development
 - **Policy DES2** – Residential garden land development
 - **Policy DES4** - Housing Mix
 - **Policy DES5** - Delivering high quality homes
 - **Policy DES6** - Affordable housing
 - **Policy DES7** - Specialist accommodation
 - **Policy DES8** – Construction Management
 - **Policy DES9** – Pollution and contaminated land

- **Policy TAP1** - Access, parking and servicing
- **Policy CCF1** – Climate change mitigation
- **Policy CCF2** - Flood risk
- **Policy NHE2** - Protecting and enhancing biodiversity and areas of geological importance
- **Policy NHE3** - Protecting trees, woodland areas and natural habitats
- **Policy NHE9** - Heritage assets
- **Policy INF3** – Electronic communication networks

Material Considerations

The National Planning Policy Framework

4.5 The National Planning Policy Framework (NPPF) was recently revised in July 2021 and sets out the Government’s framework for how planning policies in England should be applied.

Affordable Housing SPD 2020

4.6 This supplementary planning document (SPD) provides guidance for the delivery of affordable housing including size, type, tenure and design required. This SPD does not introduce new policy but rather seeks to ensure the effectiveness of existing policy.

5. MATTERS OF AGREEMENT

Principle of Development

- 5.1 The application site is within the urban area, where there is a presumption in favour of sustainable development and where the principle of residential development is acceptable.

Housing Mix and Need for Specialist Retirement Housing

- 5.2 It is agreed that the housing mix proposed in this case is entirely appropriate for the site and that the proposals meet the requirements of policy DES4 of the development plan.

Affordable Housing

- 5.3 It is agreed that subject to agreeing the S106, the appeal proposals will provide a policy compliant scheme for affordable housing and the appellant will work with the council to agree terms.

Urban Design Matters of Agreement

- 5.4 No specific, formal urban design objections have been raised in relation to:
- Creation of a safe environment and the incorporation of Secure by Design principles;
 - Refuse strategy;
 - Means of access.
 - There is no specific objection on the grounds of overbearing, obtrusiveness or overshadowing.
 - The conversion of the locally listed building

Loss of Existing Care Home

- 5.5 It is accepted that the care home is no longer in use and hasn't operated since 2001. On the basis of the vacant nature of the site over a significant period of time, and the extant permission, one of the exceptions set out in DMP Policy DES7 would apply to this proposal.

Ecology

- 5.6 It is accepted that there are no objections to the scheme on ecological grounds and the proposals comply with Policy NEH2 and Paragraph 175 of the NPPF, subject to recommended conditions, and the net enhancement should be seen as a limited benefit of the proposals.

Trees

- 5.7 It is agreed that the proposed new layout is in accordance with British Standard BS5837 (2012), trees in relation to design, demolition & construction – Recommendations. Furthermore, that the proposed new layout retains the significant trees on site (with those to be felled not disputed) and suitable protective measures and mitigation are provided for the build.
- 5.8 It is agreed that details of any further or additional protective measures required during the construction period (including relevant arboricultural supervision and monitoring) can be made the subject of an appropriate condition or conditions on a grant of planning permission.
- 5.9 It is agreed that the trees retained on site are those that form part of the agreed landscaping scheme associated with the extant consent and referenced in CD1.45 and CD1.46.

Flooding and Drainage

- 5.10 It is accepted that the site is within Flood Zone 1 and is not susceptible to flooding and the surface water and foul drainage proposed as part of the appeal proposal is in accordance with Policy CCF2 and Paragraph 165 of the NPPF.

Transport and Access

- 5.11 It is accepted that the proposals comply with Policy TAP1 and Paragraphs 105, 110 and 111 of the NPPF as they do not have an unacceptable impact on highway safety or severe cumulative impacts on the road network subject to recommended conditions. The proposals are therefore considered to have a neutral impact, in transport and access terms, in the planning balance.

Energy Credentials

- 5.12 It is accepted that the proposals comply with Policy CS11 and aim to support a low carbon future as advocated at Paragraph 152 of the NPPF, subject to the recommended condition. These measures are considered to be a limited benefit in favour of the proposals in the planning balance.

Economic Impacts

- 5.13 It is also agreed that a development of this nature would create economic and social benefits through the generation of jobs during the construction period, both directly and indirectly. It is also accepted that new residents would consume goods and services at local businesses, thereby increasing economic activity in the locality.

Contamination

- 5.14 It is agreed that no unacceptable risk from contamination will be present following recommendations for remediation of the site contained within the Site Investigation and Risk Assessment Report, subject to recommended conditions. As such the proposals comply with Paragraph 174 e) of the NPPF.

6. MATTERS OF DISPUTE

Reasons for Refusal

Heritage

- 6.1 In relation to the impact of the proposals on the designated and non-designated heritage assets, the level and scale of harm and associated public benefits arising from the appeal scheme is in dispute.

Neighbour amenity

- 6.2 The impact of the development on the amenity and privacy of the dwellings that lie adjacent to the northern boundary of the site is disputed, specifically the impact upon the amenities of the neighbouring dwellings Hilliers, Ringley Park Road and 53 The Cedars and their gardens by way of overlooking and loss of privacy. These are the only areas in dispute from policy DES1 in relation to neighbour amenity.

Impact on trees

- 6.3 The extent to which the appeal proposals will impact on the trees on site and whether they will diminish the landscape visual amenity of the site and lead to future pressure to remove the trees is disputed.

Lack of a S.106 agreement

- 6.4 The appeal proposal will secure the required level of affordable housing, but this is disputed until an agreed S106 Agreement is in place.

Planning and Housing Matters

- 6.5 Whether the Core Strategy housing requirement of at least 6,900 homes between 2012 – 2027 set in the Core Strategy Policy CS13 is up to date.
- 6.6 Whether, given the time horizon of the Development Plan, it will be possible to assess the 5 year housing land supply from April 2023 onwards as required by national policy and the Development Plan.

- 6.7 Whether the presumption in favour of sustainable development of paragraph 11d is engaged for either of the preceding reasons.
- 6.8 Whether there is a need for housing in Reigate and Banstead, and the extent of this.
- 6.9 Whether there is a need for affordable housing in Reigate and Banstead, and the extent of this.
- 6.10 Whether there is a need for specialist housing for older people, and particularly sheltered/retirement housing in Reigate and Banstead, and the extent of this.
- 6.11 Whether the provision of specialist housing for older people, including sheltered/retirement housing, provides a range of additional benefits to the provision of non-specialist housing.
- 6.12 If the presumption in favour of sustainable development is engaged, whether the benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts of the development.
- 6.13 If the presumption in favour of sustainable development is not engaged, whether the benefits of the proposal outweigh the adverse impacts of the development.

Summary of Impacts

- 6.14 The benefits of the scheme can be summarised as per the table below:

Contributing Factor	Weight to Be Attributed in the Planning Balance
Provision of Specialist Retirement Housing	In dispute
Making the Most Efficient Use of Land	In dispute
Economic Impacts	In dispute
Affordable Housing	In dispute
Ecology Impacts	In dispute
Energy Credentials Impacts	In dispute