
Appeal Decision

Site visit made on 30 January 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/L3625/W/16/3160766

Units 1 and 2 and Land to rear of 8-13, Maple Road, Redhill, Surrey RH1 5HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ideal Land and Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/00992/OUT, dated 20 April 2016, was refused by notice dated 22 September 2016.
 - The development proposed is demolition of warehouses and erection of a 2 storey block of 12 flats.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of warehouses and erection of a 2 storey block of 12 flats at Units 1 and 2 and Land to rear of 8-13, Maple Road, Redhill, Surrey RH1 5HE in accordance with the terms of the application, Ref 16/00992/OUT, dated 20 April 2016, subject to the conditions set out in Schedule 1 of this Decision.

Preliminary Matters

2. The Council's second reason for refusal related to the absence of provisions for affordable housing. The appellant has submitted an Undertaking which satisfies the Council's concerns and I shall have regard to it in determining this appeal.
3. The appeal relates to an outline proposal with only landscaping reserved for subsequent consideration.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character of the area.

Reasons

5. The appeal site forms part of a small group of commercial buildings of modest sizes. The site is situated within an otherwise residential area with houses and some flats around it. Part of the commercial premises to the west would be unaffected by the proposal. Houses to the north consist of 2 storey detached and semi-detached properties and those to the south and east are 2 storey

terraces and semi-detached. There are 3 storey flats immediately to the south of the appeal site.

6. The proposal would consist of a single block of 2 storeys with dormer windows and roof lights serving the second floor of accommodation. The building would be of a traditional design with a pitched roof.
7. The proposal would not be as long as the flats to the south and would not be as tall; the flats to the south are a full 3 storey height with a pitched roof. Although the proposal would be marginally wider than the existing flats, I do not consider that this would mean that the proposal would appear out of place in its context. The impression would be of a 2 storey building with some reduced accommodation in the roof; the dormers would not occupy much of the roof and thus the mass of the top floor would be modest. Compared to the neighbouring flats, my view is that the proposal would appear smaller.
8. When compared to the individual houses, the proposed block would be larger than each of these. However, many of the houses are in longer terraces, pairs of semi-detached houses and where gaps between the buildings are quite modest. As a result, I find that the proposed building would not appear out of place in the area but would harmonise with it.
9. In terms of the space around the building, there would be adequate separation between it the existing buildings such that the development would not appear cramped. Although the building would be set quite close to some parts of its boundary, these are individual pinch-points and are balanced by the greater amounts of space to the north, south and east in particular, much the same as existing buildings may be close to some boundaries but have adequate space around them. In this respect, I consider that the proposal would not be at odds with the prevailing character of the area. As a result of these matters I find no conflict with Policies Ho9 and Ho13 of the Local Plan, as referred to by the Council.

Conditions

10. I have had regard to the advice in the national Planning Practice Guidance (PPG) when considering the necessary conditions and I have considered the suggested conditions submitted by the Council. The Council's conditions do not acknowledge that the proposal is in outline form and some adjustment to the conditions is necessary in this respect. I shall also alter some conditions where I consider it necessary for the sake of precision and necessity and to make them consistent with the PPG.
11. So that there is certainty in relation to the implementation of the scheme, I shall include a condition referring to the approved plans. In order that the proposal has an acceptable presence in the area conditions relating to the proposed levels and to the external materials are necessary. So that the construction programme does not unacceptably affect the area in terms of parking and traffic, a Construction Transport Management Plan is justified. The proposed development would also make use of the pedestrian route to Horley Road, to the east; this is in need of improvement and I have included a condition which requires this. The presence of balconies on some of the proposed flats could give the opportunity for overlooking of neighbouring properties and so I have included a condition requiring some to incorporate screens to prevent this.

12. In order to ensure that the proposal is served by parking and cycle storage, conditions requiring these in a timely fashion are justified. I shall also include a condition requiring the approval of boundary treatment so that the effects on the locality are controlled. I have also included conditions relating to sustainable drainage so that the effects of the proposal are made acceptable in this regard. There is some likelihood of contamination on the site, taking account of its previous commercial uses and so I have included conditions to address this.
13. The Council has suggested conditions relating to landscaping and tree protection. I consider that these should be addressed at the reserved matters stage as landscaping is reserved for future consideration.

Conclusions

14. I have concluded that the proposal would cause no harm to the character of the locality and I find nothing in the representations to lead me to a different conclusion. I have taken account of all other matters and I find nothing to outweigh my findings. The appellant has submitted a completed undertaking relating to affordable housing and this complies with the CIL Regulations and I have taken it into account in granting planning permission. As a result of my findings, the appeal is allowed.

S T Wood

INSPECTOR

Schedule 1, Conditions (17 in number)

- 1) Details of the landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1219-01D; 1219-02D; 1219-03; 1219-04E; 1219-05A; 1219-06B; 1219-07B; 1219-11D; 1219-12; 1219-13C; 1219-18A.
- 5) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 6) No development shall take place, including any works of demolition, until a Construction Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works, including measures for traffic management;
 - v) wheel washing facilities.

The approved Construction Transport Management Plan shall be adhered to throughout the construction period for the development.

- 7) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's

Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 9) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing within 28 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 28 days and approved in writing within 28 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

- 12) No part of the development shall be occupied until space has been laid out within the site in accordance with the approved drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear and that space shall thereafter be kept available at all times for the parking of vehicles.
- 13) No part of the development shall be occupied until space has been laid out within the site bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 14) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 15) No development shall commence until details of screening to the northern elevation of the proposed balcony to unit 9 and the southern elevation of the proposed balcony to unit 10 have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved scheme, prior to occupation of the development and thereafter retained in that form.
- 16) The development hereby approved shall not commence unless and until the existing pedestrian access route from the south-east corner of the site through to Horley Road has been improved to include the removal of the staggered railings, in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 17) The development shall not be occupied until a plan indicating the positions, designs, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before occupation of the proposed development and thereafter retained/maintained in that form.