
Appeal Decision

Site visit made on 25 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/L3625/W/16/3158272

Hockley Industrial Centre, Hooley Lane, Redhill, Surrey RH1 6ET

- 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 Nordhus Properties against the decision of Reigate & Banstead Borough Council.
 - The application Ref 15/01008/OUT, dated 7 May 2015, was refused by notice dated 10 March 2016.
 - The development proposed is the partial demolition of existing buildings, erection of 4 apartment blocks comprising 33 x 2 bed and 15 x 1 bed apartments, retention of locally listed wall and conversion of existing building into 2 bed house.
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of existing buildings, erection of 4 apartment blocks comprising 33 x 2 bed and 15 x 1 bed apartments, retention of locally listed wall and conversion of existing building into 2 bed house at Hockley Industrial Centre, Hooley Lane, Redhill, Surrey RH1 6ET in accordance with the terms of the application Ref 15/01008/OUT, dated 7 May 2015, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with only landscaping reserved for future consideration. Amended plans were submitted with the appeal that show a reduced number of units from 50 to 49, and the appellant's grounds of appeal describes the application as comprising "33 x 2 bed and 15 x 1 bed apartments" rather than 16 x 1 bed apartments as set out in the application description. As this would reduce the number of units and the Council are aware of the change,¹ I do not consider anyone would be disadvantaged by my dealing with the appeal on this basis. I have therefore amended the description of development in the banner heading and formal decision to reflect this change.

Background and Main Issue

3. The appeal site is in an employment generating use. The appellant has submitted evidence including an employment land review, building surveys and commercial valuation in support of the proposal. These indicate that there is an oversupply of employment land in the borough, and that the poor condition of the existing buildings and low value of the site would necessitate wholesale

¹ The Council's statement of case refers to the reduction in the number of units in paragraph 6.10

redevelopment of the site in the future. It would therefore not be viable to continue the existing industrial use. The site has also been identified within the Council's Strategic Housing Land Availability Assessment as having potential for redevelopment. On balance, having due regard to policy EM1a of the Reigate and Banstead Borough Local Plan (LP) (2005), the Council does not object to the proposed change of use to residential.

4. In addition, the Council has confirmed that in light of the signed and executed unilateral undertaking submitted by the appellant, it no longer seeks to contest the second reason for refusal, relating to affordable housing provision. The main issue in the appeal is therefore the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an industrial estate on the southern edge of Redhill. The eastern boundary of the site is formed of the London to Brighton railway line. Vehicular and pedestrian access to the site is taken from Hooley Lane. The ground level rises considerably from east to west along Hooley Lane, and a large concrete and brick retaining wall extends from the railway bridge to the site access forming part of the boundary of the site. To the south east are residential dwellings on Brighton Terrace and Woodland Avenue, and to the west is Local Open Land on the corner of Hooley Lane and Brighton Road. There is a public house and Sea Cadets centre on the opposite side of Hooley Lane, along with a number of recent housing developments on both sides of the railway line.
6. The appeal site contains four existing warehouse buildings, occupied by a number of businesses, including motorcycle repairs, glazing and metalworks. The proposal would involve the demolition of most of these with the exception of the eastern façade of the locally listed Goods Station shed which faces the railway line. This would be retained and incorporated into Block 2. The small brick building described as Block 4 on the submitted drawings would be converted into a two bedroom dwelling. Block 3 would be situated at the southern edge of the site and would replace an existing building.
7. Blocks 1 and 5 would be positioned on the Hooley Road frontage, on either side of the site access. Block 1 would have a similar footprint to the existing building, and would be about 2 metres greater in height. The top floor would be set back from the front elevation, and there would be a step down in height at the western end to three storeys. As such it would be broadly comparable in height with the three to four storey Niche Place on the opposite side of Hooley Place, and would be about the same width as the warehouse it would replace.
8. Block 5 would be located in the north-west corner of the site. Blocks 1 and 5 would be separated by the vehicular access and a landscaped area to the west of Block 1. Together with the stepping down in height and reduction in depth by almost half at the westernmost end of Block 1, this would ensure that the two blocks would not appear as a single building when viewed from Hooley Lane.
9. The National Planning Policy Framework (the Framework) is clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes. Whilst there would be repetition in the pattern of fenestration on the front elevations, this would be broken up by the use of brick and render

supplemented with timber cladding. The contemporary design would incorporate architectural references to the historic association of this site with the railway, the layout would generally reflect that of the existing buildings on site, and the proposal would secure the retention and enhancement of non-designated heritage assets within the site. In this way the development would provide an appropriate response to the existing site and the predominantly residential character of the surrounding area.

10. For the above reasons I conclude that the proposal would not harm the character and appearance of the surrounding area. Thus it would accord with LP policies Ho9, Ho13 and Ho16. These policies seek, amongst other things, to respect the scale of development in the surrounding area, respect and maintain the local character of the area, and ensure that infill development would not be cramped in appearance. For the same reasons it would also accord with the Reigate and Banstead Local Distinctiveness Design Guide Supplementary Planning Document (2004).
11. It would also comply with policies CS1 and CS4 of the Reigate and Banstead Core Strategy (CS) (2014). CS Policy CS1 applies a presumption in favour of sustainable development, and CS Policy CS4 requires development to respect, conserve and enhance the historic environment.

Other Matters

12. CS Policy CS15 requires proposals for dwellings of 15 or more net dwellings to provide 30% affordable housing, equivalent to 15 units. A signed and executed unilateral undertaking has been submitted by the appellant that would provide 30% affordable housing on site, and so the proposal would comply with CS Policy CS15. I am therefore satisfied that the aforementioned contribution would meet the test set out in Regulation 122 of the Community Infrastructure Regulations and paragraph 204 of the Framework.
13. Surface water drainage can be addressed through a suitable condition, as indicated in the submitted Flood Risk Assessment, to ensure site is adequately drained and to prevent surface water run-off within and beyond the site.
14. Two sycamore trees would be removed within the site but they would be replaced, and a third tree would need to be removed in any event due to its poor condition. An updated Arboricultural Method Statement and Tree Protection Plan, to protect the trees on site during construction and ensure their long term survival can be required by condition to safeguard the character and appearance of the area.
15. The potential for noise and disturbance during construction can be addressed through a condition requiring the submission of and adherence to a Construction Transport Management Plan.
16. Third parties consider that the site is viable for employment use, has been deliberately neglected by current owners, and that levels of employment have been underestimated, but for the reasons I have set out above the loss of employment land has been accepted by the Council and on the basis of the evidence before me I see no reason to disagree. Consequently I have given this matter little weight in reaching my decision.
17. I have had regard to all other matters raised, including the potential for harm to health and for an increase in crime in the vicinity of the site, but there is

nothing before me to suggest that the development would cause material harm to future or existing residents in this respect. Similarly, the effect of the proposal on property values and private views from neighbouring properties are outside the scope of this appeal.

Conditions

18. I have found that the proposal would be acceptable subject to certain conditions, framed with regard to the Planning Practice Guidance. In addition to the conditions already referred to, I have specified the approved plans for certainty. Details of the landscaping scheme are required to be submitted as reserved matters to safeguard the character and appearance of the area. Details of the existing and proposed ground levels, external materials and details of boundary treatment/s are also required for the same reason.
19. Details of a modified access to Hooley Lane, the provision of an uncontrolled pedestrian crossing to Hooley Lane, and the provision and retention of car parking and turning space and cycle parking as shown on the approved plans are all necessary in the interests of highway safety.
20. I shall require a condition to provide and retain refuse and recycling facilities in the interests of residential amenity. Acoustic fencing details are necessary to ensure a satisfactory appearance and to safeguard the amenities of future occupiers of the development.
21. Details of ecological enhancement measures are required to ensure protected species found on site are not harmed by the development and are protected during the construction period. Due to the previous industrial use of the site an investigation and risk assessment is required, with remediation if appropriate where contamination is found.
22. All the new build properties would be flats and thus would not benefit from permitted development rights. Furthermore, as the proposed dwelling shown as Block 4 is proposed to incorporate roof lights, it is not considered necessary to impose a restriction on windows, dormer windows or roof lights to safeguard the living conditions of neighbouring occupiers. A restriction on extensions within Class A of the GPDO² is justified however, to ensure that adequate amenity space would be retained for future occupiers of that dwelling.

Conclusion

23. For the reasons set out above I conclude that the appeal should be allowed.

Claire Victory

INSPECTOR

² Town and Country Planning (General Permitted Development) (England) Development Order 2015

Schedule of Conditions

- 1) Approval of details of 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 and carried out as approved. Plans and particulars of the reserved matters referred to above, shall be submitted in writing to the local planning authority before the expiration of three years from the date of this permission. 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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout Plan PL 14-137-50 Rev B; Floor Plan PL 14-137-110 Rev B; Floor Plan PL 14-137- 111 Rev B; Combined Plan PL 14-137-112 Rev B; Combined Plan PL 14-137-130 Rev D; Elevation Plan PL 14-137-131 Rev D; Other Plan PL 14-137-160 Rev C; Other Plan PL 14-137-161 Rev C; Other Plan PL 14-137-162 Rev C; Combined Plan PL 14-137-150 Rev A; Elevation Plan PL 14-137-151 Rev A; Floor Plan PL 14 137-120 Rev A; Floor Plan PL 14 137-121 Rev A; Combined Plan PL 14 137-122 Rev A; Elevation Plan PL 14 137-123 Rev A; Site Layout Plan PL 14 137-51 Rev A; Site Layout Plan PL 14 137-52 Rev A; Site Layout Plan PL 14 137-53 Rev A; Section Plan PL 14 137 55 Rev A; Block Plan PL 14 137-02 Rev A; Survey Plan PL 14 137-03 Rev A; Site Layout Plan PL 14 137-04 Rev A; Site Layout Plan PL 14 137-05 Rev A; Elevation Plan PL 14 137-06 Rev A; Section Plan PL 14 137-07 Rev A; Site Layout Plan 2215/15/B2; Site Layout Plan 2215/15/B/3; Arboricultural Plan 2215/15/B/1; Location Plan PL 14 137-01 Rev A; Other Plan PL 14-137-163 Rev B; Other Plan PL 14-137-164 Rev B; Other Plan PL 14-137-165 Rev B; Other Plan PL 14-137-166 Rev B; Other Plan PL 14-137-167 Rev B; Other Plan PL 14-137-168 Rev B; Other Plan PL 14-137-169 Rev B; Combined Plan PL 14-137-140 Rev A; Combined Plan PL 14-137-141 Rev A.
- 3) No development shall take place until the developer obtains the local planning authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.
- 4) The proposed external finishing materials and details shall be carried out using the external facing materials and details specified below: before works commence a detailed specification for the conservation and restoration of the lettering and cast iron windows on the Goods Station shed east elevation and the stabilisation and repair of the east elevation by an accredited conservator shall be submitted to and approved in writing by the local planning authority and shall be carried out by the approved conservator before the flats are occupied; revised detailed drawings of the retained east elevation of the Goods Station shed with the entablature retained shall be submitted to and approved in writing by the local planning authority before works commence; revised drawings of the stable building shall be submitted to and approved in writing before works commence with reconfigured fenestration and reduced rooflight configuration; before works commence revised details of the boundary treatment and landscaping between the east

elevation of the Goods Station shed and the railway line shall be submitted to and approved in writing by the LPA; all windows have casements in each opening and be set back behind the reveal at one brick depth; all windows and doors shall have equal sightlines by having a casement in each opening in the case of windows and a door in each opening in the case of doors; all brickwork shall be in London stock brick with gauged brick arches.

- 5) No development shall commence including demolition and or groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and the related finalised Arboricultural Method Statement (AMS) is submitted to and approved in writing by the local planning authority. 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. The AMS shall also include a pre commencement meeting with the local planning authority, supervisory regime for their implementation & monitoring with an agreed reporting process to the local planning authority. All works shall be carried out in strict accordance with these details when approved.
- 6) No development shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme. All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.
- 7) No development shall commence until a Construction Transport Management Plan (CTMP), to include details of: parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; programme of works, including measures for traffic management; HGV deliveries and hours of operation; construction vehicle routing to and from the site; measures to prevent the deposit of materials on the highway; and on-site turning for construction vehicles has been submitted to and approved in writing by the local planning authority. The CTMP shall be implemented in accordance with the approved details during the construction of the development hereby permitted.
- 8) The development hereby approved shall not be first occupied unless and until the proposed modified vehicular access to Hooley Lane has been constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 9) The development hereby approved shall not be first occupied unless and until an uncontrolled pedestrian crossing consisting of a build out with a

dropped kerb and tactile paving has been constructed on Hooley Lane adjacent to the site access in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

- 10) 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.
- 11) The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the occupation of the development hereby permitted.
- 12) The development hereby approved shall not be first occupied unless and until the following facility has been provided in accordance with the approved plans for the secure parking of 50 bicycles within the development site, and thereafter the said approved facility shall be provided, retained and maintained to the satisfaction of the local planning authority.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Class A of Part 1 of the Second Schedule of the 2015 Order shall be constructed in relation to the two bedroom dwelling shown as Block 4 on the approved drawings.
- 14) No development shall take place until a scheme of ecological enhancement measures for biodiversity gain have been submitted to and been approved in writing by the local planning authority, the scheme shall include a schedule for their implementation and should consider native planting, bird nesting boxes, invertebrate habitat and floral diversity. The works shall be implemented in accordance with the approved details prior to completion of the development.
- 15) No development shall take place until details of proposed drainage works, including surface water attenuation facilities, have been submitted to and been approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details concurrently with the carrying out of the development and permanently retained.
- 16) No development shall take place until details of adequate refuse and recycling storage and collection facilities, including suitable collection and servicing to take place from within the site, has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained.
- 17) No development shall take place until details of a scheme of acoustic fencing, including its siting, materials and appearance have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained.

- 18) No development shall commence on site unless required to be carried out as part of an approved scheme of remediation until this condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until has been complied with in relation to that contamination.
- 19) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of 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, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".
- 20) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 21) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.
- 22) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 21.

- 23) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of five years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".