



Appeal Decision

Site visit made on 5 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 JANUARY 2022

Appeal Ref: APP/L3625/W/21/3272715

34 Brighton Road, Banstead SM7 1BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Nuro Homes Limited against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/00315/F, dated 27 December 2019, was refused by notice dated 18 March 2021.
 - The development proposed is demolition of existing surgery with the erection of 4 x 4 bedroom 3 storey houses.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing surgery with the erection of 4 x 4 bedroom 3 storey houses at 34 Brighton Road, Banstead SM7 1BS in accordance with the terms of the application, Ref 20/00315/F, dated 27 December 2019, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of existing occupiers with particular regard to car parking.

Reasons

3. Policy TAP1 c of the Reigate and Banstead Local Plan Development Management Plan September 2019 (the Local Plan) sets out that car parking should be in line with adopted local standards unless it is demonstrated that non-compliance would not result in unacceptable harm. Policy DES1 of the Local Plan requires that new development should not adversely impact on the amenity of existing occupiers and that it should make adequate provision for access, servicing, circulation and turning space, and parking.
4. The Reigate and Banstead parking standards require a minimum of 10 car parking spaces for this development. 8 off street car parking spaces are proposed. These standards have been set taking into account site specific local accessibility and considering likely parking requirements beyond the most recent Census figures from 2011. I am satisfied that these recent standards set an appropriate level of car parking for the Borough. This is broadly in line with the findings of the appeal at The Yew Tree Public House¹. Policy TAP1 c of the Local Plan then requires that I go on to consider whether non-compliance would result in unacceptable harm.

¹ APP/L3625/W/21/3268632

5. The appeal site is in an area of low accessibility for the purposes of the development plan. However, it is located just over 800m from Banstead Town Centre and is adjacent to the boundary of the medium accessibility area. Whilst it is located more than 800m from Banstead Station it is nevertheless moderately close at around 1.3km away. There is also a petrol station with a local shop nearby which would meet some basic needs, bus stops on Garratts Lane, as well as other local amenities. Therefore, occupants would be unlikely to rely on cars as much as other sites within the low accessibility area.
6. If the development were to lead to overspill parking, there are roads nearby where on street parking could be accommodated. Although I am not provided with an up to date parking survey, I have taken into account local representations, comments from the Surrey County Council Highways and the likely limited extent of any on street parking. There is no dispute between the main parties that the proposed development would not be harmful to highway safety. Therefore, although the proposed development may require one or two cars to park further from their properties, this inconvenience would not amount to unacceptable harm to the living conditions of neighbouring occupiers.
7. I am directed to other local developments where 2 car parking spaces are provided for 4-bedroom dwellings², and other appeals in the Borough that have been allowed where parking provision is below the Reigate and Banstead standards³. These are not directly comparable to the appeal scheme due to their location and age, nevertheless, I find a similar level of provision to be acceptable at the appeal site.
8. Consequently, I am satisfied that the provision of 8 car parking spaces would not result in unacceptable harm to the living conditions of existing occupiers. As such, in this respect, the proposed development would be in accordance with Policy TAP1 and DES1 of the Local Plan, the aims of which are set out above. Policy CS10 and CS1 of the Reigate and Banstead Local Plan: Core Strategy July 2014 are high level policies requiring sustainable development including with respect to accessibility and transport options. Given my conclusions above the proposed development would be in accordance with these Policies.

Other Matters

9. The proposed development would be an acceptable scale, appearance and amount for this plot and location. I am not provided with detailed evidence that leads me to disagree that the existing property could not be let for a community use, nor that inadequate drainage would be provided. The submitted details show the retention of the existing trees at the rear of this plot and this would be secured by condition. A condition is also proposed requiring details of boundary treatment to be submitted which would include the wall between this site and the access to 36 Brighton Road, along with a condition that would secure the changes to the pedestrian crossing.

Conditions

10. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the National Planning Policy Framework 2021 and the advice in the Planning Practice Guidance. I

² 17/01160/F, 16/02402/F, 19/02336/F

³ APP/L3625/W/20/3252148

have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.

11. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
12. Conditions requiring details of ground levels, bin stores, boundary treatment, samples of materials and hard and soft landscaping in the front garden are necessary in the interests of the character and appearance of the area, with the latter also needed in the interests of biodiversity. I have amended the landscaping condition to relate to the front garden areas only as the side and rear boundaries are within the private part of the gardens and therefore requiring details of landscaping for these areas would not meet the test of necessity. I have combined the two suggested boundary treatment conditions for brevity, and therefore this information is also required for reasons of highway safety. The condition requiring details of ground levels is a pre commencement condition as the details need to be agreed prior to any work commencing.
13. A condition that the appellant must comply with the details of the submitted tree protection plan and arboricultural method statement is attached, in the interests of the character and appearance of the area and biodiversity. An Arboricultural Method Statement and a scaled Tree Protection Plan have been submitted and I have no reason to think these are inadequate, therefore it is unnecessary to resubmit these. The development must be carried out in accordance with this condition, consequently, I am not persuaded that it is necessary to secure a pre commencement meeting or a reporting process by condition. As such these elements are not included. The development must also be carried out in accordance with the measures set out in the preliminary ecological assessment and bat roost survey and a scheme of biodiversity enhancement must be submitted in the interests of biodiversity.
14. The provision of the vehicle access, vehicle sight lines, pedestrian visibility splays, the reinstatement of kerbs and the relocation of the traffic island are necessary in the interests of highway safety. Details of the vehicle sight lines are shown on plans 2020-3993-002 Rev A (Sheet 1) and 2020-3993-002 Rev A (Sheet 3) and I do not find that they are unsatisfactory. Provision and retention of car parking is required for the same reason, but also for the reasons set out in the main report. A construction management plan must also be approved and implemented for the same reason as well as in the interests of the living conditions of nearby occupiers. This condition is precommencement as the measures would be required for the full duration of the works. Details and implementation of the cycle parking and provision of electric vehicle charging points are needed, in order to promote sustainable forms of transport.
15. An energy and water efficiency statement is required to contribute to climate change mitigation. Connections to high speed broadband are needed to support economic growth and social wellbeing. Surface Water attenuation measures are necessary so as not to worsen the risk of flooding.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed roof plans 04, Proposed ground floor plan 01, Proposed first floor plan 02A, Proposed rear elevation 07A, Proposed front elevation 05A, Proposed side elevations 06 A, Proposed street scene 15 A, Access visibility sheet 1 2020-3993-002(1) Rev A, Access visibility sheet 3 2020-3993-002(3) Rev A, Floor plan 03A, Location plan 08B, Existing ground floor plan 09, Existing first & second floor plans 10, Existing street scene 14, Existing rear elevation 13, Existing side elevations 12, Existing front elevation 11, Tree constraints plan AS/TCP/17082019 Rev 1, Tree protection plan AS/TPP/17082019 Rev 2.
- 2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3) No development shall commence until details of proposed ground levels and the proposed finished ground floor levels of the buildings are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a Construction Transport Management Plan, to include details of:
 - i) parking for vehicles of site personnel, operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials
 - iv) provision of boundary hoarding behind any visibility zones
 - v) vehicle routing
 - vi) measures to prevent the deposit of materials on the highway
 - vii) on-site turning for construction vehicles
 - viii) construction hourshas been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall commence until details of the specific tiles and bricks to be used for the external elevations and roofs have been submitted to and approved in writing by the Local Planning Authority. Only the approved tile and bricks shall be used.
- 6) No development above ground level shall commence until details of hard landscaping (including details of materials) and soft landscaping is submitted to and approved in writing by the Local Planning Authority. These details shall include frontage tree and hedge planting and any other existing or proposed, soft or hard, landscaping in the front garden area. Details of hedges shall include their minimum height. The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting specifications, planting sizes and densities. The development shall be carried out in accordance with the landscape details as approved, and shall be completed, before building completion or occupation, whichever is the earliest.

If any of the new or existing trees or hedges detailed and approved under this condition, are removed, die, or become significantly damaged or diseased within 5 years of completion, it/they shall be replaced before the

- expiry of one calendar year, to a planting specification agreed in writing by the Local Planning Authority.
- 7) No development above ground level shall commence until a scheme to provide positive biodiversity benefits has been submitted to and approved in writing by the local planning authority. This should be informed by the submitted preliminary ecology appraisal and designed alongside the soft landscaping proposals for the site. No house shall be occupied until the approved biodiversity enhancement measures have been completed, and the measures shall be maintained in accordance with the approved details.
 - 8) No development above ground level shall commence until details of surface water attenuation have been submitted to and approved in writing by the local planning authority. No house shall be occupied until surface water attenuation measures have been completed in accordance with the approved details.
 - 9) No part of the development shall be first occupied until the proposed vehicular accesses to Brighton Road have been constructed and provided with a means within the private land of preventing private water from entering the highway and there shall be no obstruction to the vehicle sight lines between 0.6 metres and 2.0 metres high above the ground.
 - 10) No part of the development shall be first occupied until redundant sections of the existing access from the site to Brighton Road service road have been removed and the footway, verge and kerbing reinstated.
 - 11) No part of the development shall be first occupied until space has been laid out within the site in accordance with the approved plans numbered 2020-3993-002(1) Rev A (Sheet 1) and 2020-3993-002(3) Rev A (Sheet 3) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That area shall thereafter be kept available at all times for the parking and turning of vehicles.
 - 12) No part of the development shall be first occupied until details of covered and secure cycle storage for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be completed in accordance with the approved details before the first occupation of the development hereby permitted. Thereafter the cycle parking/storage shall be kept available at all times for cycle storage.
 - 13) No part of the development shall be first occupied until details of covered bin storage for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be completed in accordance with the approved details before the first occupation of the development hereby permitted. Thereafter the bin storage shall be kept available at all times for bin storage.
 - 14) No part of the development shall be first occupied until a scheme to provide each of the proposed dwellings with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) has been submitted to and approved in writing by the Local Planning Authority. The fast charge sockets shall be completed in accordance with the approved scheme before the first occupation of the development hereby permitted.

- 15) No part of the development shall be first occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected, both around and within the site, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be no higher than 0.6 metres high above the ground along the Brighton Road site frontage either side of both accesses to prevent drivers from bumping over the kerb into the site and shall incorporate wildlife friendly access. The boundary treatment shall be completed in accordance with the approved plan before the first occupation of the development hereby permitted.
- 16) No part of the development shall be first occupied 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:
 - i) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day
 - ii) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building RegulationsThe development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted.
- 17) No part of the development shall be first occupied until all dwellings within the development hereby approved are provided with the necessary infrastructure to facilitate connection to a high speed broadband. This shall include as a minimum:
 - i) A broadband connection accessed directly from the nearest exchange or cabinet
 - ii) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.
- 18) No part of the development shall be first occupied until the pedestrian island separating Brighton Road service road from the A217 Brighton Road has been modified as shown on the approved plans numbered 2020-3993-002(1) Rev A (Sheet 1) and 2020-3993-002(3) Rev A (Sheet 3).
- 19) All works shall be carried out in strict accordance with the Arboricultural Report by Arborsense dated 19-04-20 and the Tree Protection Plan AS/TPP/17082019 Rev 2.
- 20) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the northern access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- 21) The development shall be carried out in strict accordance with the mitigation measures set out within the following ecology reports:
 - i) Preliminary Ecological Appraisal by Environmental Business Solutions dated 9/11/2019
 - ii) Bat Roost Survey by Environmental Business Solutions dated 9/11/2019