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## Appeal Decision

Hearing held on 8 January 2025

Site visit made on 9 January 2025

**by A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2025

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**Appeal Ref: APP/L3625/W/24/3351990**

**Former Merstham Library, Weldon Way, Merstham RH1 3QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Raven Housing Trust against the decision of Reigate and Banstead Borough Council.
  - The application Ref is 22/02067/F.  
The development proposed is described as "Demolition of existing building and redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking."
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### Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing building and redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking at Former Merstham Library, Weldon Way, Merstham RH1 3QB, in accordance with the terms of the application Ref 22/02067/F, and the submitted information with the application and subject to the conditions in the appended schedule.

### Application for costs

2. An application for costs was made by Raven Housing Trust against Reigate and Banstead Borough Council. The application is subject to a separate decision.

### Procedural Matters

3. Following the Council's decision on the application, the appellant consulted interested parties and statutory consultees on an amendment to the plans originally submitted. The amendment alters the red line boundary so that the neighbouring landowner no longer has interest in the appeal site.
4. It is requested that the amended plans be considered in this appeal. Responses to the post decision consultation have been submitted. The Council has also responded to this matter in its appeal statement and raises no objection to the amended plans being accepted.
5. The amendment to the red line boundary amounts to a very small change at the access road. The Highway Authority has confirmed that this change has not altered the ability to provide the required visibility splay for the access. Given the minor nature of the change proposed I find no reason to dispute this conclusion. Moreover, as the change is so minor, the scheme on which the Council based its decision has not fundamentally changed.

6. As the amended plans are not substantially different to the originals and given the consultation carried out, accepting the plans would not be procedurally unfair. Therefore, the amended plans form the basis of this decision.
7. Following the submission of the appeal a revised National Planning Policy Framework has been published (Framework Dec 2024). The main parties have had an opportunity to make written submissions on this matter and these were discussed at the hearing. Their comments are addressed later in this decision.

## **Main Issues**

8. The main issues are:
  - Whether the proposal would accord with site allocation policies of the development plan;
  - The effect of the proposal on the character and appearance of the area; and
  - Whether the development would provide suitable access, having particular regard to its effect on the operation of the existing neighbouring community uses.

## **Reasons**

### *Site Allocation*

9. Policy RED5 of the Reigate and Banstead Local Plan Development Management Plan (Local Plan) allocates the appeal site for residential use, up to 10 homes, and/ or community use. The principle of residential development is therefore accepted at the site. However, the proposal would result in 11 dwellings, and in this regard the development would be inconsistent with a requirement of the Policy.
10. The explanatory text of Policy RED5 states that the site is partially within Flood Zone 2 and 3. The appellant contends that this is the reason for a 10 home limit, and now that new evidence has been presented indicating that the site is no longer at a high risk of flooding, development that exceeds this number is acceptable. However, nothing has been advanced to confirm that flood risk was the sole reason for the number of homes required by this Policy.
11. Addressing community uses, interested parties suggest the proposal may conflict with Policy INF2 of the Local Plan in respect of loss of community facilities. It has been drawn to my attention that a significant proportion of Merstham residents are socially, and economically deprived and community facilities are important in assisting the needs of young and old. Indeed, a strong sense of an inclusive community was expressed in written evidence and by participants at the hearing and it was clear that this prevails when I conducted my site visit.
12. Representations indicate that the former library building should be repurposed for youth groups. However, although attempts may have been made by local community groups to purchase the appeal site, it is now within the control of the appellant. Furthermore, the evidence shows that the library on the appeal site has been closed for many years and there is now a new library a few hundred metres from the site.
13. It is asserted that this replacement library does not match the facility it replaced. However, not only has the replacement service been operating for a number of years, but the gross internal area of this replacement building is also considerably larger than the former library. Moreover, this facility is close to the one it replaces and in addition to providing a

library service, there is a space for a café and other rooms for community activities. While evidence suggests that the café has experienced difficulties, this community facility nevertheless provides a good amount of space for a range of community support services in addition to the library.

14. As provision has already been made for a local library service, the change of use at the appeal site would not result in a particular shortfall of provision of this type of community facility in the area. In this regard the proposal would not conflict with the aims of Policy INF2 of the Local Plan.
15. Attention is drawn to the loss of Oakland Manor that is said to have been bequeathed to the community. However limited information has been submitted to consider this matter in detail.
16. It is asserted that the previous owner of the appeal site did not make reasonable attempts to let or sell the premises for its existing community use or for another community facility. However, even if I accept this is so, as already stated, the proposal satisfies point 1b of Policy INF2 and there is no requirement that point 1a also needs to be satisfied. I find no conflict therefore with this part of the Policy.
17. That aside, Policy INF2 of the Local Plan initially states that the change of use of existing community facilities will be resisted unless it can be demonstrated that the proposed use would not have an adverse impact on the vitality, viability and balance of services of the surrounding community. The impact of the proposal on existing community uses close to the appeal site will be addressed in due course.
18. In summary on this issue, I have found inconsistency with local policy with regards the quantum of development proposed in this case. In this respect, the proposal would fail to accord with site allocation policies of the development plan, in particular Policy RED5 of the Local Plan.

### *Character and Appearance*

19. The former library is a long, single storey building with a traditional, mid-20<sup>th</sup> century architectural appearance. Although the fabric of the building seems relatively intact, metal sheets bar its windows and there is graffiti on its elevations. There are also large concrete blocks in the forecourt. As such the site appears distinctly redundant and derelict.
20. The building is set relatively close to the southern boundary of the site. While this is a good size plot, the undeveloped green space is mostly confined to the rear of the building. At the front, green features are largely limited to the tree on the southern corner, and the hedge boundary at the north. The building is set back from the street, with hardstanding at its front. Although the space in the plot is a positive feature, this benefit is significantly diminished by the presence of the derelict building, the adverse visual impact of which is apparent in this part of the street.
21. The eastern side of Weldon Way is predominately residential. Beyond the couple of detached properties opposite the appeal site, the remaining homes on that side of the road comprise terraced dwellings. This traditional form, with a common building line and plot layout, positively contributes to consistency and coherence of built form in this part of the street. While these properties are set back from the street, with a closeknit terraced character, any meaningful sense of space is largely confined to rear gardens and the sizeable recreation ground on the western side of the road, opposite these dwellings.

22. In contrast, there are few existing residential units on the western side of Weldon Way. The appeal site is bounded to the north by the car park of a Clinic, and to the south, by a road that provides access to the Age Concern Day Centre and the car park of the Merstham Football Clubhouse. On the western boundary of the appeal site is the Albury Farm Moat Scheduled Ancient Monument (SAM).
23. In summation, there is a variety of uses, hosted in buildings of different styles, that are set in irregular plots surrounding the appeal site. These differing features result in a mixed character near the appeal site, and this immediate setting lacks the consistency that is apparent in built form in the wider area.
24. The proposed scheme is described as a courtyard style development. Four units would address Weldon Way and the remaining seven would form two short terraces at the rear of the site. The new dwellings would surround an internal estate road with parking spaces at the core of the site.
25. As previously stated, the appeal site is bounded by a SAM. This designated historic asset includes the inner and outer banks and ditches of a medieval moated site together with the area enclosed by the ditches. Moated sites are generally seen as the prestigious residences of the Lords of the manor and were mostly constructed in the period either side of 1300 AD. Historical documents confirm that the manor house of Albury existed in the 13th or 14th Century.
26. The moated site at Albury Farm is of particular importance because it is relatively well documented. The SAM has largely been undisturbed by development in the area and as such the archaeological potential of the asset is considered to be high. The banks and ditches described above can be clearly seen from the footpath surrounding the SAM and from neighbouring dwellings. From these vantage points the remaining historic interest, and its significance can be appreciated.
27. The Framework clarifies that 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. Consistent with the requirements of Local Plan Policy RED5 a landscape buffer would be retained at the shared boundary with the SAM under this scheme. Although the proposed built form would be brought closer to the asset than currently, this buffer would provide a reasonable degree of separation to ensure that the new development would not harmfully interfere with how the historic interest of the SAM is currently experienced. With this measure secured by condition, the significance of the SAM and its setting would be conserved.
28. The Council contends that given the requirement for the landscape buffer and the number of proposed dwellings in this case, the development would be cramped. There is particular concern about the proximity of dwellings to the respective shared boundaries with the Clinic and the Clubhouse and the impact that this has on the sense of space in the area.
29. Responding to this, the proposal would equate to 38 dwellings per hectare. This density of development is relatively modest and would be lower than the residential density already existing in this part of the settlement.
30. In respect of space in the site, proposed unit 1 would almost touch the shared boundary with the Clinic and the existing hedge, at this corner of the site, would have to be removed. The appellant asserts that this hedge has little visual value. However, this existing green feature is apparent in the street scene, and it provides a pleasant contrast with the Clinic's carpark.

31. While a section of the hedge would need to be removed, the submitted plans show that, in addition to the landscape buffer above, there would be other space, between the dwellings, at the northern boundary. As such some of the hedge at this boundary could be reinstated. There would also be space at the front of unit 1 for some soft landscaping. Moreover, although this proposal would push development to the northeast corner of the site, this loss of space would be compensated by the relatively undeveloped area in the southeast of the scheme. Therefore, not only would green features be apparent at the front of the site and from the Clinic's carpark, but there would still be a sense of space retained which would be evident from Weldon Way.
32. At the southwest of the site, proposed units 5 – 8 would be close to the boundary with the access road. However, there would be a row of rear gardens at this shared boundary. As such this part of the appeal site would appear relatively undeveloped, and there would still be some sense of space, above boundary fences, remaining at this edge.
33. Also, while the development would adjoin the Clubhouse carpark, this would be limited to the side of just one small dwelling. Indeed, only a small section of the carpark would align with the side elevation of unit 8. The remaining edge of the rear of the site would comprise the landscape buffer for the SAM and the rear garden of this new dwelling. Consequently, some space and green features would also still be apparent at this aspect.
34. With 11 new homes and associated hardstanding the coverage of development across the site would be greater than is currently the case. However, as stated the density of development would be relatively low and the new dwellings would be accommodated with some space and green features retained at all four sides of the site. Conditions could also be imposed for certainty that a reasonable amount of soft landscaping would be provided across the site. Therefore, even with a significant part of the site required for safe access and parking arrangements, with the features described above, there would be a balance in the scheme that would ensure the development would not be visually dominated by hardstanding or appear harmfully cramped.
35. The appearance of the proposed dwellings is simple and traditional, which would be consistent with the style of existing properties in the wider area. While the new built forms would be higher than the neighbouring Day Centre and Clubhouse, with two storey buildings opposite and to the south, the height of the new units would not appear incongruous in an area already characterised by mixed building heights.
36. It is highlighted that the proposed private gardens would be smaller than gardens at existing dwellings and that the set back from Weldon Way (for proposed units 1 – 4) would be shallower than other dwellings along this road. However, the small gardens would appear proportionate to the relatively small new dwellings they would serve. Moreover, existing garden sizes vary in this area and the proposed gardens in this case would not be considerably smaller than those in the surrounding area.
37. In terms of the setback, while the new dwellings at plots 1 - 4 would be close to Weldon Way, there would still be some space at the front of these properties. Also, there is no existing common building line in the immediate vicinity of the appeal site. Moreover, the building line for properties on the opposite side of Weldon Way is partially obscured by the bend in the road, such that it has limited visual influence on development at the appeal site. With these factors, the proposed building line for units 1 - 4 would not harmfully disrupt any prevailing common building line in this setting.
38. It is asserted that the proposed layout of the scheme is at odds with the generally linear pattern of surrounding residential development. However, as previously indicated, the

appeal site and its immediate vicinity is already characterised by anomalous existing features. As such, although courtyard developments may be uncommon in this area, this is a site which could readily assimilate this, and the other variations outlined above without significantly disrupting the pattern and rhythm of existing residential development in the wider area.

39. The Council suggests that units 5 – 8 should front the access road. In such a configuration these new dwellings would still not address Weldon Way, and the courtyard qualities would be lost. Consequently, unlike the proposal before me, this suggested revision would result in a development that would be an oddity lacking in a sense of coherency.
40. In summary, the proposed residential scheme would provide a balance of built form, space and green features that would be sensitive to its immediate and wider surroundings, including the nearby historic asset. Moreover, the development would resolve the existing dereliction at this site such that the resultant visual change would be positive in this part of the street scene. As a well-designed scheme that would deliver new homes, the proposal would be consistent with the aims of the Council's Design Guide, in making the best use of the land.
41. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area. In this regard the proposal would be consistent with Policy DES1 of the Local Plan. This Policy requires, amongst other matters, that all new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings.

#### Access

42. The original two access points, from the highway to the forecourt of the former library would not be utilised in this scheme. Rather, access to the front of proposed units 5 – 11 and for the off-street parking provision for all 11 units would be via the access road at the southern boundary of the appeal site.
43. This existing road is currently fenced off from the former library plot and provides access to the car park of the Football Clubhouse and the Age Concern Day Centre. The Day Centre is a relatively modest sized collection of single storey buildings. Outside space is largely limited to hardstanding at the front, which includes a covered seating area and small spaces at the rear. The Clubhouse is also a modest single storey building with outside space mainly confined to its carpark.
44. The access road is tarmacked with a width sufficient for vehicles to park at its edge and for other vehicles to pass to access the Clubhouse carpark. There are no marked parking bays in this carpark, but it appears capable of accommodating only around 8 - 10 vehicles if parked with care. There are also no marked parking bays on the access road, but as it is relatively short, the number of vehicles that can be parked at its margins while still allowing access to the Clubhouse is limited.
45. The evidence presented indicates that the Day Centre opening hours are 9am to around 15.30 weekdays, with the exception of Thursday. These hours are extended slightly with staff arriving to set up and at the end of sessions to clear up. Mrs Dadswell highlighted that the Day Centre is available for hire at other times and Age Concern has a charity shop, both of which are important sources of income. Representations also indicate that the building is used by the Gospel Assembly Church congregation on Thursday and Sundays.

46. In short, the Age Concern Day Centre is a long established community facility. This may be a relatively modest premises, but the Day Centre supports some of the most vulnerable members of the local community, and other valued community groups make use of the building.
47. The Age Concern service is dependent on the goodwill of volunteers who need convenient parking close to the Centre. Moreover, given the restricted mobility of some of the clients, it is essential that there is space for vehicles, including minibuses, to park for short periods at the building's entrance for these clients to safely access the Centre. Following this, these vehicles need to be parked reasonably close to the premises for ease of use.
48. As the clients/users of this community building are likely to have protected characteristics in respect of age and disability, in reaching this decision I am mindful of having due regard to the public sector equality duty set out in the Equality Act. This duty aims to, amongst other matters, eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
49. The neighbouring Football Club has, in addition to the non-league first team, around 17 teams that cater for different ages and gender. It is therefore also a well-established and important community facility, that in particular, supports the health and wellbeing of younger members of the community. The Clubhouse is used at times of training and on match days during the week and at weekends. This building has a licensed bar that is open most days from around 16.00 until 23.00. The Clubhouse, also known as the Venue, is available to hire for events. There is also a bank of lockers, for the collection of deliveries, located at the front of the Clubhouse that require access 24 hours, 7 days of the week. The revenue from the lockers supports the running of the Football Club.
50. With the community uses described above the existing access road is used on a regular basis and is important for how these services operate. However, the operational hours of these services dovetail somewhat, and the capacity of these community buildings is limited by their modest sizes. In turn this naturally limits the volume of vehicles likely to use this access road at any one time.

Access and Parking On-site - Existing and Proposed

51. The appellant's Parking Note sets out the understanding of the current legal position regarding access and parking rights at the appeal site. This Note states that currently there is right of access and express parking rights for the Day Centre. These express parking rights relate to the margins of the access road.
52. When the appeal site was in the ownership of Surrey County Council, the Football Club had established, over time, prescriptive parking rights in the access road. However, such rights are attached to a freehold estate, and this has in recent years been transferred to the appellant. As such, the period of use since the new freeholder has been in place is considerably less than the 21 years necessary to establish such rights.
53. Clauses in the freehold transfer allow the appellant to construct a new access, subject to planning permission and the new access being in the same place or no less convenient place than the one it replaces. If this is satisfied, the appellant can terminate Age Concerns existing rights as long as a new right of access is given.

54. As previously indicated this proposal would create a new estate road which would connect with the existing access road. In turn this would provide access from the new dwellings, and their parking spaces, on to Weldon Way.
55. An existing section of the southern boundary of the access road would be used to form the entrance of the estate road. However, this would only be a relatively small section, and new parking bays would be created perpendicular to this entrance, on the southern margin of the access road. These parking bays would be on land that previously was part of the library plot. As such the new access road would be wider under this scheme than is currently the case. Moreover, with the exception of the widening on to the highway, the layout of the northern side of the access road, alongside the Day Centre, would be relatively unaltered and the new access road would be in the same place as the existing.
56. Also, the appellant has suggested as the six parking bays flanking the newly formed estate entrance are in addition to the 21 off street parking spaces required for the proposed dwellings, these bays would be available for those using the Day Centre. Marking the six bays in this way would provide clarity as to the priority for using this space, clarity which currently does not exist on this access road.
57. The six spaces would be sufficient to accommodate the two minibuses with the four remaining spaces available for volunteers or staff of the Day Centre. A parking scheme dealing with this matter could be secured by condition. Given that persons with protected characteristics could be harmfully impacted if some parking is not available close to the Day Centre, this condition is reasonable and necessary to ensure the development would be acceptable in this regard.
58. The Council is concerned about the effectiveness of such a condition and that visitors to the new development would use these parking spaces. However, as already stated there would be separate off-street parking provided for the future occupants of the dwellings and their visitors. Also, next to the access road, these additional six spaces would appear somewhat separated from the new dwellings and clearly marked for use by the Day Centre. I am content, on this basis, that a parking management scheme could be implemented at the site and the condition would be effective in securing the desired outcome.
59. This proposal would not make provision for parking spaces for users of the Clubhouse. As already outlined, that building has its own carpark. While this may be modest in scale, so too is the building it supports. Moreover, located outside the appeal site, the existing size and layout of that carpark would be unchanged by this development.
60. In any event patrons of that premises do not currently have a right to park in the access road and as such this development would not leave users of this facility significantly worse off in respect of this particular matter. Also, the new access road would still provide access to the Clubhouse, the Venue and the delivery/collection lockers fronting the building.
61. Other community facilities in the vicinity of the appeal site include two other churches. These also provide important services for the most vulnerable in the community. Some members of the congregations and those attending events in the Church buildings are elderly and or have poor mobility. Therefore, parking close to these facilities is necessary to ensure access.
62. However, the Baptist Church to the south and St Teresa's, to the north, do not share a boundary with the appeal site. The nearest parking spaces to these Churches is on

Weldon Way and as such parking in the access road is not the most suitable option when conveying those with poor mobility to these facilities. I will address the impact of parking in the wider area in due course.

#### Access Road – Changes in Vehicle Movements

63. Interested parties are concerned that sharing the access road with future occupants of the new dwellings would give rise to conflict. Relevant to this matter, the Framework states that development should only be prevented or refused on highways grounds if they would have an unacceptable impact on highways safety.
64. Addressing the interested parties' concerns, the submitted plans show a short straight estate road, connecting with the newly widened short straight access road. As such the internal road conditions would provide good intervisibility for those accessing the new development and the neighbouring community services. Moreover, the new access road would be wide enough for two way traffic, in addition to the aforementioned parking provision provided at its northern side. Improvements would also be made to the access point onto Weldon Way, with visibility splays approved by the Highways Authority. The carriageway at this access point curves, but with the improvements, visibility for motorists and other road users would be reasonable and access onto the carriageway would be safe.
65. The appellant's Transport Statement shows that the proposed development would likely generate approximately 8 and 6 additional car trips in the morning and evening peak times respectively. The Highways Authority has indicated that this increase would not materially impact the highway and subject to the approved visibility splays being in place the Highways Authority conclude that this development would not result in unacceptable highway safety issues.
66. Regarding impacts within the site, the peak morning period is stated as 8am – 9am. Of the 8 additional vehicle movements on the access road over that peak period, around 6 would be departing the estate road. While this is at a similar time to when the Day Centre would be opening, not only would this very modest number of additional movements likely be spread over an hour period, but these motorists would be going in the opposite direction to vehicles arriving at the Day Centre. As such, any increase volume would not significantly delay vehicles arriving at that community use. At evening peak time, the anticipated additional vehicle movements would be even lower than the morning time, and in any event the Day Centre would be closed.
67. There is particular concern that volunteer drivers of the Age Concern minibuses would feel pressured by new residents using the access road when the minibuses are stationary for clients to alight. As already stated, the increase volume of traffic would be low and access from the highway improved. The good intervisibility for vehicles entering and exiting onto the highway would give road users clear sight of vehicles temporarily parked on the southern side of the access road, even if they were parked close to the carriageway. Moreover, minibuses only need to be parked at this location for a relatively short period. These factors would ensure that conflict would not arise and the resultant change in usage over the access road could be accommodated without unacceptable delays to future residents or harm to users of this existing facility occurring.
68. Also, given the location of the entrance to the estate road, the additional traffic generated by the development would not significantly interfere with the immediate access to the Clubhouse, collection lockers and the Clubhouse carpark. With this factor and the limited

increase of vehicles using just a part of the access road, the development would not unacceptably harm the access to the facilities provided at the Clubhouse.

69. With regards larger vehicles, Swept Path analysis shows that the new access and estate roads could safely accommodate refuse vehicles, and there would be space for larger vehicles, including emergency service vehicles, to exit the development in forward gear. While turning larger vehicles would come close to the boundaries of the access road and proposed parking spaces, the plans nonetheless show that such vehicles could be accommodated without conflict arising.
70. Mrs Dadswell highlighted that Age Concern's business plan seeks to expand the services offered at the Centre. Limited details have been provided. However, it seems to me that this building is already used at least five days a week and the modest size of the building limits its capacity. Therefore, even if services were expanded any change in volumes of traffic on the access road would be limited by these factors. In any event as set out, the road conditions would be such that such limited changes in use could be safely accommodated.
71. It is asserted that the construction phase would generate several vehicles including HGVs that would conflict with the vehicle movements at the Day Centre. This is a temporary phase, but as this would be over a period of months and given the sensitivity of this neighbouring community use it would be necessary to require a construction management plan to be in place that includes, amongst other matters, a communication strategy. A strategy would foster a line of communication between the developer and neighbouring uses so that mutually acceptable arrangements can be put in place to ensure access to the Day Centre would not be unacceptably impeded during this phase. This is a matter which can be achieved by condition.

#### Other Access and On-Site Parking Matters

72. It is asserted that coaches on match days park at the appeal site. However, the concrete blocks in its forecourt would prevent this occurring.
73. There is limited outside space at the Day Centre and therefore it is necessary, in the event of an emergency such as fire, that users of the building are evacuated, with people directed to the Clubhouse car park. As previously stated, that space is outside of the appeal site and would be largely unchanged such that it would still be available to serve as this function.
74. Concern was raised about football fans using the access road on a big match day and them coming into conflict with vehicles exiting and entering the new development. However, fans parking in the Club's carpark can gain access to the football ground at the side of the Clubhouse, and therefore do not need to walk along the access road. There is also a footpath, close and parallel, to the access road, for pedestrians approaching the ground from elsewhere. In any event, as already outlined, there would be only a modest increase in traffic over and above the level which already uses this access road and with good visibility any pedestrian wishing to use this route would be able to do so reasonably safely.
75. Community representatives assert that the appellant would not engage in discussions about alternative layouts at the appeal site. However, the evidence indicates that the appellant did attend an online meeting. Moreover, as outlined, Raven Housing Trust carried out consultation on the amended plans submitted with this appeal process. I find no compelling evidence that the appellant has failed to engage with the community.

76. Two alternative schemes, using the existing accesses of the former library building have been submitted by those who have expressed concerns about this proposal. These alternative layouts include 11 dwellings and similar to the scheme subject of this appeal, they would not accord with Local Plan Policy RED5 in this regard. Those two schemes are also described by one of the authors as cut and paste, and in need of review by an architect.
77. That aside, the alternatives are purported to address harmful impacts in terms of on-site parking and access that are asserted would result from this development. However, for the reasons outlined above, I find that this proposal would not lead to unacceptable harms in these regards. In any event, those schemes are not the basis of this appeal, and they have not altered my findings for the reasons stated.

#### Conclusion on Access

78. In light of the modest scale of the development, the resultant very modest increase in vehicle movements, along with the good internal roads and highway conditions, I find that the development would provide suitable access and would not have an unacceptable harmful effect on the operation of the existing neighbouring community uses. In this regard the proposal would accord with Policies DES1 and TAP1 of the Local Plan. These Policies collectively, amongst other matters, require adequate provision for access, servicing, circulation and turning space and parking taking account of the impact on local character and residential amenity, and provision of safe and convenient access for all road users.

#### **Other Matters**

##### Parking Provision - Wider Area

79. Interested parties are concerned that this development would place pressure on on-street parking provision in this area. There is concern that this would discourage patrons of the Clubhouse, volunteers of Age Concern and parents with children using and supporting the neighbouring community services. In turn these parties are worried this would be harmful to the viability of the community facilities and detrimental to the community's well-being.
80. It is understood that the Football club's first team plays teams from much larger settlements than Merstham and consequently this result in many visitors to the ground. Parking in Weldon Way is also in demand for those using the recreation ground and the two churches. Parents with young children need safe and convenient parking when attending football training. Moreover, volunteers and staff of Age Concern unable to park on the access road are also reliant on safe parking spaces near the Day Centre.
81. In terms of the existing parking situation, while there is some off-street parking for the recreation ground this is accessed from Albury Road and there are limited spaces. It is also highlighted that there is pressure for parking in neighbouring roads, particularly near the schools on Taynton Drive and that these parking pressures result in parents parking in Weldon Way when dropping off and collecting their children.
82. It was also drawn to my attention at the hearing this existing pressure on local parking may increase as there is a proposal under consideration for all weather pitches on the school grounds. The outcome of that proposal is yet to be determined, and minimal information has been provided to allow consideration in this appeal. I attach limited weight to this matter accordingly.

83. This aside, the existing dwellings opposite the appeal site do have some off street parking spaces. While the terrace dwellings to the south did not originally have such provision, a significant number of those dwellings do now have space at the front for parking off the road. Also, the only significant curve in Weldon Way is near the access road, the remaining carriageway is straight. As such a number of cars can be parked safely at least onside of this road without interfering with neighbouring properties.
84. The introduction of 11 new two and three bedroomed dwellings would likely increase parking demand in any area. However, this proposal would make provision for off-street parking spaces for future residents in accordance with the Council's parking standards. With adequate off-street provision located close to the dwellings, future residents would not be compelled to park less conveniently on the street.
85. As previously indicated, sufficient space would be provided for refuse vehicles to turn in the new estate and access roads. However, the Highways Authority is concerned about clear space for these vehicles to turn in the carriageway to access the site, and that this could be impeded by vehicles parked in the street near this access.
86. Parking restrictions on the carriageway are sought to address this concern. A condition would need to be imposed for this process. This relates to land outside the control of the appellant. However, as this has been recommended by the Highways Authority, there is certainty that this process will be carried out.
87. It is anticipated that double yellowed lines would be needed 10m either side of the access and for a 30m length of the carriageway on the opposite side of Weldon Way. It is asserted that this loss of on-street parking would be harmful. However, the affected area identified is at an existing access and on the bend of the carriageway opposite. With these features, this part of Weldon Way does not currently provide safe on-street parking. Indeed, the imposition of yellow lines would prevent unsafe parking practices in the future and in turn I find this would be a beneficial outcome of this development. The proposal would not in this regards result in a harmful loss of safe parking in this immediate locale.
88. In addition to the new onsite parking bays in the access road, the on-street parking options on the straight sections of Weldon Way are only a short walk from the Day Centre and Clubhouse. Therefore, there is some relatively convenient on-street parking options available to Age Concern volunteers, staff members and other users of the Day Centre, in addition to the 6 bays in the access road.
89. This said, on street parking options in the wider area are not extensive, and I appreciate there is likely to be demand for on-street parking spaces at school drop off and pick up and that there may be congestion when significant football matches are being played or when there are training events. Be this as it may, this scheme would make adequate provision for parking in the appeal site that would address the need of this development. In this regard, the proposal would not significantly worsen the existing parking situation in the wider area.

#### Affordable Housing Provision

90. Policy DES6 of the Local Plan addresses affordable housing, and requires, between 2012 and 2027, a minimum of 1500 new affordable homes will be delivered within the borough. The Policy clarifies, amongst other matters, that with developments providing 11 or more homes, 30% of the homes on the site should be affordable housing.

91. The Policy goes on to state that the tenure and mix of the affordable housing provided on each qualifying site should contribute towards meeting the latest assessment of affordable housing needs. The Reigate and Banstead Housing Need Assessment was published in 2019 and identifies the need to provide 62% rented and 38% other affordable home ownership products.
92. The Council's Affordable Housing Supplementary Planning Document (SPD) highlights that a significant proportion of households in the private rented sector (30%) have an income that would allow them to buy a home. This suggests that for many households, barriers to accessing owner-occupation is less about the income and cost of housing and more about other factors which could for example include the lack of a deposit. In light of this evidence, shared ownership has been identified as the most appropriate form of affordable home ownership in the borough.
93. Interested parties, at the hearing, questioned whether shared ownership should be considered affordable housing. Addressing this concern, the explanatory text of Policy DES 6 confirms that affordable housing is defined in accordance with national guidance. The Glossary of the Framework under the definition of affordable housing states it includes shared ownership.
94. The SPD advises that to meet the latest identified needs for affordable home ownership in the borough, affordable home ownership products should be delivered as shared ownership accommodation. The SPD also clarifies that affordable housing provision will be secured by means of planning agreements.
95. The appellant states that all the units proposed on the appeal site would be affordable with the tenure being shared ownership. To provide certainty that the proposal accords with the requirements of Policy DES6 of the Local Plan, a legal agreement in the form of a Unilateral Undertaking (UU) has been submitted with this appeal.
96. Schedule 1 of the UU obligates the appellant to provide affordable housing dwellings on the site, in accordance with Table 1. This Table identifies 3 x 3 bedroom dwellings ( at plots 9 – 11) to be shared ownership. The Deed also makes provisions for payment of legal costs to the Council of the sum £663.00.
97. Providing certainty that a least 30% of the units on the appeal site would be affordable, this obligation ensures compliance with Policy DES6 of the Local Plan and makes the development acceptable in planning terms. Moreover, this provision directly relates to the development proposed and fairly and reasonably relates, in scale and kind, to the proposal. In these regards the UU would comply with Regulations and satisfy the test set out in national guidance for planning obligations.
98. Also, the UU is dated, signed and is between the Council and the appellant, pursuant with S106 of the Town and Country Planning Act 1990. This legal agreement identifies the appeal site and the appropriate application reference. It also obligates those with a title to land (and their successors) to the matters outlined above in the event planning permission is granted. On this basis, I find the planning obligation is legally sound.

### Flooding

99. According to the Environment Agency's Flood Maps, the western end of the appeal site is within Flood Zone 2 and Flood Zone 3. In accordance with provisions of the Framework, a site-specific Flood Risk Assessment (FRA) was prepared in support of this proposal. This included updated hydraulic modelling of the Redhill Brook, carried out by JBA Consulting,

that indicates that the whole of the appeal site is located in Flood Zone 1 and therefore safe from main river flooding.

100. The outline drainage strategy shows that the development can be carried out without harm in respect of flooding from surface water sources. Also, the FRA states mitigation in the construction of the dwellings to take account of ground water. Conditions provide certainty that a detailed drainage strategy for the site along with the above mitigation can be achieved. I am satisfied on this basis that the development would not increase the risk of flooding in this area.

*Living Conditions and Viability of Community Uses*

101. Some existing residents are worried that the development would harmfully affect their current sense of privacy when in their properties. However, the nearest existing dwellings would be divided from the appeal site by Weldon Way, a landscape buffer or the sizeable carpark of the Clinic. This degree of separation would ensure that the new dwellings would not harmfully impact the current privacy levels of those occupying neighbouring properties.
102. Interested parties suggest that future occupants of the dwellings would complain about the noise and light disturbance arising from football matches, events at the Venue and use of the collection lockers fronting the Clubhouse. It is asserted that not only would this lead to unsatisfactory living conditions for future occupants, but this in time would constrain the current activities this community facility offers and in turn this would impact negatively on its viability.
103. Regarding this matter, the new dwellings would be a least 18m from the Clubhouse. With the exception of the carpark, that modest building has limited outside space, such that events are held inside the building. Even though opening hours extend to late evening, sounds generated by events would largely be contained within the premises, and with the premises a reasonable distance from the new dwellings any residual sounds would not likely be harmful to the living conditions of future residents.
104. In respect of lights of vehicles using the Clubhouse carpark, proposed units 5 to 8 would align with the new access road. However, the dwellings in these units would be divided from that road by their reasonable size rear gardens. The side boundary of unit 8 would adjoin the carpark. However, the dwelling on this plot would be set to the northern section of the car park. Also, the size of the carpark already limits the number of vehicles using this area, and with private gardens providing a buffer, the impact from the lights and sound of the few vehicles using the car park would not be harmfully intrusive for the future residents of this or the neighbouring dwellings.
105. As the living conditions for future occupants would be satisfactory, there would be little justification for pressure to restrict the operation of the clubhouse or the lockers fronting it. Consequently, taking account of this matter and the conclusions drawn on the main issues and other issues above, I find that the proposed residential use at the appeal site would not have a significant harmful impact on the vitality, viability and balance of services and/or the evening economy of the surrounding community in this regard, and would accord with Policy INF2 of the Local Plan.
106. It is contended that local doctor and pharmacy services are already stretched and that school places, particularly places for those with special educational needs are in short supply in this area. However, very little information about this matter has been supplied to allow consideration in detail. In any event the development would be of a modest scale

and any impact on existing services would therefore be limited. This matter does not alter my findings in this appeal for this reason.

Planning Balance

107. The Council's Housing Delivery Monitor (March 2024) shows that there is a five year housing supply (HLS) for the borough. Additional evidence was presented by the Council in response to the revised Framework Dec 2024 which states that the updated HLS is 6.66 years.
108. Policy CS13 of the Reigate and Banstead Local Plan: Core Strategy (Core Strategy) requires at least 6,900 new homes in the period 2012 – 2027, equating to 460 new dwellings per annum. The evidence shows 6,791 new residential units have been completed to date.
109. Evidence also indicates that of the 1,500 affordable homes required in this plan period, 1,172 units have been completed. The Council states that there is a slight shortfall against the 270 per annum requirement. The appellant asserts that the Government's live monitoring data shows a greater shortfall than suggested by the Council. However, while this may be so, the plan period has not yet elapsed.
110. The appellant also highlights that the predicted HLS as of April 2025 would be 5.53 years and this is likely to decline considerably in light of the new national guidance. Be this as it may, while there is indication of a decrease, the parties at the hearing agreed that the Council can currently demonstrate a 5 year HLS. Also, the most recent Housing Delivery Test measurement states delivery of housing in the district at 181% of the homes required over the period 2020 – 2023.
111. The evidence states that the Local Plan was reviewed in accordance with the requirements of relevant legislation and national guidance. The review concluded that only four policies were no longer up to date. Moreover, those policies related to shop frontages, town and local centres and cemeteries, and address matters not relevant in this case. This review was adopted by the Council in 2024. The Core Strategy was also subject to review in 2024, and no policies were found to be requiring modification.
112. A revised Framework has been published since the reviews of the development plan, but the guidance in the Framework Dec 2024 in respect of development plan review, remains the same as its predecessor (previously Paragraph 33 and now Paragraph 34). This Paragraph highlights the legal requirement for policies to be reviewed at least once every five years. As was previously the case, Paragraph 34 goes on to state in respect of strategic policies, they are likely to require earlier review if local housing need is expected to change significantly in the near future.
113. Framework Dec 2024 states in respect of housing numbers, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance (PPG). Changes to this aspect of the PPG were also revised in December 2024. The appellant states the new standard method result in a significant uplift in housing need in the district and this warrants an earlier review. While this may be so, taking account of the above and in the absence of any compelling evidence to indicate otherwise, at the time of drafting this decision, the policies most relevant in this case do not appear to be out of date.
114. In light of this, the provisions set out in Paragraph 11 of the Framework Dec 2024 are not triggered in this case. However, as stated in the Council's Housing Delivery Monitor,

housing land supply is not a cap; this is reflected in Core Strategy policies which states the housing requirement is at least 6,900 new units. (My emphasis) Moreover, recent Written Ministerial Statements highlight an acute and entrenched housing crisis and sets out an ambitious goal of delivering 1.5 million homes this Parliament.

115. This proposal would result in 11 new homes and while this would be a modest size development, this would be a significant contribution to the supply of dwellings in the area. This benefit alone attracts considerable weight given the Government's objective of significantly boosting the supply of homes.
116. The appellant contends that this proposal would deliver 100% affordable housing. However, the legal agreement provides certainty of only three affordable units.
117. That said, as outlined the new affordable housing units for the period 2012 – 2027 is at best just below the planned target. Also, the Housing Delivery Monitor indicates, that while the housing affordability ratio over the 12 month period of monitoring has improved slightly, the average house price in the borough now represents 13.77 times of the average gross annual workplace-based income; this is considerably in excess of the national ratio which stands at 8.26. Given this local situation, the provision of a small number of affordable family sized units is a considerable benefit and in turn this attracts considerable weight in this decision.
118. This proposal would also make use of a previously developed site in a built up area. Merstham is a local centre, but nonetheless future occupants would have access to a reasonable array of local services and some public transport options.
119. Paragraph 125 of the Framework Dec 2024 requires decisions give substantial weight to the value of using brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused. This Paragraph also provides support for appropriate opportunities to remediate, amongst other matters, derelict land.
120. The proposal would provide an opportunity to remediate land in a settlement, for housing, without substantial harm. This benefit attracts substantial weight accordingly.
121. Set against these benefits, I have found this proposal would be inconsistent with allocation policies of the Local Plan. This inconsistency relates solely to the quantum of the development proposed in this case, and the inconsistency would amount to just one dwelling over that which is stated in Policy RED5 of the Local Plan. The development would use the appeal site for one of the uses stated in this Local Plan allocation Policy and, in all other regards, the scheme would accord with Policy RED5. As such the conflict with this Policy would be slight. Moreover, for the reasons stated I find the proposal would not conflict with other relevant local policies with regard character, community services, access and highways.
122. The inconsistency outlined above is towards the very lower end of the spectrum, but nonetheless, this conflict with local policy attracts significant weight. Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. As outlined, the benefits arising from the development collectively attract substantial weight and therefore the material considerations identified in this case indicate a decision should be made that is not in accordance with the development plan.

123. Councillor Gabriel at the hearing indicated that it was unfair that changes in the Framework following the Council's decision should hold weight in this appeal. In response to this, interested parties have had an opportunity to comment on these changes at the hearing. Moreover, while substantial weight is now placed on the use of brownfield sites, national policy has long stated a preference for this type of development, and this matter has long attracted considerable weight in planning decisions.
124. Also, successive Governments have highlighted the urgent need to provide more housing. While the weight these matters may attract has adjusted under the new Framework, it seems to me that the national policy context is not dissimilar in these regards to the circumstances that prevailed when the Council made its original decision on this proposal or even when it prepared its current development plan.
125. Raven Housing Trust's healthy financial surplus has been drawn to my attention, and it is asserted in light of this situation, the Trust could reduce the number of units proposed without unreasonably impacting on this social house provider. Although this may be so, with the exception of the slight conflict with the development plan, the proposal would be acceptable, and even the slight conflict with local policy is clearly outweighed in this case. These matters have not altered my conclusions for these reasons.

### **Conditions**

126. In addition to the statutory time period, accordance with approved plans is necessary for certainty and to protect the character of the area. The amended plans are accepted for reasons outlined. However, drawings reference Proposed Plans AL (20) XX 02 00 and AL (20) XX 01 00 state plots 1 – 14, and as such have not been updated to reflect that the proposal is now for 11 units only. Also, the position of the parking bays aligning the access road to the rear of units 5 – 8 on drawing reference Roof Plan ADP-XX-ZZ-DR-A-0002 02 fails to match the layout in the Proposed Site Plan.
127. Given these errors, and that details about appearance, materials, roof type, and internal floor area of the dwellings are covered in other drawings or by condition, these plans are not included in the approved plans list for certainty.
128. A scheme for managing contamination, including that which could be in the fabric of the existing building, is necessary and justified prior to the development given the redundant status of the site and to protect the environment. The appellant has given written agreement for this, and other pre-commencement conditions listed below.
129. A construction management plan is necessary given the sensitivity of the neighbouring land use and the importance of having direct access for Age Concern clients. It is necessary to agree this plan prior to development to avoid any unnecessary disruption for the service, and this provides the clear justification.
130. Approval of updated plans and method statement for tree protection prior to development is justified and necessary to ensure an existing valued green feature is safeguarded.
131. Given the scope of redevelopment at the site and its proximity to a designated historic asset, it is reasonable and justified to agree a programme for archaeological work prior to development.
132. Compliance with measures stated in the FRA is necessary to protect against flood risk. As only outline drainage details have been submitted, it is necessary to approve a detailed scheme prior to development. It is also necessary to verify that the approved scheme has been implemented to avoid increasing flood risk in this area.

133. Confirmation of ecology mitigation and biodiversity enhancement is necessary in the interest of the environment and to ensure the stated benefits in respect of these matters. Details about external surfaces to be used in the development are necessary for certainty of appearance. Agreement of landscaping is also necessary for this reason. Approval of external lighting is necessary to protect neighbouring development.
134. The Sustainability Statement identifies outline measures only. Therefore, it is necessary and reasonable to approve details of sustainable construction measures to ensure outcomes offered and that are supported in local and national policy.
135. Conditions for secure design and broadband provision are reasonable and necessary to achieve relevant aims of local and national policies. While it is reasonable to agree these details before the building progresses above base course, there appears no justification for this prior to development.
136. A scheme of highway parking restrictions shall be submitted for approval for the reasons outlined above. Access improvements are necessary in the interest of highways safety. Off street parking must be in place prior to first occupation and parking management for the additional parking bays must be in place in the interest of highway safety and suitable access. While the approved plans show details of the layout, road surface details are not stated. It is necessary to confirm the materials to be used for certainty.
137. Provision of travel packs is reasonable to achieve the aim of local sustainable transport policies. Details of bin storage and collection points is necessary to protect the appearance of the site and living conditions.
138. Matters required by regimes separate of the planning system are not likely to satisfy the national test for planning conditions, even though there may be support in the development plan. Conditions relating to bat licences and electrical vehicle charge points are not imposed for this reason.
139. However, building in accessibility and adaptability measures, while guided by another regime, is not required in all developments. Therefore, a condition is necessary although amendments have been made to ensure that it is reasonable and reflects local policy requirements.
140. Also, each dwelling has a private garden for secure cycle storage. Therefore, it is unnecessary to have a condition for this outcome.

## **Conclusion**

141. In light of the above, I conclude on balance, material considerations exist in this case to outweigh the slight inconsistency with allocation policies of the Local Plan and the resultant minor conflict with the Development Plan in respect of this matter. A decision other than in accordance with the Development Plan is justified in this case and therefore the appeal should be allowed.

*A J Sutton*

INSPECTOR

## List of Participants

### For the Appellant:

|             |                     |
|-------------|---------------------|
| S Davies    | No. 5 Chambers      |
| M Marsh     | Raven Housing Trust |
| D Hughes    | Fuse Architects     |
| C Wells     | SWECO               |
| J Burt      | Capsticks           |
| J McSweeney | Carter Jonas        |

### For the Council:

Mr Parker MRTPI, Principal Planning Officer

Councillor Khan, Ward Councillor for Hooley, Merstham and Netherne  
Councillor Gabriel, Ward member for Hooley, Merstham and Netherne  
Councillor Blacker, Ward Councillor for Reigate and Vice-Chair of the Planning Committee.

### Other Interested Parties:

|              |                                    |
|--------------|------------------------------------|
| Mr Burr      |                                    |
| Mrs Dadswell | Chair of Trustees Age Concern      |
| Mr Glasgow   | Chairman of Merstham Football Club |

**Documents Accepted at the Hearing:**

From the Appellant:

App1: Plan showing Areas/Sites referred to in the Submission.

**Following the Hearing:**

From the Appellant:

Written Agreement for pre-commencement conditions.

From the Council:

Copy of the Affordable Housing Supplementary Planning Document.

## Appendix

### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:  
Location Plan AL (10) X S 01.2 Revision 02;  
Block Plan AL (10) X S 02 Revision 01;  
Site Plan – Proposed AL (10) X- GF 02 Revision 4;  
Block 01 Elevations ADP-XX-ZZ-DR-A-0010;  
Block 02 Elevations ADP-XX-ZZ-DR-A-0011;  
Block 03 Elevations ADP-XX-ZZ-DR-A-0012;  
Street Elevations ADP-XX-ZZ-DR-A-0030 Revision 1;  
Section Plan ADP-XX-ZZ-DR-A-0020 Revision 02; and  
Visibility Splays and Pedestrian Intervisibility Zones at Site Access -  
204233-SWE-XX-00-DR-Y-0004 Revision P05.
- 3) No development hereby permitted shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority (LPA). If any contamination is found, no development shall take place until:
  - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the LPA;
  - ii. the site has been remediated in accordance with the approved measures and timescale; and
  - iii. a verification report has been submitted to and approved in writing by the LPA.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

  - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the LPA; and
  - ii. a verification report for all the remediation works has been submitted to and approved in writing by the LPA.
- 4) No development shall commence until an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 (or its replacement) is submitted to and approved in writing by the Local Planning Authority (LPA).

If a remedial mitigation scheme is found to be necessary, such a scheme, written by a suitably qualified person, shall be submitted to and approved in writing by the LPA.

This scheme shall identify potential sources of asbestos contamination and details of removal or mitigation appropriate for the proposed end use.

The development shall then be undertaken in accordance with the details of the approved scheme.

Completion of the measures set out in the approved scheme shall be independently verified, and a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the dwellings hereby permitted.

- 5) No development hereby permitted shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority (LPA). The Statement shall provide:
- a) Prediction of potential impacts with regard to waste, noise and vibration, dust, emissions and odours. 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 temporary boundary protection;
  - c) Means of communication and liaison with neighbouring residents, businesses and community facilities;
  - d) Hours of work on the site and HGV deliveries and hours of operation;
  - e) parking for vehicles of site personnel, operatives and visitors;
  - f) loading and unloading of plant and materials;
  - g) storage of plant and materials;
  - h) programme of works (including measures for traffic management and details of works related to the existing shared access road);
  - i) ensuring any temporary boundary hoarding is behind any visibility zones;
  - j) vehicle routing;
  - k) measures to prevent the deposit of materials on the highway;
  - l) before and after construction condition surveys of the highway (extent of surveys to be agreed with County Highway Authority) and a commitment to repair the highway to a standard agreed with the County Highway Authority;
  - m) on-site turning for construction vehicles;
  - n) a Waste Management Plan detailing how waste generated during the demolition, excavation and construction phase of the development is limited to the minimum quantity necessary and opportunities for re-use and recycling of any waste generated are maximised; and
  - o) lighting arrangements during construction.

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

- 6) No development hereby permitted shall commence, including demolition and or groundworks preparation, until a Tree Protection Plan (TPP) and a finalised Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA).

The TPP and AMS 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.

These documents will explicitly outline the proposed method of working within the RPA of T5-Beech, adhering to the recommendations of BS 5837:2012 Trees in relation to design, demolition and construction, and related guidance set out in National Joint Utilities Council NJUG 4 documents (or the replacement of these standards and documents).

The AMS shall also include a pre commencement meeting between the council's Tree Officer, retained Arboricultural Consultant and appointed main contractor, as well as a supervisory regime for the implementation and monitoring of the AMS, with an agreed reporting process to the LPA.

The development will be carried out in accordance with the approved details of the AMS and TPP.

- 7) No development hereby permitted shall take place until a scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timescales.
- 8) No development hereby permitted shall commence, other than demolition and site clearance works, until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDs, National Planning Policy Framework and Ministerial Statement on SuDs (or their replacement).

The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.6 l/s.
- b) 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.).
- c) 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 from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) 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.

The development shall be completed in accordance with the approved drainage scheme prior to the first occupation of the site and thereafter maintained in accordance with the agreed details.

- 9) The development shall be carried out in accordance with the mitigation measures set out within the Elite Ecology Preliminary Ecological Appraisal (dated July 2022) and the Preliminary Roost Assessment and Bat Activity Survey Report (dated September 2022).

- 10) No development hereby permitted shall commence, other than demolition works, until details of the ground levels and finished floor levels of the buildings is submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved ground and finished floor levels.

The development shall also incorporate the other mitigation measures stated in the Flood Risk Assessment Final Report August 2022 – JBA Consulting.

- 11) No development hereby permitted shall progress above slab level until written details of the elements listed below have been submitted to and approved in writing by the Local Planning Authority:

a) materials to be used in the construction of the external surfaces of the buildings, including fenestration and roof; and

b) the finalised positions, design, materials and type of boundary treatment to be erected in the final layout, including provisions for wildlife access where practical and feasible.

The development shall be completed in accordance with the approved details and all boundary treatment shall be completed before the first occupation of the dwellings hereby permitted.

- 12) No development hereby permitted shall progress above slab level until sustainable construction measures statement, based on the Energy and Sustainability Statement submitted with the application, has been submitted to and approved in writing by the Local Plan Authority.

The statement shall include details about water efficiencies for the lifetime of the development, energy efficiencies and low carbon measures.

Approved measures will be implemented and installed in accordance with the approved scheme prior to occupation of the dwellings hereby permitted.

- 13) No development hereby permitted shall progress above slab level until a landscape scheme and associated plans have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

a) Incorporate and illustrate new tree/woody shrub planting within the frontage of the site, landscaping around hard surfaced paving, between the buildings and the adjoining public footpath;

b) Include a combination of forest type species, ornamental species and large woody shrub species, with their respective positions selected accordingly. The trees should be container grown heavy standards (12 - 14cm girth at 1.5m),

similar sized multi-stemmed formed individuals, and shrub species necessary to provide a degree of immediate impact;

- c) Include landscaping details of all relevant and scaled plans (to include tree pit design, protection, guying) of hard & soft landscape and planned soft landscaping establishment maintenance schedules (and appropriate irrigation) for a minimum of 2 years; and
- d) Include full planting specifications, planting sizes & densities; and be coordinated with any tree protection requirements where required.

The approved scheme shall be completed in accordance with the approved details and timescales.

Any trees shrubs or plants planted in accordance with the approved scheme 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, plants or shrubs of the same size and species.

- 14) No development hereby permitted shall progress above slab level until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority.

The EMP shall be based on the submitted Elite Ecology Biodiversity Net Gain Report (dated January 2023) and shall set out how the biodiversity net gain detailed in Section 5 of that report and species specific enhancements shall be secured on the site.

The EMP shall include the following:

- a) Description and evaluation of net gain and species specific enhancement features to be installed/created and managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery; and
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The EMP shall be implemented in accordance with the approved details and timescales.

- 15) The development hereby permitted shall not progress above slab level until a Security Scheme demonstrating compliance with 'Secured by Design' award scheme

(or its replacement), has been submitted to and approved in writing by the Local Plan Authority.

The development shall be completed in accordance with the approved details and timescales.

- 16) Prior to the first occupation of the dwellings hereby permitted, parking restriction on Weldon Way shall be carried out in accordance with the details that have first been submitted to and approved in writing by the Local Planning Authority.

- 17) Prior to the first occupation of the dwellings hereby permitted, details of the surface materials for the estate and access roads, parking spaces and other hardstanding shall be submitted to and approved in writing by the Local Planning Authority.

The estate and access roads, parking spaces and other hardstanding shall be completed in accordance with the approved details and the details shown on approved plan Ref Site Plan – Proposed drawing number AL(10)X-GF02 Revision 4 prior to the first occupation of the dwellings hereby permitted.

Thereafter parking spaces and turning areas will be retained for their intended purpose.

- 18) Prior to the first occupation of the dwellings hereby permitted, a Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority.

This PMP will detail how the approved parking spaces shall be allocated for the residents of the development, their visitors and users of neighbouring community facilities and how parking at the site will be managed for the lifetime of the development.

The PMP shall be implemented in accordance with the approved details and timescales.

- 19) Prior to the first occupation of the dwellings hereby permitted, visibility splays at the vehicular access from the highway will be constructed and completed in accordance with details shown on the approved Plan drawing Ref 204232-SWE-XX-00-DR-Y-0004 Rev P05.

The land within the approved visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height at all times.

The access to the development shall be retained according to these details thereafter.

- 20) Prior to the first occupation of the dwellings hereby permitted, a drainage verification report, carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. The verification report must demonstrate that the surface water drainage system has been constructed as per the approved drainage scheme, provide the details of any management company, state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

- 21) Prior to the first occupation of the dwellings hereby permitted, a Refuse Management Plan for future occupants of the development shall be submitted and approved in writing by the Local Planning Authority.

The management plan shall include details of:

- a) location, size and finish of the refuse presentation area(s);
- b) details of refuse storage for each dwelling; and
- c) details of how the refuse collection area will be managed to mitigate against nuisance to neighbouring properties and the visual amenity of the site.

The Refuse Management Plan shall be implemented in accordance with the approved details and timescale. Areas for bin storage and collection in the site will be retained for the intended purpose thereafter.

- 22) Prior to the first occupation of the dwellings hereby permitted, dwellings shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband.

This provision shall include as a minimum:

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

- 23) Prior to the first occupation of the dwellings hereby permitted, a Travel Information Pack, containing information on education, employment, retail and leisure uses within 2 km walking distance and 5km cycling distance of the site and by public transport shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Information Packs will be made available to the first occupants of the dwellings hereby permitted.

- 24) The development hereby permitted shall not be occupied until 20% of the units on the site meet the Building Regulations requirements for 'accessible and adaptable' dwellings.

- 25) No external lighting shall be installed on the buildings hereby permitted, until a scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority

The external lighting scheme shall be implemented in accordance with the approved details and thereafter this external lighting will be maintained in accordance with the manufacturer's instructions.

**End Schedule.**