

# Officer Recommendation: Prior Approval Not Required

**DATE VALID - 7th May 2021**  
**TARGET DATE - 25th June 2021**

## **APPLICATION NUMBER – 21/01193/PAP30**

### **LOCATION:**

Reigate Hill House 28 Reigate Hill Reigate Surrey RH2 9NG

### **APPLICANT:**

Lodgecrest Investments Limited  
The Old Courthouse  
267-273 High Street  
Dorking  
RH4 1RY

### **AGENT:**

### **PROPOSAL:**

Change of use from offices (formerly Class B1(A) now Class E) to residential (Class C3) to create 10 flats (8 x 1-beds, 2 x 2-beds).

### **SITE VISIT DATE:**

This application is made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class O seeking a determination as to whether the prior approval of the authority is required as to

- (a) transport and highways impact of the development,
- (b) contamination risks on the site
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development.
- (e) Provision of adequate natural light in all habitable rooms of the dwellinghouses

Paragraph 9A of Article 3 (added to the Order by SI 2020/1243) states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse

- (a) where the gross internal floor area is less than 37 square metres in size: or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The proposal is for a change of use of the offices within Reigate Hill House, (formerly Class B1(a), now Class E) to a residential use within Use Class C3, comprising of 8 x 1 bed and 2 x 2 bedroom flats.

The application site comprises a 3 storey purpose-built office building dating from the 1980's with under croft parking on the ground floor, located on the eastern side of Reigate Hill, at its junction with Birkheads Road to then north and Holmesdale Road to the south. The site is located just to the north of Reigate railway. Pedestrian access is

via an entrance fronting Reigate Hill with vehicular access provided from Birkheads Road.

The plans submitted with the application show that the building is over three floors with the ground floor used for the building entrance and for car parking (19 spaces), with the first and second floors converted to a total of 8 x 1 bed flats and 2 x 2 bed flats.

## RELEVANT HISTORY

08/01985/F - Demolish sections of the existing boundary wall and replace with railings - Approved

02/00438/F - To demolish a section of the existing boundary brick wall either side of car park entrance and replace with railings - Approved.

85P/0118/01AP Railway Hotel, Reigate. Submission of details of siting, design, external appearance, means of access and landscaping relating to office development approved under reference 85P/118 by the Department of Environment on appeal, dated 5.3.86.

85P/0118/2 Former Railway Hotel, London Road, Reigate - revised details of office building permitted under 85P/118.

Two further applications are before the Council for decision as follows:

21/01343/P20AA - Prior Approval for the extension (by 2 extra floors) of a commercial building to create 8 flats (6 x 1 beds, 2 x 2 beds). Pending consideration.

21/01344/P20AA - Prior Approval for the extension (by 2 extra floors) of a commercial building to create 10 flats (8 x 1 beds, 2 x 2 beds). Pending consideration.

ASSESSMENT against Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class O, Paragraph O.1:

The building is not on Article 2(5) land.

The applicant has stated that the building has been in use as offices (B1a) on 29 May 2013 and before that date.

The site does not form part of a safety hazard area.

The site does not form part of a military explosives storage area.

The building is not listed or within the curtilage of a listed building.

The site is not and does not contain a scheduled monument.

## CONSULTATIONS

A site notice was displayed within the vicinity of the application site providing notification of the proposed change of use. Letters were also sent to neighbours in the surrounding area at the time the application was received, and a 21 day period has lapsed following the dispatch of those letters. The regulations allow either method of consultation to be used.

Comments have been received from 5 addresses in the area. The comments made can be summarised as follows:

- Inadequate parking
- Inconvenience during construction
- Increase in traffic and congestion
- Noise & disturbance
- Overbearing relationship
- Out of character with the surrounding area

- Overdevelopment
- Overlooking and loss of privacy
- Poor design

Environmental Health - Regulatory Support Services have been consulted and raise no objections. Suggest that the proposed flats at the front of the site may suffer from noise and suggest that mitigation be sought. A condition is suggested to seek further details of noise mitigation measures.

On Air Quality it is noted that the site is within an Air Quality Management Area. However, it is noted that as the application is for a form of permitted development there is little that can be done and it is suggested that an informative is added to any consent granted.

Highway Authority: No response has been received.

## CONSIDERATIONS

Under the provisions of section PA.2(1)(b) it is necessary for the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: transport and highways impacts of the development; contamination risks in relation to the site; flooding risks in relation to the site and impacts of noise from commercial premises on the intended occupiers of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

### Transport and Highways

The adopted parking standards (Annex 4 of the DMP) require the provision of one space per 1 bed flat and 1 space per 2 bed flat. A total of 19 spaces are available on the site for the 10 flats representing an over-provision. The site is situated in a sustainable location, accessible by modes of transport other than the private car, in an area with extensive on-street parking restrictions. As such, this proposal does not raise a concern that it will impact the highway on safety or capacity grounds and therefore, no objections are raised with regards to the parking provision for the proposed flats.

### Site Contamination Risks

The applicants state that the proposed flats will be formed within the existing structure and no excavations will be required. The applicants have submitted a Summary Asbestos Report which confirms that no asbestos has been found in the building.

No other contamination risks have been identified. As a result, the Council's prior approval is not required on this matter.

### Flooding

The site is located within Flood Zone 1 and would not be subject to flooding. As such the Council's prior approval is not required on this matter.

### Noise

The Council's advisers on noise, Regulatory Support Services have reviewed the proposals and note that the main concern will be environmental noise from road and rail

noise. Road and rail traffic noise, as environmental noise, cannot be considered under the prior approval process.

Although the site is located in a mixed use area, the nearest uses to the site are primarily residential uses. To the east and north are residential properties, whilst to the west on the western side of Reigate Hill is a residential building with ground floor commercial uses. In light of these uses, it is not considered that the noise environment around the site would result in significant disturbance to the future residents and therefore, the prior approval of the Council is not required on this matter.

#### Provision of adequate natural light in all habitable rooms of the dwellinghouses

From 1 August 2020, there is a requirement for the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to "the provision of adequate natural light in all habitable rooms of the dwellinghouses".

The submitted drawings demonstrate that all habitable rooms would be served by generously sized, unobstructed windows. The majority of these windows face to the east or west. Due to the number, size and orientation of the windows, it is considered that all habitable rooms would benefit from adequate natural light.

As such, it is considered that this issue would not require the prior approval of the local planning authority.

#### OTHER ISSUES

Paragraph 9A of Article 3 (added to the Order by SI 2020/1243) states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse -

- (a) where the gross internal floor area is less than 37 square metres in size: or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

In this case the proposed flats would have the following gross internal floor areas:

Flat 1 - 1 bed 1 person - 46.12 sqm  
Flat 1 - 1 bed 1 person - 45.35 sqm  
Flat 3 - 1 bed 1 person - 39.51 sqm  
Flat 4 - 1 bed 1 person - 45.99 sqm  
Flat 5 - 2 bed 3 person - 63.5 sqm  
Flat 6 - 1 bed 1 person - 46.12 sqm  
Flat 7 - 1 bed 1 person - 45.35 sqm  
Flat 8 - 1 bed 1 person - 39.51 sqm  
Flat 9 - 1 bed 1 person - 45.99 sqm  
Flat 10 - 2 bed 3 person - 63.5 sqm

Each flat would therefore comply with the relevant flat size set out in the nationally described space standards.

Objections have been raised with regards to the impact of the proposed change of use on the amenities of neighbouring properties, principally due to overlooking and a loss of privacy. As noted above, this is not an issue that can be considered as part of this application, due to the restrictions imposed by Class O of Part 3 of the Order.

However, the 1986 permission which granted planning permission for the existing office building on the site (85P/0118) was subject to a number of conditions including condition 4 which states as follows:

Notwithstanding the provisions of the Town and Country Planning General Development Amendment Orders 1977-1981 when applicable the windows shown on the submitted plans on the east elevation shall be permanently formed as a fixed light with obscure glass and notwithstanding the provisions of the Town and Country Planning General Development Amendment Orders 1977-1981 no further windows or other openings shall be formed on that elevation without the prior consent in writing of the local planning authority.

A subsequent amendment to the permission granted under ref: 85P/0118/02 was granted subject to revised conditions as follows:

4. Notwithstanding the provisions of the Town and Country Planning General Development Amendment Orders 1977-1981 when applicable the second floor windows shown on the submitted plans on the east elevation shall be permanently formed with obscure glass other than as shall be agreed with the Local Planning Authority and the angle of opening for each window at second floor level shall be restricted in a permanent manner to be agreed by the Local Planning Authority so as to obviate any loss of privacy to adjoining residents. The actual angle of such restriction shall be agreed in writing by the Local Planning Authority prior to the building hereby approved being occupied. notwithstanding the provisions of the Town and Country Planning General Development Amendment Orders 1977-1981 no further windows or other openings shall be formed on that elevation without the prior consent in writing of the local planning authority.

5. Before the development hereby permitted is first occupied, the eastern boundary wall shall be permanently increase in height to a minimum of 4.9m above the finished ground level of then application site by means of a trellis constructed with wide timber slats positioned in such a way as to obviate any overlooking of adjoining residential properties and thereafter covered in plants, details of which shall be submitted in accordance with condition 3 above, all to the satisfaction of the local planning authority.

The details of the screen fencing required under condition 5 were subsequently approved under ref: 85P/01185/04 whilst the details of the windows were approved under ref: 85P/01185/05.

These conditions remain in place and in force and would continue to apply to any subsequent use of the building, including a residential use which would be granted by virtue of a prior approval application. For the avoidance of doubt, conditions are imposed on this prior approval consent which state that the details approved under refs 85P/01185/04 dated (25th September 1987) and 85P/01185/04 (28th September 1987) remain in force and should be complied with.

## CONCLUSION

There is no objection having regard to transport and highways, contamination, flooding, noise and the provision of natural lighting to each flat.

Therefore, PRIOR APPROVAL IS NOT REQUIRED.

**Permission be Prior Approval Not Required**

3. Prior to the commencement of the development adequate provision should be made for waste storage and collection for the proposed dwellings. Full details of the waste management collection strategy, (including layout of bin stores, details of the waste management collection point and pulling distances), shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should comply with the Council's guidance contained within Making Space for Waste Management. The refuse and recycling store/s and collection points should be of an adequate size to accommodate the bins and containers required for the dwelling which they are intended to serve in accordance with the above document. The said facilities shall thereafter be retained exclusively for their designated purpose.

You are advised to contact the Council's Neighbourhood Services team to agree an appropriate waste servicing strategy for the site prior to submission to the Local Planning Authority.

Reason: The above condition is required to provide adequate waste facilities in the interests of the amenities of the area and to encourage in accordance with Policy DES1 of the Reigate and Banstead Development Management Plan (2019).

4. The following measures should be taken during any building operations to control noise, pollution and parking:
  - (a) No building works shall take place outside of the hours 0800 - 1800 Monday to Friday and 0900 - 1300 on Saturdays and no work shall take place on Sundays or public holidays. The term building works includes collections, deliveries and the running of any plant which is audible at the site boundary.
  - (b) All areas and materials likely to generate dust shall be kept damped or sheeted at all times.

Reason: To ensure a satisfactory environment for existing residents during construction with regard to Development Management Plan 2019 Policy TAP1 and Reigate and Banstead Borough Council Core Strategy Policy CS10.

5. All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Organisation Community Noise Guideline Values/BS8233 "good" conditions given below:

- o Dwellings indoors in daytime: 35 dB LAeq,16 hours
- o Outdoor living area in day time: 55 dB LAeq,16 hours
- o Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmay)
- o Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmay)

Prior to the commencement of development, such detail and appropriate consequential noise mitigation measures shall be submitted and agreed in writing, to the Local Planning Authority. Thereafter the agreed measures shall be implemented as approved prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development provides an acceptable noise environment for new residents with regard to policy DES9 of the Reigate and Banstead Development Management Plan 2019.

6. For the avoidance of doubt, the details approved under refs 85P/01185/04 (dated 25th September 1987) which relates to the provision of obscure glazing in windows the eastern elevation of the building and the angle of opening of the windows in the eastern elevation and 85P/01185/04 (dated 28th September 1987) which relates to the provision of the screen fencing and trellis on the eastern boundary wall remain in force and should continue to be complied with.

Reason: The above condition is required to ensure that the amenities of residents adjoining the site are protected in accordance with Policy DES1 of the Reigate and Banstead Development Management Plan (2019).

### **INFORMATIVES**

2. The change of use hereby approved under the prior approval process does not purport to issue any consent to any physical works which may be required to implement the change of use. In the event that works are required to implement the change of use, you should ensure that the appropriate planning permission is in place before commencing any works on the site.
3. The proposed development lies within the Reigate Hill Air Quality Management Area. The annual average concentration of the pollutant nitrogen dioxide is likely to be within 1-0% of the legal limit at this site.