

# Officer Recommendation: Refused

**DATE VALID - 29th July 2025**  
**TARGET DATE - 23rd September 2025**

## **APPLICATION NUMBER – 25/01252/CU**

### **LOCATION:**

Utopia 35 Lesbourne Road Reigate Surrey RH2 7JS

### **APPLICANT:**

Nordic Estates  
Rydons  
Beech Drive  
Kingswood  
Tadworth  
Surrey  
KT20 6PS

### **AGENT:**

Mr Paul Adamson  
18 Godstone Road  
Caterham  
CR3 6RA

### **PROPOSAL:**

Change of use from class E to Sui Generis (hot food takeaway)

**SITE VISIT DATE:** 6th August 2025

### **CONSULTATIONS**

SCC Highways - requested additional information - object due to lack of information  
RSS Noise consultant - requested additional information  
Environmental Protection - recommend consulting noise consultant  
Planning Policy - consider non-compliance with policy RET3

### **REPRESENTATIONS**

Neighbours - There were no objections from neighbouring properties.  
Councillors - no request for referral to committee

### **POLICY CONTEXT**

Urban area  
Local Centre Boundary  
Reigate and Banstead Core Strategy  
Development Management Plan 2019 - DES1, DES9, NHE2, TAP1, RET1, RET3  
Other Relevant Considerations - National Planning Policy Framework, supplementary planning guidance on Householder Extensions and Alterations, Human Rights Act 1998.

### **SITE AND CHARACTER APPRAISAL**

The application site is a modest sized Class E unit situated within the local centre boundary in Lesbourne Road, Reigate. The surrounding area is characterised by a mix of retail and residential uses, with several shops with flats above and numerous varying style of dwelling surrounding. The shopping parade has had extensions to the front of several of the units however this site still retains its forecourt and original building frontage.

### **ADDED VALUE**

Improvements secured at the pre-application stage:

The opportunity did not arise because the applicant did not approach the Local Planning Authority before submitting the application.

Improvements secured during the course of the application:

Further information was sought and some provided, however other further requested information was not provided. Further the principle of development is considered unacceptable and therefore no further improvements have been sought.

Further improvements to be secured through conditions or legal agreement:

Improvements cannot be sought in this way because it has been concluded that permission should be refused.

#### PLANNING AND ENFORCEMENT HISTORY

02/00570/F - Construction of dormer window in front roof plane - Approved with conditions.

09/00239/F - Front extension to hairdressing salon - Refused.

09/01556/F - Front extension to hairdressing salon - Approved with conditions.

#### PRINCIPAL ISSUES

Planning permission is sought for a change of use from class E to Sui Generis (hot food takeaway) with associated alterations.

The main issues are:

- o Principle of the change of use
- o Design and effect on the residential area of special character
- o Effect upon neighbour amenity
- o Highways
- o Ecology

#### PRINCIPLE OF CHANGE OF USE

The change of use would be from Class E to a Sui Generis Hot food takeaway.

The Development Management Plan (DMP) policy RET3 "Town Centre Frontages" states that:

'Within designated local centres, proposals resulting in the loss of A1-A4 and D1/2 uses will be only permitted where:

1. it can be demonstrated that reasonable attempts have been made for a minimum 6 month period without success to let or sell the premises for a retail and/or community use; (see marketing requirements in Annex 3); and
2. the proposed use would make a positive contribution to vitality and viability and would not be harmful to the overall balance of services in the local centre.'

In this regard the Councils Planning Policy team reviewed the application and noted:

'Policy RET3 remains up to date and effective for changes of use that constitute development, such as changes from the former retail Use Class A1 (now Class E) to sui generis.

The applicant has submitted limited information for the proposed change of use, including a lack of detail on any marketing requirements. The applicant has submitted their application for planning permission, but there is no information about marketing requirements, nor any supplementary document detailing this. It is understood that the site is vacant since the 29th September 2023 according to the applicant's detail within their planning application, but to adhere to DMP Policy RET3 criterion 1, the applicant will need to demonstrate that reasonable attempts have been made to market the premises to let or sell for retail uses for a minimum of a 6 month period. This must also meet the marketing requirements set out in Annex 3 of the DMP.

There is no palpable reason for the application not to adhere to criterion 2 of the Policy, but there is an overall lack of detail in the application to suggest whether it will meet criterion 2. If the applicant could provide more information on the hot food takeaway proposal this will help the Planning Policy team understand the contribution it will provide to the local centre.'

No information was submitted by the applicant which would consider the above requirements and in light of this the principle of development cannot be fully considered. The proposal fails to comply with policy RET3 and is unacceptable on this basis.

Policy RET1 should also be considered as this discusses 'Development within identified retail frontages and local centres'. This sets out that within such areas development should:

- a. retain an active ground floor frontage which is accessible to the public from the street
- b. be of a character and scale appropriate to the nature and function of the centre in which it is located
- c. not harm residential, public or visual amenity through impacts such as noise, odour, fumes, litter, general disturbance or late night activity
- d. not have an unacceptable impact on traffic, movement and parking, and not compromise highway or pedestrian safety in the locality; and
- e. protect and where possible enhance the public realm through environmental improvements including provision of high quality surfacing and careful planting.

In this instance, the proposal would retain an active ground floor frontage. Other issues in regard to character, neighbour impact, traffic as required by this proposal will be discussed further below.

#### DESIGN AND CHARACTER

In design regards the changes are reasonably minor. Externally, a new serving hatch would be created alongside the bay window and the entrance door would be altered in design. The forecourt area would then be enclosed by mobile planter boxes and a small seating area created. Given there is some variety in extensions and alterations to forecourt areas of surrounding shop frontages these changes are considered reasonable and minor. Limited detail has been supplied in regard to the planters but this is not necessarily reason to refuse. Details could be secured by condition.

It is noted that no signage has been shown or proposed. As such an informative would be added to a grant of permission informing the applicant that any new signage would require a separate grant of consent.

The implication of the change of use in design terms would also be reasonably minor overall given the context of the surroundings.

The development would therefore be acceptable in terms of its design and impact upon the character of the area, and complies in this regard with policy DES1.

#### NEIGHBOUR AMENITY

The physical changes to the building are reasonably minor. There would be no changed outlook from the building as window alterations are very minor. No built form is proposed and the planters are not of sufficient scale to cause any lost light or outlook to neighbouring properties, nor an overbearing presence.

The only potential harm would therefore come from the change of use itself and the potential implications of this. In this regard the applicant has provided limited detail.

Some additional detail including a noise impact assessment was sought by the Noise consultant (RSS) but limited information was supplied. The information supplied set out some opening hours and similar limited detail. However, insufficient information is supplied to make an informed assessment about how the change of use would impact neighbours in respect of noise and intensification of the site including the longer opening hours which would cause additional movements later into the night. Without this information it cannot be concluded that the change of use would not impact neighbours and on this basis the proposal is considered to fail to comply with policies DES1, DES9 and RET1 in regard to potential noise and intensification concerns.

## HIGHWAYS

The Highway authority have considered the application and requested the following:

'Before I am able to provide a full response, please request the following be provided by the Applicant:

1. Clarity on the proposed provision for parking and loading on the site, including plans detailing the car parking area showing where parking and loading is to take place.
2. Evidence of the trip attraction potential of the proposals, either utilising the TRICS trip forecasting database or a robust first-principles methodology.
3. Evidence of vehicular and pedestrian sightlines available at the site access junction, the use of which would be intensified by the proposed development.
4. Details on how parking for couriers is to be provided.

While the CHA does not have any in-principle objection to this proposed change of use, the proposals would result in an intensification of vehicle movements associated with customers and couriers in particular and the above information is required in order to assess whether the proposed development would result in any unacceptable detriments to the safe operation of the public highway, or whether any mitigation measures would be required to prevent against this.'

This information was requested from the applicant, but no information was forthcoming. The Highway authority confirmed that without such information refusal would be recommended. On this basis and considering the lack of information provided on how the proposed use would operate, the application is considered unacceptable on highway grounds and fails to comply with policy TAP1 and RET1 of the Development Management Plan (DMP).

## ECOLOGY

Biodiversity net gain (BNG) is an approach introduced under the Environment Act and ensures that any new developments leave nature in a better state than it was before, which means creating more habitats for wildlife and improving the quality of existing ones. This approach is also consistent with the aims of policy NHE2 of the Development Management Plan 2019. As the proposal is for a change of use however, it is exempt from this legislation.

## CONCLUSION

For the reasons set out above I consider that planning permission should be REFUSED.

In reaching this conclusion I have taken account of all other matters raised by this application but have found nothing that outweighs the main planning issues upon which I have based my recommendation. In reaching this conclusion I have had due regard to the articles and conventions of the Human Rights Act.

## Permission be Refused

### REASONS FOR REFUSAL

1. The proposed change of use fails to demonstrate that the loss of the Class E retail unit would be acceptable in the Local Centre location due to a lack of marketing information to demonstrate that reasonable attempts have been made to sell/let the premises for retail uses or information to show the proposed use would make a positive contribution to vitality and viability and would not be harmful to the overall balance of services in the local centre. The proposal thereby fails to comply with policy RET3 and the requirements of Annex 3 of the Reigate and Banstead Development Management Plan 2019.
2. Insufficient information has been provided to make a balanced and informed assessment about the implications of the proposed change of use to consider the impact of noise and intensification of the site on neighbouring properties. The proposed change of use therefore fails to comply with policies DES1, DES9 and RET1 of the Development Management Plan and the provisions of the NPPF.
3. The application has failed to demonstrate that the proposed development would not result in unacceptable detriments to the safe operation of the public highway, contrary to the requirements of the National Planning Policy Framework 2024, in particular paragraph 116 and policies TAP1 and RET1 of the Reigate and Banstead Development management Plan 2019.

#### Pro-active Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the National Planning Policy Framework.