



PLANNING STATEMENT

Change of use from Class E to C3 at 35 Lesbourne Road, Reigate, Surrey, RH2 7JS

Within the provisions of Class MA of Schedule 2, Part 3 of the GPDO 2015

Donncha Murphy
donncha@dtmplanning.com

Introduction

The application site is a modest sized ground floor Class E unit situated within the local centre boundary in Lesbourne Road, Reigate.

This application relates to the ground floor only and not the basement.

The surrounding area is characterised by a mix of retail and residential uses, with several shops with flats above and numerous varying style of dwellings 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.

Proposal

The current proposal is for a change of use of the Class E retail to C3 residential within the provisions of Class MA of Schedule 2, Part 3 of the GPDO 2015 (as amended).

The proposal will introduce a 1 person / 1 bed studio flat into the vacant ground floor space of the building.

Relevant Planning History

25/01252/CU - Change of use from class E to Sui Generis (hot food takeaway) – Refused.

Assessment

This application is made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class M seeking the Council's approval in relation to transport and highways, contamination, flooding, noise, conservation areas, natural light, industrial use area, loss of indoor sports area and fire safety.

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

Development not permitted

MA.1 Development is not permitted by Class MA if—

- a) (This part was omitted from the General Permitted Development Order in March 2024)
- b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The building has most recently been used at most of the ground floor level as a retail shop which fall within Class E.

The proposal therefore meets this criterion.

(c) (This part was omitted from the General Permitted Development Order in March 2024)

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

The site does not form part of any of the above.

(e) if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

The application site does not fall within any of these designated areas.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not agricultural therefore the above criteria is not applicable.

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3

Not applicable.

CONDITIONS, paragraph MA.2:

(1) Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) Transport and highways impacts of the development:

The proposal is for a modest 1 bed/ 1 person studio flat. When compared against the existing retail use the proposal would not have a material impact on the safety and operation of the public highway.

The existing ground floor unit benefits from one parking space and this would be retained for the use of the future occupiers of the flat.

There is cycle space available to the front and the rear of the site.

There would be no change to the access or parking arrangements. The proposal is therefore considered acceptable in this regard.

(b) Contamination risks in relation to the building:

The application site is a modest sized ground floor 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 no history of any industrial or commercial uses. The proposal is therefore considered acceptable in this regard.

(c) Flooding risks in relation to the building:

The site is within Flood Zone 1 and no critical drainage problems (identified by the Environment Agency) exist on the site, therefore no site-specific flood risk assessment is required as part of this application.

(d) impacts of noise from commercial premises on the intended occupiers of the development.

The site lies within a mix of commercial and residential uses and as such there isn't considered to be a specific noise environment that would make a residential use unacceptable.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor the impact of that change of use on the character or sustainability of the conservation area;

Not applicable.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The existing windows to the front and rear of the property are more than sufficient for the new residential unit. As such it is considered that there would be adequate provision of natural light.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

The above criteria is not applicable in this case as the site is not located in an area considered important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006

The application does not involve the loss of these uses.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

These criteria are not applicable. The development does not meet the fire risk condition because it is less than 18 metres and 7 storeys tall and therefore a consultation to the Health and Safety Executive is not required and no assessment of fire safety impacts on intended occupants is required.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

This application was made after 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph. Paragraph W:

W.— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(bc) in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

The applicant has provided this information and the proposal complies with the technically prescribed space standards in terms of the floor space.

Conclusion

Accordingly, there is no objection having regard to transport and highways, contamination, flooding, external appearance and natural light and space standard. Therefore, it is respectfully requested that Prior Approval is Approved.