

Officer Recommendation: Prior Approval Approved

DATE VALID - 28th November 2025
TARGET DATE - 16th January 2026

APPLICATION NUMBER – 25/02160/PAP3MA

LOCATION:

Fonteyn House 47 - 49 London Road Reigate Surrey RH2 9PY

APPLICANT:

CBRE Planning & Development Team
Henrietta House
Henrietta Place
London
W1G 0NB

AGENT:

PROPOSAL:

Conversion of the existing office building into 23 residential apartments

SITE VISIT DATE:

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 MA seeking a determination as to whether the prior approval of the authority is required as to the items listed under condition MA.2.

PROPOSAL AND SITE

The proposal involves the change of use of the office accommodation to 23 dwellings achieved through the change of use of the existing building from office to residential use. Offices will be replaced with 5 x studio apartments, 7 x 1 bed apartments and 11 x 2 bed apartments. The existing car park will be reused.

The application site comprises a 5 storey office building known as Fonteyn House, located just to the south of Reigate railway Station, at the northern end of Reigate town centre. The entrance to the building is elevated above road level and set back from the road frontage. The site lies within flood zone 1. At the rear, the site is higher with parking provision, and the building presents as 3 storeys. Further parking is provided externally at the side of the building alongside the access. Pedestrian and vehicular access is taken from London Road.

RELEVANT PLANNING HISTORY

25/01410/PAP3MA - Conversion of the existing office building into 23 residential apartments - Prior Approval Refused

16/00555/ADV - Wall mounted roundel sign to north elevation. Bollard and private parking sign to east (front) elevation. All non-illuminated - Express Consent

11/01954/S73 -Extension of Fonteyn House by the introduction of an additional part floor and part in-filling of existing courtyard at ground, first and second floor levels. Variation of condition 2 of 10/01367/F to reflect the introduction of additional roof level plant now installed. - Approved with Conditions.

11/01178/ADV - Two sets of steel wall mounted letters. - Express Consent
10/01367/F - Extension of Fonteyn House - Granted
94/12050/F - Three storey office building with parking. - Granted
79P/0436 - SITING OF THREE NO.PK34 PORTAKABINS ON THE NORTH SIDE OF
"WATSON HOUSE" FOR A PERIOD OF TWO YEARS. TO BE USED FOR
TEMPORARY STORAGE - Approved
78P/0769 - ERECTION OF A 3 STOREY REAR ADDITION TO PROVIDE 546 SQ M
(5875 SQ FT) OF ADDITIONAL OFFICE ACCOMMODATION. - Approved

CONSULTATIONS

Objections have been received from three neighbouring properties in relation to:

- Crime fears
- Loss of private view
- Overbearing relationship
- Overlooking and loss of privacy
- Noise & disturbance
- Poor design
- Increase in traffic and congestion
- Out of character with surrounding area
- Overshadowing

CONSULTEES

Highway Authority - no comments received however comments on the previously refused scheme are still considered relevant

Environmental Protection - No comments received

Contaminated Land Officer - No objection subject to conditions

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 -

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 subject to this change of use prior approval application comprise offices which are a Class E use. Looking at the planning history of the site, I am satisfied that the elements of the building subject of this application is a Class E use and 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; It does not.

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 vehicular access would remain as existing with access from London Road to the existing car park entrance. In terms of car parking for the proposed residential units, the existing parking spaces (28) are to be retained. All flats would be provided with a single space and 5 visitor bays would be provided. This would meet the Council's Parking standards for the proposed flats in this high accessibility area. Given the location of the site in a highly accessible location, it is considered that the proposed 28 parking spaces would be acceptable and would not result in unacceptable transport impacts. The county highway authority (CHA) have provided no comments to his application. However, aside from additional information the proposal is identical to the previously refused application whereby they raised no objection to the proposed access arrangements, traffic generation or amount of parking proposed from a highway safety and capacity point of view.

Existing facilities for the storage of waste within the basement would be retained and re-used by the residential occupiers. The amount of refuse storage proposed is shown to comply with the requirements set out in the Council's Making Space for Waste Management document and given the location is the same as the existing servicing arrangements the location of the refuse store for access is considered the most appropriate location.

In terms of cycle storage, 23 spaces would be provided at ground floor level which was previously considered sufficient by the CHA.

The proposals are therefore considered acceptable on grounds of transport and highway impacts.

(b) Contamination risks in relation to the building:

The Council's Environmental Protection Officer has not raised any objection or concerns regarding the scheme but has recommended varying conditions and informatives relating to asbestos and contaminated land. The applicants confirm that no excavations are proposed. Therefore, no concern is raised in relation to contamination subject to the conditions proposed.

(c) Flooding risks in relation to the building:

The site is within Flood Zone 1. Part of the site however is within an area of Surface Water Flooding 1 in 30 years. The NPPF states that when determining submissions, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. The applicant has submitted a flood risk assessment (FRA). This shows the only real risk from flooding would be surface water flooding. The FRA states:

'The lower lying basement area identified at risk of surface water flooding is used for bin storage only with the habitable building levels raised some 2m above these external levels. Access and egress to the habitable levels is from the front entrance that leads directly onto London Road, raised some 0.8m above the lower lying basement area. Even in the event of surface water flooding to this area, the Environment Agency flood map shows that residents will still be able to safely access and egress the building without any risk or getting their feet wet.'

In light of the above, it is considered that flooding risk has been adequately considered as required by the NPPF. Thus, it is considered that the proposed development would not increase the flood risk and is therefore acceptable in this regard.

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

The main concern at this site would be environmental noise from road and rail noise. Road and rail traffic noise, as environmental noise, cannot be considered under the prior approval process.

The site is located in a mixed-use area characterised by office uses, residential uses and the railway station. 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.

(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;

The site is not in a conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses, From 1 August 2020, there is a requirement 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.

Paragraph W, 2A states that "(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses. "

In this case all habitable rooms within each flat would benefit from windows within the existing building. However, from a visit to site it is clear that there are mature trees on the northern and eastern side of the building. On both of these elevations habitable rooms are proposed which only have outlooks in these directions (or in some cases in both of these directions). Of particular note are apartments: 0-4, 0-5, 0-6, 1-4, 1-5, 1-6, 2-4, 2-5, 2-6, 3-2 and 3-3 which all have bedrooms as a minimum which have singular aspects facing in these directions. Those in particular at ground and first floor and in particular on the northern elevation are extremely overshadowed by these trees. The previous application was therefore refused on the basis that without evidence to the contrary that insufficient light would be provided to these rooms.

The applicant has now provided a sunlight and daylight assessment. This shows that all rooms meet the BRE guidance for daylight. All except two rooms also meet the sunlight assessment. The rooms which fail this assessment are dual aspect and fail in part due to their north facing windows and tree cover to the east. The BRE guidance provides some flexibility for north facing windows and in light of the rooms receiving adequate daylight it would be hard to argue that 'adequate natural light' is not provided.

In view of the above considerations, officers are satisfied that the units are provided with adequate natural light and the proposal would therefore be acceptable in regard to this requirement.

It is noted that the trees on the eastern frontage of the site appear not to have been managed in recent years and it may be advisable for tree management works to be carried out to provide a better level of light to these rooms. An informative suggesting the applicant seeks professional arboricultural advice for such works could be added to the decision notice.

(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;

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 impact on the local provision of the type of services lost; and

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, P, 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. Individual bedrooms would equally meet the requirements, and the unit would be provided with storage sufficient to meet the standards.

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 recommended that PRIOR APPROVAL IS APPROVED.

Permission be Prior Approval Approved

4. Notwithstanding the submitted plan numbered AP 011 P the development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

(a) The secure parking of a minimum 23 bicycles within the development site,

(b) Information to be provided to residents regarding the availability of and whereabouts of local public transport, walking cycling and car sharing clubs and car clubs, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2024 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

5. The development hereby approved shall not be occupied unless and until each of the proposed parking are provided with a fully operational fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority

and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2024 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

6. The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plan numbered AP 003 P for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking turning areas shall be retained and maintained for their designated purposes.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2024 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.

7. The developer must either submit evidence that the building was built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement to the development. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation. The development shall then be undertaken in accordance with the approved details.

REASON: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 and the NPPF.

8. Should any landscaped areas fall within the site redline boundary, prior to occupation of the development the applicant shall submit evidence to the Local Planning Authority demonstrating that these areas are suitable for their intended residential end use. This evidence shall confirm that soils and planting media are appropriate for residential amenity purposes and are free from contamination that could pose a risk to human health.

The development shall not be occupied until the Local Planning Authority has approved the submitted evidence in writing.

Reason: To ensure that landscaped areas within the site are safe and suitable for residential use, in accordance with the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9: Pollution and Contaminated Land) and the NPPF.

INFORMATIVES

2. With regard to the existing trees on the London Road frontage the Council suggest that the applicant seek professional arboricultural advice for the long term management of the trees and to consider repollarding the trees on a 3 year cyclical programme to ensure the long term health of the trees and to help maintain an improved level of light and outlook to the proposed flats facing this direction.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
5. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2024. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
6. The applicant is advised that any alterations to existing highway infrastructure should be designed so there is no adverse effect on surface water flow routes and should not increase flood risk on or off site. It is possible to check the long term flood risk on the following Government website www.gov.uk/check-long-term-flood-risk
For further information please contact the Flood Risk, Planning and Consenting Team suds@surreycc.gov.uk
7. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.