

 <b>Reigate &amp; Banstead</b> <b>BOROUGH COUNCIL</b> Banstead   Horley   Redhill   Reigate	<b>TO:</b>	PLANNING COMMITTEE
	<b>DATE:</b>	6 <sup>th</sup> September 2017
	<b>REPORT OF:</b>	HEAD OF PLACES & PLANNING
	<b>AUTHOR:</b>	Matthew Sheahan
	<b>TELEPHONE:</b>	01737 276514
	<b>EMAIL:</b>	Matthew.sheahan@reigate-banstead.gov.uk
<b>AGENDA ITEM:</b>	8	<b>WARD:</b> Reigate Hill

<b>APPLICATION NUMBER:</b>	17/00801/CU	<b>VALID:</b>	04/04/2017
<b>APPLICANT:</b>	The Madison Agency	<b>AGENT:</b>	Planning Guys
<b>LOCATION:</b>	<b>KIRK HOUSE 15 BIRKHEADS ROAD REIGATE SURREY</b>		
<b>DESCRIPTION:</b>	<b>Change of use from B1 (Office) to D1 (Nursery)</b>		
<b>All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.</b>			

**This application has been referred to planning committee by Cllr Grant-Duff and Cllr Newstead in accordance with the constitution.**

## **SUMMARY**

This is a full application for the change of use of an existing Office (B1) to a Nursery (D1). The nursery is proposed to accommodate for a maximum of 40 children at any one time.

The application site comprises a vacant two storey office block located to the North side of Birkheads Road, situated within what is predominantly a residential neighbourhood, with a smaller number of commercial/ offices usage within the wider locality. The site falls within an Area for Small Business.

Regarding the design, it is not proposed to make any alterations to the external appearance of the building. The changes would largely be internal, converting existing office floor space in to classrooms and spaces to be used by children during the course of their time at the nursery. External changes to the building would be in the form of a small outdoor play area to the north of the site within the undercroft of the building. Additional space would be provided for the storage of refuse facilities, secure cycle storage and a buggy storage area. The existing 5 parking spaces within the site will be retained.

It is the view that the principal of the change of use in this locality would be acceptable and would not impact harmfully in terms of the character of the area due to the minimal external changes proposed. The noise associated with the external play area would not result in sufficient levels of disturbance to the residential amenity of neighbouring properties. With regards to impact on the safe operation of

the highway and parking implications, this has been assessed rigorously by the County Highway Authority, who are of the view that the level of use, coupled with the staggered arrivals and departures of parents in the morning and evenings and the implementation of the submitted travel plan, would be sufficient to ensure that the proposed use would not have a level of impact in regards to highway matters that would justify a refusal of the application on this basis.

**RECOMMENDATION(S)**

Planning permission is **GRANTED** subject to conditions.

## **Consultations:**

Highway Authority: The proposed development has been considered by the County Highway Authority who having considered any local representations and having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted. Details of the highway assessment are discussed in greater detail further in this report.

Environmental Health: Following assessment of the submitted information, no concern is raised as regards to noise impact on surrounding residential amenity from the proposed change of use.

Contaminated Land Officer: No objections raised.

## **Representations:**

Letters were sent to neighbouring properties on 2nd May 2017, a site notice was posted 4<sup>th</sup> May 2017. Following the submission of further information in the

5 responses have been received raising the following issues:

<b>Issue</b>	<b>Response</b>
Inadequate parking	See paragraph 6.8 – 6.15
Hazard to highway safety	See paragraph 6.8 – 6.15
Increased Traffic Congestion	See paragraph 6.8 – 6.15
Noise and disturbance	See paragraph 6.8 – 6.15
Alternative location/ proposal preferred	See paragraph 6.8 – 6.15

### **1.0 Site and Character Appraisal**

- 1.1 The application site is currently a two storey vacant office building to the North side of Birkheads Road, located to the North of Reigate Town Centre. The building is a flat roofed functional style construction, with office space occupying a partial extent of the ground floor and first floor. There is undercroft parking, accessed via a vehicular entrance to the South of the site.
- 1.2 The surrounding area is characterised largely by residential development in the form of terraced and semi-detached dwellings, with a number of flatted developments in the wider locality. Reigate train station is located to the South, and the site faces onto the Somers Road Conservation Area.

## **2.0 Added Value**

- 2.1 Improvements secured at the pre-application stage: The applicant did not approach the Council for pre-application advice prior to the submission of the planning application.
- 2.2 Improvements secured during the course of the application: During the course of the application the applicant has supplied additional information in the form of a travel plan. Confirmation of expected child numbers utilising the facility were also confirmed.
- 2.3 Further improvements could be secured: Improvements to the scheme could be secured by way of suitably worded conditions.

## **3.0 Relevant Planning and Enforcement History**

- 3.1 86/90405/F                      Erection of a second floor to provide additional office accommodation.                      Granted

## **4.0 Proposal and Design Approach**

- 4.1 This is a full application for change of use from B1 (Office) to a D1 (nursery) use. The extent of the development would be contained within the confines of the existing building. Much of the internal layout of the building would remain unchanged. Beginning with the ground floor the existing large storage area to the rear of the building would become a toddler area, used for the specific activities of the children. One existing w/c to the ground floor would change to a new baby changing facility.
- 4.2 The first floor would remain unchanged in terms of internal layout. The existing main office space would be used as a 'baby area' whilst the two smaller offices to the west would be used as classroom spaces. The existing fenestration of the building would remain unchanged.
- 4.3 The existing undercroft parking would largely remain. The North-West corner of the undercroft space would be utilised for refuse storage and secure cycle storage. A buggy storage facility would be stationed adjacent to the vehicular access, around which bollards would be installed to provide security. An outdoor play area, covered with an artificial lawn, would also be created. This space would measure approximately 20 square metres.
- 4.4 As regards to the operation of the nursery, it is advised that there would be the capacity to accommodate a maximum of 40 children at any one time. The hours of operation are proposed to be 07:00-19:00 on Monday to Friday. On Saturdays and Sundays the nursery will be closed. The supporting statement submitted with the application advises that the nursery would employ 4 full time members of staff and 3 members of staff working on a part-time basis.

- 4.5 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:  
Assessment;  
Involvement;  
Evaluation; and  
Design.
- 4.6 Evidence of the applicant's design approach is set out below:

Assessment	The statement does not include an assessment of local character
	No site features worthy of retention were identified.
Involvement	No community consultation is intimated as having taken place.
Evaluation	It is stated that the application site has remained vacant for two years, however alternative development options have not been considered.
Design	The statement does not explain why the proposal was chosen in regards to design. It is explained that the external appearance of the property would remain unchanged.

- 4.5 Further details of the development are as follows:

Site area	0.032 hectares
Existing use	B1 Office
Proposed use	D1 Nursery
Existing parking spaces	5
Proposed parking spaces	5
Parking standard	0.75 car parking spaces per member of staff plus 0.2spaces per child

## 5.0 Policy Context

### 5.1 Designation

Urban area  
Adjacent to Somers Road Conservation Area

Area for Small Business

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)  
CS4 (Valued Townscapes and Historic Environment)  
CS5 (Valued People/Economic Development),  
CS7 (Town/Local Centres),  
CS10 (Sustainable Development),

5.3 Reigate & Banstead Borough Local Plan 2005

Employment	Em1,Em2, Em3, Em6
Community Facilities	Cf1, Cf2, Cf3, Cf5
Movement	Mo6, Mo7,

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide A Parking Strategy for Surrey Parking Standards for Development
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

**6.0 Assessment**

- 6.1 The application seeks permission for the change of use of the existing office (B1) to a nursery (D). The site is located within land that is designated as an Area for Small Businesses, as illustrated with the Proposals Map contained within the Borough Local Plan 2005. As such the proposal needs to be considered against the criteria of Policy Em6 of the Borough Local Plan 2005. Within such areas the change of use for retail classes A1, A2 and A3 and/or businesses will normally be permitted if the change would not result in the loss of existing convenience shopping or local community facilities or any self-contained dwelling. The proposal should complement character of the area and should not impact harmfully on the environment and amenities of the surrounding properties, particularly in regards to impact on local traffic conditions. The design criteria of Policy Em3 would also need to be satisfied.
- 6.2 The proposal would see the loss of an existing B1 business use in the form of an office to a D1 use. Whilst Class D1 of the Use Classes Order relates to non-residential institutions, the nature and size of the proposed nursery would

constitute a small business which would arguably not conflict with the aims of this policy. Therefore assessment needs to be made against the criteria of Policy Em6.

- 6.3 The proposal would not see the loss of any convenience shopping, nor would it see the loss of any form of residential unit. The existing B1 office unit is stated by the applicant as having been vacant for two years. Unlike other similar policy contained within the Borough Local Plan, applications for change of use in Areas for Small Business are not expected to provide marketing information in relation to the existing use in order to justify the loss. Therefore only the above criteria would apply. As regards to the impact of the proposed development on local amenity, specifically local traffic conditions, the proposed nursery would have the capacity for up to 40 children at any one time. The arrivals and departures of the children would be staggered between a two hour window of 07:30-09:30 and a two and a half hour window of 16:00-18:30 in the evening. This staggered nature, coupled with the relatively low maximum numbers of children, would be sufficient to ensure that the impact on local traffic from an amenity viewpoint would not be sufficiently harmful to warrant refusal on this basis.
- 6.4 The main issues to consider are:
- Design and Impact on the character of the area;
  - Neighbour amenity;
  - Highway Impact, Access and parking

#### Design and Character

- 6.5 From a design viewpoint the majority of the proposed changes would be contained internally within the main fabric of the building. The external changes would be in the form of the outdoor play area, refuse and cycle storage facilities and buggy storage facilities. Policy Cf2 of the Borough Local Plan relating to community facilities requires new such development to comprise a layout and design that does not adversely affect the adjoining properties and be designed to a high standard, incorporating elevational treatments, roofscape and materials which complement the character of the area.
- 6.6 It is considered that, whilst the building in its existing form is somewhat dated, the modest nature of the changes would not result in a level of impact on the character of the area that could be considered harmful over and above the existing. The play area would largely be obscured from view by the boundary walls surrounding the north, south and of the site, as would the aforementioned storage facilities. As such it is the view that the proposed change of use would be acceptable in regards to design and the impact this would have on the character of the area, and would comply with Policies Cf2 and Cf5 in this regard.

Impact on neighbouring amenity

- 6.7 There is a small terrace of 5 residential dwellings to the south side of Birkheads Road, to the south-west of the application site. Number 22 Birkheads Road would be in closest proximity, being located opposite to a distance of approximately 10m from the front entrance of Kirk House. Policy Cf5 of the Borough Local Plan permits the provision of day care facilities for children, including as a result of a change of use, provided that the scale and level of activity would not adversely affect the amenity and privacy of neighbouring properties.
- 6.8 It is the view that the change of use would not result in a level of harm to the residential amenity of neighbouring properties to such an extent that a refusal of the application would be justifiable. The two elements most likely to result in noticeable impact are the noise associated with the outdoor play area and the vehicular movements of parents dropping off and collecting children. Regarding the play area, the Environmental Health Officer responsible for noise assessment is of the view that the proposal would be satisfactory in this regard and raises no objection. In regards to the amenity impact arising from the effect on local traffic conditions, the arrivals and departures of the children would be primarily staggered between a two hour window of 07:30-09:30 and a two and a half hour window of 16:00-18:30 in the evening. This staggered nature, coupled with the relatively low maximum numbers of children, would be sufficient to ensure that the impact on local traffic from an amenity viewpoint would not be sufficiently harmful to warrant refusal on this basis. A condition to restrict the hours of use to those applied for would be appropriate in the interests of controlling the use in the interests of residential amenity, particularly when the background level of activity may be less.

Highway Impact, Access and parking

- 6.9 The applicant has provided a travel plan in support of the proposed change of use. Within it is explained that the existing parking provision within the site would be maintained. In addition three secure cycle stands would be provided for the parking of six bicycles. It is explained also that a secure buggy storage facility is to be provided, with the intention being to encourage parents to walk with their children to the nursery. Discounts are proposed to be offered to parents and staff that choose to commute to the nursery on foot, cycle or scooter, rather than by car. Parents would also be encouraged to utilise public transport. Existing on-street parking spaces would not be used by staff members. It is also explained within the travel plan that parents registering their children with the nursery will be required to include the mode of transport they will be using to bring their child to the nursery. Data on this is proposed to be reviewed annually.
- 6.10 As stated earlier in this report the nursery has the capacity to allow up to 40 child drop-offs and pick-ups. Drop-off times would be primarily between the hours of 7:30am and 9:30am. Pick-up times would be staggered primarily between 16:00 and 18:30 to ensure that not all children are collected at the



same time, with the intention of easing traffic congestion and highway pressure.

- 6.11 Following consultation with the Highway Authority at Surrey County Council, no objection has been raised on the grounds of impact on highway safety and parking in the vicinity of the proposed nursery. A number of objections have been raised by residents in regards to highway and parking implications posed by the proposed change of use.
- 6.12 The County Highway Authority (CHA) acknowledge that the 5 car parking spaces provided falls short of the required amount of car parking spaces required for a nursery use of this kind (the parking standard for which is highlighted earlier in this report). However the National Planning Policy Framework (NPPF) advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. The CHA therefore has to consider whether or not the traffic and parking demand generated by the proposed nursery would worsen the existing parking situation in the area and cause a highway safety issue, when it is compared to the existing office use at the site.
- 6.13 Although there will be a number of drop offs and pick-ups of children to and from the nursery during the day, the nursery is stated as being open from 7am to 7pm which would stagger the trips to and from the site during the AM and PM peak periods. The duration of stay would also be short, minimising the disruption caused. A number of residents have mentioned that the on street parking spaces would be competed for by residents and parents; however this would be an amenity issue rather than a highway safety issue. On street parking would only be required therefore for a short amount of the day, which it is considered would not cause a highway safety issue.
- 6.14 The site is situated in an accessible location in close proximity to Reigate Town Centre, which has public car parks, and is within easy walking distance of both Reigate train station and local bus stops on Reigate Hill and London Road. The applicant has produced a Travel Plan in which are comprised measures to promote and encourage sustainable modes of travel by both staff and parents to and from the nursery. The CHA is satisfied that the demand for staff and parent parking could be addressed effectively in this manner.
- 6.15 Reference should be made to the recent appeal decision in relation Prior Approval Application 16/00798/PAP3T for the proposed change of use of a property from B1(a) Office use to a D1 registered nursery to accommodate 69 children. This application was allowed on appeal. The site subject of this application is in close proximity to the application site being considered for this application. Significant concern was raised from neighbouring properties to this application also, particularly in regards to increased traffic congestion and parking demand. Concern in particular related to the dropping off of children at the nearby school, Mickelfield School. The inspector was of the view that the proposed change of use in this case would not result in adverse

harm to highway safety in the area, due to the sustainable location of the site, the implementation of a travel plan to control, staff and parent parking and the staggered arrival and departure times by parents. The appeal was subsequently allowed. There have been a number of appeal decisions in recent years where reasons for refusal have been forwarded by the CHA on the grounds of highway impact, which have been overturned by the inspectorate on the basis that the implementation of a travel plan to control staff parking, the sessional nature of the service, the fact that the nurseries would not be operation at full capacity and staggered arrival and departure times would be sufficient to ensure that there would not be severe harm as defined by the NPPF.

- 6.16 Therefore in the case of this application, the accessible location of the site and the proposed travel plan would together are considered to address the demand for staff and parent parking in an effective manner. Therefore the resultant cumulative impact of the proposed nursery could not be considered to be severe as expressed within the NPPF. In view of this, whilst the objections raised are noted, it is considered that an objection on the grounds of impact on highway safety arising from the proposed change of use would be difficult to sustain, particularly in light of the aforementioned appeal decision relating to Somers Road, which, by reason of its not too dissimilar context and the fact it is a recent case, is a material consideration in this case.

## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01		05.04.2017
Elevation Plan	04		05.04.2017
Floor Plan	03		05.04.2017
Elevation Plan	02		05.04.2017

Reason:

To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

3. The materials and windows to be used in the development hereby approved shall be as specified in the application.

Reason:

To ensure that the development hereby permitted is only constructed using the appropriate external facing materials or suitable alternatives in the interest of the visual amenities of the area with regard to Reigate and Banstead Borough Local Plan 2005 policies Em1, Em2, Em3, Em6, Cf1, Cf2, Cf3, Cf5.

4. The development hereby approved shall not be first used unless and until the following facilities have been provided in accordance with the approved plans for:

- (a) The secure parking of bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

The above condition is required in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2012. The above condition is required in order to meet the objectives of the NPPF (2012), and to satisfy policy CS17 of the Core Strategy (2014).

5. The use hereby permitted shall only be carried out between 07:00-19:00hrs Monday-Friday.

Reason:

In order to maintain the amenities of the area and, in particular, the amenities enjoyed by the residential properties in the vicinity with regard to Policies Em1, Em2, Em3, Em6, Cf1, Cf2, Cf3, Cf5. of the Reigate and Banstead Borough Local Plan 2005.

- 6.

## INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at [www.firesprinklers.info](http://www.firesprinklers.info).
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions. *[Replace with condition for major development]*
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, a 140 litre wheeled bin conforming to British Standard BSEN840 and a 60 litre recycling box should be provided for the exclusive use of the occupants of that dwelling. Prior to the initial occupation of any communal dwellings or flats, wheeled refuse bins conforming to British

Standard BSEN840, separate recycling bins for paper/card and mixed cans, and storage facilities for the bins should be installed by the developer prior to the initial occupation of any dwelling hereby permitted. Further details on the required number and specification of wheeled bins and recycling boxes is available from the Council's Neighbourhood Services on 01737 276501 or 01737 276097, or on the Council's website at [www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk). Bins and boxes meeting the specification may be purchased from any appropriate source, including the Council's Neighbourhood Services Unit on 01737 276775.

4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
  - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
  - (c) Deliveries should only be received within the hours detailed in (a) above;
  - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There should be no burning on site;
  - (f) Only minimal security lighting should be used outside the hours stated above; and
  - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration).

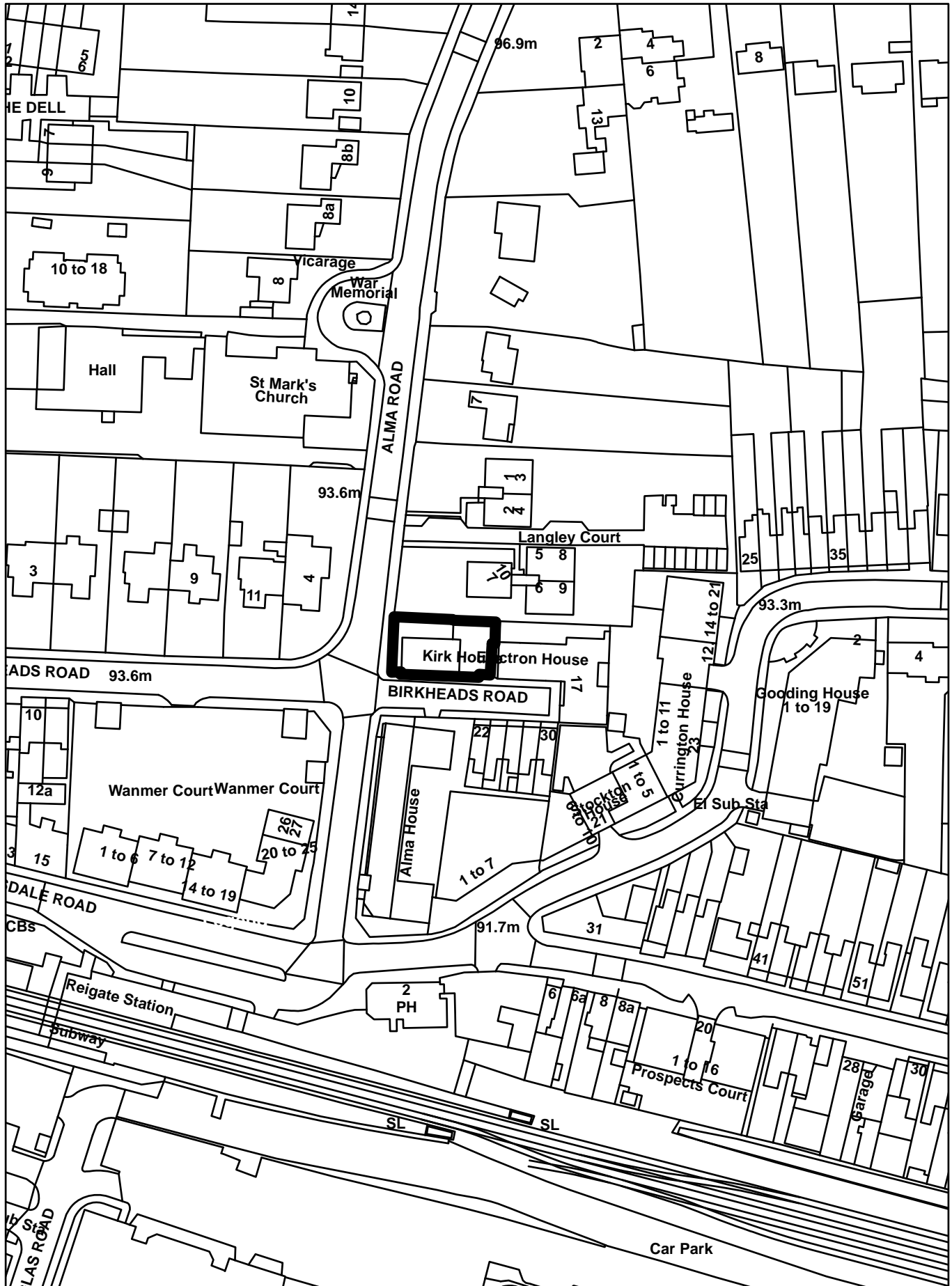
## **REASON FOR PERMISSION**

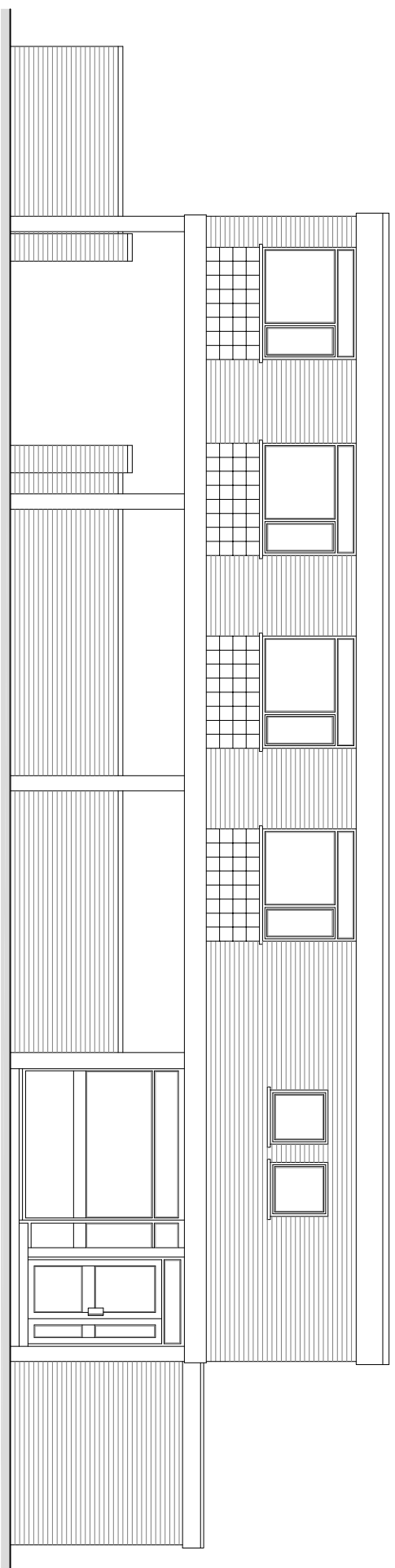
The development hereby permitted has been assessed against development plan policies Em1, Em2, Em3, Em6, Cf1, Cf2, Cf3, Cf5 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

## **Proactive and Positive Statements**

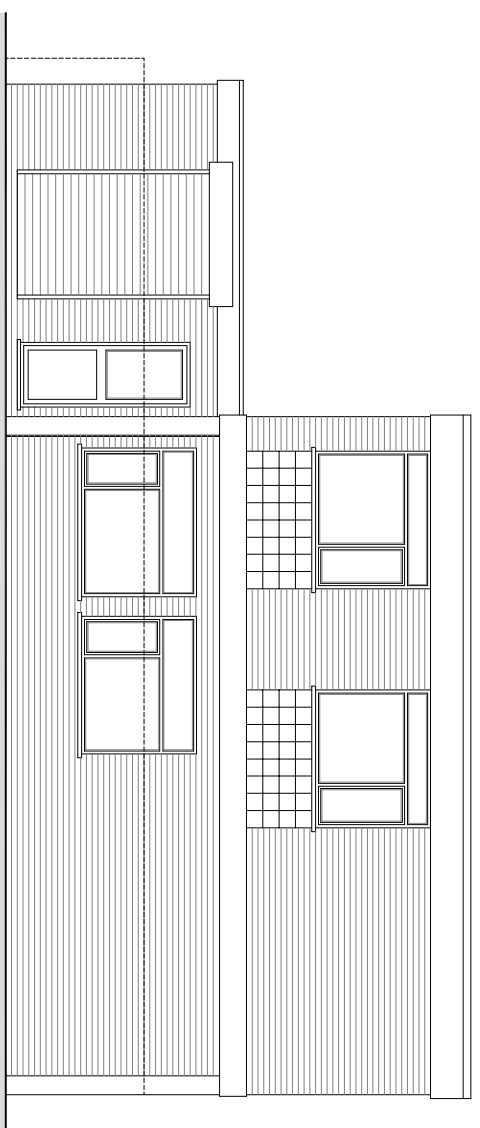
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

# 17/00801/CU - Kirk House, 15 Birkheads Road, Reigate

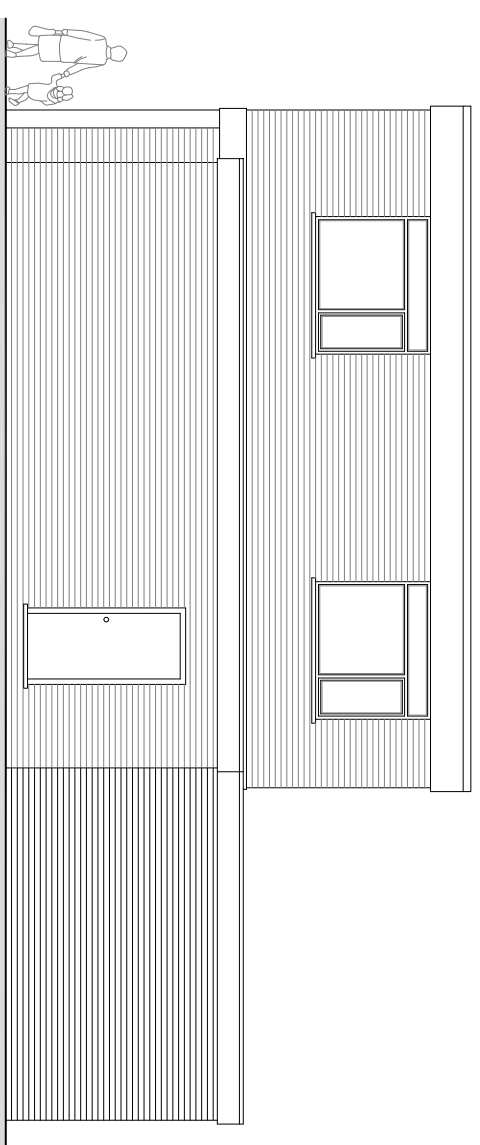




PROPOSED NORTH ELEVATION (NO CHANGE)



PROPOSED EAST ELEVATION (NO CHANGE)



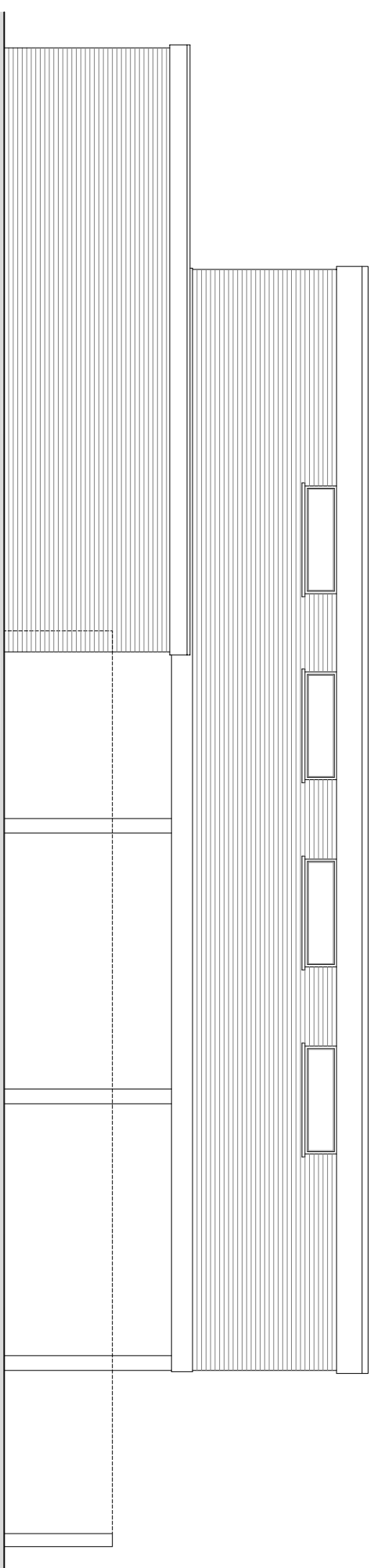
PROPOSED WEST ELEVATION (NO CHANGE)

0 1 2 3 4 5 (m)



SCALE 1:100

PROPOSED SOUTH ELEVATION (NO CHANGE)



REVISION NOTES:

REV:	DATE:	NOTES:

DRAWING TITLE:

PROPOSED ELEVATIONS

CLIENT:

BEN THEOBOLD

PROJECT ADDRESS:

KIRK HOUSE  
15 BIRKSHHEAD ROAD  
REIGATE  
RH2 0AW

DATE:

MARCH 2017

SCALE:

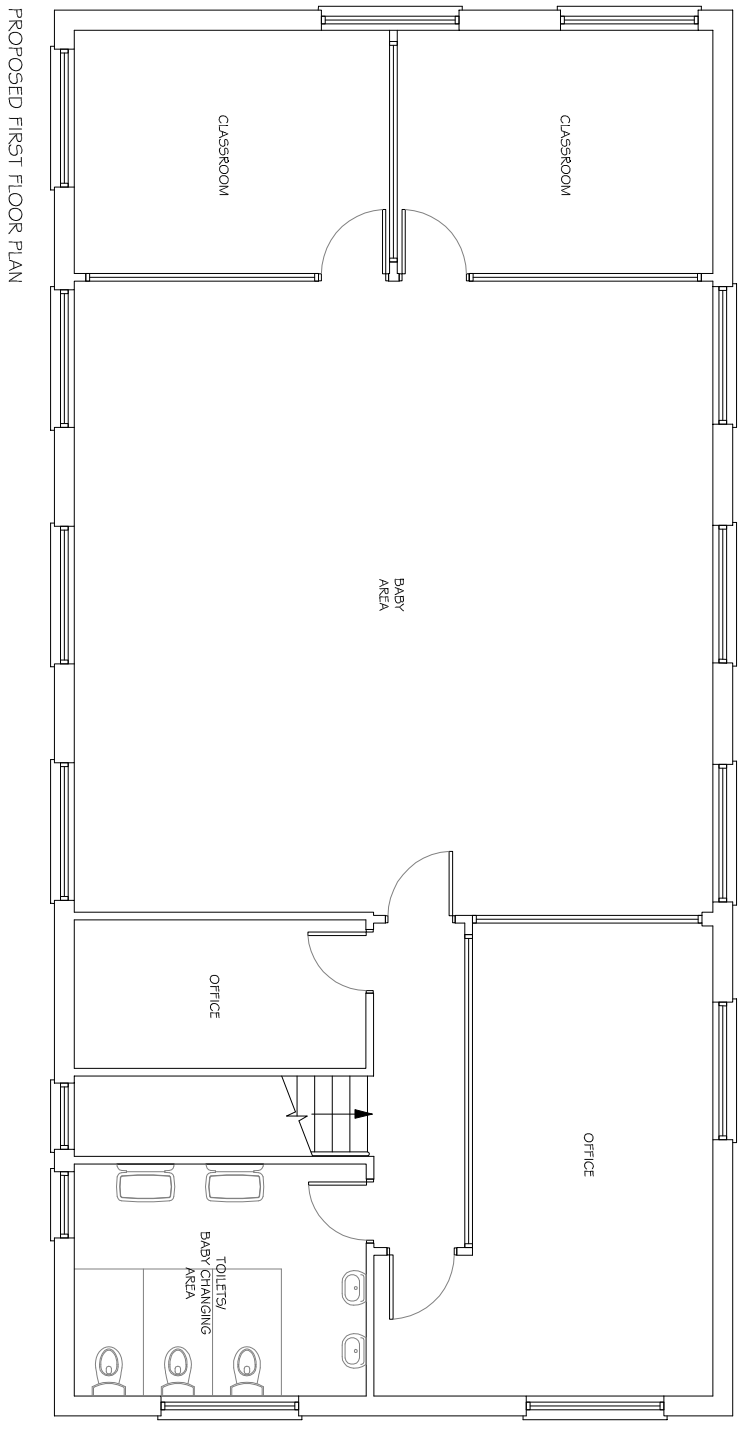
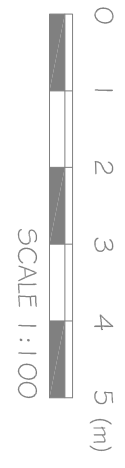
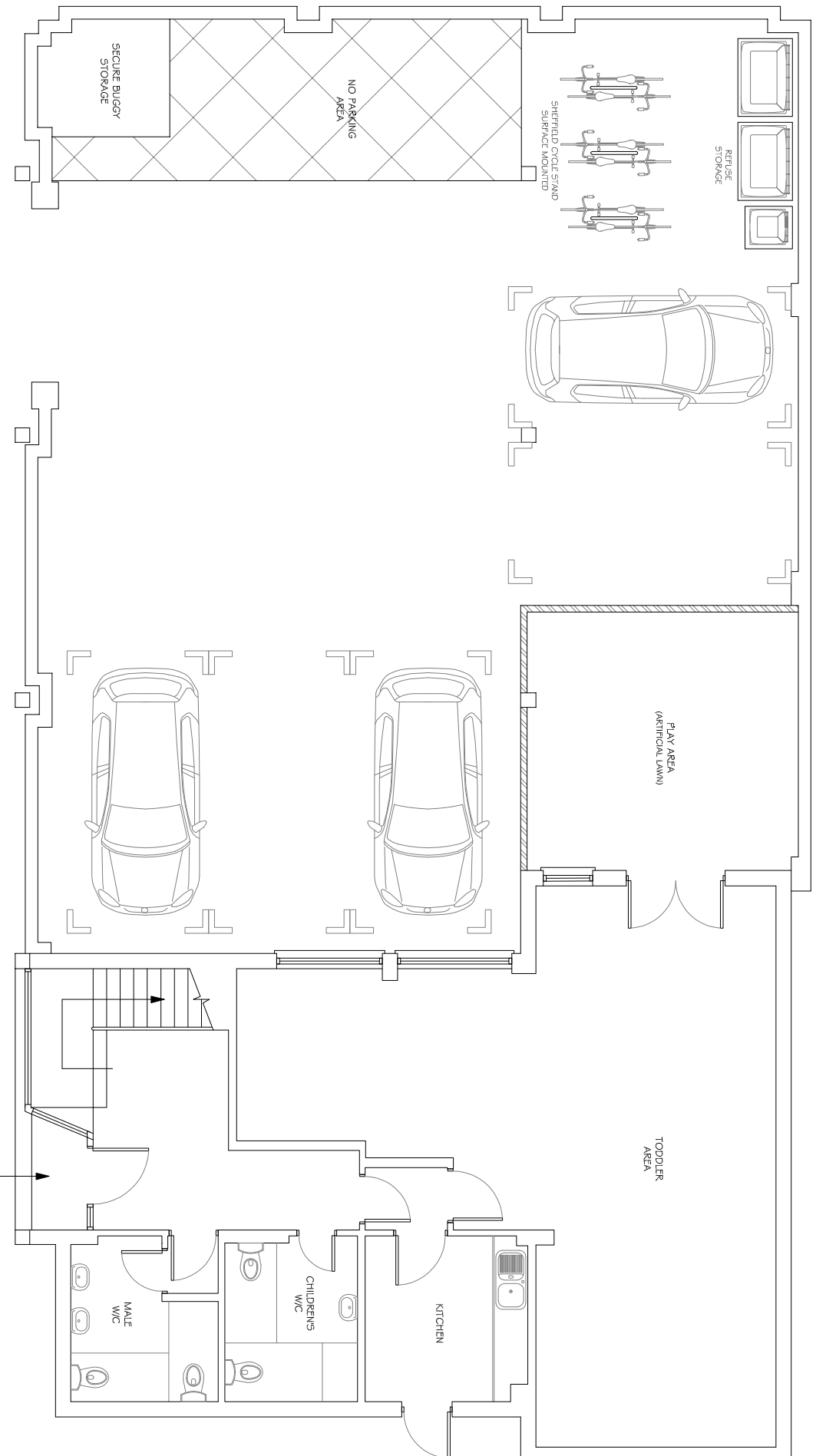
1:100 @ A3

DRAWING NUMBER:

04



THE PLANNING GUYS  
7c WEST STREET  
EWELL  
SURREY  
KT17 1UZ  
t: 0208 393 2675  
m: mail@theplanningguys.co.uk  
w: www.theplanningguys.co.uk



REVISION NOTES:

REV:	DATE:	NOTES:

DRAWING TITLE:

PROPOSED FLOOR PLANS INC BLOCK PLAN

CLIENT:

BEN THEOBOLD  
PROJECT NO: 841

PROJECT ADDRESS:

KIRK HOUSE  
15 BIRKSHHEAD ROAD  
REIGATE  
RH2 0AW

DATE:

MARCH 2017

SCALE:

1:100 1:500 @ A3  
DRAWING NUMBER: 03



THE PLANNING GUYS  
76 WEST STREET  
EWELL  
SURREY  
KT17 1UZ  
t: 0208 393 2675  
m: mail@theplanningguys.co.uk  
w: www.theplanningguys.co.uk