Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate		TO:		PLANNING COMMITTEE	
		DATE:		27 July 2022	
		REPORT OF:		HEAD OF PLANNING	
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AGENDA ITEM: 9 WARD:		WARD:	Banstead Village		

APPLICATION NUMBER:		22/00939/F	VALID:	27/04/2022
APPLICANT:	MD Private Ltd.		AGENT:	
LOCATION:	103B HIGH STREET, BANSTEAD			
DESCRIPTION:	Extension of first floor at rear to form 2 self-contained units of accommodation.			
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.				

SUMMARY

This application has been deferred from the planning committee meeting of 06 July 2022 as there was insufficient time for it to be heard at that meeting.

There is no change to the proposal or previous committee report. The previous Officer's report is set out below and the recommendation remains that planning permission should be granted with conditions

RECOMMENDATION(S)

Planning permission is GRANTED subject to conditions.

A. W . A		TO: DATE:		PLANNING COMMITTEE	
				06 July 2022	
Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate		REPORT OF:		HEAD OF PLANNING	
		AUTHOR:		Matthew Holdsworth	
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AGENDA ITEM:		1	WARD:	Banstead Village	

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This application is referred to Committee in accordance with the Constitution as the application site is for net 2 dwellings

SUMMARY

The application is for the extension of the existing office building at the first floor level to the rear of 103 High Street, Banstead to create two 1 bedroom flats. This follows on from the approved and extant permission 20/02468/F which granted permission for a 2 bedroom duplex apartment. The proposal is slightly larger than that approved, most notably 1500mm wider and 1100mm deeper. There is no objection to the loss of the office space.

It is not considered that the slight increase in size would cause significant or harmful impact to the amenity of neighbouring properties and the amenity space and size of the properties are considered compliant with policy.

No parking is proposed; however the site is within a highly sustainable area, on the high street and within the town centre of Banstead with many local facilities and a good bus service. In addition, the applicant has provided details of a parking stress survey that confirms that there would there is adequate off road capacity existing within local streets. In addition, the proposal would also provide secure bicycle spaces.

RECOMMENDATION(S)

Planning permission is GRANTED subject to conditions.

Consultations:

<u>Highway Authority</u>: No objections subject to conditions relating to space for secure bicycle storage and a construction transport management plan.

Representations:

Letters were sent to neighbouring properties on 29 April 2022. Eight letters of representation from local residents have been received raising the following concerns:

Issue	Number	Response		
Overlooking and loss of privacy	7	See paragraphs 6.10 – 6.13		
Overshadowing	5	See paragraphs 6.10 - 6.13		
Out of character	5	See paragraphs 6.4 – 6.6		
Poor design	4	See paragraphs 6.4 – 6.6		
Overdevelopment	5	See paragraphs 6.4 – 6.6		
Inadequate parking	5	See paragraphs 6.16 – 6.18		
Noise and disturbance	3	See paragraphs 6.10 – 6.13		
Loss of private view	2	Not a material planning consideration		

1.0 Site and Character Appraisal

- 1.1 The property is located on the northern side of Banstead High Street. It is situated within a terraced parade of shops. The building is three stories in height with class E retail at ground floor and two levels of residential above. There is existing access to a parking area at the rear of the parade and an alleyway running along the side of the application itself providing existing access to the first floor office and the residential units.
- 1.2 There are no significant trees likely to be affected by the proposed development. The site is relatively flat in level.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: None
- 2.2 Further improvements could be secured: Materials as specified, landscaping, broadband condition, obscure glazing to south facing windows, water and energy efficiency condition, secure bicycle storage, construction transport management plan, bins, privacy screen

3.0 Relevant Planning and Enforcement History

3.1 07/00906/F - Conversion of rear office into 1 bedroom flat - refused.

- 3.2 19/02032/F Extension of first floor office at rear and addition of a flat above refused and dismissed on appeal.
- 3.3 20/02468/F Extension to first floor office at rear to form a self contained unit of residential accommodation approved with conditions.

4.0 Proposal and Design Approach

- 4.1 The application follows on from the approved and extant permission (20/02468/F) which granted permission to extend the existing first floor office to the rear to form a self contained unit of residential accommodation.
- 4.2 The proposal seeks to create two 1 bedroom flats on a similar footprint to the approved scheme. However, the proposal would be 1500mm wider with part of the extension cantilevered over the existing alleyway and it would extend an additional 1m towards the rear of 103 High Street when compared to the previous approval.
- 4.3 The access to the flats would be as per the previous approval, via steps that lead to the flat area at first floor with small amenity areas proposed to the front of the flats.
- 4.4 No parking is proposed but there would be secure cycle storage provided.
- 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 proposal seeks to provide extra housing in an existing urban area with no impact on surrounding green areas or fabric. The character and density of the design and its location to local services and transport links has been carefully considered.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.

Design	The proposal has been designed to respect the character of the surrounding buildings and areas by adopting a
	similar design to many of the buildings on the high street.

4.6 Further details of the development are as follows:

Site area	202sqm
Proposed parking spaces	0
Parking standard	2
Net increase in dwellings	2

5.0 Policy Context

5.1 <u>Designation</u>

Urban Area

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)

CS4 (Valued Townscapes and Historic Environment)

CS10 (Sustainable Development),

CS11 (Sustainable Construction),

CS15 (Affordable Housing)

5.2 Reigate & Banstead Development Management Plan 2019

Economic Development EMP4

Design, Character, and amenity DES1, DES5, DES8

Transport, Access, and parking
Climate Change resilience
Infrastructure to support growth

CCF1
INF3

5.3 Other Material Considerations

National Planning Policy Framework

Supplementary Planning Guidance Surrey Design

Local Distinctiveness Design Guide

Householder Extensions and

Alterations

Other Human Rights Act 1998

6.0 Assessment

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms.

- 6.2 The main issues to consider are:
 - Principle of change of use
 - Impact on local character
 - Neighbour amenity
 - Highway and parking matters
 - CIL
 - Affordable housing
 - Sustainability and Climate Change
 - Other matters

Principle of change of use

- 6.3 It is noted that there would be a loss of office space (Class E) measuring 29sqm from the proposed development. Development Management Plan (DMP) Policy EMP4 refers to employment use outside of employment areas and states:
 - 1. The loss of employment land and premises will only be permitted if:
 - a. it can be clearly demonstrated that there is no reasonable prospect of (or demand for) the retention or redevelopment of the site for employment use.
- 6.4 Annexe 3 of the DMP sets out a number of requirements that the proposed marketing of the site must undergo and it must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.
- 6.5 The applicants have provided marketing details which show that the unit has been on the market since 13 January 2020 which is now over a year and is still currently a live listing. The listing is on Rightmove Commercial and the agents own website. No marketing board has been used but given the location of the property to the rear of an alleyway the site is not visible from the high street pavement and so the lack of a board in this instance is considered reasonable. The Council's Asset Manager has considered the submitted information. He has stated that based on the evidence provided, the marketing is considered sufficient that there is no likely prospect of the building being used as office space and consequently the proposal complies with policy EMP4 and a change of use from office space to residential is acceptable in principle.

Impact on local character

- 6.4 The application follows on from the previous approved application for the extension of the first floor office to create a duplex apartment (20/02468/F). This application carries significant and substantial weight when assessing this application as the principle, appearance, scale, bulk and massing are very similar to that previously approved.
- 6.5 The proposal would create two additional dwellings to the rear of 103 High Street. The proposal would be 1500mm wider with part of the extension cantilevered over the existing alleyway and it would extend an additional 1m towards the rear of 103 High Street when compared to the previous approval.

- 6.6 The design of the extension is relatively utilitarian and would have a flat roof as per the previous approval. However, this would be in keeping with the rear elevations of this part of the high street which has numerous flat roofed extensions of varying heights and styles; the majority of which are flat roofed. The proposal shows that the external materials would generally match the existing rear extensions to the property and would be broadly in keeping with the rear of the shops in this part of the High Street.
- 6.7 The proposed dwellings are proposed to have a small amenity area in the flat roofed section between the proposed new extension and the existing flat above the shop; whilst small, this is considered acceptable and is similar to other arrangements to the rear of the properties in the high street. A condition will be added to the permission requiring details of the enclosure of the amenity area.
- 6.8 The two flats are 37sqm in size and these would comply with nationally prescribed space standards and complies with policy DES5.
- 6.9 It is considered therefore when assessing alongside the approved planning application that the quantum of development and the design of the building is appropriate on this site and the proposal complies with policy DES1 in this regard.

Neighbour amenity

- 6.10 The proposal would increase the massing and bulk of the existing office significantly with an extra residential storey and the increase in floor space. It would bring the current building 2.1m closer to the flat above 103 High Street, which is an increase of just over 1m from the previous approved and extant application. Concern has been raised from this flat (103A) in terms of overlooking and loss of privacy as well as dominance and loss of light. It is noted that the proposed windows that serve habitable rooms of the proposed dwellings face away from directly overlooking this property. The windows that do face no. 103A are shown on the plans to be obscure glazed and high level, and a condition will be added to the permission to ensure that the windows remain obscure glazed.
- 6.11 It is noted that the windows that serve habitable rooms of the flat at 103A are in the second floor and these would not suffer from a significant loss of light as shown on the plans which show the 25 degree line drawn from those windows clearing in the vertical axis. However, whilst the outlook from these windows and the first floor windows would change, it is not considered that this would cause such harm as to warrant refusal on this ground. It is considered, on balance, that this proposal would not cause significant harm to the amenity of the flat at 103A.
- 6.12 Turning to other local residential properties, it is noted that 105 High Street has a large first floor external amenity area above the flat roofed section of the building. This property would not be overlooked by the new proposal and it is

not considered that this would cause significant or material harm to that property. A condition has been added requiring details of the enclosure of the amenity area to that property in order to prevent overlooking or a material loss of amenity to no.105.

- 6.13 Concern has been raised from overlooking from residents in properties to the rear in Garden Close. These properties are approximately 39m from the rear of those properties. Whilst it is noted that there could be some minor overlooking of the rear gardens of those properties (the boundaries of which are around 22m from the rear windows), this is not considered to cause significant or material harm to those properties. In addition, the rear facing windows are of the same design and scale to that previously approved.
- 6.14 Consequently, it is considered that the proposal would not cause significant or material harm to the amenity of neighbouring properties and therefore, the proposal complies in this regard with policy DES1.

Highway and Parking Matters

- 6.15 The County Highways Authority has assessed the proposed development on safety, capacity and policy grounds and have recommended that conditions should be imposed on the permission relating to space being laid out for secure bicycle storage, and a construction transport management plan.
- 6.16 DMP policy TAP1 states that new residential development should: "Include car parking and cycle storage for residential and non-residential development in accordance with adopted local standards (see Annex 4) unless satisfactory evidence is provided to demonstrate that non-compliance would not result in unacceptable harm. Such evidence could include on-street parking surveys, evidence of parking demand, and/ or further information on accessibility. Development should not result in unacceptable levels of on-street parking demand in existing or new streets."
- 6.17 The applicant has provided a parking stress survey as part of the planning application and this has been carried out using the Lambeth Methodology. The parking stress survey demonstrates relatively low levels of overnight parking stress (less than 60% within the study area) and this demonstrates that adequate capacity existing within neighbouring streets to accommodate overnight parking demands without unduly prejudicing the existing levels of parking stress.
- 6.18 The lack of on-site parking is supported by the County Highways Authority as there is no requirement or necessity for future occupiers to own a private motor vehicle. In addition, the site is located in central Banstead with relatively good public transport opportunities and local services within walking and cycling distance the site is considered sustainable in transport terms.

CIL

6.19 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, roads, public transport and community facilities which are needed to support new development. This development would be CIL liable although the exact amount would be determined and collected after the grant of planning permission.

Affordable Housing

- 6.20 Development Management Plan DES6 states that on developments providing 11 or more homes, 30% of the homes on site should provide affordable housing. This supersedes the Core Strategy policy CS15 in its entirety.
- 6.21 In view of this, the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or less.

Sustainability and Climate Change

6.22 Policy CCF1 of the Councils Development Management Plan 2019 seeks to ensure that all new development contributes to reducing carbon emissions. New development will be encouraged to incorporate passive and active energy efficiency measure and climate change resilience measures and renewable energy technologies. In order that the proposed development contributes to achieving these aims, in the event that planning permission is granted, conditions requiring demonstration that it will meet the national water efficiency standard of 110litres/person/day and achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations would be attached.

Other Matters

6.23 Electronic communication networks: Policy INF3 criteria 1 states that "The Council will require all new development to be connected with high speed and reliable broadband". A condition has been added to the permission to this effect.

CONDITIONS

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

<u>Reason</u>: 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.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country

Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Plan Type	Reference	Version	Date Received
Roof Plan	BHS/P/04		27.04.2022
Location Plan	BHS/LP/01		22.04.2022
Block Plan	BHS/BP/01		22.04.2022
Floor Plan	BHS/P/01		22.04.2022
Elevation Plan	BHS/E/03		22.04.2022
Floor Plan	BHS/P/02	С	22.04.2022
Elevation Plan	BHS/E/01	С	22.04.2022
Elevation Plan	BHS/E/02	D	22.04.2022
Elevation Plan	BHS/E/02	В	22.04.2022
Section Plan	BHS/E/05	С	22.04.2022

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

<u>Reason</u>: 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 development shall be carried out using the external facing materials specified in the application and no others without the prior written consent of the Local Planning Authority.

<u>Reason</u>: 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 Development Management Plan policy DES1.

4. The windows in the south-eastern elevations of the development hereby permitted shall be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be maintained as such at all times.

<u>Reason:</u> To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to Reigate and Banstead Development Management Plan 2019 policy DES1.

5. 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 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. <u>Reason</u>: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 and to meet the objectives of the NPPF (2019), and to satisfy policies DES8 and TAP1 of the Reigate and Banstead Development Management Plan (2019).

- 6. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) measures to prevent the deposit of materials on the highway
 - (g) before and after construction condition surveys of the highway and commitment to fund the repair of any damage caused
 - (h) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

<u>Reason:</u> 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 2019, Reigate and Banstead Core Strategy 2014 Policy CS17 and Reigate and Banstead Development Management Plan 2019 policies TAP1 and DES8.

7. 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 the storage of bins and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

<u>Reason</u>: In order that the residential development hereby permitted has suitable storage for bins and to comply with policy DES1 of the Development Management Plan 2019.

- 8. All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet,
 - b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

Reason: To ensure that the development promotes access to, and the expansion of, a high quality electronic communications network in accordance with Policy INF3 of the Reigate & Banstead Development Management Plan 2019.

- 9. The development hereby approved shall not be first occupied unless and until an Energy and Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will:
 - a) Ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day,
 - b) Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

<u>Reason</u>: To ensure that the development supports the efficient use of resources and minimises carbon emissions with regard to Policy CS10 of the Reigate & Banstead Core Strategy 2014 and Policy CCF1 of the Reigate & Banstead Development Management Plan 2019.

INFORMATIVES

- 1. 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.

- 2. 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.
- 3. The applicant is advised that the Borough Council is the street naming and numbering authority and you will need to apply for addresses. This can be done by contacting the Address and Gazetteer Officer prior to construction commencing. You will need to complete the relevant application form and upload supporting documents such as site and floor layout plans in order that official street naming and numbering can be allocated as appropriate. If no application is received the Council has the authority to allocate an address. This also applies to replacement dwellings. If you are building a scheme of more than 5 units please also supply a CAD file (back saved to 2010) of the development based on OS Grid References. Full details of how to apply for addresses be found http://www.reigatecan banstead.gov.uk/info/20277/street_naming_and_numbering
- 4. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, to contact the Council's Neighbourhood Services team to confirm the number and specification of recycling and refuse bins that are required to be supplied by the developer. All developer enquires on recycling and refuse bin ordering, collections and discussing waste matters is via our department email address RC@reigate-banstead.gov.uk . Please also note our website area for developers https://www.reigate-banstead.gov.uk/info/20062/recycling_and_refuse/392/fees_for_recycling_and_refuse_services/3.
- 5. 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).
- 6. 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.
- 7. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
- 8. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.

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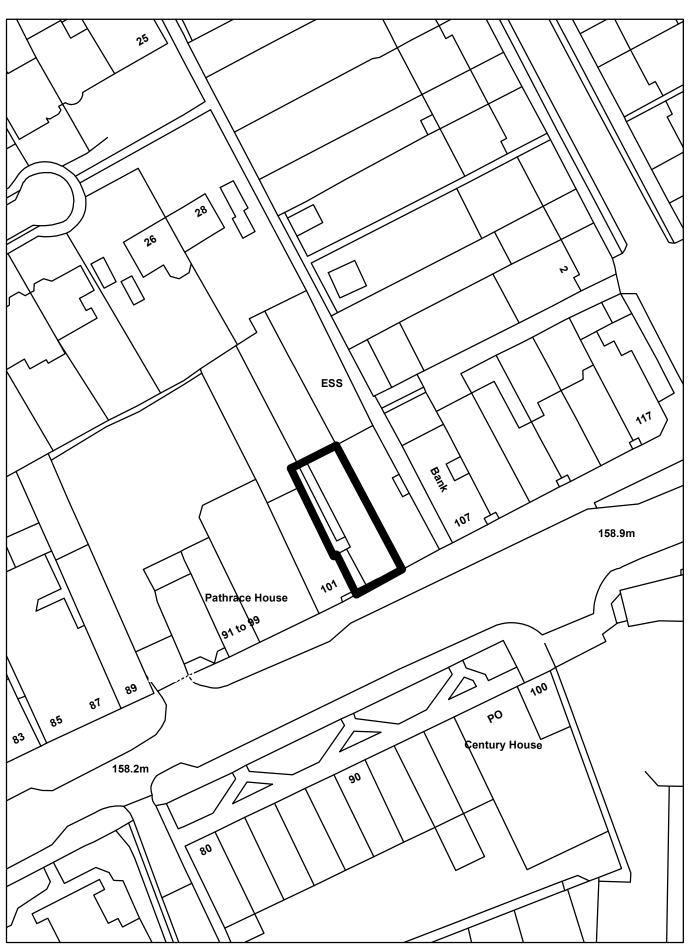
Further information can be found on the Council website at : Climate Change Information.

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies DES1, DES5, DES8, TAP1, EMP4, CCF1, INF3, 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.

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.

22/00939/F 103B High Street Banstead SM7 2NL



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Scale 1:625

