 <b>Reigate &amp; Banstead</b> BOROUGH COUNCIL Banstead   Horley   Redhill   Reigate	<b>TO:</b>		PLANNING COMMITTEE
	<b>DATE:</b>		8th February 2023
	<b>REPORT OF:</b>		HEAD OF PLANNING
	<b>AUTHOR:</b>		Hollie Marshall
	<b>TELEPHONE:</b>		01737 276010
	<b>EMAIL:</b>		Hollie.marshall@reigate-banstead.gov.uk
<b>AGENDA ITEM:</b>	5	<b>WARD:</b>	Reigate

<b>APPLICATION NUMBER:</b>		22/00885/F	<b>VALID:</b>	17 <sup>th</sup> May 2022
<b>APPLICANT:</b>	London Green Ltd & Pilgrim Brewery		<b>AGENT:</b>	JMS Planning & Development Ltd
<b>LOCATION:</b>	<b>5-13 WEST STREET REIGATE SURREY RH2 9BL</b>			
<b>DESCRIPTION:</b>	Demolition of single-storey structure. Expansion of brewery facility amounting to an additional 186 sq m. Creation of one office unit (Class E) at ground floor level; three additional residential units; extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP30 (room refs: 11a_1, 11a_3, 11a_8 and 13a_3). New bin store, cycle store, parking and associated works. (All other flats are per the prior approval consent ref: 21/01323/PAP30.) As amended on 09/11/2022.			
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.				

**This application is referred by Cllr Absalom**

## SUMMARY

The site comprises the upper floors of 5 - 13 West Street in Reigate and an existing brewery sited at the rear of 11 West Street. The are comprised of a set of early 20<sup>th</sup> century arts and crafts buildings in the Reigate Conservation Area. In terms of the brewery, the demolition of a single-storey structure is proposed and expansion of the brewery facility including extensions to both sides and the front of the building are proposed. The extensions would create an enlarged taproom, private function space, a cold store, storage area and w/c's at ground floor level and at first floor a community space, offices, stores, a kitchen and w/c's are proposed. In regard to the residential extension to the existing flats, a prior approval application has been approved to change the use of the first, second and third floor from office use into 14 residential flats. The proposal is for a rear extension to the building to create one office unit (Class E) at ground floor level, three additional residential units, and extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP30.

Following amendments to the design of the brewery building, the Conservation Officer has confirmed the extensions are considered appropriate subject to conditions. This element of the proposal is also considered to be acceptable in terms of impact upon neighbour amenity, subject to recommended conditions to protect the amenities of adjoining occupiers and the surrounding area.

Turning to the flats, the proposal would see a rear extension, with a large flat roof extension and increasing the box form of the box dormer above by increasing its projection and raising its height. The proposed rear extensions to the flats would cause harm to the Conservation Area as a designated heritage asset, as they would not respect the arts and craft form of the original buildings, which contributes to the special architectural and historic interest of the area. Having special regard to enhancing as well as preserving the Conservation Area, it is considered that the proposal would have a negative effect on the special architectural and historic interest of the Conservation Area. The proposals would not, therefore, preserve or enhance the character or appearance of this part of the Conservation area, or the Conservation Area overall, contrary to Local and National Policy.

In this case there are public benefits to the scheme weighing in favour of the development, by way of 3 new dwellings adding to housing supply, and the improvements to the brewery site and the associated social and economic benefits this would provide. However, the associated brewery benefits are not directly linked to the residential development and accounting for all the benefits of the proposal they are not considered to outweigh the significant harm to heritage assets identified which national policy directs should be given great weight, and the proposals conflict with the policies of the statutory development plan. This is a matter that attracts significant weight against the scheme, and therefore the benefits of the scheme do not outweigh the harm from the development, do not form sufficient material considerations and as required by the Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

## **RECOMMENDATION(S)**

Planning permission is **REFUSED**

### **Reason for refusal**

The proposed development, by virtue of the design of the rear extensions to 5 – 13 West Street, would fail to respect the arts and craft form of the original buildings, which contribute to the special architectural and historic interest of the area and would harm the Conservation Area. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

## **Consultations:**

Highway Authority: The County Highway Authority has assessed the application on safety, capacity and policy grounds and has raised no objection subject to condition.

Environmental Health (Contaminated Land): There is some potential for contamination to be present, as such a condition to deal with contaminated land and an informative to provide additional guidance is recommended.

Sutton and East Surrey Water Company – no comments received

Reigate Business Guild – no comments received

Surrey Archaeological Society – no comments received

Principal Archaeologist SCC – no below ground archaeological concerns

The Reigate Society – Agree with Conservation Officer views on the residential aspect of the rear of the building. Considers the amendments to the brewery building in terms of trying to match the existing more traditional have not been successful.

Environment Agency – No objection. Land contamination, foundation design and contamination and drainage design and contamination guidance recommended

Reigate Park Lane Residents Association - The Association is wholly supportive of the retention of the Pilgrim Brewery Business in Reigate and the modernisation of the Brewery building and courtyard itself. The residential units are a welcome addition to the Town centre as well. Our only reservation is that local residences have been impacted by noise levels from outside events at the Brewery in the past and this should be addressed by controls surrounding any new plans.

## **Representations:**

Letters were sent to neighbouring properties on 13<sup>th</sup> June 2022, a site notice was posted 24<sup>th</sup> June 2022 and advertised in local press on 15<sup>th</sup> June 2022. Neighbours were re-notified on the revised plans for a 14 day period commencing 10<sup>th</sup> November 2022.

56 responses have been received raising the following issues:

<b>Issue</b>	<b>Response</b>
Noise and disturbance	See paragraph 6.13 – 6.22
Support – Economic growth/jobs	See paragraph 6.42
Support – Community/regeneration benefits	See paragraph 6.42
Support – visual amenity benefits	See paragraph 6.3 – 6.8

Support – benefit to housing need                      See paragraph 6.42

## **1.0 Site and Character Appraisal**

- 1.1 The site comprises the upper floors of 5 - 13 West Street and an existing brewery sited at the rear of 11 West Street in Reigate. The site comprises a set of early 20<sup>th</sup> century Arts and Crafts buildings in the Reigate Conservation Area. The main building is the former Charlwoods bakery and rear Coach House (now brewery) at 11 West Street which was designed by the Reigate architect Edward Penfold in c.1905. 13 West Street is of c.1904 and perhaps by the same architect and 5 to 9 are in similar style but of 1927. The buildings face the Priory Cricket ground and visually the Coach House and rear buildings share the same low visual eaves line by the Coach House being set forward. The Coach House is in the Arts and Crafts style and the Coach House was carefully designed to be in keeping with the Georgian brick boundary wall when viewed from the cricket ground.
- 1.2 The front of the application building is in a prominent location, facing onto the A25 and close to the traffic-light controlled pedestrian crossings. The brewery site is set back from the road and largely screened from the street scene in West Street.
- 1.3 The surrounding area is characterised by attractive, historical buildings, including a statutory listed building on the opposite side of the A25. The surrounding uses are both commercial and residential in nature. To the rear of the site lies Prior Cricket Ground and a line of protected lime trees. The site is relatively flat.

## **2.0 Added Value**

- 2.1 Improvements secured at the pre-application stage: The applicant entered into pre-application discussions with the Council (PAM/22/00053). Concern was expressed over the bulk and height of the flats extension that would be at odds with the scale of development in the locality and create an addition that would be out of keeping with the character of the area. The box style dormer would fail to comply with the Council's SPG. Overall, the proposed scale and design of the extension to the flats was not considered acceptable.

Concern was raised over the metal cladding and concrete tiles that would not be acceptable from a Conservation viewpoint. The box dormer design to the rear would not comply with the Council's SPG design guidance and parapet walls should be avoided.

The proposed layout is strongly encouraged to incorporate areas of landscaping or retention of the existing.

- 2.2 Improvements secured during the course of the application: During the course of the application amendments were sought to address concerns raised by the Conservation Officer in terms of the design the brewery and flats. Amended plans for the brewery were submitted.

- 2.3 Improvements have not been sought because the proposal is considered unacceptable on a point of principle

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

#### **Brewery**

There is a long planning history to the brewery site, the most recent application is included below:

- |     |            |   |   |
|-----|------------|---|---|
| 3.1 | 18/01421/F | Proposed change of use from a brewery to a mixed use of a brewery and drinking establishment, and the retention of a timber canopy/pergola over part of the brewery yard. | Approved with conditions<br>27 <sup>th</sup> May 2021 |
|-----|------------|---|---|

#### **5 - 13 West Street**

There are various applications to the individual buildings, the most recent planning history includes

- |     |                |  |   |
|-----|----------------|--|---|
| 3.2 | 21/01323/PAP3O | Building 13a - Internal Layout changes and the creating of 3 new flats. Building 11a - Internal Layout changes and the creating of 5 new flats. Building 9a - Internal Layout changes and the creating of 2 new flats. Building 7a - Internal Layout changes and the creating of 2 new flats. Building 5a - Internal Layout changes and the creating of 2 new flats. | Prior approval not required<br>30 <sup>th</sup> June 2021 |
| 3.3 | 18/00829/PAP3O | Change of use from B1(a) offices to residential  | Prior approval not required<br>1 <sup>st</sup> June 2018  |

### **4.0 Proposal and Design Approach**

- 4.1 This is a full application for extensions to the brewery building and flats.
- 4.2 In terms of the brewery, demolition of a single-storey structure is proposed and expansion of the brewery facility including extensions to both sides and the front of the building. The extensions would create an enlarged taproom, private function space, a cold store, storage area and w/c's at ground floor level and at first floor a community space, offices, stores, a kitchen and w/c's are proposed.

- 4.3 In regard to the residential extension to the existing flats, a prior approval application has been approved to change the use of the first, second and third floor from office use into 14 residential flats. This application is extant and could be implemented. The proposal is for a rear extension to the building to create one office unit (Class E) at ground floor level, three additional residential units and extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP3O (room refs: 11a\_1, 11a\_3, 11a\_8 and 13a\_3).
- 4.4 Within the site there is also a new bin store, cycle store, car parking and associated works proposed.
- 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 character of the surrounding area is assessed as including numerous independent shops, restaurants, pubs and many local community gatherings through the year. Local transport links are plentiful and within close proximity to the High Street. The site, located immediately to the west of the high street includes several popular independent retailers and a well known local Brewery/Taproom.
	Site features meriting retention are listed as: Brewery - the roof, various internal walls, and some of the previous material palette Flats - West Street Elevation remains unaltered, original brickwork retained and extended,
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The applicant's reasons for choosing the proposal from the available options were the need of a more efficient space to create the brewery products, more appropriate areas for community gatherings and better provisions for staff. The proposed layout drastically improves the efficiency of the brewhouse and staff areas, providing

	<p>essential additional space in-line with current growth. As well as this, the increase to the taproom and the introduction of individual event and shop areas provides the necessary additional space for community growth the brewery so direly needs.</p> <p>With regard to the flats the Applicant notes proposal would provide 'more space and a significantly improved layout potential, leading to increased living standards.' Also the proposal seeks 'to improve on the existing office space and previous residential conversion application &amp; layouts' 'The proposals have been designed to complement the site and its surroundings, and make efficient use of previously developed land'</p>
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4.5 Further details of the development are as follows:

Site area	0.17 hectares
Proposed parking spaces	13 (8 allocated for the residential use)
Parking standard	14 (minimum for residential use)
Net increase in dwellings	3
Proposed site density	154 dwellings per hectare
Density of the surrounding area	160 dwellings per hectare [Priory Court]

**5.0 Policy Context**

5.1 Designation

Urban area  
Reigate Town Centre  
Reigate Town Centre Conservation Area  
Area of High Archaeological Importance  
Adjacent to Grade II Curtilage listed Wall to the rear of 21 to 31 West Street

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),  
CS11 (Sustainable Construction),  
CS14 (Housing Needs)

### 5.3 Reigate & Banstead Development Management Plan 2019

Design, Character and Amenity (including housing)	DES1, DES4, DES5, DES6, DES8, DES9
Landscape & Nature Conservation	NHE2, NHE3
Heritage	NHE9
Employment	EMP3
Retail	RET1
Transport, Access and Parking	TAP1
Climate Change Resilience and Flooding	CCF1

### 5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide Vehicle and Cycle Parking Guidance 2018 Affordable Housing
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

## 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 residential development is acceptable in land use terms.

6.2 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Highway matters
- Impact on trees



- Amenity for future occupants
- Ecology
- Drainage and flooding
- Sustainable construction
- Affordable Housing
- Community Infrastructure Levy
- Infrastructure contributions
- Planning balance

#### Design appraisal

6.3 The site lies within the Reigate Town Centre Conservation Area. Policy DES1 of the DMP states all new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings and lists a number of criteria proposals should comply with to ensure this. Policy NHE9 of the DMP states development will be required to protect, preserve, and wherever possible enhance, the Borough's designated and non-designated heritage assets and historic environment.

6.4 The NPPF states:

#### *Conserving and enhancing the historic environment*

*189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*

6.5 Starting with the proposed brewery extensions, the design of which has been amended during the course of the application to address concerns raised by the Conservation Officer and resultant impact on the Conservation Area. The brewery building dates from c.1903. There have been negative elements added in the past however the main building is built in an Arts and Crafts style. The building was designed in the context of the cricket ground and finished in high quality, hand made red and multistock brick. The proposed extensions would see additions to both sides of the building and the front. Alterations to the windows are proposed to the rear elevation. Single storey extensions are proposed to the front of the building and a two storey extension proposed to the eastern side. A smaller single storey addition is proposed to the western side. Externally keg storage is proposed to the eastern side as well as the brewery bin store area. To the western side, an external seating area and breakout space is proposed as well as cycle parking. In the central part of the site, between the brewery and the flats, a total of 13 parking spaces are proposed, along with bin store areas and further cycle parking for the residential use.

6.6 Following amendments to the design of the brewery building, the Conservation Officer has confirmed the extensions to this portion of the proposals are considered appropriate subject to conditions.

6.7 Turning to the flats, the proposal would see a rear extension with a large flat roof extension and increasing the box form of the box dormer above by increasing its projection and raising its height. The Conservation Officer provided the following comments:

*'In regard to the extension to the residential element this would be harmful by raising the eaves line with a large flat roof rendered extension and increasing the box form of the box dormer above by increasing its projection and raising its height down to floor level. We consider that the residential extensions should respect the arts and crafts form of the original buildings which would have been possible with the use of pitched roofs but a box like form approach has been pursued instead. The side of the box dormer is extended to the side to combined with the parapet which will create a flat side elevation. The adjacent turret is raised and has an insipidly low roof pitch compared with the steep roof pitches of the building and as can be seen in the photograph there is an error in the ridge line as ridge of 13 is much lower and therefore this proposal cannot be built as proposed. I consider the raised eaves including rendered flat roof main built elements, combined with errors in the ridge line, are unacceptable. I would therefore recommend this application for refusal from a conservation viewpoint.'*

6.8 The proposed rear extensions to the flats would cause harm to the Conservation Area as a designated heritage asset, as they would not respect the Arts and Craft form of the original buildings, which contribute to the special architectural and historic interest of the area. Having special regard to enhancing as well as preserving the Conservation Area, it is considered that the proposal would have a negative and harmful effect on the special architectural and historic interest of the Conservation Area. This impact would be localised and as a result would cause less than substantial harm. The proposals would not, therefore, preserve or enhance the character or appearance of this part of the Conservation area, or the Conservation Area overall. Consequently, the proposals would conflict with Policies DES1 and NHE9 of the Reigate & Banstead Development Management Plan 2019 (the DMP). These policies include that high quality design should make a positive contribution to the character and appearance of its surroundings, including conservation areas. Development should reinforce local distinctiveness and the visual appearance of the streetscene, be sympathetic in layout, height, scale, massing and form, have regard to important views and protect designated heritage assets.

#### Neighbour amenity

6.9 The proposed development has been considered with regards to its impact on the amenity of neighbouring properties.

- 6.10 In regard to the flats, given the position of the proposed extensions and relationship to neighbouring buildings, the proposal is sufficiently separated so as to avoid issues in terms of overbearing, domination, or loss of light.
- 6.11 The brewery would see extensions to the eastern side, whereby properties that front Park Lane back onto the site, the nearest being No. 6 and No. 8. These properties have rear gardens with a depth of approximately 25m. The proposed extension would bring the property closer to the shared boundary although would retain a separation distance of between 2.5 – 3.m. The eaves height of the eastern side elevation would be between 4m (at the closest point) – 4.8m and the roof would be hipped away, decreasing in height the closer to the boundary.
- 6.12 In view of the level of separation, gap to eastern side boundary and lower eaves height and hipped roof design, the proposal is not considered to result in a harmful impact in terms of overbearing, domination or loss of light to these dwellings.
- 6.13 Objection has been received on the grounds of noise and disturbance from the intensified use of the brewery. The site lies within a mixed use area within Reigate Town Centre. The site is set back from the West Street frontage where the neighbouring buildings line the road. To the front of the site and the neighbouring buildings either side (odd numbers between 5 - 17 West Street) are commercial properties (although granted consent to change to residential and forms part of this application to create residential uses). To the north-west of the application site lies a terrace of three residential dwellings, 21 Priory Cottage, 21a and 21b West Street, the nearest to the application site being 21 Priory Cottage. These dwellings front West Street to the north and have south facing rear gardens. Priory Cottage lies approximately 38m north-west of the canopy building, measured to the closest point of the rear boundary of this dwelling, increasing to 42m to the rear elevation, and approximately 26m measured from the closest point of the boundary of No. 21 and the closest point of the application site. 21, 21a and 21b all have relatively small rear gardens of approximately 3m depth and car parking immediately to the rear of the site.
- 6.14 Immediately to the west of the site is a car park and beyond this is a flatted development, Priory Court. This is a 2 and a half storey building in residential use, comprising of 8 flats. The east elevation of the building faces toward the application site and at ground floor level comprises parking, and at first and second floor includes a small window at each level. The roof is hipped in design and the second floor partially occupies the roof. Plans (ref: 93/200) show 2 x 1 bedroom units on this eastern side of the building; the east facing windows are secondary windows that serves a lounge/dining room and this room has a primary window facing south. The kitchen windows face north and the bedroom window also faces south, to the west of the lounge/dining room.
- 6.15 To the south of the site lies Reigate Priory Football Club and Reigate Priory Cricket Club.

- 6.16 To the east and south east lies 6 - 12 (even numbers) Park Lane. These dwellings front Park Lane to the east and have west facing rear gardens. The rear boundary of 6, and part of the rear boundary 8 Park Lane adjoin the application site. The building at the brewery lies between these properties and the outdoor seating area. These dwellings have rear gardens of approximately 25m in depth and the outdoor seating area of the application site is sited approximately 21m from these rear boundaries, on the western side of the brewery building.
- 6.17 No. 10 Park Lane lies to the south-east of the application site, with a separation distance of approximately 21m between the rear boundary of No. 10 and the outdoor seating area of the application site, and approximately 38m to the rear elevation of this dwelling. No. 12 Park Lane has a separation distance of 37m from the rear boundary to the seating area, increasing to 55m to the rear elevation.
- 6.18 To the north-east of the site are 1 and 3 West Street, these properties are commercial at ground floor with residential use above. There is a separation distance of approximately 26m to No. 3, the nearer of the two properties.
- 6.19 During the course of the application the Council consulted their Noise Consultants who consider the proposed redevelopment affords an improved ability to control noise from the Pilgrim Brewery. Clearly, the introduction of new residential occupiers will mean that the events and functions will need to be carefully controlled if complaints are to be avoided. However, this issue will also be addressed through the licensing process. They have recommended that hours of operation, playing of amplified music and an operational management plan are subject to condition. This will give additional support to the licencing controls.
- 6.20 Noise Consultant comments:

*The application details the development of residential accommodation above the retail units at 5-13 West Street and the redevelopment of the existing Pilgrim Brewery to create a larger internal bar area and community room on the first floor.*

*The application for residential development was previously approved under the prior approval process. This limits matters that can be taken into account. Matters excluded from consideration under prior approval include environmental noise such as road traffic noise. As this application is a full planning application, these matters must be considered to ensure the application is properly determined.*

*Given the location of the development it is important that the impact of road traffic noise is considered.*

*Scheme of sound insulation and ventilation.*

*A Noise Impact Assessment Report prepared by KP Acoustics reference 24227.NIA.01 Rev B and dated 11/04/22 has been submitted. This report has*

*identified the need for measures to ensure that recommended noise levels within habitable rooms are achieved. Ventilation may also be required to prevent overheating.*

*The report is considered acceptable, and a condition is proposed to ensure a suitable scheme is designed and implemented.*

*Fume and extraction equipment*

*Both the proposed dwellings and brewery facility may require fume and extraction equipment to be installed, either to facilitate ventilation or to control odour from the brewing process. Noise and vibration from the operation of this equipment may be an issue and a condition is proposed to ensure full details are provided.*

*Building services and plant.*

*A Noise Assessment has been provided but this has not considered noise from building services or plant in detail. A condition is proposed to ensure that noise and vibration from building services and other plant, machinery or equipment is properly controlled. Details of measures to control vibration may also be required.*

*Hours of operation- Brewery facility*

*The acceptability of late-night uses is a matter for the local planning authority to determine with respect to relevant policies. Suggested hours have been proposed to protect residential amenity of the adjoining residential occupiers should the late-night use be considered acceptable.*

*Playing of amplified sound - Brewery facility*

*A condition is proposed to limit the noise from live or recorded amplified sound to protect the amenity of adjoining occupiers*

*Operational Management Plan- Brewery facility*

*A condition is proposed to ensure a suitable operational management plan is submitted to and approved by the local planning authority.*

*Delivery and Servicing Management Plan- Brewery facility*

*A condition is recommended to ensure a Delivery and Servicing Management Plan is submitted to and approved in writing by the local planning authority.*

- 6.21 In terms of the house of opening, it is recommended a condition be attached to secure the following:

The permitted hours of operation for the brewery facility are restricted to the following times:

08:00 Hours to 23:00 Hours – Monday through to Thursday.

08:00 Hours to 23:00 Hours – Fridays and Saturdays.

10:00 Hours to 22:00 Hours – Sundays, Bank Holidays or Public Holidays

Reason: To protect the amenities of adjoining occupiers and the surrounding area (Policy CS10 Sustainable Development of RBBC Core Strategy (2014)).

- 6.22 These hours are consistent with the existing closing time of the tap room at the Brewery. Records from the Environmental Protection Team have been checked and there has not been a noise complaint regarding the brewery site since 2018. Accordingly, these hours are considered acceptable to avoid a harmful impact in terms of noise and disturbance to neighbouring residents.

Highway matters

- 6.23 Prior approval application 21/01323/PAP3O for 14 dwellings did not include any provision for residential parking. This application proposes a total of 13 parking spaces. The Applicant proposes these are designated as follows:

- One car parking bay is a disabled car parking space.
- Two car parking spaces are currently linked to the ground floor commercial units.
- One car parking space is proposed for the proposed office unit
- Two spaces for the brewery
- Three spaces are allocated for the proposed additional residential units
- The five remaining car parking spaces could be allocated to the approved PD units as required.

- 6.24 The County Highways Authority were consulted upon the application and noted *'The site is located in a sustainable location in Reigate Town Centre, close to services, amenities and good transport links within walking / cycling distance. The application includes provision for secure and covered cycle parking which meets Reigate & Banstead Borough Council standards. The applicant has allocated 13 car parking spaces to the development, with 5 spaces allocated to the 3 x residential units, and 1 space to the office unit (186sqm). This meets both Reigate & Banstead BC and Surrey CC standards for town centre locations. It is not considered that the proposal will give rise to any significant highway issues*

- 6.25 Conditions are recommended to secure the development shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 13 vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes. Also a construction transport management plan, electric vehicle charging and cycle parking. Subject to these conditions the proposal is considered acceptable in this regard.

Impact on trees

- 6.26 To the rear of the site is group of lime trees protected by way of a tree preservation order. These trees are an important arboricultural feature affording significant visual amenity. The Tree Officer has been consulted and

at the time of this report comments are awaited. This shall be updated in the addendum.

Amenity for future occupants

- 6.27 The NPPF provides that planning decisions should provide a high standard of amenity for future users. DMP Policy DES5 relates to the delivery of high quality homes and requires, inter alia, that as a minimum, all new residential development (including conversions) must meet the relevant nationally described space standard for each individual units except where the Council accepts that an exception to this should be made in order to provide an innovative type of affordable housing that does not meet these standards. In addition, the policy also requires all new development to be arranged to ensure primary habitable rooms have an acceptable outlook and where possible receive direct sunlight.
- 6.28 The application proposes three new residential dwellings as well as extensions and alterations to four out of the fourteen units permitted under a recent prior approval application.
- 6.29 The application proposes the following units:

Flat number	Floor area (sqm)	Bedrooms	Persons
5a_1	58.29	2	3
7a_1	65.42	2	3
9a_1	68.31	2	3
11a_2	39.55	1	1
11a_3	68.63	1	2
11a_4	43.81	1	1
13a_1	51	1	2
13a_2	40.48	1	1
5a_2	70.34	2	4
7a_2	64.04	2	3
9a_2	67	2	3
11a_5	42.2	1	1
11a_7	41.78	1	1
11a_6	71.43	1	2
13a_3	42.89	1	1
13a_4	41.24	1	1
11a_8	74	2	4

- 6.30 Flat 5a\_1 does not meet the minimum space standards for a two bedroom 3 person dwelling. This is on the basis the unit is less than 61sqm, bedroom 2 is less than 7.5sqm and less than 2.15m in width. This would be contrary to policy DES5 of the DMP, and therefore amended floor plans have been sought to amend this unit to a one bedroom, two person dwelling that would meet the minimums standards. An update shall be provided in the addendum upon the receipt of amended floor plans.

- 6.31 Although only one of the units would have an area of private outdoor amenity space, the site is in very close proximity to the Town Centre where there are a number of local amenities and Priory Park is approximately 200m walk away where future occupants would have access to outdoor space, woodland, sports pitches, tennis and basketball courts and a playground. On this basis the proposal is considered to be acceptable and future occupants would have access to outdoor recreation space within close proximity of the site.

#### Ecology

- 6.32 The site is not subject to any designation to indicate a particular importance for nature conservation interests. Given the uses of the site, the town centre location and the nature of the buildings it is unlikely that there would be an impact on protected species. In line with policy NHE2 biodiversity enhancement measures will be required which should be designed, wherever possible, to achieve a net gain in biodiversity. Were the application to be approved, a condition would be attached to secure biodiversity enhancements.

#### Drainage and flooding

- 6.33 The site is within Flood Zone 1, and not within areas of surface water flooding. On this basis there is no objection to the proposal in this regard.

#### Sustainable construction

- 6.34 DMP Policy CCF1 relates to climate change mitigation and requires new development to meet the national water efficiency standard of 110litres/person/day and to 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. However the 2022 changes to Part L of the Building Regulations have taken effect from 15th June and provide a 30% improvement on emission rates so effectively superseding this policy requirement.
- 6.35 Were the application to be recommended for approval, a condition would be recommended to ensure that each dwelling is fitted with access to fast broadband services in accordance with policy INF3 of the DMP.

#### Affordable Housing

- 6.36 Core Strategy Policy CS15 and the Council's Affordable Housing SPD require financial contributions towards affordable housing to be provided on housing developments of 1-9 units. However, in November 2014, the Government introduced policy changes through a Written Ministerial Statement and changes to the National Planning Practice Guidance which restrict the use of planning obligations to secure affordable housing contributions from developments of 10 units or less. These changes were given legal effect following the Court of Appeal judgement in May 2016.



- 6.37 In view of this, and subsequent local appeal decisions which have afforded greater weight to the Written Ministerial Statement than the Council's adopted policy, the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or less. The absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

#### Community Infrastructure Levy (CIL)

- 6.38 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, road, public transport and community facilities which are needed to support new development. This development would be CIL liable and, although the exact amount would be determined and collected after the grant of planning permission.

#### Infrastructure Contributions

- 6.39 In terms of other contributions and planning obligations, The Community Infrastructure Levy (CIL) Regulations were introduced in April 2010 which state that it is unlawful to take a planning obligation into account unless its requirements are (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; and (iii) directly related to the proposed development. As such only contributions, works or other obligations that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence. In this case, no such contributions or requirements have been requested or identified. Accordingly, any request for an infrastructure contribution would be contrary to CIL Regulation 122.

#### Planning Balance

- 6.40 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 6.41 NPPF para 199 directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The weight is applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 202 of the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.42 In this case there are public benefits to the scheme weighing in favour of the development, by way of 3 new dwellings adding to housing supply, and the proposal would provide a temporary economic benefit during design and construction and an ongoing spend in the local economy once occupied and are given moderate weight. Subject to conditions then further enhancements to the scheme could be made in respect to biodiversity and to energy and water use, and these are also given moderate weight in the planning balance.
- 6.43 The improvements to the brewery site would provide associated social and economic benefits. Notwithstanding the benefits associated with the extensions to the brewery, these are not directly linked or dependent upon the flats extensions and therefore are afforded only moderate weight.
- 6.44 However, these are not considered to outweigh the significant harm to heritage assets identified, and the proposals conflict with the policies of the statutory development plan.
- 6.45 In summary, the proposed development conflicts with the aims of policies in the statutory development plan and the policies of the Framework in respect of harm to designated assets. This is a matter that attracts significant weight against the scheme, and therefore the benefits of the scheme do not outweigh the harm from the development and as required by the Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

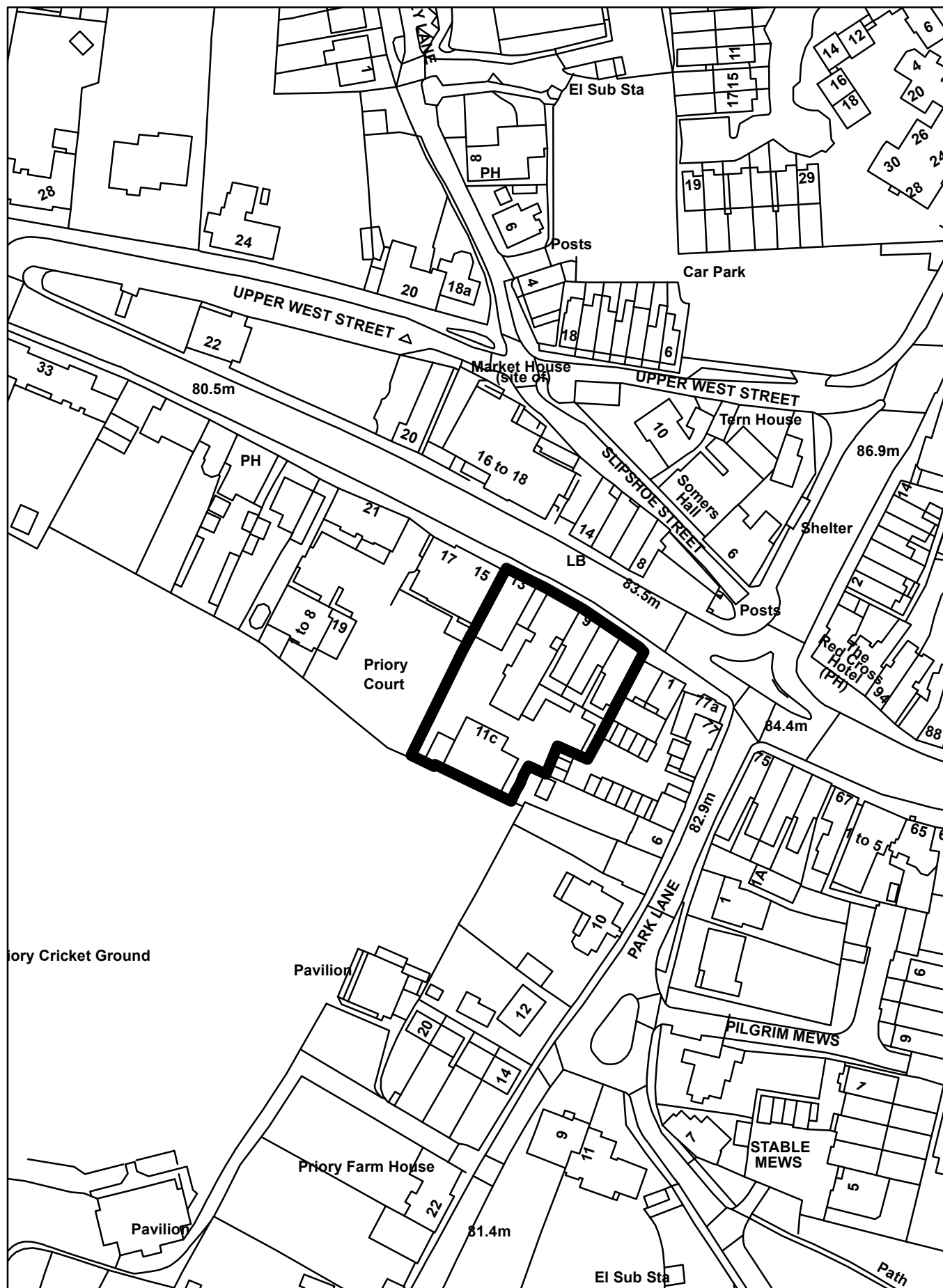
## **REASON FOR REFUSAL**

The proposed development, by virtue of the design of the rear extensions to 5 – 13 West Street, would fail to respect the Arts and Crafts form of the original buildings, which contribute to the special architectural and historic interest of the area and would harm the Conservation Area. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

## **Proactive and Positive Statements**

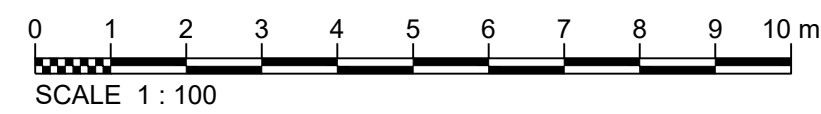
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission been refused regard has been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

# 22/00885/F - 5-13 West Street, Reigate





Proposed Site Plan 1:100



DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Revised following pre-app meeting/ comments	10.03.2022	MJA	NJ
B	Revised following transport/ refuse comments	24.03.2022	MJA	NJ

NOTES  
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**DWA**  
ARCHITECTS

DWA Architects (London) Ltd  
Cyclops House  
Link Business Park  
York  
United Kingdom  
YO10 3JB  
01904 544 400  
dwa@dwa-architects.co.uk  
www.dwa-architects.co.uk

CLIENT  
London Green Ltd.

PROJECT  
Reigate Dwelling Development  
West Street  
Reigate, RH2 9BL

DRAWING TITLE  
Proposed Site Plan

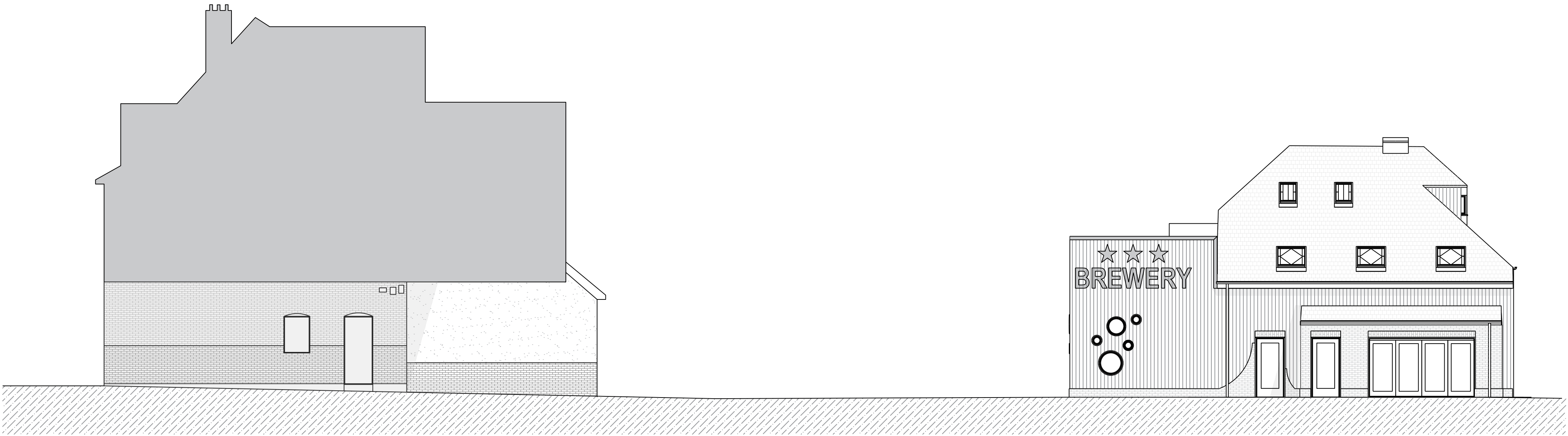
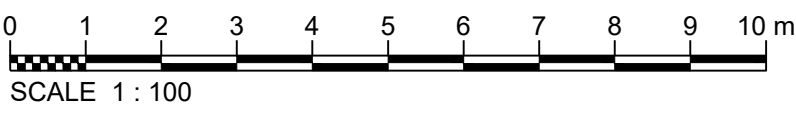
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**PLANNING**

SCALE	DATE
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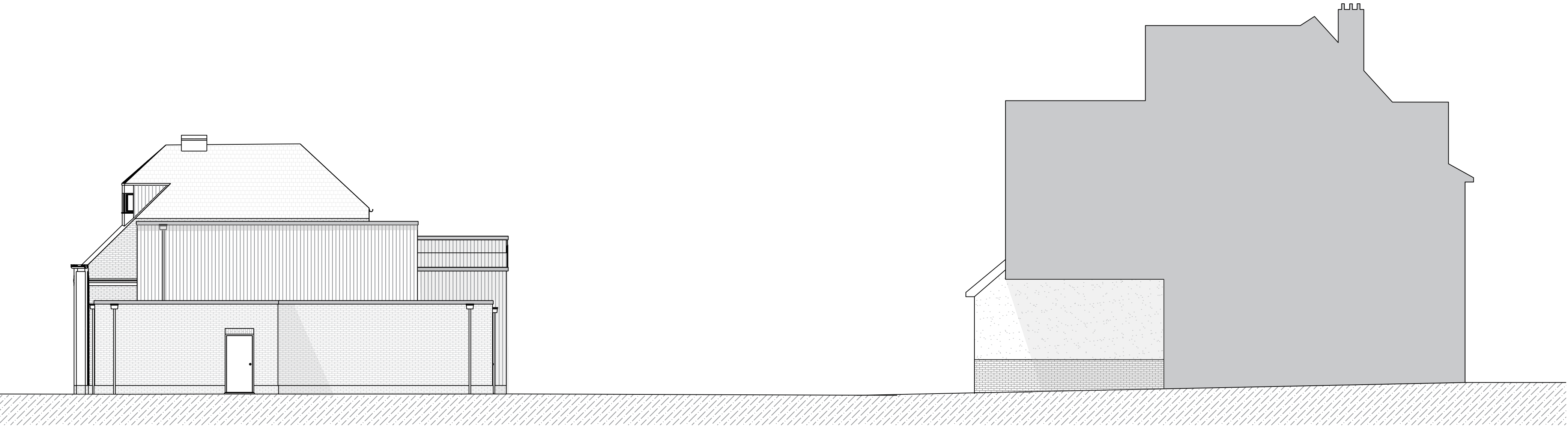
DRAWN BY	CHECKED BY
MJA	NJ

JOB NO.	DWG NO.	REV
L1016	901	B

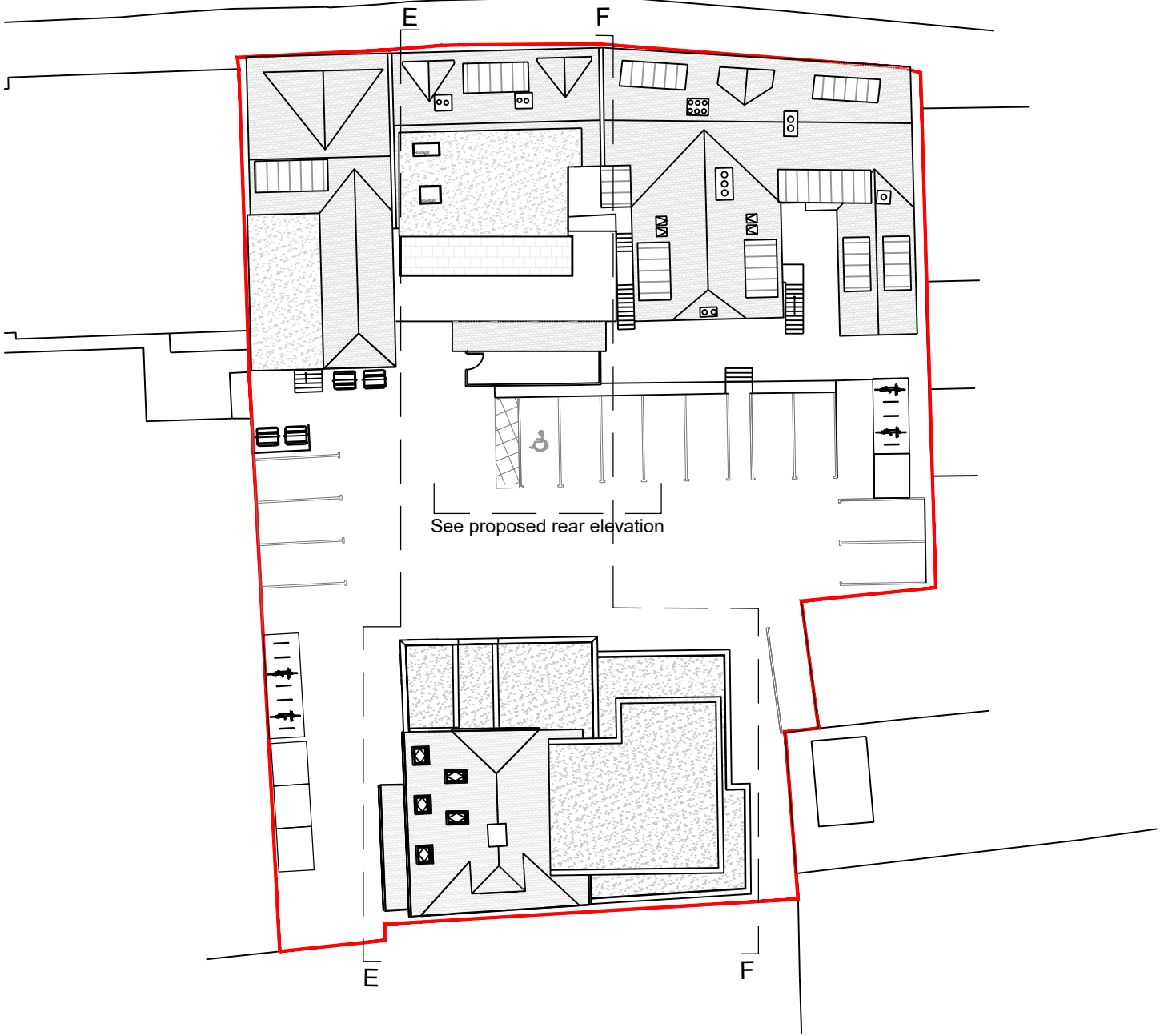




PROPOSED SITE ELEVATION EE



PROPOSED SITE ELEVATION FF



Site Side Elevation Key Plan

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Updates to suit design progression	15.03.2022	MJA	NJ
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CLIENT				
London Green Ltd.				
PROJECT				
Reigate Dwelling Development West Street Reigate, RH2 9BL				
DRAWING TITLE				
Site Elevations PROPOSED SITE SIDE ELEVATIONS				
DRAWING STATUS				
PLANNING				
SCALE		DATE		
1:100 @ A1		14.02.22		
DRAWN BY		CHECKED BY		
MJA		-		
JOB NO.	DWG NO.	REV		
L1016	600	A		



West Street Ground Level

5a West Street 7a West Street 9a West Street 11a West Street 13a West Street

[illegible]

**DWA**  
**ARCHITECTS**

DWA Architects (London) Ltd  
Cyclops House  
Link Business Park  
York  
United Kingdom  
YO10 3JB

01904 544 400  
dwa@dwa-architects.co.uk  
www.dwa-architects.co.uk

PROJECT

Reigate Dwelling Development  
West Street  
Reigate, RH2 9BL

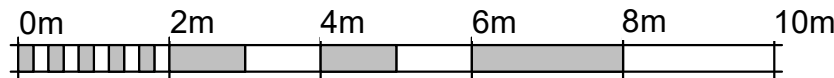
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1:100 @ A1	04.01.22	
DRAWN BY	CHECKED BY	
MJA	NJ	
JOB NO.	DWG NO.	REV
L1016	400	B



Proposed Front/ North Elevation - Brewery Building  
1 : 100  
(North Facing Inside Pilgrim Court)



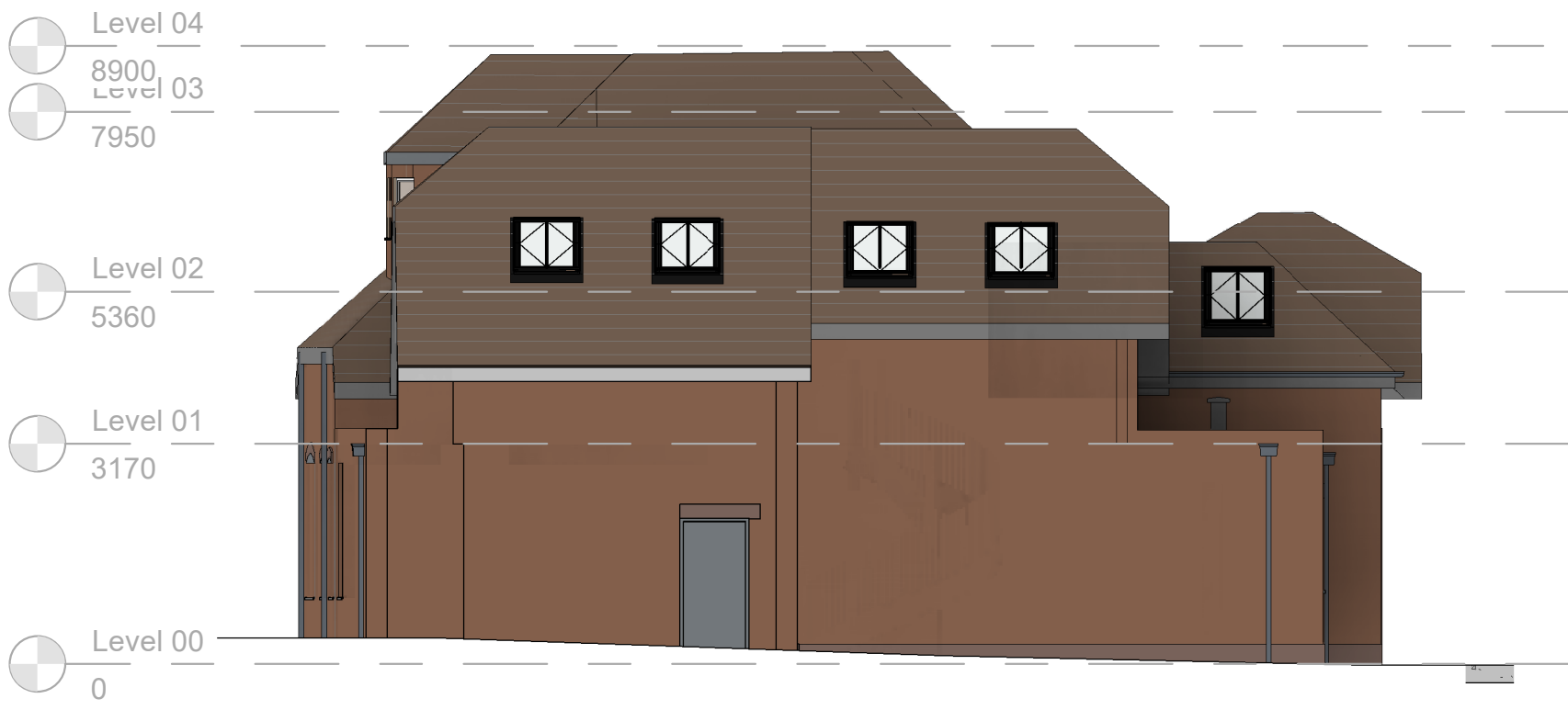
Proposed Side/ West Elevation - Brewery Building  
1 : 100  
(West Facing Inside Pilgrim Court)



VISUAL SCALE 1:100



Proposed Rear/ South Elevation - Brewery Building  
1 : 100  
(South Facing Reigate Priory Football Club)



Proposed Side/ East Elevation - Brewery Building  
1 : 100  
(East Facing Inside Pilgrim Court)

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Revised following pre-app meeting/ comments	18.03.22	MA	NJ
B	Revised following meeting	10.08.22	AT	NJ
C	Revised Roof	11.08.22	AT	NJ
D	Revised Windows	17.08.22	AT	NJ
E	Revised in line with comments 28.09.22	04.10.22	AT	NJ
F	Revised rooflightst	05.10.22	AT	NJ

NOTES

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**DWA**  
ARCHITECTS

DWA Architects (London) Ltd  
Cyclops House  
Link Business Park  
York  
United Kingdom  
YO10 3JB

01904 544 400  
dwa@dwa-architects.co.uk  
www.dwa-architects.co.uk

CLIENT London Green Limited		
PROJECT Reigate Dwelling Development, West Street, RH2 9BL		
DRAWING TITLE Proposed Elevations		
DRAWING STATUS FOR COMMENT		
SCALE	DATE 10/08/222	
DRAWN BY MJA	CHECKED BY NJ	
JOB NO. L1016	DWG NO. 500	REV F