



Appeal Decision

Site visit made on 16 February 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/L3625/W/20/3261182

Vale House, Roebuck Close, Reigate, Surrey, RH2 7RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Life Less Ordinary LTD against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/01477/PAP30, dated 14 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is Change of use from offices (Use Class B1a) to residential (Use Class C3) to accommodate 46 residential units (Class O, 56 day Prior Approval Application).
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans submitted.
3. The provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) require the local planning authority to assess the proposed development on the basis of transport and highway impacts of the proposed development; contamination risks on site; and flooding risks on the site. The Council has confirmed that the sole matter in contention in this appeal is the flood risks at the site, I have no reason to disagree with this and I have dealt with the matter below.

Main Issue

4. The main issue is the safety of future occupiers of the building, with regard to the level of flood risk.

Reasons

5. The proposal would result in the change of use of existing office space to 46 residential units. The building is located in functional flood plain zone 3, according to Environment Agency (EA) flood maps.
6. Given the proposed change of use, a sequential test is not required. However, regard must be given to extant flood risk policies, including the risk of flooding to the site and associated safety of future occupiers.
7. The appellant has provided a comprehensive Flood Risk Assessment (FRA), and the hydraulic assessment was updated in November 2020. The appellant argues that the latest available data shows the site to be outside the extent of

the 1 in 20 year flood event. However, I have no evidence before me to consider that the EA or the Council agree with this assessment. I also acknowledge that the appellant does not consider that the Council's Strategic Flood Risk Assessment should be considered definitive. However, the EA have had opportunity to review this information and further confirmed in January 2021, as part of their evidence, that the site is located in flood zone 3b.

8. I accept that the FRA provided shows the residential areas of the development sit above those at most risk of flooding. However, the building sits in designated flood zone 3b, the proposal has a high hazard rating, indicating danger for all. Therefore, the likely safety of future occupiers is of high importance in considering the appeal.
9. No intended evacuation plan has been provided and there is no apparent identified dry route for occupants to leave the building to safety in the event of flooding. The appellant states that flood water would not be expected to be above 10 centimetres in Roebuck Road where occupants would exit to. However, although this a relatively short section of road, this would still represent a challenge for the future occupiers of the 46 proposed flats to negotiate, particularly the vulnerable or disabled. Similarly, I understand that the nature of flooding at this location would likely be 'flashy' meaning that the time available for warning and evacuation is likely to be limited.
10. I note the appellant considers that occupants of the building could remain indoors until flooding subsided. However, it would be reasonably assumed that residents would want, or need, to leave the building, particularly if any flooding was over any prolonged period.
11. I understand that the appellant has recently been granted planning permission ref 20/01690/F for changes to the rear of the building. The appellant states this would enable a dry escape route. However, I have little detail of that permission before me beyond a description of the intended development. Therefore, notwithstanding the appellant's view, I have no certainty from the FRA that this would enable a dry escape route from the property. Likewise, I have no certainty that this permission would be enacted.
12. I appreciate that approval, ref 20/00097/PAP30, exists for the change of use of the building to flats, albeit the detail of the precise number of units differs in the appellant's evidence between 23 or 24. Also, that no objection was received at the time to that proposal from the EA. However, I must consider the evidence before me. Whilst I have no evidence that any policies have changed since the previous decision of the Council, I have little detail regarding that proposal, or any likely number of occupants, so as to be able to consider the two schemes to be comparable in terms of likely safety risk, particularly in the event of any evacuation. I therefore afford the extant scheme only moderate weight in terms of justification for the proposal before me.
13. I do note that the extant scheme includes a condition relating to an evacuation plan being agreed. The appellant is of the view that a suitable evacuation plan could similarly be the subject of a condition in the event that the appeal was allowed. However, the safety of future occupants of the building is fundamental to my determination of the appeal. Given the concerns raised, I consider it wholly reasonable that this information be before me so as to be certain of the likely satisfactory safety of future occupants. As such, in this instance, such a condition would not in my view be appropriate.

14. The appeal relates to a proposal with around double the residential units compared to the extant scheme. I have no reason to consider that the appeal scheme would not result in significantly more occupants seeking to safely evacuate the building at the same time when compared with the extant scheme and have no evidence that this would be possible during any evacuation. By virtue of the fewer intended units, the extant fallback position would therefore appear to be of lesser risk to the safety of future occupants than the proposition before me.
15. That the Council have not objected on other grounds is of neutral weight in the appeal.

Planning Balance

16. An extant approval exists which would have fewer units and was considered allowable, subject to conditions by the Council. I accept that the proposal would result in significantly more residential units than the fallback position. However, I have no detail relating to any shortfall in local housing land supply before me. In the absence of sufficient details to the contrary, particularly an appropriate evacuation plan, the associated benefit of additional housing to the local supply would not offset the safety concerns identified above.

Conclusion

17. For the reasons above the appeal is dismissed.

M Scriven

INSPECTOR