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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 1 April 2021 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/4746139109888192014>
Webinar ID: 438-119-595

Telephone (listen-only): 020 3713 5012, Telephone Access code: 577-369-901

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Woodbridge (Chair)
Councillor Monica Coleman (Vice-Chair)
Councillor Alex Coley
Councillor Neil Dallen
Councillor David Gulland
Councillor Previn Jagutpal
Councillor Colin Keane

Councillor Jan Mason
Councillor Steven McCormick
Councillor Lucie McIntyre
Councillor Debbie Monksfield
Councillor Peter O'Donovan
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads "K. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk.

Public information

Information & Assistance:

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000.

Deadline for public speaking registration: Noon, 29 March.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 18 February (attached) and authorise the Chairman to sign them.

3. CHALK LANE HOUSE, CHALK LANE, EPSOM SURREY KT18 7FE (Pages 11 - 26)

Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens. (Listed Building Consent)

4. 24 SOUTH STREET EPSOM SURREY KT18 7PF (Pages 27 - 38)

Conversion of the 3 storey office building into 2 one-bedroom dwellings on the first and second floor and commercial unit on the ground floor

Minutes of the Meeting of the PLANNING COMMITTEE held on 18 February 2021

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Alex Coley, Neil Dallen, David Gulland, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Peter O'Donovan and Clive Smitheram

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Virginia Johnson (Planner), John Robinson (Senior Planner), Alex Awoyomi (Trainee Solicitor) and Sarah Keeble (Democratic Services Officer)

32 DECLARATIONS OF INTEREST

The following declarations were made in relation to items of business to be discussed at the meeting:

Langley Bottom Farm Langley Vale Road Epsom Surrey KT18 6AP

Councillor Monica Coleman: In the interests of openness and transparency, Councillor Monica Coleman declared on behalf of the Committee that all Members had received a number of emails regarding this Item, and that they came to the meeting without any predetermination.

Councillor Neil Dallen: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of Epsom Civic Society. He stated that he came to the meeting with a clear and open mind.

Councillor Steven McCormick: In the interests of openness and transparency, Councillor Steven McCormick declared that he had received a number of representations from residents regarding this Item. He also declared that he is a member of Epsom Civic Society and the Woodcote Epsom Residents Society, and that he came to the meeting with a clear and open mind.

36, 38 & 40 Rowden Road, West Ewell, Surrey, KT19 9PW

Councillor Jan Mason: In the interests of openness and transparency, Councillor Jan Mason declared that she had received a number of emails regarding this Item from residents. She stated that she came to the meeting with an open mind.

33 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous Meeting of the Planning Committee held on 14 January 2021 were agreed as a true record and the Committee authorised the Chair to sign them.

34 LANGLEY BOTTOM FARM LANGLEY VALE ROAD EPSOM SURREY KT18 6AP

Description

Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)

Decision

The Committee received a presentation from the Planning Officer.

The Committee was addressed by Ward Councillor, Bernice Froud, who spoke in objection of the Application. The Committee was also heard from a member of CPRE Surrey, who spoke in objection of the Application. Finally, the Committee heard from the Agent to the Applicant.

The following matters were raised by the Committee:

- a) **Bridleways:** Members raised concerns regarding the surrounding bridleways and their access through the site. Officers noted that riders would be able to continue using the bridleways without any fear of traffic hazard.
- b) **Green-belt site:** Members raised concerns regarding the site of the proposed development, in particular that it sits on green-belt land. Members noted the importance of protecting green-belt sites and the benefits which come from such areas.
- c) **Light pollution:** Members raised concerns regarding light pollution, and spoke about whether this may cause an additional reason for refusal. Officers noted that should permission be granted, a condition requiring details of lighting types could be submitted, and that they felt no need to incorporate an additional reason for refusal regarding light pollution impact on residential amenity.

Following consideration, the Committee resolved with 11 Members voting for, 1 abstention and the Chairman not voting that:

The Application be **REFUSED** on the following grounds:

- (1) The proposed development would constitute inappropriate development in the Green Belt and therefore by definition would be harmful to the Green

Belt. The proposal would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. The Council is not satisfied that the special circumstances put forward by the applicant are sufficient to outweigh the significant harm caused to this Green Belt site. The proposal therefore conflicts with policy CS2 of the Core Strategy 2007 and paragraphs 133, 134, 144 and 145 of the NPPF 2019

- (2) The proposed development is located within the Green Belt outside the defined Built Up Area, and it is without good public transport links. If the development is permitted, it would encourage journeys that would be heavily reliant on private transport. This would not comply with Policy CS8 and CS16 of the Core Strategy 2007, and paragraphs 102 and 108 of the NPPF 2019
- (3) The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits of the development including additional housing units when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF 2019, and Policies CS2 and CS16 of the Core Strategy 2007
- (4) In absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) and para 64 of the NPPF 2019 in relation to the provision of eight affordable on-site units.

Informative(s):

- (1) In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework (NPPF) to work with the applicant in a positive and proactive way. We have assessed the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the NPPF.

35 36, 38 & 40 ROWDEN ROAD, WEST EWELL, SURREY, KT19 9PW

Description

Demolition of Nos 36, 38 & 40 Rowden Road, and garage block at Crane Court; and the erection of 12no new dwellings (including 8no 1 bedroom flats, 2no 2 bedroom flats, and 2no 3 bedroom houses); including associated landscaping, access and parking.

Decision

The Committee received a presentation from the Planning Officer.

The Committee was addressed by the Agent to the Applicant.

The following matters were raised by the Committee:

- a) **Car parking:** Members raised concerns regarding the number of proposed car-parking spaces.
- b) **Design:** Members raised concerns regarding the style of the proposed development and spoke about whether it may be out of style and character to the neighbouring properties.

Following consideration, the Committee resolved unanimously that:

The Application be **REFUSED** on the following grounds:

- (1) The demolition of three terraced houses would result in uneven break in the original terrace of four and the street pattern. By virtue of its excessive height, mass, bulk and poor design, the proposed block of flats would be at odds with 34 Rowden Road, left as an awkward, disjointed, remaining end of terrace house. This causes harm to the character of the street scene, failing to comply with paragraph 127 of the NPPF (2019) Policy DM9 of the Development Management Policies Document (2015)
- (2) The proposed block of flats comprises poor design features, including attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, contrasting to the modest scale of detail, fenestration and roof form of existing houses. This causes harm to the establish character of the area, failing to comply with paragraph 127 of the NPPF (2019), Policies DM9 and DM10 of the Development Management Policies Document (2015)
- (3) The excessive height, width, mass and poor design features of the proposed block of flats would harm the neighbouring amenity enjoyed at 34 Rowden Road and 42 Rowden Road by means of overbearing and loss of outlook. The proposed balconies to the rear of the proposed block of flats give rise to issues of overlooking and loss of privacy at these neighbouring dwellings. The proposed balconies give rise to issues of overlooking into the rear gardens of 14 and 16 Bourne Way. This fails to comply with policy DM10 of the Development Management Policies Document (2015)
- (4) The proposal seeks to maximise built form and hardstanding, leaving limited room and scope for considered tree planting and landscaping. This results in a scheme that fails to integrate the landscape and the buildings, failing to comply with policy DM5 of the Development Management Document (2015).

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available

detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

(2) The following drawings were submitted with this application:

19-046 101 P3 – Site Location Plan – dated 01.05.19

19-046 102 P3 – Existing Site Plan – dated 01.05.19

19-046 103 P2 - Existing Elevations – dated 01.05.19

19-046 104 P4 – Proposed Site Plan – dated 01.05.19

19-046 105 P3 - Proposed Plans & Elevations Houses 1-2 – dated 01.05.19

19-046 106 P3 - Proposed Plans Flats 3-12 – dated 01.05.19

19-046 107 P3 - Proposed Elevations Flats 3-12 – dated 01.05.19

19-046 108 P2 - Proposed Plans & Elevations Bin & Bike Store – dated 01.05.19

19-046 109 P2 - Proposed Amendments No. 34 Rowden Road – dated 30.04.19

36 MONTHLY APPEAL AND HOUSING NUMBER REPORT

The Committee noted the appeal decisions from 19 December 2020 to 20 January 2021.

37 THANKS TO FORMER PLANNING DEVELOPMENT MANAGER

The Planning Committee wish to place on record its thanks to Steven Lewis, former Planning Development Manager, and wish him all the best in his future endeavours.

The meeting began at 7.30 pm and ended at 8.52 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Chalk Lane House, Chalk Lane, Epsom Surrey KT18 7FE

Ward:	Woodcote Ward
Site:	Chalk Lane House Chalk Lane Epsom Surrey KT18 7FE
Application for:	Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens. (Listed Building Consent)
Contact Officer:	John Robinson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QFK92NGYIKS00>

2 Summary

- 2.1 This application aims to address matters related to development works undertaken at the former Chalk Lane Hotel, most of which were consented in 2018 for the proposed conversion of the hotel to residential use.
- 2.2 The purpose of this current Listed Building Consent application is, therefore, twofold; firstly, to reassess the significance of Chalk Lane Hotel following unauthorised works and its worsening condition, and secondly to assess the impact of updated proposals considered necessary by the owner and developer.
- 2.3 The proposals would implement the much-needed programme of repairs and are a sensitive response to a highly significant listed building.
- 2.4 The application meets Policy DM8, DM9, DM10, and the NPPF 2019 and therefore consent is recommended to be GRANTED.

3 Site description

- 3.1 The application site is located on the southern junction of Chalk Lane and Woodcote End and comprises a Grade II listed, two storey building formerly operating as a hotel with 21 bedrooms, a restaurant and a bar. Externally there is a rear car park that has capacity for up to 50 cars and additional front and side parking for a further 14 cars.
- 3.2 Two conjoined historic buildings comprise the original parts of the hotel, 'Woodcote Cottage' and 'Heathcote House,' the former more historic than the latter. A large extension was subsequently built behind Woodcote Cottage. Post 1946, (when the buildings became a hotel) Heathcote House has had lean-to additions and a garage built to the west to create a service yard for the hotel. A flat-roofed link has been built between Heathcote House and Woodcote Cottage, another to create an entrance area from the forecourt. To the rear of Woodcote Cottage, an extensive extension was built in the 1980's with extensive sunken terraces.
- 3.3 The site is surrounded primarily by large detached houses. Directly to the east a large part 3, part 4 storey 1960's office building owned by Atkins Limited was recently demolished, which will be replaced by a new office building, of contemporary design
- 3.4 The site falls within the Chalk Lane Conservation Area.
- 3.5 Listed Building Consent was granted on 04.04.2018 for the "Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens", under reference 17/01276/LBA
- 3.6 Detailed Planning permission was granted under reference 17/01275/FUL

4 Proposal

- 4.1 This application aims to address matters related to development works undertaken at the former Chalk Lane Hotel, most of which were consented in 2018 for the proposed conversion of the hotel to residential use.
- 4.2 Several pre-commencement conditions were attached to the consents noted above, which were to be fully discharged prior to the commencement of works to the listed building. Several important conditions were not submitted, or discharged in a timely manner pre-commencement.
- 4.3 Works commenced on the site based on the consents noted above but came to a halt in the latter part of 2019. The appointed contractor began works within the listed building prior to the discharge of particular conditions, and carried out work, which went beyond that which was consented.

4.4 Officers, following detailed discussions with the developer, advised that a new Listed Building Application was required to address any unauthorised works and to assess the impact of any new proposals.

4.5 The unauthorised works are described as follows:

4.6 Woodcote Cottage

- Ground Floor - worsening condition of ceiling timbers between Room 2 and 4
- Ground Floor - unauthorised widening of historic opening between Room 11 and 14
- Ground Floor - unauthorised removal of 3 nos. fireplaces to Room 2 and 4.
- First Floor - worsening condition of ceiling timbers between Room 102 and 103
- First Floor - unauthorised removal or damage of timber panelling to Room 102
- First Floor - unauthorised removal or damage to sections of timber panelling to Room 103
- First Floor - unauthorised removal or damage to sections of timber panelling to Room 105
- First Floor - unauthorised removal or damage to sections of timber panelling to Room 112
- Second Floor - unauthorised removal of lath and plaster ceilings to Rooms 201, 205 and 206
- Second Floor - unauthorised investigation holes in the lath and plaster ceilings to Rooms 202 and 203

4.7 Heathcote House

- Ground Floor - unauthorised infilling of door opening between Room 20 and 21
- Ground Floor - unauthorised formation of door opening between Room 20 and 21
- Ground Floor - unauthorised infilling of door opening between Room 20 and 22
- Ground Floor - new show flat various minor decorative interventions
- First Floor - gypsum plaster repairs and skim coats over lime plaster

- Second Floor - gypsum plaster repairs and skim coats over lime plaster

4.8 Boundary Wall

Unauthorised removal of the boundary wall between Heathcote House and Woodcote Cottage

4.9 The purpose of this current Listed Building Consent application is, therefore, twofold; firstly, to reassess the significance of Chalk Lane Hotel following unauthorised works and its worsening condition, and secondly to assess the impact of updated proposals considered necessary by the owner and developer.

4.10 The updated proposals comprise the following:

4.11 Woodcote Cottage Ground Floor

- Chalk Lane Elevation Windows Unit 1: The proposals seek to form two new windows in the east elevation of Woodcote to provide natural lighting to the new kitchen and utility room to Unit 1.
- French Windows to Unit 1: The existing French windows to the south wall of Unit 1 are proposed to be removed and the openings infilled.
- Draft Lobby to Unit 1
- New Communal Staircase to Unit 4
- Alterations to Openings within the Stable Wing East Side – Unit 2; The proposals seek to reposition the door and replace the windows with new traditionally detailed alternatives
- Alterations to Openings within the Stable Wing West Side – Unit 2
- Alterations to openings in external wall – Unit 3: the proposals seek amend opening sizes as the current windows are too small and at high level.

4.12 Woodcote Cottage First Floor

- New Communal Staircase to Unit 4
- Alterations to openings in external wall – Unit 4
- Alterations within the Stable Wing East Side – Unit 2
- Alterations within the Stable Wing West Side – Unit 2

4.13 Heathcote House

- Internal Alterations to Unit 9: The latest proposals seek to increase the footprint of the extension to accommodate a lobby, bathroom and meter store.

4.14 The applicants have stated that as planning permission has already been sought and approved for this development, any changes which potentially affect the external appearance of the properties could be secured by way of a Material Minor Amendment (MMA) application under Section 73 of the Town and Country Planning Act 1990. An MMA application is proposed to be submitted once the current amended proposals have been granted consent.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 20 neighbouring properties, a site notice and press advertisement. To date (22.01.2021) 12 letters of objection have been received and are summarised as follows:

- Epsom Civic Society: Our main concern is the proposed closing off the main entrance courtyard with a high brick wall. (*Officer Comment: The plans have been amended to omit the brick wall*)
- It is now proposed to provide a bin store on the front behind a wall and a further bin-store in the rear car park. The previous plans did not have such divisions. They are detrimental to the Character of the Conservation Area
- The proposal will result in an unreasonable increase in general disturbance I consider the number of car parking spaces specified to be inadequate for the number of dwellings.

6 Consultations

6.1 Council's Design and Conservation Officer: No objections. Conditions to be imposed on any consent granted.

6.2 Historic England: No objection

6.3 Archaeology Officer SCC: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/01276/LBA	04.04.2018	Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens. (Listed Building Consent)	GRANTED
17/01275/FUL	04.04.2018	Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens.(Amended drawings received 18.01.2018):	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS5 The Built Environment

Development Management Policies Document November 2015

Policy DM8 Heritage Assets

Policy DM9 Townscape Character

Policy DM10 Design Requirements for New Developments

Chalk Lane Conservation Area Appraisal and Management Proposals 2010

9 Planning considerations

Visual Impact and Impact on Heritage Asset

- 9.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage
- 9.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.3 Paragraph 192 of the NPPF sets out that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability.
- 9.4 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) The nature of the heritage asset prevents all reasonable uses of the site;
 - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the site back into use.

- 9.5 Paragraph 196 states 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 including, where appropriate, securing its optimum viable use.
- 9.6 Policy DM8 (Heritage Assets) of the Council's Development Management Policies Document (2015) states [inter alia] that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process, the significance of the Asset will be taken into account when determining whether the impact of any proposed development is acceptable.
- 9.7 Paragraph 3.7.5 of the Council's Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.8 Paragraph 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. An updated Heritage Statement dated August 2020 accompanies this application, which reviews the significance of the Site and its buildings. It also examines the impact on the identified heritage values as follows:

WOODCOTE COTTAGE

- 9.9 The main considerations within Woodcote Cottage are the localised timber frame damage through water ingress originating at roof level, minor interventions into the fabric of the former stable wing, the removal of the ground floor fireplaces within the main house, the unauthorised works to the timber panelling at first floor level and the unauthorised removal of the lath and plaster ceilings at second floor level.
- 9.10 It concludes that *the unauthorised works to Woodcote Cottage have caused considerable localised harm to the fabric of the listed building but the wider significance and special architectural and historic interest has been preserved. The historic plan form remains legible, the principal reception rooms remain largely unmolested and significant architectural features such as panelling, cornices, sash windows and architraves remain intact.*

HEATHCOTE HOUSE

- 9.11 The main considerations within Heathcote are the completed ground floor show flat within Rooms 21 and 23-26, the introduction of spot lighting in the lath and plaster ceilings within Room 20, the infilling of the door opening and the formation of a new door opening between Room 20 and Room 21, the infilling of the door opening between Room 20 and Room 22 and the re-plastering of walls throughout in unbreathable gypsum plaster skimmed over breathable lime plaster.
- 9.12 It concludes *that on balance, the unauthorised works have not caused significant harm to the building and several interventions are proposed to be reversed. All historic architectural features have been retained, the general plan form remains legible and the principal Rooms 20 – 22 remain largely unaltered. The loss of fabric is considered minimal. The significance of Heathcote House remains largely as it did prior to the unauthorised works.*

BOUNDARY WALL

- 9.13 Paragraph 3.3 of the Heritage Statement by Stephen Gray which accompanied the recently consented works, described the former boundary wall separating Woodcote Cottage and Heathcote House as 'the former boundary wall between the rear gardens of the two buildings has some level of historic significance as evidence of a former boundary, and some level of architectural significance for its surviving original fabric.' The wall no longer survives and there is no evidence that the bricks have been retained on site for future reinstatement.
- 9.14 It concludes *The wall was within the curtilage of the principal listed building and was an important survival of an historic boundary which may have corresponded in date to that of the original Woodcote Cottage. It contributed to the significance and historic interest of Woodcote and was an important vestige and reminder of the house's original historic enclosure.*

Design and Conservation Officer comments

- 9.15 Whilst some amendments have been made for this current proposal, it remains similar to that of the consent 17/01276/LBA which was granted in April 2018. The works carried out since then are not in accordance with that consent and a significant amount of damage has been done to the building.
- 9.16 The worst of the damage has been carried out to the interior of Heathcoat House with almost all of the interior lath and plaster removed and replaced with modern plaster board finish. However, as an unlisted building, correction work will only have to be made because of its poor quality of finish which has resulted in damp issues and cannot be enforced as unlawful works to a listed building.

- 9.17 Chalk Lane House has continued to deteriorate due to the lack of maintenance and is in a state that might be officially recognized as a "Building at Risk". Most importantly, the damp penetration has caused significant amounts of rot to timbers, especially roof timbers. The proposal to reinforce the existing structure by cutting back rotten timber and repairing and reinforcing with new European oak and brackets is the correct one, and this is what is proposed by the applicants.
- 9.18 Additional damage has been done to the lath and plaster. In some cases, this has amounted to a small opening to explore the wall, mainly with a view to finding asbestos. More seriously, larger areas of plaster walls have been taken down both on walls and ceilings. These must all be reinstated in lathe and plaster matching that in existing stud walls. Where plaster has been removed and the external wall has been exposed to be an original structure of internal and external faces of thin lathe and plaster it is acceptable that these be reinstated with matching materials but with insulation inserted between as proposed in section drawings provided by the applicant.
- 9.19 All new windows on the listed building and on the new extension to the listed building should be in timber and the design details of any new ones should be approved by condition.
- 9.20 Condition 5 requires all new windows to be timber and their detailed design approved.

10 Conclusion

- 10.1 Whilst the interventions are extensive, and have resulted in the loss of significant building fabric, the special interest of the listed building remains preserved. A strategy for repair and reinstatement supports this application, which seeks to reverse much of the damaged caused and arrest further decay.
- 10.2 The proposals would implement the much-needed programme of repairs and are a sensitive response to a highly significant listed building. The works proposed would meet the statutory objectives of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by preserving the listed building or any features of special architectural and historic interest and are aligned with national and local planning policy and guidance
- 10.3 In view of the above, the application meets Policy DM8, DM9, DM10 and the NPPF 2019 and is therefore recommended for APPROVAL.

11 Recommendation

Listed Building Consent is granted subject to the following conditions:

Condition(s):

- (1) **The works hereby granted shall be commenced before the expiration of three years from the date of this consent**

Reason: To comply with Section 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2005.

- (2) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Proposed Elevation

19311-CL-LAW-W-Z-DR-A-500301-P01 – Proposed Elevations – Sheet 1

19311-CL-LAW-W-Z-DR-A-500302-P00 – Proposed Elevations – Sheet 2

19311-CL-LAW-W-Z-DR-A-500303-P00 – Proposed Elevations – Sheet 3

19311-CL-LAW-W-Z-DR-A-500304-P00 – Proposed Elevations – Sheet 4

19311-CL-LAW-W-Z-DR-A-500305-P00 – Proposed Elevations – Sheet 5

19311-CL-LAW-H-Z-DR-A-500306-P00 – Proposed Elevations – Sheet 6

19311-CL-LAW-H-Z-DR-A-500307-P00 – Proposed Elevations – Sheet 7

19311-CL-LAW-H-Z-DR-A-500308-P00 – Proposed Elevations – Sheet 8

Proposed Plans

19311-CL-LAW-Z-G00-DR-A-500101-P01 – Proposed General Plan – Ground Floor

19311-CL-LAW-Z-U01-DR-A-500102-P00 – Proposed General Plan – First Floor

19311-CL-LAW-Z-U02-DR-A-500103-P00 – Proposed General Plan – Second Floor

19311-CL-LAW-Z-R01-DR-A-500104-P00 – Proposed General Plan – Roof Level

19311-CL-LAW-H-G00-DR-A-500201-P00 – Proposed Plan – Heathcote House – Ground Floor

19311-CL-LAW-H-U01-DR-A-500202-P00 – Proposed Plan – Heathcote House – First Floor

**19311-CL-LAW-H-U02-DR-A-500203-P00 – Proposed Plan –
Heathcote House – Second Floor**

**19311-CL-LAW-W-G00-DR-A-500204-P00 – Proposed Plan –
Woodcote House West – Ground Floor**

**19311-CL-LAW-W-G00-DR-A-500205-P00 – Proposed Plan –
Woodcote House East – Ground Floor**

**19311-CL-LAW-W-U01-DR-A-500206-P00 – Proposed Plan –
Woodcote House West – First Floor**

**19311-CL-LAW-W-U01-DR-A-500207-P00 – Proposed Plan –
Woodcote House East – First Floor**

**19311-CL-LAW-W-U02-DR-A-500208-P00 – Proposed Plans –
Woodcote House West – Second Floor**

**19311-CL-LAW-W-U02-DR-A-500209-P00 – Proposed Plan –
Woodcote House East – Second Floor**

Proposed Sections

**19311-CL-LAW-W-Z-DR-A-500401-P00 – Proposed Section – Section
AA**

**19311-CL-LAW-W-Z-DR-A-500402-P00 – Proposed Section – Section
BB**

**19311-CL-LAW-W-Z-DR-A-500403-P00 – Proposed Section – Section
CC**

**19311-CL-LAW-W-Z-DR-A-500404-P00 – Proposed Section – Section
DD**

**19311-CL-LAW-W-Z-DR-A-500405-P00 – Proposed Section – Section
EE**

**19311-CL-LAW-W-Z-DR-A-500406-P00 – Proposed Section Section
FF**

**19311-CL-LAW-H-Z-DR-A-500407-P00 – Proposed Section – Section
GG**

**19311-CL-LAW-H-Z-DR-A-500408-P00 – Proposed Section – Section
HH**

**19311-CL-LAW-H-Z-DR-A-500409-P00 – Proposed Section – Section
JJ**

Demolitions

**19311-CL-LAW-W-G00-DR-A-500501-P00 – Proposed Demolition Plan
– Woodcote House West – Ground Floor**

**19311-CL-LAW-W-G00-DR-A-500502-P00 – Proposed Demolition Plan
– Woodcote House East – Ground Floor**

**19311-CL-LAW-H-G00-DR-A-500503-P00 – Proposed Demolition Plan
– Heathcote House – Ground Floor**

**19311-CL-LAW-W-U01-DR-A-500504-P00 – Proposed Demolition Plan
– Woodcote House West – First Floor**

**19311-CL-LAW-W-U01-DR-A-500505-P00 – Proposed Demolition Plan
– Woodcote House East – First Floor**

**19311-CL-LAW-H-U01-DR-A-500506-P00 – Proposed Demolition Plan
– Heathcote House -First Floor**

Window Details

**19311-CL-LAW-Z-Z-DR-A-500700-T01 – Double Casement Window in
Existing brick wall**

**19311-CL-LAW-Z-Z-DR-A-500701-T01 – Double Casement Window in
Existing render wall**

**19311-CL-LAW-Z-Z-DR-A-500702-T01 – Double Casement Window in
Existing Wall (Hanging Tiles)**

**19311-CL-LAW-Z-Z-DR-A-500703-T00 – Single Sash Window in
Existing Render Wall**

Material Samples

19311-CL-LAW-Z-Z-SC-A-500901-T01 – Materials Samples – Sheet 1

19311-CL-LAW-Z-Z-SC-A-500902-T01 – Materials Samples – Sheet 2

19311-CL-LAW-Z-Z-SC-A-500903-T00 – Materials Samples – Sheet 3

19311-CL-LAW-Z-Z-SC-A-500904-T00 – Materials Samples – Sheet 4

19311-CL-LAW-Z-Z-SC-A-500905-T00 – Materials Samples – Sheet 5

19311-CL-LAW-Z-Z-SC-A-500906-T00 – Materials Samples – Sheet 6

19311-CL-LAW-Z-Z-SC-A-500907-T00 – Materials Samples – Sheet 7s

**Reason: For the avoidance of doubt and in the interests of proper
planning as required by Policy CS5 of the Core Strategy 2007**

- (3) Prior to the commencement of external alterations to the rendered finish of, Woodcote House and Heathcote House details and samples of the external materials to be used for those parts of the development shall be provided as full size samples on site and submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (4) The removal of any external partitions and divisions and insertion of new partitions and all making good shall be carried out using hand only tools only.

Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (5) No work shall take place to the joinery elements forming parts of the retained fabric to Woodcote House and Heathcote House, until detailed drawings and/or samples of all new internal and external joinery details, have been submitted to and approved in writing by the local planning authority, including:

windows (frames, depth of reveal common sight line with no trickle vents, through glazing bars, method of opening, details of heads, cills and lintels),

doors frames (architraves, linings, mouldings and beading),

weatherboarding (type, lap, fastening and finishing edges);

eaves verge boards, external posts and brackets, staircases and balconies (including balusters, newel posts and handrails);

beading and skirting boards

The submitted details of sample elevations shall be at a scale of not less than 1:20, and horizontal/vertical frame sections (including sections through glazing bars) at a scale of not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (6) Prior to any roof finishing works to the retained roof areas of Woodcote House and Heathcote House taking place, samples of all new roof finishing materials for the development shall be submitted to and approved in writing by the local planning authority. Roof slates shall be natural Welsh slate, rainwater goods to existing and altered roofs shall be in cast iron and leadwork to stepped flat roofing / gutters shall be no less than Code 6 with leadwork used for flashings, and soakers no less than Code 4.

Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (7) Prior to the commencement of works a schedule of works for the alteration to the listed building shall be prepared and submitted to the local planning authority in writing which shall itemise all works, alterations and materials affecting the fabric of the building, this schedule shall identify significant alterations to be made to the building, which shall include:
- a) All new windows and doors.
 - b) All other joinery including roof and internal and external walls
 - c) All new proposed brickwork including lintels.
 - d) Alterations to masonry.
 - e) Method and execution of works.

The local authority shall be advised when these itemised works are about to commence and be 14 days' notice given in writing prior to full execution of each of the itemised works to inspect the materials and/or method/execution of works before those works begin in full.

Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.

24 South Street Epsom Surrey KT18 7PF

Ward:	Town Ward
Site:	24 South Street Epsom Surrey KT18 7PF
Application for:	Conversion of the 3 storey office building into 2 one-bedroom dwellings on the first and second floor and commercial unit on the ground floor
Contact Officer:	John Robinson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QMVG3EGYJNO00>

2 Summary

- 2.1 This application is referred to Committee, as the property is owned by the Council.
- 2.2 The application seeks permission for the conversion of the 3 storey office building into 2 one-bedroom dwellings on the first and second floor and commercial unit on the ground floor
- 2.3 The scheme would comply with local policy requirements and no planning objections are raised.
- 2.4 **The application is recommended for APPROVAL.**

3 Site description

- 3.1 The application property comprises a circa 19th century period, 3-storey end of block, building, with white painted, rendered elevations, under a hipped roof. There is an existing shop front at ground floor level, and the upper floors have a separate entrance from street level.

- 3.2 The property located on the west side of South Street. It is currently vacant and has been unused for a number of years. It was previously used as a “drop in” youth centre and offices for the Surrey County Council.
- 3.3 The neighbouring property at Nos 26/28 South Street, listed in 1954, has a double bowed shopfront with a central door of 19th Century origins, and the building as a whole is of seventeen/eighteenth century origins. The neighbouring property to the north of 24A South Street is similar in appearance and character with the exception of the shopfront.
- 3.4 The property is not listed, but falls within the Epsom Town Centre Conservation Area, within a Primary Shopping Area and a Secondary Retail Frontage.

4 Proposal

- 4.1 The application seeks permission for the conversion of the 3 storey office building into 2 one-bedroom dwellings on the first and second floor. The shop unit on the ground floor would be retained.
- 4.2 The housing and support services charity Transform Housing will be acquiring them to use for homeless individuals as part of Homes England’s Move On Fund initiative to get the homeless back into society. The units would not be let on the open market.
- 4.3 No external alterations to the building are proposed, apart from the enlargement of a first floor rear window.

5 Comments from third parties

- 5.1 The application was advertised by means of a site and press notice, and letters of notification to 10 neighbouring properties. At the close of the consultation period 22.02.2021, no letters of objection had been received

6 Consultations

- 6.1 EEBC Design and Conservation Officer: No objection
- 6.2 SCC Highways: No objection, subject to conditions.
- 6.3 EEBC Waste Services Manager: No Objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00387/FUL	22.01.2018	Change of use of offices at first and second floors to create 2 new residential units (amended description).	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS15 Role of Local Centres

Policy CS16 Highways and Transport

Policy CS5 Conserving and Enhancing the Quality of the Built Environment

Development Management Policies Document 2015

Policy DM8 Heritage Assets

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments (including House Extensions)

Policy DM12 Housing Standards

Policy DM37 Parking Standards

Plan E Epsom Town Centre AAP Policy E4

9 Planning considerations

Principle of Development

Impact on Heritage Assets

10 Principle of Development

- 10.1 Policy CS15 sets out that measures to protect the role, functions and needs of the local centres will be encouraged. The Local Planning Authority will resist proposals, which are likely to damage, undermine the retail function of these centres, or detract from their vitality and viability.
- 10.2 Policy E4 sets out that within Secondary Retail Frontages as defined on the Proposals Map, new A1 A2 and A3 uses will be permitted. A5 uses will not be permitted. Other uses will be permitted provided they demonstrate that they:
- Will not harm the predominantly retail character and appearance of the frontage
 - Contribute to the vitality and viability of that part of the Town Centre
 - Will not result in an over concentration of such uses, so as to create a significant break in the retail frontage
 - Will not result in an increase in anti-social behaviour
 - Are compatible with the neighbouring uses.
- 10.3 Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.4 The application proposes two residential units, therefore helping to contribute to these annual housing targets and the retail unit would be retained which would contribute to the viability and vitality of this part of the town centre.
- 10.5 Planning permission for the change of use of offices at first and second floors to create 2 new residential units was granted in 2018, but was not implemented. The permission has subsequently expired.
- 10.6 The principle of the change of use and creating additional residential units is therefore acceptable, subject to the below considerations.

11. Impact on Heritage Assets

- 11.1 Paragraph 189 of the NPPF (2019) states [inter alia] that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 9.2 Paragraph 193 of the NPPF (2019) states that when considering the impact of the 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). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.3 Paragraph 194 of the NPPF (2019) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notable scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II registered parks and gardens, World Heritage Sites, should be wholly exceptional.
- 9.4 Policy DM8 (Heritage Assets) of the Council's Development Management Policies Document (2015) states [inter alia] that development proposals that involve, or have an effect upon heritage assets must establish the significance of the asset as part of the application or consent process.
- 9.5 The listing description of the abutting building at Nos26/28 South Street is as follows:
- Late C17 .early C18 house, early C19 shop front. Three storeys, plum brick with some black headers. 5 sash windows the central blocked, and also the two outer ones on 2nd floor. Moulded eaves, old hipped slate roof. Built on in front on the ground floor is an excellent wide double bowed shopfront with central door and panelled pilasters. Shallow frieze and continuous straight hood over. Interior. Staircase, contemporary, but lower flight with balusters of early C18 character (balustrade boarded in).*
- 9.6 The proposal would result in minimal changes to the external elevations of the application property, save for an enlarged rear window. The proposal would therefore lead to less than substantial harm to the setting of the listed building and to the character and appearance of the wider conservation area.

- 9.7 The proposal would therefore comply with Policy DM8

12 Visual Impact

- 9.8 Paragraph 124 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.9 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 9.10 There are no alterations proposed to the front elevation and the enlarged, first floor window at the rear of the building would not be visible in the streetscene. In addition, it is considered that bringing an empty building back into use would enhance the character and appearance of the Epsom Town Centre Conservation Area.
- 9.11 The proposal would therefore comply with Policy DM9 and DM10.

10 Neighbouring Amenity

- 10.1 Policy DM10 sets out those development proposals should (inter alia) have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 10.2 There are no residential buildings in proximity to the proposed scheme and the rear windows would serve a kitchen and bathroom, respectively. The proposed scheme would therefore not lead to an unacceptable increase and overlooking or lead to a loss of privacy.
- 10.3 The proposal would comply with Policy DM10.

11 Quality of Accommodation

- 11.1 The Nationally Described Space Standards, introduced by DCLG in March 2015 states that for a one-bedroom, one storey, one-person unit the minimum Gross Internal Area (GIA) is between 37 and 39m² (the GIA may be reduced to 37m² when a shower room is proposed rather than a bathroom) and a one-bedroom two person unit 50m².

- 11.2 It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m². The minimum floor to ceiling height requirement is 2.3 metres for at least 75% of the GIA and any headroom of less than 1.5 metres is not counted within the GIA unless used solely for storage.
- 11.3 The proposed one-bedroom (1 person) flats would have a GIA of 44m² which would comply with the Described Space Standard's requirement of 39m² for one-bedroom (1 person) units.
- 11.4 In respect of occupant amenity, namely in regards to potential noise nuisance arising from the ground floor commercial unit, officers have weighed this existing use which is presently under planning Use Class A1 that is now categorised under planning Use Class E. Officer note, that the ground floor use can now be varied in operational activity to a number of trading/use-types, therefore, in order to safeguard occupant amenity from noise nuisance, officer propose to place a pre-commencement condition to safeguard/mitigate these growing concerns in order to comply with policy DM10.

Private Amenity Space

- 11.5 Paragraph 3.36 of the Council's Development Management Policies Document (2015) states that to provide adequate private amenity space for the development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided plus an extra 1sqm for each additional occupant.
- 11.6 Due to the building and site constraints, the proposal would not provide any private amenity space or communal space. As the flats would not be occupied by families, and given the town centre location, and the proximity of Roseberry Park, the lack of amenity space is acceptable. Permission for flat developments in the town centre, without the provision of amenity space were recently granted under reference 19/01317/FUL and 20/00203/FUL.
- 11.7 The lack of amenity space is given minor negative weight in the planning balance.

12 Highways and Car Parking

- 12.1 Policy DM37 (Parking Standards) of the Council's Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

- 12.2 The Council's adopted Parking Standards SPD requires the provision of a minimum of 1.5 (2 spaces) for the proposed scheme.
- 12.3 Due to building and site constraints, no on-site parking spaces would be provided.
- 12.4 The application site is in a sustainable location, accessible by non-car modes of transport in an area with extensive on-street parking restrictions, and therefore there is not considered any impact on highway safety in terms of parking and/or capacity grounds.
- 12.5 Permission for flat developments in the town centre, without the provision of on-site parking spaces were recently granted under reference 19/01317/FUL and 20/00203/FUL.
- 12.6 The Highways Officer has raised no objection, subject to a condition requiring the on-site facilities for the secure parking of bicycles within the development site to be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 12.7 The lack of on-site parking is assigned minor negative weight in the planning balance.

Servicing Arrangements

- 12.8 The Council's Waste Services Manager commented as follows:

After further discussion internally and a site visit I can advise that the existing building has no provision for bins. Collections when the building was previously occupied, were made by sacks.

Therefore, if there is no bin storage proposed within this application, I am happy to continue the sack-based collection service. All new tenants will need to be advised of this limited collection service:

Collections will be for refuse and mixed recycling (in separate sacks) only.

On collection days, sacks must be left out for collection on the pavement in front of the building from 6.30am.

Sacks must not be left on the pavement in between collections.

For domestic occupants collections will take place once a week.

For trade occupants, collections frequency will be negotiable, with the cost reflecting the frequency as per the Council's prevailing fees and charges.

- 12.9 Officers are in agreement with the Waste Services Manager, and an appropriate informative will be added to any permission granted.

13 Community Infrastructure Levy

13.1 The scheme would not be liable for CIL.

14 Planning Balance and Conclusion

- 14.1 Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 14.2 Para 196 of the NPPF states: 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 including, where appropriate, securing its optimum viable use.
- 14.3 The proposal would result in the provision of two additional dwelling units. Whilst not significant, they would nevertheless help to address the Council's housing shortfall and therefore weighs positively in the planning balance.
- 14.4 The proposed scheme would bring back into use a previously vacant building, which would have a positive impact on the character and appearance of the conservation area, and on the vitality of the high street.
- 14.5 The lack of amenity space and on-site parking are assigned minor negative weight in the planning balance.
- 14.6 The LPA have applied the presumption in favour of sustainable development outlined in para 11d of the NPPF. The benefits of the proposal have been identified and weighed. When assessing the any adverse impacts from this proposal they are not considered to significantly and demonstrably outweigh the benefits when assessed against the Policies of the framework as required by Para 11 of the NPPF. As such, the proposal is considered an acceptable form of sustainable development and is recommended for Approval subject to imposition of conditions.

15 Recommendation

15.1 Planning permission be granted subject to the following conditions:

Condition(s):

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

24SSRP002/2 Proposed plans
24SSRP002/4 Proposed elevations
24SSRP002/6 Proposed elevations and roof plan

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (4) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans and thereafter shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019 and Policy DM37 of the Development Management Policies Document 2015.

- (5) Soundproofing shall be provided to ensure that the flats for residential purposes sharing a party element with the ground floor premises to which this planning permission relates shall receive a minimum airborne sound insulation on the party element which achieves DnT_w of 60 dB before the first use of the development hereby approved. The soundproofing shall be retained thereafter in perpetuity.

REASON: To ensure that the occupiers of the flat units do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the premises in the National Planning Policy Framework 2019 and Policy DM10 of the Development Management Policies Document 2015.

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) The applicant is advised of the following with regard to waste servicing:
- All new tenants will need to be advised of the limited waste collection service:
 - Collections will be for refuse and mixed recycling (in separate sacks) only.
 - On collection days, sacks must be left out for collection on the pavement in front of the building from 6.30am.
 - Sacks must not be left on the pavement in between collections.
 - For domestic occupants collections will take place once a week.
 - For trade occupants, collections frequency will be negotiable, with the cost reflecting the frequency as per the Council's prevailing fees and charges.

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