

24 South Street, Epsom, KT18 7PF

Ward:	Town Ward;
Site:	24 South Street Epsom KT18 7PF
Application for:	Removal of Condition 4 (Secure Parking of Bicycles) of planning permission 21/00044/FUL
Contact Officer:	Gemma Paterson

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=RAN2X0GYFXH00>

2 Summary

- 2.1 This application is referred to the planning committee in accordance with the Scheme of Delegation as the applicant is the Council.
- 2.2 Members may recall the original application at the site for the conversion of the three storey office building into a commercial unit at ground floor and 2 no. one bedroom flats on the first and second floor (21/00044/FUL) being granted by Members at the 01 April 2021 Planning Committee.
- 2.3 Members granted permission for the application subject to a number of planning conditions. Pertinent to this current application is condition 4 which restricts occupation of the proposed flats until facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans

2.4 However, the constraints of the site have demonstrated that it is not physically feasible to accommodate the requested secure cycle parking facilities either externally or internally to the site.

2.5 Furthermore, Officers have given significant weight to the location of the site, which is in a sustainable town centre location with genuine transport alternatives to the private car that are easily accessible to the site.

2.6 The application to remove condition 4 from planning application 21/00044/FUL is recommended for APPROVAL.

3 Site description

3.1 The site lies to the west side of South Street and was previously used as a youth centre and offices for Surrey County Council.

4 Proposal

4.1 The application seeks to remove condition 4 of planning application 21/00044/FUL, which restricts occupation of the proposed flats until facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 16 neighbouring properties. A site notice was displayed on 26 May 2022 and the application was published in the press. To date, there have been no representations on this application.

6 Consultations

6.1 None

7 Relevant Planning History

Application	Application detail	Decision
21/00044/FUL	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	GRANTED 10.05.2021

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 2 – Achieving Sustainable Development

Chapter 9 – Promoting Sustainable Transport

Core Strategy 2007

Policy CS16 - Managing Transport and Travel

Development Management Policies Document 2017

Policy DM37 - Parking Standards

Supplementary Planning Guidance 2003

- Parking Standards for Residential Development SPD (2015)
- Surrey County Council Vehicular and Cycle Parking Guidance (2018)

9 Planning considerations

- 9.1 Section 73a for the ‘determination of applications to develop land without compliance with conditions previously attached’. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions).
- 9.2 The principle of the development has already been established under planning application 21/00044/FUL and as such, the main planning consideration in determining this application relates to the national and local promotion of sustainable transport.

9.3 Pertinent to this current application is condition 4 which reads as follows:

‘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 and Policy DM37 of the Development Management Plan’.

9.4 Condition 4 was recommended by the County Highway Authority in order to promote the use of sustainable transportation for future occupiers of the two new flats.

9.5 However, it is clear from the Officers Report that accompanied planning application 21/00044/FUL that the site does not benefit from any residential curtilage and that furthermore, paragraph 12.8 of the Officers Report for 21/00044/FUL recognised that the site was so constrained, that there was no room within the site to accommodate for the external provision for refuse and recycle storage.

9.6 Although the proposed internal living space proposed within the flats exceeds the National Standards for 1 bedroom, 1 person flats by 5m², both flats are above ground floor level and require access via a staircase. Furthermore, given their constrained internal layout, it is not possible to provide any cycle storage facilities within the internal living accommodation associated with the site.

9.7 Therefore, facilities for the secure parking of bicycles cannot physically be provided either internally or externally within the site. Furthermore, cycle storage could not be provided on the public footpath outside of the site as this is too narrow to accommodate both pedestrians and any form of secure cycle storage.

9.8 Paragraph 55 of the NPPF 2021 makes clear that planning conditions should be kept to a minimum, and only used where they satisfy a number of tests. Two of these tests requires planning conditions to be ‘enforceable’ and ‘reasonable in all other respects’.

- 9.9 Officers are of the opinion that it is unreasonable to impose a planning condition to secure cycle storage facilities on the site where there is no space to accommodate them. Furthermore, as there is no space within the site to install such facilities, the applicant cannot reasonably discharge the condition and as a results of the reasons the applicant is unable to do so, the breach of the condition becomes unenforceable.
- 9.10 The site is in a highly sustainable town centre location with easy access to public transportation. Although there may not be provision within the site to provide secure cycle parking facilities, future occupiers would still have a genuine choice of sustainable travel other than the private car, within easy access of the site. Furthermore, there are existing, uncovered cycle racks located on High Street, a minute walking distance from the site, should future occupiers wish to park a bike close to the site in future.
- 9.11 Given the constraints of the site and in considering that the site is in a highly sustainable area, Officers are satisfied that the site continues to promote both National and Local policy on sustainable transport choices, in accordance with Section 9 of the NPPF 2021.

10 Recommendation

- 10.1 The application to remove condition 4 from planning application 21/00044/FUL recommended for APPROVAL subject to the following conditions:

1. The development hereby permitted shall be commenced within three years from the date of the decision of planning application 21/00044/FUL.

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 strict accordance with the approved drawings associated with planning application 21/00044/FUL.

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 associated with 21/00044/FUL

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. 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.

Informatives:

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.

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