

22/01537/FUL 12-16 High Street, Epsom KT19 8AH

Ward:	Town Ward
Site:	12-16 High Street, Epsom KT19 8AH
Application for:	Extend and convert redundant upper floor office space to build 1 x 4-bed flat and 4 x studio flats
Contact Officer:	Virginia Johnson

1. Plans and Representations

- 1.1. The plans and supporting documentation for the planning application and representations for or against the proposal, if any, are held electronically on the Council's website [here](#), correct at the time of publication.

2. Summary

- 2.1. The site relates to three, three storey properties at the end of a row of mixed-use retail buildings at 12-16 High Street within Epsom Town Centre and with a public footpath and railway corridor to the rear.
- 2.2. The proposal involves the change of use of part of the ground floor and the remaining above ground floors to accommodate 1 x 4-bed flat and 4 x studio flats.
- 2.3. Councillor Dallen called the application to the Planning Committee if minded to approve the application for the following reasons:
- Conservation area harm
 - Concern about 4 bed unit which is obviously for a family
 - Amenity area
 - Appropriateness of this area for large family accommodation
 - Deliveries parking for loading/unloading
 - Rubbish and recycling collection arrangements
 - Biodiversity net gain
- 2.4. The application is a resubmission following the refusal of 20/01236/FUL and the later withdrawal of 21/00721/FUL, both for a similar proposal for a change of use of the building to four residential units alongside a three-storey rear extension. The primary issues in these previous applications related to conservation area harm and problematic bin collection arrangements. These remain the primary issues in this application alongside acknowledged departures with respect to internal and external amenity. However, the

amendments undertaken since the refusal of 20/01236/FUL have adequately addressed the conservation area harm that provided a clear reason for refusing the application and when applying the titled balance, the public benefits associated with the additional housing outweigh the identified harm. Conditions applied include pre commencement requirements relating to a Construction Transport Management Plan (Condition 3), details of materials (Condition 4) and details of cycle storage (Condition 5).

3. Site description

- 3.1. The site comprises three mixed use units at the eastern curved end of an interwar period, three-storey terrace, which forms part of Epsom High Street. The application relates to the rear and upper floors of three ground floor retail units – 12 High Street is a nail bar (*sui generis*), 14 High Street is an estate agent (class E) and 16 High Street is a café (Class E) with ancillary space upstairs. There is a rear shared access surrounded by a 2.5m high brick wall.
- 3.2. There is a public footpath along the rear boundary adjacent to the railway embankment. It is within the Epsom Town Centre and Epsom Town Centre Conservation Area.

4. Proposal

- 4.1. The proposal involves the following works:
- New ground floor side entrance, relocation of rear door to Unit 12 and relocation of internal staircase
 - Ground and first floor rear extension and lowered internal ceiling to the rear of Units 12 and 14 to accommodate mezzanine cycle storage (accessed via a cycle ramp) and reconfigured access
 - Rear extension to the second floor and dormer extension to the rear roof, alongside a loft conversion to accommodate the part change of use of the first floor of Unit 12 and first and second floors of Units 14 and 16 to residential (four x 1-bed units and one x 4-bed unit)
 - Change of UPVC windows to timber framed, new windows to the side elevation and new windows and balconies to the rear elevation
 - Provision of a bin storage yard to the rear of the ground floor
- 4.2. The application is a resubmission following the refusal of 20/01236/FUL and the later withdrawal of 21/00721/FUL, both for similar proposal for a change of use of the building alongside a three-storey rear extension. 20/01236/FUL was refused on the following grounds:
- 1) The proposal, in terms of layout, scale and appearance, would detract from the character and appearance of the building, and would not be a positive addition to the streetscene. It would not enhance or conserve the character and appearance of the wider conservation area. It would therefore be contrary to the Framework and Policies

DM8, DM9 and DM10 of the Development Management Policies Document 2015.

- 2) The refuse store layout and refuse collection arrangement would not meet the requirements of the Borough's Guidance on the storage and collection of Household Waste, in terms of refuse store capacity and maximum collection distances, contrary to Policy DM10 and DM12 of Development Management Policies Document 2015.
- 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 DM8, DM9, and DM10 of the Development Management Policies Document 2015.

4.3. The main changes in this application are:

- Reduction in the depth of the third floor of the rear extension, including in its eastern corner
- Lowering of the ridge of the rear extension to sit below the main ridge
- Deletion of three front dormers
- Internal reconfiguration of the floor layout
- Reconfiguration of the bin storage area

5. **Comments from third parties**

5.1. **Neighbours**

5.2. The application was advertised by means of a site notice, press notice, and notification to neighbouring properties, concluding on 22 June 2023. One submission was received from Epsom Civic Society, offering support on the following grounds:

- Housing adds to the Borough's housing stock
- Provides an opportunity for tidying up the High Street façade, including timber windows
- Condition needed to keep the rear access tidy and unobstructed during construction

Officer comment: A Construction Transport Management Plan is required by condition 3. The remaining points are noted in the planning balance.

5.3. **Ward Member**

5.4. Councillor Dallen called the application to Committee if minded to approve for the following reasons:

- Conservation area harm
- Concern about 4 bed unit which is obviously for a family
- Amenity area
- Appropriateness of this area for large family accommodation
- Deliveries parking for loading/unloading
- Rubbish and recycling collection arrangements
- Biodiversity net gain

Officer comment: These matters are discussed in the body of the report.

6. Consultation

- 6.1. Conservation Officer: Objection raised.
- 6.2. Waste Officer: No objection subject to Informative 1 relating to collection arrangements.
- 6.3. Highway Authority: No objection subject to delivery of the cycle parking.
- 6.4. Trees Officer: No objection.
- 6.5. SCC Archaeology: No objection, subject to Informative 10.
- 6.6. Historic England: No comments.

7. Relevant Planning History

App No.	Description	Status
21/00721/FUL	Three-storey rear extension, rear roof extension, installation of roof lights, amendment to existing window materials, provision of four flats and a HMO unit across the upper floors, with the retention of retail/commercial units at ground floor, widening of access, new pedestrian access and other works	Withdrawn 17 March 2022
20/01236/FUL	Alterations, including the erection of a three-storey rear extension, rear roof extension and the installation of 3 front dormer windows, to provide 4 studio units and 1 HMO unit across the upper floors, and retention of the retail/commercial units on the ground floor	Refused 28 October 2020
18/01445/COU	Change of use of 14 High Street from Sui Generis to A2 (estate agents)	Approved 6 March 2019
10/00841/FUL	Change of use of 14 High Street from A1 to Beauty Salon Usage to carry out Facials, Massages and general Beauty Treatments with new therapy room	Approved 23 December 2020
88/00710/FUL	Change of use of first floor of 12 High Street from office use to sun bed studio	Approved 15 December 1988

8. Planning Constraints

- Built Up Area
- Epsom Town Centre
- Primary Shopping Area
- Primary Retail Frontage
- Epsom Town Centre Conservation Area
- Archaeological Site
- Article 4 Direction
- Site of Special Scientific Interest Risk Area
- Wind Turbine Consultation Zone
- Resident Parking Zone (Hook Road car park)
- Classified Road (A Road)
- Public Right of Way (to rear boundary)
- Flood Zone 1
- Critical Drainage Area

9. Planning Policy

9.1. National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 6: Building a Strong, Competitive Economy
- Section 7: Ensuring the Vitality of Town Centres
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 16: Conserving and Enhancing the Historic Environment

9.2. National Planning Policy Guidance 2021 (NPPG)

- Community Infrastructure Levy
- Effective Use of Land
- Historic Environment
- Noise
- Town Centres and Retail
- Use of Planning Conditions

9.3. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas

- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

9.4. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM31: Safeguarding Small-Scale Retail Provision
- Policy DM32: Parking and Servicing at Existing Retail Centres
- Policy DM35: Transport and New Development
- Policy DM37: Parking Standards

9.5. Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E2: Housing Capacity in the Town Centre
- Policy E4: Town Centre Retail Capacity
- Policy E4: Town Centre Primary Shopping Area and Primary and Secondary Retail Frontages
- Policy E5: Town Centre Employment Floorspace Provision
- Policy E7: Town Centre Building Height
- Policy E9: Public Realm
- Policy E10: Improving Accessibility and Facilities for Cyclists
- Policy E12: Town Centre Parking

9.6. Supplementary Planning Documents and Guidance

- Single Plot and Other Types of Residential Infill 2003
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Sustainable Design Supplementary Planning Document 2016

9.7. Other Documentation

- Epsom Town Centre Character Appraisal
- Epsom Town Centre Area Action Plan

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Strategic Housing Market Assessment Update 2019

10. Planning Considerations

11. Presumption in Favour of Sustainable Development

- 11.1. Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.
- 11.2. At this time, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing alongside the Local Plan being out of date. Paragraph 11 is therefore engaged as the Council's policies which are most important for determining the application are out-of-date.
- 11.3. Notwithstanding, paragraph 11(d)(i) alongside footnote 7 states that where the site is located in an area or affects 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 would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole. This is known as the titled balance.
- 11.4. The site is within the Epsom Town Centre Conservation Area which is an asset of particular importance as specified in footnote 7. However, the extent of harm to the conservation area does not form a clear reason for refusing the application and the presumption in favour of sustainable development, and the application of the titled balance, is fundamental in this case.

12. Principle of Development

13. Location of Development

- 13.1. The site is within the built-up area of Epsom and whilst there are departures with some policies, the broader redevelopment is accepted, subject to consideration of the proposal against the principles, objectives and policies in the Core Strategy, the DMPD and supporting guidance and documents.

13.2. Loss of Retail Floorspace

- 13.3. CS14 of the Core Strategy aims to adapt and reinforce the role of Epsom Town Centre in meeting the needs of the local community and acting as a focus for a range of activities (including retail, cultural, business, leisure and residential). Policy E4 of the Epsom Town Centre Area Action Plan states

that retail is the dominant use within the town centre and Class A1 units should not fall below 66%.

- 13.4. There is 126m² of existing retail floorspace across the three floors and mezzanine of Unit 12, 129m² of retail floorspace at Unit 14 across the ground and first floors (with the first floor extending into Unit 16) and 44m² of retail floorspace at Unit 16. The second floor of Units 14 and 16 (59m²) is in office use (discussed below). The proposal involves a net loss of 56m² across the three floors of Unit 12 and 98m² within the mezzanine of Unit 14.
- 13.5. The loss of retail floorspace does not represent a policy departure and this was not raised in the previous refusal. There is no change to the ground floor uses, the total number of units or the retail frontage to High Street. The usability and functionality of the ground floor uses remains largely intact. On this basis, no objection is raised.

13.6. Loss of Office Floorspace

- 13.7. Policy CS11 of the Core Strategy and Policy DM24 of the DMPD aims to resist loss of employment land. Where the loss of existing employment floorspace can be demonstrated (via adverse harm or failure to successfully market), new mixed-use redevelopment will be allowed provided that the development provides for a mix of uses including a significant element of employment generating uses. This is reinforced in Policy E5 of the Epsom Town Centre Area Action Plan.
- 13.8. The proposal involves the loss of 59m² of office floorspace within the second floor, which is the loss of the office floorspace within the three units in the building. This is contrary to policy and no justification or marketing has been provided with the application, including clarification of whether the units have indeed been vacant for any period of time prior to submission of the application. Whilst this would reduce the stock of small-scale office floorspace within the town centre and within an accessible location, it is of a minor nature and it was not included as a reason for refusal in the previously refused application. Nonetheless, it weighs in the planning balance.

13.9. Provision of Housing

- 13.10. Paragraph 60 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the Core Strategy seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum. Policy E2 of Plan E also states that new development will deliver at least 635 units within the Town Centre between 2010-2026.
- 13.11. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of supply against housing requirements. In the absence of an up-to-date Local

Plan, for the purposes of this calculation it is the standard housing methodology requirement that applies. The Council has calculated its five-year housing land supply position as being 0.68 years. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply. The net provision of five residential units would weigh significantly in favour of the development in the titled balance.

- 13.12. Further, paragraph 86(f) of the NPPF recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. Policy E1 of the Epsom Town Centre Area Action Plan states that within the town centre high-density residential housing is in principle acceptable.
- 13.13. Accordingly, the provision of additional housing in this sustainable location is supported in principle and this weighs in favour in the titled balance.

13.14. House in Multiple Occupation

- 13.15. The Design and Access Statement refers to the 4 bed unit as an HMO though this is not referenced in the application form. The unit is capable of accommodating seven occupants, which would be defined as a large HMO, which is a sui generis use and is a material change of use from the proposed residential 4-bed dwelling (use class C3). If it were to be an HMO, it can be a small HMO (up to six occupants) and this change of use from a residential dwelling to a small HMO can occur without planning permission. To provide certainty on this aspect, Condition 11 limits the use to a small HMO.

14. Design and Character

14.1. Height

- 14.2. The existing 13.6m height is unchanged with the rear extensions extending to a height of 13.2m. Having regard to character impacts, retaining building views, adhering to the surrounding context and maintaining roofscapes, there is no in-principle objection. The additional height is well concealed within its own site and not inconsistent with the development to the rear of properties further along the parade of shops.

14.3. Design

- 14.4. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the Core Strategy requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and

natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features. Policy DM 14 of the DMPD requires consideration of the architectural merit of the existing shopfront and the suitability of the overall form, scale, architectural detail and materials.

- 14.5. On visual impact, the officer report for the previous application noted the following:

Whilst the extensions and alterations would be primarily contained to the rear of the building, the extension would be visible in the public domain. Because of the turn in the High Street at the footpath behind the terraces, the extension would be visible from public space and would be viewed as an overly large and dominant element on the end of the terrace. It would detract from the character and appearance of the significant building.

The proposed dormers on the front would set an undesirable precedent that would undermine the roofscape of the buildings. It is noted that the only two dormers facing the High Street on this elevation, are symmetrically placed at the entrance to Derby Square.

- 14.6. The subject application has deleted the most prominent element of the rear extension where it extends to the eastern side boundary and the three front dormers. This goes a significant way to removing the offending elements to the scheme. The extension is still relatively significant but it is no longer 'overly large and dominant' Whilst the development would be partially glimpsed in views from High Street and is visible from the footpath leading along the rear boundary, the vast bulk of the extension is well concealed against the backdrop of the railway bridge and embankment. On this basis, no objection is raised, subject to conservation consideration.

14.7. Density

- 14.8. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is generally limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 14.9. Policy E1 of Plan E permits higher density housing and Policy E2 seeks to deliver at least 635 new residential units within the Town Centre by 2026.
- 14.10. The density is 222 dwellings per hectare, which exceeds that specified in Policy DM 11 though it reflects the intent of Policy E1 and the need for higher

density in an appropriate location such as this site. It is achieved in a sympathetic manner and with suitable amenity and no objection is raised.

15. Heritage and Conservation

15.1. The site is within Epsom Town Centre Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area. Paragraphs 197-202 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 200 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits. Policy CS5 of the Core Strategy and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.

15.2. Epsom developed as a spa resort from the end of the 17th century and has a high number of listed buildings. Many of these buildings have historic shopfronts which reflect this period of development. During the late 19th and early 20th century the High Street continued to expand and be redeveloped which led to the construction of the buildings which form the focus of this application. These consist of a neo-Georgian shopping parade of high architectural quality. The Conservation Area appraisal notes the following:

“Architecturally, the shopping parades and terraces on both sides of the High Street and Upper High Street are handsome and distinguished buildings; the homogeneity of Nos. 12 to 64 High Street is what gives this part of the High Street its distinctive character.”

15.3. This demonstrates that 12-16 High Street forms an important part of the Conservation Area, making a strong contribution to its character and appearance through its high-quality architecture. Key elements of this include its fenestration, window reveals, use of materials, traditional roof form, symmetrical form and pediments which help break up the massing of the structure as a whole. The appraisal notes the building makes a positive contribution to the character and appearance of the Conservation Area. The rear of the building is of less interest, but its flank elevation is visible from the highway and from a narrow public footpath which runs between this building and the railway line.

15.4. The objection to the previously refused application related to the extension to the roof and upper floors:

- Dormer and rooflight windows facing the highway
- The extension being visible from the highway and from the footpath
- The dormer extension (presumably the one to the rear)
- The increase in the flank elevation which would overshadow the narrow footpath

- 15.5. The revised scheme has responded to this by removing the works to the front roofline, setting the extension of the upper roof below the main ridge and setting the rear extension away from the side elevation.
- 15.6. All of these changes are to the betterment of the scheme though an objection is still maintained by the Surrey Conservation with harm via the increase in the flank elevation massing, the visibility of the modern elements of the design (aluminium windows) where these will be seen from the highway and the materials for the proposed third storey, with the black slate, a green wall and clay tiles having quite a jarring impact.
- 15.7. The replacement front timber windows are welcomed and offset this harm/weight in favour but will need to match the proportions of the existing windows with sympathetic trickle vents, where required. The wall partition between the bedrooms on the second floor will be affixed to the window pane but the proportions and openings to the window are such that it can be achieved without detriment to the appearance of the window when viewed from the street. Details of the remaining materials, including bricks, is required by condition 4.
- 15.8. The harm arising from the increase in massing, introduction of modern features on the flank, the design of the roof extension and the overshadowing of the footpath would be less than substantial harm though at the lower end of the spectrum. The identified harm is considered in the wider planning balance.
- 15.9. The site is also within an Archaeological Site. The SCC Archaeology Officer indicated that due to the minor nature of the proposal, there is minimal potential to affect assets of archaeological significance. Informative 10 is included to ensure that works cease if any artifacts are found.

16. Housing Mix

- 16.1. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 16.2. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal. Policy E2 of Plan E reinforces this point.
- 16.3. Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends a more specific breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10%	80%
2	50%	0%
3	30%	0%
4+	10%	20%

16.4. The proposal includes four smaller 1-bed units and a 4-bed unit. This is not strictly in accordance with the above requirements though there is one family sized unit which is supportive of policy and the remaining 1 bed units is appropriate within a town centre location with easy access to the train station and other services and facilities. The policy does not seek to avoid larger dwellings within the town centre and on this basis, no objection is raised (though the limited outdoor amenity space is noted below).

17. Affordable Housing

17.1. There is no trigger for affordable housing.

18. Quality of Accommodation

18.1. Internal Amenity

18.2. Paragraphs 130 and 157 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing.

18.3. The units are dual aspect, with a front elevation fronting onto High Street and a rear elevation opening towards the south east where there is good access to sunlight and cross ventilation. However, both elevations open onto high noise sources from traffic and the rail corridor to the front and rear respectively. The Design and Access Statement refers to the use of triple glazed windows to all rear facing windows and to ensure adequate internal acoustic levels, this is required by condition 8.

18.4. Internal Space

18.5. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. The single occupancy 1 bed unit (Unit 1) must have at least 39m² of internal floorspace, the double occupancy 1 bed units (Units 2-4) must have 50m² and the 4 bed unit (Unit 5), being across two floors, would need to have a minimum of 115m². In addition, a double bedroom must have a floor area of at least 11.5m² and a single bedroom at least 7.5m².

18.6. There are departures of 10m² within Units 2, 3 and 4. Whilst this is unfortunate, the proposal involves the refit of the existing building, the living spaces are of an ample size, bedroom sizes and outdoor space is compliant

and the units are all dual aspect and south facing, thus providing good internal amenity. Most significantly, the previously refused application raised no objection in terms of the provision of internal floorspace and in the interests of ensuring consistency in the decision making process, it would be unreasonable for the Council to oppose the development given the circumstances and therefore no objection is raised.

Unit	Beds/ persons	Floor space	Bed 1	Bed 2-4	Departures from any requirement
1	1b/1p	40m ²	10m ²	N/A	None
2	1b/2p	40m ²	14m ²	N/A	10m ² departure with unit size standard of 50m ²
3	1b/2p	40m ²	15m ²	N/A	
4	1b/2p	40m ²	14m ²	N/A	
5	4b/7p	137m ²	12m ²	Min 7.5m ²	None

18.7. Outdoor Space

- 18.8. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum area of at least 5m².

Unit	Beds/ persons	Space Required	Space Provided
1	1b/1p	5m ²	3.5m ²
2	1b/2p	5m ²	5m ²
3	1b/2p	5m ²	5m ²
4	1b/2p	5m ²	5m ²
5	4b/7p	10m ²	10m ²

- 18.9. The units are afforded with rear balconies. The 4-bed unit is afforded with 10m² which accords with the minimum standard. The remaining units have at least 5m² except for Unit 1 which has a departure of 1.5m². However, the unit is single occupancy and given the town centre location and as the proposal involves the positive adaptation of the building for residential use, no objection is raised.

19. Neighbour Amenity

- 19.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 19.2. The property is a corner building and the only affected property would be 18 and 20 High Street to the west, both of which are in retail use on all three floors. The rear extension would extend beyond the rear building line of 18 and 20 High Street but given its non-residential use and back of house location and with no side facing windows, no issues are raised. Internally, the proposal exhibits a satisfactory layout with bedrooms sited at the front and

living spaces at the rear, opening onto terrace areas with privacy screening. Implementation of the privacy screening is specified in Condition 9.

20. Parking and Access

20.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

20.2. Car Parking

20.3. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for four parking spaces across the development. The development is car free and there is therefore a departure of four spaces. However, the existing uses on the two above ground floors generate a requirement for at least seven spaces and thus there is a net reduction in parking generation. Irrespective, the car free development was found to be acceptable in the previous refusal on account of its town centre location and this stance is shared

20.4. Cycle Parking

20.5. Policy DM37 of the DMPD requires minimum provision of six cycle storage spaces, which is provided within the mezzanine space with ramped access provided. The Highways Authority raises no objection though the planning officer has some concerns with the internal configuration and whether satisfactory manoeuvring of bikes is possible. Details are therefore required by condition 5.

20.6. Construction Management

20.7. Given the site constraints, with no stopping area in front of the site, a Construction Transport Management Plan is required by condition 3.

21. Ecology and Biodiversity

21.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

- 21.2. An ecological survey was submitted with the application which notes that the area is heavily urbanised, however, lies near to urban parklands with habitats such as hedgerows, grassland and woodlands which is likely to function as commuting and foraging resource for bats. The survey found no evidence of bats within the building and concludes negligible suitability for roosting bats. This conclusion is accepted.
- 21.3. The installation of bird boxes and a sensitive lighting scheme is recommended in the ecology report and this forms part of Condition 6. Beyond this and the green roof (which may attract insects), there is limited scope for providing any further biodiversity enhancements given the constraints and location of the site. Subject to compliance with the recommendations of the ecology report in Condition 6, the proposal would not adversely affect the ecological significance of the site and no objection is raised.

22. Flooding and Drainage

- 22.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 22.2. The site is within Flood Zone 1 and is not within an critical drainage area. There is a modest increase to the footprint of the building but it will be located on an existing hard paved area of the site. The application was accompanied by a drainage report. It notes permeable paving at the rear of the site and a green roof with discharge to the sewer, which is acceptable in this urban context. Taking these factors into account, there is no objection subject to compliance with the sustainable drainage measures and management as specified in the drainage report and forming condition 7.

23. Contamination and Remediation

- 23.1. The site is not identified as contaminated.

24. Open Space and Footpaths

- 24.1. Policy DM7 of the DMPD states that footpath, cycle or bridleway networks should not be affected or improved where opportunities exist as part of new development. The proposal would not affect access along the public footpath over the rear boundary though Condition 3 requires the submission of a Construction Transport Management Plan to ensure that the construction methods minimise any interruption during the construction phase.

25. Refuse and Recycling Facilities

- 25.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 25.2. A bin storage area is provided at the rear of the ground floor, which will need to be shared with the retail units on the ground floor. The plans include two x 1100L bins, a 240L and 180L bin for food waste which is of sufficient capacity for the existing retail units and the occupancy rates of the residential units above. The location of the bin store is appropriate in terms of resident access.
- 25.3. However, whilst the Council's Waste Services Manager raises no objection, they have also noted that "it will not be appropriate to collect bins from the High Street, due to the location clashing with a significant, busy traffic junction that would be unacceptably impacted by a waiting bin collection vehicle. Therefore, the collection vehicle would have to park behind the property (accessed via the roadway past the NCP Ebbisham Car Park). While this would present a significant distance over which to pull the bins, the flat terrain makes this possible on an occasional basis such as this. Consequently, while this technically contravenes our advice on the distance over which a bin should be pulled for collection (max. 6 metres generally), we (the Council's Waste Manager) would be prepared to make an exception in this case."
- 25.4. The previous application was refused on these grounds. However, a further review by the Council's Waste Manager of the circumstances of the site and the proposed arrangements, including better movement of bins at the rear of the site, are such that the issue is no longer pressed as the previously identified concerns are now acceptable in light of the above arguments.

26. Environmental Sustainability and Climate Change

- 26.1. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 26.2. The proposal involves the reuse of the existing building with a green roof to the extension. It is also a car free development in a highly sustainable location. These elements are sufficient for ensuring that the proposal accords with the sustainability credentials and addressing climate change targets.

27. Accessibility and Equality

- 27.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development. None of the units are at ground level, it is a car free development and the proposal involves reuse of an existing building. The cycle storage is also above ground. As a result, there are limited accessibility opportunities with the development and as the issue was not raised in the previously refused scheme, no further objection is raised.
- 27.2. The Council is also required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

28. Planning Obligations and Community Infrastructure Levy

- 28.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments.

29. Planning Balance

- 29.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 29.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 29.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 29.4. The proposed development would make a meaningful contribution towards delivering the Council's housing target within a highly sustainable location and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This benefit is given significant weight in the planning balance though this is tempered by the loss of office floorspace and partial loss of some retail floorspace at the rear of the ground floor.

- 29.5. There is an appropriate level of social benefit arising from the provision of a family sized unit within the scheme. Weight applied to this element is minor. Environmental benefits are limited given the town centre location though the provision of a green roof weighs somewhat positively. The less than substantial harm to the conservation area is noted and this weighs against the proposal. Overall the weight applied is minor.
- 29.6. When applying the titled balance, the benefits of the town centre housing clearly outweigh the harm to the conservation area. The modifications made since the previous refusal have tipped the balance in favour of condition approval.

30. Recommendation

To grant planning permission subject to the following conditions and informatives:

Conditions

1) Timescale

The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the following approved plans:

- 1) Location and Block Plan numbered 969-A010A, dated 11 December 2020
- 2) Floor Plans numbered 969-A101F and 969-A102C (dated 19 August 2022), 969-A1919F (dated 14 July 2022), 969-A201J (dated 19 July), 969-A301M and 969-A501K (dated 23 June 2023), 969-A401M (dated 18 July 2022),
- 3) Elevations numbered 969-701C and 969-A721F (dated 23 June 2023), 969-A711H (dated 19 July 2022), 969-A801C (dated 18 August 2022), 969-A802A (dated 10 June 2022) and 969-A506B (dated 23 June 2022)

Reason: For 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) **Construction Management Plan**

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the Development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- d) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- f) siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- i) Arrangements for deliveries, including routing, drop off locations and timing
- j) Routing of deliveries from the drop off point to the site
- k) Measures to protect pedestrian flows and safety along the public footpath

The development shall be carried out in accordance with the approved scheme and statement.

Reason: To ensure a satisfactory management of construction and deliveries in accordance with Policy CS16 of the Core Strategy 2007.

4) **Materials**

Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the extension (including but not limited to the green roof and green wall, doors, windows and bricks (bricks should be laid in English bond)) shall be submitted to and approved in writing by the local planning authority. The development is to be undertaken in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

5) Cycle Parking

Prior to the occupation of the development hereby permitted, final details of the cycle parking shall be submitted to and approved on writing by the local planning authority. The approved details shall be implemented prior occupation of the development and the storage shall thereafter be used for no purpose other than the parking of bicycles.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

6) Compliance with the Ecology Report

The development hereby permitted shall not be occupied until the biodiversity measures as outlined in Section 4 of the Ecology Report (Crossman Associates, ref: C1186.001 Issue 1, dated 6 June 2022) have been implemented in full. Thereafter, the measures are to be maintained for the life of the development.

Reason: To provide biodiversity benefits in accordance with Section 15 of the NPPF, Policy CS3 of the Core Strategy 2007 and Policies DM4 of the Development Management Policies 2015.

7) Compliance with the Drainage Report

The development hereby permitted shall not be occupied until the sustainable drainage measures as outlined in Section 5 of the Drainage Strategy (Urban Water, ref: 236 -Rev - V1) have been implemented in full. Thereafter, the drainage and management of the drainage measures are to be maintained for the life of the development.

Reason: To ensure the development does not increase flood risk on or off site and is maintained for the lifetime of the development in accordance with Section 15 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

8) Triple glazing

The development hereby permitted shall not be occupied until the rear openings, including windows and doors are fitted with triple glazing, and maintained thereafter for the life of the development.

Reason: To provide noise attenuation in accordance with paragraphs 130 and 157 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policies DM10 and DM12 of the Development Management Policies 2015.

9) Obscure Glazing

Prior to the occupation of the development hereby permitted, the western side of the third floor rear terrace is to be fixed with a privacy screen to 1.7m in height above finished floor level, either solid in form or glazed with obscure glass of no less than obscurity level and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

10) Provision of Bin Storage

The development hereby permitted shall not be occupied until the bin storage has been provided in accordance with the approved plans. The storage shall thereafter be used for no purpose other than the storage of bins.

Reason: To ensure that the development provides sufficient bin storage and to ensure the safe and effective storage and collection of refuse and recycling in accordance with Policy CS5 and CS6 of the Core Strategy 2007.

11) No Large HMO

The permission does not allow for the use of the 4-bed unit to be occupied as a large House of Multiple Occupation (ie more than six occupants).

Reason: To protect the character of the area in accordance with Policy DM10 of the Development Management Policies 2015.

Informatives

1) Refuse and Recycling Collection

It will not be appropriate to collect bins from the High Street, due to the location clashing with a significant, busy traffic junction that would be unacceptably impacted by a waiting bin collection vehicle. Therefore, the collection vehicle would have to park behind the property (accessed via the roadway past the NCP Ebbisham Car Park).

2) Materials

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Sections 131, 148, 149).

3) Damage

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

4) Public Obstruction

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

5) Positive and Proactive Discussion

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.

6) Building Control

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

7) Working Hours

When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

8) Party Wall Agreement

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to carry out work to an existing party wall; build on the boundary with a neighbouring property or in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet.

9) Protected Species

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

10) Archaeological Artifacts

In the event of any archaeological artifacts are found on site during the construction phase, the applicant is advised to stop work and contact the SCC Archaeology Team for further advice on 0345 600 9009.

11) Changes to the Approved Plans

Planning Committee
20 July 2023

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Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.