

23/00488/FUL The Wells, 3 - 13 Church Street, Epsom, Surrey, KT17 4PF

Ward:	Town Ward
Site:	The Wells 3 - 13 Church Street Epsom Surrey KT17 4PF
Application for:	Change of use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works
Contact Officer:	Ginny Johnson

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=RTPNK4GYJAJ00>

2 Summary

- 2.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom & Ewell Borough Council's Scheme of Delegation.
- 2.2 The Application Site ("Site") comprises a three-storey office building, known as "The Wells", located on the north-west side of Church Street. The Site has an underground car park, which provides 44 car parking spaces at basement and ground level, accessed from Depot Road.
- 2.3 The Site is located within Epsom Town Centre, where there is a preference for Town Centre uses to be located. The existing building is in lawful use as Offices (Class E(g)(i)), which is considered a main Town Centre use as defined within the National Planning Policy Framework (NPPF) (2021) and Plan E (2011).
- 2.4 The University of the Creative Arts (UCA) wish to use the Site for educational purposes. Education uses are not considered to be a main Town Centre use, as defined within the NPPF and Plan E. This application seeks a Change of Use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works. Officers note that the Site has an extant planning permission for a Care Facility (Use C2), under ref: 21/00233/FUL, granted 30 September 2022. The loss of office use has therefore been accepted previously.

- 2.5 A Marketing Report accompanies this application. It confirms that the Site has been actively marketed since September 2019 without success. Despite active marketing, there has been a total of three viewings with occupiers who were either progressing other options, or who have put their requirements on hold. There has been no interest from investors looking to refurbish the offices and re-let.
- 2.6 The Marketing Report sets out that the cost of refurbishing the building is expensive and that there is currently a lack of activity in the office market, which is unlikely to improve in the short to medium term. The only interest for this building has been from alternative users, demonstrating that there is no longer a requirement for office space of this quality in Epsom.
- 2.7 The proposal accords with Policy E5 of Plan E (2011), as the building would be retained in an active use, contributing to the vitality and viability of Epsom Town Centre and to the University of the Creative Arts (UCA) Epsom Campus.
- 2.8 The proposal accords with Policies CS14 of the Core Strategy (2007) and Policy DM34 of the Development Management Policies Document (2015), as the proposal supports new social infrastructure on the basis that it meets an identified need, whilst also providing employment opportunities too.
- 2.9 There are many benefits of an educational use in this location. Education use would increase footfall in the Town Centre through additional students and academic staff relying upon shops and services within a convenient walking distance of the Site. The co-location of the Site and the existing UCA Epsom Campus encourages knowledge sharing and would deliver further investment into Epsom, to create a higher-education student hub.
- 2.10 The proposal does not seek any external or internal alterations to the building. There are no objections from EEBC's Conservation and Design Officer and Tree Officer.
- 2.11 The building's entrances would remain as existing. The proposal does not give rise to issues of noise and disturbance, as confirmed by the lack of objection from EEBC's Public Protection Manager.
- 2.12 The Site benefits from car parking spaces and cycle parking spaces. Given the Site's Town Centre location, it is accessible by foot, cycle, and public transport.
- 2.13 UCA staff members and visitors are allowed to use their car parks only, not students. The building could accommodate up to 314 students and they would be encouraged to travel via sustainable transport modes, through the on-going implementation of UCA's Travel Plan. As a result of these restrictions, this proposal would have the potential to generate significantly less vehicular movements throughout a typical weekday, as well as during AM and PM peak hour periods, in comparison with the Site's office use.
- 2.14 The Site contains moderate levels of soft landscaping on the Site. This would be retained as part of the planning application. Introduction of further soft landscaping is not possible, without interfering with the existing access and parking arrangements. As the access and parking arrangements are sought to be maintained as existing, no further landscaping is proposed as part of this application. There is no objection from EEBC's Tree Officer.

- 2.15 Given that this application seeks a Change of Use only and no external changes, it would not seek biodiversity enhancements or biodiversity net gain.
- 2.16 The proposal will bring the building back into viable use, enhance the higher education offer within the Borough, encourage increased footfall within the Town Centre and encourage sustainable means of travel. These comprise sustainable principles.
- 2.17 Given that this application seeks a Change of Use only and no external changes, it would not seek biodiversity enhancements or biodiversity net gain.
- 2.18 Officers recommend approval of the planning application, subject to Conditions.

3 Recommendation

- 3.1 Grant planning permission, subject to Conditions.

4 Site description

- 4.1 The Site comprises a three-storey office building located on the north-west side of Church Street. The Site has an underground car park, which provides 44 car parking spaces at basement and ground level, accessed from Depot Road.
- 4.2 The surrounding area is mixed in character and appearance due to the Site's location within Epsom Town Centre.
- 4.3 The Site falls within the Epsom Town Centre boundary and just outside of the Primary Shopping Area.
- 4.4 The Site does not contain a Listed Building and it is not located within a Conservation Area. But part of the north boundary and west boundary back onto the Epsom Town Centre Conservation Area. The Site is adjacent to a Locally Listed Building, 1 Church Street.

5 Proposal

- 5.1 Planning permission is sought for Change of Use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works.

6 Comments from third parties

- 6.1 The application was advertised by means of letters of notification to 58 neighbouring properties. 0 letters of representation have been received.
- 6.2 The application was advertised by site notice and in the local paper.

7 Consultations

- SCC Highways: No objection, recommend conditions
- Environment Agency: Outside of remit to comment
- SCC LLFA: No objection
- SCC Archaeology: No Archaeological Concerns
- EEBC Design and Conservation: No objection
- EEBC Ecology: No objection
- EEBC Trees: No objection

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- EEBC Planning Policy: No objection
- EEBC Environmental Health: No objection
- EEBC Contaminated Land: No objection
- EEBC Waste: No objection.

8 Relevant planning history

Application number	Decision date	Application detail	Decision
21/00233/FUL	Granted	Change of use of office building (Class E) to a Care Facility (Use C2) and infilling part of the ground floor, conversion of the roof space including part alteration and extension to the rear and other associated external alterations	30 September 2022

9 Planning Policy

National Policy Planning Framework (NPPF) 2021

- Chapter 2 Achieving sustainable development
- Chapter 7 Ensuring the vitality of Town Centres
- Chapter 9 Promoting sustainable transport

Core Strategy 2007

- Policy CS1 Creating Sustainable Communities in the Borough
- Policy CS6 Sustainability in New Developments
- Policy CS11 Employment Provision
- Policy CS14 Epsom Town Centre
- Policy CS16 Managing Transport and Travel

Development Management Policies Document 2015

- Policy DM4 Biodiversity and New Development
- Policy DM5 Trees and Landscape
- Policy DM9 Townscape Character and Local Distinctiveness
- Policy DM10 Design Requirements for New Developments
- Policy DM34 New Social Infrastructure

Plan E (2011)

- Policy E1 Town Centre Boundary

Policy E5 Town Centre Employment Floorspace Provision

10 Planning considerations

- Principle of development
- Design, landscaping, and biodiversity
- Impact on neighbouring amenity
- Flood risk
- Highways, car parking and cycle parking
- Sustainability
- Contaminated land.

Principle of development

Policy

- 10.1 Chapter 2 of the National Planning Policy Framework (2021) (NPPF) relates to achieving sustainable development. There are three overarching objectives to achieve sustainable development: an economic objective, a social objective, and an environmental objective. The economic objective seeks to building a strong, responsive, and competitive economy and the social objective is to support strong, vibrant, and healthy communities.
- 10.2 Chapter 7 of the NPPF relates to ensuring the vitality of Town Centres. Paragraph 86 sets out that planning decisions should support the role that Town Centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaption.
- 10.3 Policy CS11 of the Core Strategy (2007) sets out that losses of employment land will be resisted in the strategic employment areas of Epsom Town Centre. Regeneration of employment premises and intensification of employment uses will be encouraged in these locations.
- 10.4 Policy CS14 of the Core Strategy (2007) sets out that measures to improve Epsom Town Centre, including new development, will be encouraged especially where they help it to adapt and reinforce its role 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) and where they recognise and build on the distinctive character of the place.
- 10.5 Policy CS14 of the Core Strategy (2007) sets out that development should (inter alia) create a balance of uses that contribute to a flourishing day-time and night-time economy.
- 10.6 Policy DM34 of the Development Management Policies Document (2015) sets out that planning permission will be given for new or extension to existing social infrastructure on the basis that it (inter alia) meets an identified need, is delivered, where practical, in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses, which encourage dual use and increase public access, is in a location accessible by public transport, walking and cycling, does not have a significant adverse impact on residential amenity and makes an appropriate provision for on-site car parking, access to public transport, cycling and walking.

- 10.7 Policy E1 of Plan E (2011) sets out that in principle, Town Centre uses will be permitted within the Town Centre boundary, subject to other relevant policies. These uses will include retail, employment, higher density housing and community facilities. Mixed use proposals are encouraged, although single use schemes will be permitted where it can be demonstrated they will make a positive contribution and will not harm the vitality and viability of the Town Centre.
- 10.8 Policy E5 of Plan E sets out that within the Town Centre boundary, the loss of existing employment space will be resisted. Proposals that seek to redevelop aging upper floor office floorspace for retail, other commercial A class uses, or non-commercial uses would be considered provided that (inter alia) the existing office use has been subject to an active marketing exercise lasting at least 12 months, prior to alternative uses being considered.

The proposal

- 10.9 The University of the Creative Arts (UCA) wish to use the Site for educational purposes. The Cover Letter supporting this application sets out that UCA is investing in new facilities to create an international centre for creative business, fashion and textiles. This would enhance the development of the Business School for the Creative Industries (BSCI) and expand the School of Fashion and Textiles (SoFT), which the occupation of "The Wells" would facilitate.
- 10.10 The Site is located within Epsom Town Centre, where there is a preference for Town Centre uses to be located. The existing building is in lawful use as Offices (Class E(g)(i)), which is considered a main Town Centre use as defined within the National Planning Policy Framework (NPPF) (2021) and Plan E (2011).
- 10.11 Education uses are not considered to be a main Town Centre use, as defined within the NPPF and Plan E. Therefore, a Change Of Use application is required from Offices (Use Class E(g)(i)) to dual use Office and Education (Use Class F1(a)) (formerly known as Use Class D1).

Marketing Report and Cover Letter

- 10.12 A Marketing Report accompanies this application. It confirms that the Site has been actively marketed since September 2019, without success. Despite actively marketing, there has been a total of three viewings with occupiers who were either progressing other options, or who have put their requirements on hold. There has been no interest from investors looking to refurbish the offices and re-let.
- 10.13 The Marketing Report sets out that the cost of refurbishing the building is approximately £157 per sq ft. The lack of activity in the office market, which is unlikely to improve in the short to medium term, makes this project unviable on a speculative basis. The only interest for the building has been from alternative users, demonstrating that there is no longer a requirement for office space of this quality in Epsom.
- 10.14 A Cover Letter supports this application. It sets out that the proposed development accords with Policy E5 of Plan E (2011), as the building would be retained in an active use, contributing to the vitality and viability of Epsom Town Centre and to UCA's Epsom Campus.

- 10.15 The Cover Letter sets out that the use of the building by UCA is suitable in this location given the proximity to UCA's Epsom Campus and the support of Policy DM34 of the Development Management Policies Document (2015), which seeks to support schemes for new social infrastructure on the basis that it meets an identified need.
- 10.16 The Cover Letter sets out that in addition to the above, there are many benefits for education use in this location. Education use would increase footfall in the Town Centre through additional students and academic staff relying upon shops and services within a convenient walking distance of the Site. The co-location of the Site and existing UCA Epsom Campus encourages knowledge sharing and would deliver further investment into Epsom, to create a higher-education student hub.

EEBC Planning Policy

- 10.17 EEBC's Planning Policy team formally commented on this application, setting out that the Marketing Report submitted with this application demonstrates that the building has been marketed, there has been some interest, but overall, when considering required refurbishment costs, it has not been an attractive proposition to potential buyers or tenants.
- 10.18 EEBC Planning Policy's comments set out that there is a general policy presumption in favour of supporting social infrastructure. Policy CS14 of the Core Strategy (2007) states that measures to improve Epsom Town Centre is encouraged where they reinforce the role of meeting needs of the local community. The supporting documentation does not clearly set out the need for educational uses at this building, but, given that UCA has expressed a general need for expansion and that the proposal would still provide employment, there is no objection from a Planning Policy perspective.

Officer comment

- 10.19 The Site has an extant planning permission for a Care Facility (Use C2), under ref: 21/00233/FUL, granted 30 September 2022. The loss of office use has therefore been accepted previously.
- 10.20 Officers recognise that the Site has been actively marketed for office use without success. Subject to planning permission being granted, the building would be brought into viable use, which is encouraged by Planning Policy. The Site is within the Town Centre and in proximity to UCA's Epsom Campus, which brings many benefits, including increased footfall within the Town Centre and enhancing the higher education offer within the Borough.
- 10.21 The proposal complies with Policies DM34 of the Development Management Policies Document (2015) and Policy E5 of Plan E (2001).

Design, landscaping, and biodiversity

Policy

- 10.22 Policy DM4 of the Development Management Policies Document (2015) sets out that whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity.

- 10.23 Policy DM5 of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced. Every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 10.24 Policy DM9 of the Development Management Policies Document (2015) sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 10.25 Policy DM10 of the Development Management Policies Document (2015) sets out that development proposals will be required to incorporate principles of good design, the most essential element identified as contributing to the character and local distinctiveness of a street, which should be respected, maintained or enhanced. As such the prevailing typology, scale, layout, height, form and massing should be respected.

Cover Letter

- 10.26 A Cover Letter accompanies this application. It sets out that the application does not seek to make any internal or external alterations to the building to facilitate the Change of Use.
- 10.27 The Cover Letter sets out that the existing Site contains moderate levels of soft landscaping on the southern and eastern portions of the Site. This landscaping would be retained as part of the planning application. Introduction of further soft landscaping is not possible without interfering with the existing access and parking arrangements. As the access and parking arrangements are sought to be maintained as existing, no further landscaping is proposed as part of this application.
- 10.28 Additionally, the Cover Letter sets out that the proposed Change of Use would have no impact upon the character and appearance of the Epsom Town Centre Conservation Area as no external changes are sought.

EEBC Conservation and Design Officer

- 10.29 EEBC's Conservation and Design Officer commented on this application, noting that it is next to a Locally Listed Building and Epsom Town Centre Conservation Area, but there are no apparent external changes. The Officer had no comments to give and raises no objection to the proposal.

Officer comment

- 10.30 The proposal does not seek any external or internal alterations to the building to facilitate the Change of Use. The Site benefits from soft landscaping at present, and it is not possible to introduce more of this, due to the existing access and car parking arrangements. There are no objections from EEBC's Conservation and Design Officer and Tree Officer, so Officers are satisfied that the proposal is acceptable.
- 10.31 The proposal complies with Policies DM5, DM8, DM9 and DM10 of the Development Management Policies Document (2015).

Impact on neighbouring amenity

Policy

- 10.32 Policy DM10 of the Development Management Policies Document (2015) sets out that development proposals should have regard to the amenities of occupants and neighbours.

Cover Letter

- 10.33 A Cover Letter supports this application. It sets out that the proposed development does not seek to extend the footprint or change the visual appearance of the building on Site. Building entrances would remain as existing, which are sited away from neighbouring properties, limiting levels of noise and disturbance from comings and goings from the building. Due to this, the proposal would not have any significant impact upon any neighbouring residential amenities.

EEBC Public Protection Manager

- 10.34 EEBC's Public Protection Manager comments on this application, confirming no observations.

Officer comment

- 10.35 Officers note that the proposal does not extend the footprint of the building and that building entrances would remain as existing. The proposed Change of Use does not give rise to issues of noise and disturbance, as confirmed by the lack of objection from EEBC's Public Protection Manager. Officers are content that neighbouring amenity would not be adversely affected as a result of this proposal.
- 10.36 The proposal complies with Policy DM10 of the Development Management Policies Document (2015).

Flood Risk

Policy

- 10.37 Policy DM19 of the Development Management Policies Document (2015) sets out that development within Flood Risk Zones 2 & 3, on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless it can be demonstrated through a site FRA that a proposal would, where practical, refuse risk both to and from the development or at least be risk neutral. Development is expected to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.

The Site

- 10.38 The Site is within Flood Zone 1 (low probability of flooding) and a section of the west of the site curtilage is located within a Critical Drainage Area.

Flood Risk Assessment

- 10.39 A Flood Risk Assessment (FRA) supports this application. It sets out that low risks were identified from most flood sources, although flood risk from sewers and surface water sources, including historic incidents have been noted on-Site or close to the Site. Although groundwater flood risk is not expected at surface, there is a possibility of groundwater affecting the basement levels. Further on-Site investigation would be needed to further understand this risk.
- 10.40 The FRA sets out that the flood risk to the proposed educational use of the building from ground floor level up is low. The current ground floor level is 46.18 m Above Ordnance Datum (AOD), which is set higher than the surrounding external ground levels. The proposal would not lower this ground floor level.
- 10.41 The FRA sets out that where possible, the scheme may be able to reduce flood risk through additional resilience within the basement levels or through the incorporation of SuDS techniques.
- 10.42 The FRA sets out that the Site may be affected by current or future flooding over the lifetime of the development. However, with suitable mitigation the risks are acceptably low. The proposed development should not increase the risk of flooding elsewhere and would be safe for future occupants throughout the lifespan of the development.

SCC LLFA

- 10.43 Surrey County Council Lead Local Flood Authority (SCC LLFA) formally commented on this application, with no objection.

Officer comment

- 10.44 Officers note that there are no changes proposed to the building, including its basement.
- 10.45 Officers recognise that the Site may be affected by current or future flooding over the lifetime of the development, but with suitable mitigation the risks are acceptably low. The proposed development should not increase the risk of flooding elsewhere and would be safe for future occupants throughout the lifespan of the development. There is no objection from SCC LLFA.
- 10.46 The proposal complies with Policy DM19 of the Development Management Policies Document (2015).

Highways, car parking, cycle parking and refuse

Policy

- 10.47 Chapter 9 of the National Planning Policy Framework (2011) (NPPF) relates to the promotion of sustainable transport. Paragraph 110 of the NPPF sets out that in assessing applications for development, it should be ensured that (inter alia) appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location.

- 10.48 Paragraph 112 of the NPPF sets out that applications for development should (inter alia) give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility in relation to all modes of transport and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 10.49 Policy CS16 of the Core Strategy (2007) encourages proposals that facilitate a shift of emphasis to non-car modes as a means of access. Development proposals should (inter alia) minimise the need for travel, provide safe, convenient and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 10.50 SCC Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development states that for schools/colleges/children's centres, car parking provision is subject to an individual assessment and justification.

Transport Statement

- 10.51 A Transport Statement supports this application. It sets out that the main pedestrian entrance to the Site is located along the site frontage on Church Street. A pedestrian route into the Site is also provided to the rear of the Site, on Depot Road, alongside the parking courtyard and circulating area. The vehicular access on Depot Road is to the rear of the Site via a narrow one-way access road, which leads to the car parking areas.
- 10.52 The Transport Statement sets out that there are currently 81 car parking spaces at the Site. 19 car parking spaces are at ground floor level and 62 car parking spaces at basement level. There are 40 cycle parking spaces, including 15 Sheffield stands and 10 wall mounted stands. These are located at basement level.
- 10.53 The Transport Statement sets out that the Site's existing vehicular and pedestrian access arrangements would remain unchanged as part of this application. The on-Site car parking provision would remain unchanged too. It is anticipated that car parking demand would be low, as only UCA staff members are allowed to use UCA car parks, not students. A total of four car parking spaces (5% of the current capacity) would be designated as disabled car parking bays.
- 10.54 The Transport Statement sets out that the on-Site cycle parking provision would remain unchanged as part of this application. But, since the demand for on-Site car parking from staff and visitors would likely be significantly low, there is scope to convert car parking spaces to cycle parking spaces.
- 10.55 The Transport Statement sets out that based on a ratio of one student per 6 sqm, the Site could accommodate and generate up to 314 students. All the students would be encouraged to travel to the Site via sustainable transport modes through the on-going implementation of UCA's Travel Plan.

- 10.56 The Transport Statement sets out that it is unlikely that there would be any demand for both on-Site and on-street car parking from students, as very few own and use a private car for journeys to and from UCA's main campus. Information on the number of staff based at the Site is not available, but, given less than half are likely to travel by car, it is reasonable to assume that there would be ample capacity within both the surface and basement car parking to accommodate demand. Consequently, this application would not lead to the manifestation of overspill/displaced car parking on the surrounding highways network. Further, due to the Site's town centre location, there is ample off-street car parking spaces available within a short walking distance.
- 10.57 When comparing the anticipated trip generation with the Site's previous use as an office, this proposal would have the potential to generate substantially less two-way vehicular movements throughout a typical weekday. Further, this proposal would generate eight and three fewer two-way vehicular movements during the AM and PM peak hour periods, respectively.
- 10.58 The Transport Statement sets out that it is proposed that usage of the existing cycle parking facilities would be monitored on a regular basis, as part of the on-going implementation of UCA's Travel Plan. If 90% of the cycle parking spaces are used, additional cycle parking spaces would be installed to accommodate increased demand from both staff and students of UCA.
- 10.59 The Transport Statement sets out that whilst the Site is currently vacant, all delivery and servicing activity in associated with the office use took place via the surface car park, close to the Site's access off Depot Road. This proposal would not result in an intensified use of the Site, so it is not envisaged to result in an increase in the number of delivery and servicing movements to and from the Site. The delivery and servicing arrangements, including waste, refuse and recycling collections, would not change because of this proposal.

EEBC Waste

- 10.60 EEBC's Waste team formally commented on this application, raising no objection.

SCC Highways

- 10.61 SCC Highways formally commented on this application, raising no objection, but recommending conditions.

The consultation response includes a site specific comment. This states "*whilst a Travel Plan has been considered for the Site, given the sustainability and accessibility of the location, we believe users of the site would not rely on private cars. In addition, change of use would not entail a significant increase in trips to and from the site. It is further noted that the University of Creative Arts has a policy restricting students from parking on-site. As such, the County Highway Authority do not consider a Travel Plan to be necessary and raise no objection to the proposals*".

Officer comment

- 10.62 Officers recognise that car parking demand would be low, as only UCA staff members are allowed to use UCA car parks, not students. The Transport Statement that accompanies this application sets out that there would be ample capacity within both the surface and basement car parking to accommodate demand and consequently, this application would not lead to the manifestation of overspill/displaced car parking on the surrounding highways network. With no objection from SCC Highways or EEBC's Waste team, the proposal complies with Policy CS16 of the Core Strategy (2007).

Sustainability

- 10.63 Policy CS6 of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 10.64 Officers recognise that the Site has been actively marketed for office use without success. Subject to planning permission being granted, the dual use of Office and Education would enable the building to be brought back into viable use, which is encouraged by Planning Policy. The Site is within the Town Centre and in proximity to UCA's Epsom Campus, which brings many benefits, including increased footfall within the Town Centre and enhancing the Borough's higher education offer.
- 10.65 Subject to planning permission being granted, the proposal would encourage sustainable means of travel, encouraging walking and cycling, rather than reliance on the private car.
- 10.66 The proposal will bring the building back into viable use, enhance the higher education offer within the Borough, encourage increased footfall within the Town Centre and encourage sustainable means of travel. These comprise sustainable principles.
- 10.67 The proposal accords with Policy CS6 of the Core Strategy (2007).

Contaminated Land

Policy

- 10.68 Policy DM17 sets out that where it is considered that land may be affected by contamination, planning permission would be granted subject to ensuring that all works could be undertaken without escape of contaminants, which could cause unacceptable risk to health or to the environment and that it can be demonstrated that the Development Site would be suitable for a proposed use without risk from contaminants.

EEBC Contaminated Land

- 10.69 EEBC Contaminated Land formally commented on the application, recommending a ground contamination and ground gas Condition is attached to any planning permission granted. Officers queried the necessity for this, given that the application is a Change of Use only, that there are no proposed extensions to the building and no external or internal alterations proposed. EEBC Contaminated Land confirmed that if the basement is to remain as just a car parking area, then the Condition is not required. But, if any accommodation was to be put into the basement, then the Condition would be required.

Officer comment

- 10.70 Officers note that the basement is proposed to remain for car parking, so in this case, a ground contamination and ground gas Condition is not required. Should any accommodation be proposed within the basement in the future, a Condition would likely be required.
- 10.71 The proposal accords with Policy DM17 of the Development Management Policies Document (2015)

11 Conclusion

- 11.1 The Site is located within Epsom Town Centre, where there is a preference for Town Centre uses to be located. The existing building is in lawful use as Offices (Class E(g)(i)), which is considered a main Town Centre use as defined within the National Planning Policy Framework (NPPF) (2021) and Plan E (2011).
- 11.2 The University of the Creative Arts (UCA) wish to use the Site for educational purposes. Education uses are not considered to be a main Town Centre use, as defined within the NPPF and Plan E. This application seeks a Change of Use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works. Officers note that the Site has an extant planning permission for a Care Facility (Use C2), under ref: 21/00233/FUL, granted 30 September 2022. The loss of office use has therefore been accepted previously.
- 11.3 A Marketing Report accompanies this application. It confirms that the Site has been actively marketed since September 2019 without success. Despite actively marketing, there has been a total of three viewings with occupiers who were either progressing other options, or who have put their requirements on hold. There has been no interest from investors looking to refurbish the offices and re-let.
- 11.4 The Marketing Report sets out that the cost of refurbishing the building is costly and that there is currently a lack of activity in the office market, which is unlikely to improve in the short to medium term. The only interest for this building has been from alternative users, demonstrating that there is no longer a requirement for office space of this quality in Epsom.
- 11.5 The proposal accords with Policy E5 of Plan E (2011), as the building would be retained in active use, contributing to the vitality and viability of Epsom Town Centre and to the University of the Creative Arts (UCA) Epsom Campus.

- 11.6 The proposal accords with Policies CS14 of the Core Strategy (2007) and Policy DM34 of the Development Management Policies Document (2015), as the proposal supports new social infrastructure on the basis that it meets an identified need, whilst also providing employment opportunities too.
- 11.7 There are many benefits of an educational use in this location. Education use would increase footfall in the Town Centre through additional students and academic staff relying upon shops and services within a convenient walking distance of the Site. The co-location of the Site and the existing UCA Epsom Campus encourages knowledge sharing and would deliver further investment into Epsom, to create a higher-education student hub.
- 11.8 The proposal does not seek any external or internal alterations to the building. There are no objections from EEBC's Conservation and Design Officer and Tree Officer.
- 11.9 The building's entrances would remain as existing. The proposal does not give rise to issues of noise and disturbance, as confirmed by the lack of objection from EEBC's Public Protection Manager.
- 11.10 The Site benefits from car parking spaces and cycle parking spaces. Given the Site's Town Centre location, it is accessible by foot, cycle, and public transport.
- 11.11 UCA staff members and visitors are allowed to use their car parks only, not students. The building could accommodate up to 314 students and they would be encouraged to travel via sustainable transport modes, through the on-going implementation of UCA's Travel Plan. As a result of these restrictions, this proposal would have the potential to generate significantly less vehicular movements throughout a typical weekday, as well as during AM and PM peak hour periods, in comparison with the Site's office use.
- 11.12 The Site contains moderate levels of soft landscaping on the Site. This would be retained as part of the planning application. Introduction of further soft landscaping is not possible, without interfering with the existing access and parking arrangements. As the access and parking arrangements are sought to be maintained as existing, no further landscaping is proposed as part of this application. There is no objection from EEBC's Tree Officer.
- 11.13 Given that this application seeks a Change of Use only and no external changes, it would not seek biodiversity enhancements or biodiversity net gain.
- 11.14 The proposal will bring the building back into viable use, enhance the higher education offer within the Borough, encourage increased footfall within the Town Centre and encourage sustainable means of travel. These comprise sustainable principles.
- 11.15 Given that this application seeks a Change of Use only and no external changes, it would not seek biodiversity enhancements or biodiversity net gain.
- 11.16 Officers recommend approval of the planning application, subject to Conditions.

12 Recommendation

- 12.1 Grant planning permission, subject to Conditions.**

Condition(s):

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) 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:

630438.01 – Site Location Plan
630438.02 - Existing Site Plan
630438.04 - Existing Basement Plan
630438.06 - Existing Ground Floor Plan
630438.08 - Existing First Floor Plan
630438.10 - Existing Second Floor Plan
630438.12.13 - Existing Elevations 1 and 2
630438.16.17 - Existing Elevations 3 and 4
630438.20.21 - Existing Section A-A and B-B
630438.24.25 - Existing Section C-C and D-D
630438.03 - Proposed Site Plan
630438.05 - Proposed Basement Plan
630438.07 - Proposed Ground Floor Plan
630438.09 - Proposed First Floor Plan
630438.11 - Proposed Second Floor Plan
630438.14.15 - Proposed Elevations 1 and 2
630438.18.19 - Proposed Elevations 3 and 4
630438.22.23 - Proposed Section A-A and B-B
630438.26.27 - Proposed Section C-C and D-D

Reason: For avoidance of doubt and in the interests of proper planning 4

3. The building(s) hereby permitted shall be used for education/teaching space, Use Class F1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

4. Works related to the construction of the development hereby permitted, including works of preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015

5. The development shall accord with the Flood Risk Assessment, Lustre, dated April 2023, including its mitigation measures and recommendations, for the entirety of the development.

Reason: To prevent an increased risk of flooding, to prevent pollution of the water environment and to ensure principles of sustainable drainage are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015

6. The existing vehicle parking (and turning) area at the premises shall be permanently retained and maintained for their designated purposes

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

7. The development hereby approved shall not be occupied unless and until at least 10 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

8. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment/shower
- (c) Facilities within the development site for cyclists to store cyclist equipment

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 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. 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.

3. 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 and in some circumstances, carry out groundworks within 6 metres of an adjoining building.

4. 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

5. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this

6. 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 offender (Highways Act 1980 Sections 131, 148, 149)

7. 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

8. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway

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users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm