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Democratic Services



PLANNING COMMITTEE

Thursday 20 July 2023 at 7.30 pm

Place: Council Chamber - Epsom Town Hall,

Online access to this meeting is available on YouTube: [Link to Broadcast](#)

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

Councillor Humphrey Reynolds
(Chair)
Councillor Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. King'.

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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

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

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

Exclusion of the Press and the Public

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

Filming and recording of meetings

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

Guidance on Predetermination /Predisposition

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

Predisposition

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

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

Pre-determination / Bias

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

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

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 40)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 8 June 2023 (attached) and to authorise the Chair to sign them.

3. 22/01537/FUL 12-16 HIGH STREET, EPSOM KT19 8AH (Pages 41 - 66)

Extension and conversion of redundant upper floor office space to build 1 x 4-bed flat and 4 x studio flats.

4. 23/00532/FUL PARKSIDE HOUSE, ASHLEY ROAD, EPSOM KT18 5BS (Pages 67 - 86)

Change of use to dual use Office (Use Class E (g)(i)) and Education (Use Class F1(a)) and associated works.

5. 23/00488/FUL THE WELLS, 3 - 13 CHURCH STREET, EPSOM KT17 4PF (Pages 87 - 106)

Change of use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works.

6. 22/01518/FUL MAJESTIC WINE WAREHOUSES LTD (Pages 107 - 152)

Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping.

7. PLANNING APPEALS REPORT (Pages 153 - 158)

A report setting out the planning appeal decisions which relate to non-householder developments received by the Planning Service.

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 8 June 2023

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman, Jan Mason, Bernie Muir, Phil Neale, Peter O'Donovan and Clive Woodbridge

In Attendance: Councillor Alison Kelly

Officers present: Justin Turvey (Interim Head of Place Development), Simon Taylor (Planning Development & Enforcement Manager), Virginia Johnson (Principal Planning Officer), Gemma Paterson (Principal Planning Officer), Daniel Andersson (Solicitor), Phoebe Batchelor (Democratic Services Officer) and Dan Clackson (Democratic Services Officer)

1 DECLARATIONS OF INTEREST

23/00110/FUL 107-111 East Street, Epsom, Surrey, KT17 1EJ

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen stated that he personally knew the residents of a property in close proximity to the location of the application in question. He stated that he did not consider it to be a prejudicial interest and confirmed that he had come to the meeting with a clear and open mind.

2 MINUTES OF PREVIOUS MEETINGS

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 9 March 2023 and authorised the Chair to sign them.

In the interest of clarity, Councillor Steven McCormick proposed an amendment to the minutes of the Special Meeting of the Committee held on 23 March 2023, as follows:

The original paragraph:

*Councillor Steven McCormick proposed that the application be refused.
Councillor Jan Mason seconded the proposal.*

The amended paragraph, as proposed by Councillor Steven McCormick:

Councillor Steven McCormick proposed that the application be refused and briefly cited the initial reasons for refusal of CS1, CS5, DM9, DM10, and NPPF paragraphs 149 and 174. Councillor Jan Mason seconded the proposal.

The Committee agreed to the amendment and confirmed that the minutes were a true record of the meeting. The Committee authorised the Chair to sign the minutes, following the agreed amendment.

3 23/00110/FUL 107-111 EAST STREET, EPSOM, SURREY, KT17 1EJ

The Committee received a presentation from the Principal Planning Officer. The Principal Planning Officer asked that the Committee note the updates to the paragraphs, recommendation and conditions of the report, as set out in the agenda supplement (Item 6: supplementary Information - Update Report). She informed the Committee that Officers also recommended that the wording of condition 18 (Existing Access) be updated, following discussion with Surrey County Council Highways, in order to ensure that the development would not be first occupied until the existing vehicular access on the site onto East Street had been permanently closed, and any kerbed verge footway fully reinstated, subject to a design to be agreed with the County Highway Authority.

The Agent spoke in support of the application.

Description:

Demolition of the existing buildings and construction of a two-storey building with part basement/lower ground floor, with roof accommodation, comprising 16 self-contained dwellings (Use Class C3), together with associated car and cycle parking, refuse storage, hard and soft landscaping and associated works

Officer Recommendation:

To authorise the Head of Place to grant Planning Permission, subject to Planning Conditions, and subject to a S106 Agreement of the Town and Country Planning Act 1990 (as amended) being completed and signed by 08 September 2023 to secure Heads of Terms.

Decision:

In the interest of the privacy of residents, Councillor Neil Dallen proposed that the recommendation be amended to add a condition requiring that all communal windows on the north-eastern elevation (facing towards 113 East Street) must be fitted with obscure glazing. The proposal was seconded by Councillor Jan Mason.

The Committee agreed (6 for, 3 Abstaining, and the Chair not voting) to add the condition to the recommendation.

In the interest of the safety of disabled and sight-impaired pedestrians, Councillor Neil Dallen proposed that the recommendation be amended to add a condition requiring tactile paving to be laid where the pavements meet the road into the Development Site. The proposal was seconded by Councillor Jan Mason.

The Committee unanimously agreed to add the condition to the recommendation.

In the interest of ensuring parking availability for residents, Councillor Jan Mason proposed that the recommendation be amended to add a condition requiring that each flat be allocated a parking space. The proposal was seconded by Councillor Steven McCormick.

The Committee agreed (6 for, 1 Against, 2 Abstaining, and the Chair not voting) to add the condition to the recommendation.

Following consideration, the Committee unanimously resolved to:

Authorise the head of place to grant planning permission, subject to the Planning Conditions stipulated below, and subject to a S106 Agreement of the Town and Country Planning Act 1990 (as amended) being completed and signed by 08 September 2023 to secure the following Heads of Terms:

- **A Viability Review Mechanism, which is triggered if works on-site have not reached construction of the first-floor slab within 20 months of Planning Permission being granted.**
- **Monitoring fee**
- **Legal costs**

Conditions:

- (1) **Timescale:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004

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

EX (00) - PL3 – Location Plan – dated January 2023

(EX)02-PL3 - Existing Site Plan – dated January 2023

(EX)01-PL3 - Existing Block Plan – dated January 2023

(EX)03-PL3 - Existing Floor Plans – dated January 2023

(EX)04-PL3 - Existing Elevations Sheet 01 - dated January 2023

(EX)05-PL3 - Existing Elevations Sheet 02 - dated January 2023

(GA)01-PL3 – Proposed Block Plan – dated January 2023

(GA)08-PL3 – Proposed Site Plan – dated January 2023

(GA)03-PL3 - Proposed Floor Plans Sh1 - dated January 2023

(GA)04-PL3 - Proposed Floor Plans Sh2 - dated January 2023

(GA)05-PL3 – Proposed Floor Plans Sh3 - dated January 2023

(GA)08-PL3 – Proposed Street Elevation – dated January 2023

(GA)06-PL3 - Proposed Elevations Sheet 01 - dated January 2023

(GA)07-PL3 - Proposed Elevations Sheet 02 - dated January 2023

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

- (3) **External materials:** Prior to the commencement of development (excluding works of demolition), details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

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

- (4) **Boundary treatments:** Prior to above ground works (excluding works of demolition) details of all boundary treatments to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

- (5) **Hard and soft landscaping:** Prior to above ground works (excluding works of demolition) details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall include details of the materials used for the widened access road, footpath and car park entrance/exit crossover, with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

- (6) **Ground contamination desk study:** Prior to the commencement of development, a ground contamination desk study and Conceptual Site Model shall be undertaken in accordance with current best practice guidance. The results of the desk study shall be submitted to and approved by the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (7) **Intrusive ground investigation and risk assessment:** If the desk study Conceptual Site Model indicates there are ground contamination risks, intrusive ground investigation and risk assessment shall be undertaken following any demolition and prior to the commencement of further development in accordance with current best practice guidance to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off-site. The report of the findings, including the revised Conceptual Site Model, shall be submitted to and approved by the Local Planning Authority and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (8) **Risk Management Measures:** If ground/groundwater contamination, filled ground and/or ground gas are found to present unacceptable risks, prior to the commencement of further development unless otherwise agreed in writing by the Local Planning Authority, and in accordance with current best practice guidance, a detailed scheme of risk management measures to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be designed and submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures including waste management and waste disposal

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (9) **Remediation Scheme:** Prior to any occupation of the site, the approved remediation scheme prepared must be carried out in accordance with its terms. The Local Planning Authority and Contaminated Land Officer must be given two weeks written notification of commencement of the remediation scheme works

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (10) **Verification Report:** Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (11) **Unexpected contamination:** In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (12) **Certificate of completion:** A certificate of completion, shall be provided to the Local Planning Authority by an appropriate person, before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy

DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (13) Monitoring and Maintenance Scheme:** A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. These must be conducted in accordance with current best practice guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (14) Sustainable drainage:** The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30(+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system

- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

- (15) Sustainable drainage verification:** Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

- (16) Construction Transport Management Plan:** No development shall commence until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) provision of boundary hoarding behind any visibility zones
- e) measures to prevent the deposit of materials on the highway
- f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- g) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Kiln Lane or East Street (A24) during these times
- h) on-site turning for construction vehicles (or measures for traffic management) has been submitted to and approved in writing by the

Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (17) **Pedestrian splays:** The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the modified access to Kiln Lane and modified access from the sites parking area onto the private access road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (18) **EV charging:** The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

- (19) **Cycle storage:** The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site for a minimum of 19 bicycles, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021

and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (20) **Travel measures:** At first occupation of the development, each unit shall be provided with a travel information pack, including information for residents regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car clubs and include a £50 oyster card contribution in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (21) **Access operation:** No part of the development shall be first occupied unless and until the proposed modified access onto Kiln Lane has been constructed and provided with visibility zones in general accordance with the approved plans (GA)02-PL3) and thereafter shall be permanently retained and maintained

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (22) **Access widening:** The development shall not be first occupied unless and until the existing private access road has been widened to 5m between Kiln Lane and the access to the proposed parking area, in general accordance with (GA)02-PL3, and thereafter shall be permanently retained and maintained

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (23) **Existing access:** The development hereby approved shall not be first occupied unless and until the existing vehicular access from the site onto East Street has been permanently closed and any kerbs, verge, footway, fully reinstated, subject to a design agreed with the County Highway Authority to retain an element of dropped kerb to allow for wheeled bin access.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021

and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (24) **Car parking and turning:** The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (25) **Tactile Paving:** Prior to the occupation of the development, details of tactile paving shall be submitted to and approved in writing by local planning authority. It shall include details of such paving as laid where the pavements meet the road into the Development Site and implemented prior to first occupation of the development hereby permitted. Thereafter the tactile paving shall be retained and maintained for its designated purpose.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

- (26) **Hours of work:** Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations or deliveries of materials relating to the construction of the development, 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

- (27) **Compliance with Ecology Report:** The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the letter, by WE, January 2023 and supporting Reports. The approved measures shall thereafter be maintained for the life of the development

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015

- (28) **Compliance with Energy and Sustainability Report:** The development shall accord with the Energy and Sustainability Report (ref: Envision, Rev C, 26th January 2023) to ensure that the proposal delivers sustainability measures compatible with the Local Planning Authority's requirements for sustainable design and construction. The requirements within the report shall be implemented prior the first occupation of the development and thereafter maintained for the life of the development.

Reason: To accord with sustainable design and construction, in accordance with Policy CS6 of the Core Strategy 2007

- (29) **Obscure glazing:** Before any occupation of the development hereby permitted, the bathroom windows of Units 1 -03 and 2-02 (ref: (GA)04-PL3 - Proposed Floor Plans Sh2 – dated January 2023) and all communal windows on the north-eastern elevation (facing towards 113 East Street) shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale for the life of the development. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3

Reason: To protect the amenities and privacy of the proposed new residential property in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Development Management Policies Document (2015)

- (30) **Car Park Management Plan:** Prior to the occupation of the development, a Car Park Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan must allocate car parking spaces to the flats and set out how car parking shall be managed on the site. Car parking spaces shall be clearly signed (e.g., wall mounted signage, painted demarcation on the hard surface) and maintained throughout the lifetime of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019. To accord with NPPF 2019: Section 9 Promoting Sustainable Transport, and Epsom and Ewell Core Strategy 2007 and Epsom and Ewell Development Management Policies 2015

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service,

in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

- (2) 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) 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;
 - 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"

- (4) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on SCC LLFA website
- (5) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater
- (6) If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence
- (7) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway

or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

- (8) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (9) 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
- (10) 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 Act 1980 Sections 131, 148, 149)
- (11) 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. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- (12) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway

(13) 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.

4 23/00079/FUL PENECCROFT, 19 DOWNS AVENUE, EPSOM, SURREY, KT18 5HQ

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in objection to the application

The Applicant spoke in support of the application.

Description:

Erection of a two storey dwelling following demolition of existing bungalow.

Officer Recommendation:

To grant Planning Permission, subject to Planning Conditions.

Decision:

Following consideration, the Committee resolved (7 for, 1 against, 1 abstaining, and the Chair not voting) to:

GRANT planning permission, subject to the following conditions:

Conditions:

(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 and reports:

Site Location Plan at 1:1250

Drawing Number 19DA-PE-001/Rev 1

Drawing Number 19DA-SP-001/Rev 1

Drawing Number 19DA-ss-001/Rev 1

Drawing Number DA-FP-001/Rev 0

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

- (3) Prior to the commencement of development hereby approved, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (4) Prior to the commencement of development hereby approved, full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (5) The development hereby approved shall not be first occupied until details of the siting and scale of bird boxes and bat boxes, log piles, hedgehog permeability and other enhancements are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

- (6) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (7) The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access

Statement, Revision 2 dated 20 May 2023, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007

- (8) The windows on the north elevation of the development hereby permitted shall be non-opening to a height of 1.7m from the internal finished floor level and glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained.

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

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed in the north or south elevations of the development hereby approved without the written permission of the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015.

- (10) Works related to the construction of the development hereby permitted, including works of demolition or 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 Document 2015.

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- (2) It is an offence to cause harm to protect species. Should the presence of bats be discovered during any tree removal or demolition works, works must immediately cease on site and Natural England contacted on 0300 060 3900 for further advice.
- (3) 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.

- (4) 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.
- (5) 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;
 - 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".

5 22/01294/FUL DEVELOPMENT SITE AT 24-28 WEST STREET, EPSOM

The Committee received a presentation from the Principal Planning Officer. The Principal Planning Officer noted during the presentation that a number of slides were missing. To allow for the Committee to receive accurate and up-to-date information, the Chair adjourned the meeting at 20:48 in order for Officers to

resolve the issue. The meeting resumed at 20:54, the Officers having updated the presentation to include the missing slides.

The Agent spoke in support of the application.

Description:

Demolition of existing building and construction of a new part 5 and part 6 storey building containing 20 residential units and associated development.

Officer Recommendation:

Part A: To grant Planning Permission, subject to a S106 agreement being completed within six months of the date of the decision, under Heads of Terms, and subject to Planning Conditions and Informatives.

Part B: To authorise the Head of Place to refuse the application in the event that the Section 106 Legal Agreement referred to in Part A is not completed within six months of the date of the resolution by the Planning Committee.

Decision:

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

- a) As a result of its overall height, design and density, the proposed development would fail to integrate with the character and appearance of the area, to the detriment of the existing town character and therefore, in accordance with paragraph 134 of the National Planning Policy Framework (2021), should be refused. The proposal would be contrary to Policies CS1 and CS5 of the Epsom and Ewell Core Strategy (2007), Policies DM9, DM10 and DM13 of the Epsom and Ewell Development Management Policies (2015) and Policy E7 of the Plan E Area Action Plan (2011).
- b) The proposal would result in the loss of a good quality Conservation Area building that makes a positive contribution to the character and appearance of the Epsom Town Centre Conservation Area, for which no suitable replacement has been made. The proposal would therefore cause less than significant harm to the heritage asset that would not be outweighed by the public benefits of the scheme. The proposal would therefore fail to accord with Section 72 of the Listed Buildings and Conservation Area Act 1990, paragraph 202 of the National Planning Policy Framework (2021), Policy DM8 of the of the Epsom and Ewell Development Management Policies (2015) and the relevant paragraphs of the NPPF 2021.
- c) The proposal results in the reduction of a shared cycleway/footway and encourage manoeuvring of vehicles across a pedestrian and cyclist zone. The proposals would therefore interfere with the space designated to pedestrians and cyclists, and could cause danger and inconvenience to

how non-motor highway users manoeuvre along Station Approach. This would lead to conditions prejudicial to highway safety contrary to the objectives of the National Planning Policy Framework (2021), policy DM 35 of the Epsom and Ewell Borough Council Development Management Policies, objective 3 of the Surrey Transport Plan 2022 - 2032 'To provide well-connected communities that encourage social mobility and ensure no-one is left behind' and the Surrey Local Transport Plan (4).

Councillor Bernie Muir seconded the proposal.

The Committee voted (4 for, 5 against, and the Chair not voting) against the motion

Councillor Clive Woodbridge proposed that the question be now put. Councillor Julian Freeman seconded the proposal. The Chair subsequently put the question to the vote.

The Committee resolved (6 for, 3 against, and the Chair not voting) to:

Part A: Grant planning permission, subject to conditions and informatives as stipulated below, and subject to a Section 106 Agreement being completed and signed within six months of the date of the resolution by the Planning Committee, under the following heads of terms:

- **The provision of two on site affordable housing units (10%). The affordable units are proposed as 1 no. affordable rent and 1 no. shared ownership.**
- **Tree planting; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agree with the Council's Tree Officer) shall be met by the developer.**
- **S278 Agreement for car-club and management; within six months of the occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.**
- **Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted**
- **No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 D.**
- **Monitoring fee (drafting of Section 106 agreement) of £1,200.**

Part B: Authorise the Head of Place to REFUSE the application in the event the Section 106 Legal Agreement referred to in Part A is not completed

within six months of the date of the resolution by the Planning Committee, for the following reason:

- (1) In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the Core Strategy 2007 in relation to the provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.**

Conditions:

- (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 and reports:**

Drawing Number 100.00 - Existing Site Location Plan

Drawing Number 101.00 - Existing Site Block Plan

Drawing Number 102.00 - Existing Floor Plans

Drawing Number 310.00 – Proposed South Elevation

Drawing Number 311.01 – Proposed East Elevation

Drawing Number 312.00 – Proposed West Elevation

Drawing Number 313.00 – Proposed North Elevation

Drawing Number 301.01 – Proposed Site and Ground Floor Plan

Drawing Number 302.01 – Proposed First Floor Plan

Drawing Number 303.01 – Proposed Second Floor Plan

Drawing Number 304.01 – Proposed Third Floor Plan

Drawing Number 305.01 – Proposed Fourth Floor Plan

Drawing Number 306.01 – Proposed Fifth Floor Plan

Drawing Number 307.01 – Proposed Sixth Floor Plan

Drawing Number 308.00 – Proposed Seventh Floor Plan

Drawing Number 309.01 – Proposed Site and Roof Plan

Drawing Number 315.00 – Proposed Site Section

Drawing Number 314.01 – Proposed Street Scene

Drawing Number 182191-001 Rev D - Proposed Delivery Access Arrangements

Fire Risk Assessment entitled '622466-MLM-ZZ-XX-CO-YF-0001-REV01' (Nov 2020)

Arboricultural Impact Assessment entitled SHA 691 REV D (Oct 2020)

Daylight/Sunlight Assessment entitled 'RC/ROL00282 (14 Oct 2020)

Preliminary Risk Assessment entitled 'P1481J1366/TE' (APRIL 2018)

Flood Risk Assessment entitled 'NO. 182191-02' (July 2019)

Transport Assessment entitled 'NO. 182191-01B' (Nov 2020)

Noise and Vibration Assessment E2660 (August 2019)

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

- (3) Prior to the commencement of development, details and samples of all external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (4) Prior to the commencement of development, a mock-up shall be prepared on site which shall include example of all external surfaces and materials as well examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. This mock-up shall be approved by the local planning authority and shall retained on site. Now work shall be carried out otherwise than as to conform to this approved mock-up.

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

- (5) Prior to any demolition taking place, details of the proposed artwork or the incorporation of retained features from the east elevation of the existing

building into the proposed design shall be submitted and approved in writing with the Local Planning Authority. The agreed details shall be installed and maintained in perpetuity.

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

- (6) Prior to any demolition taking place, a written and photographic record of 24-28 West Street to Level 2 of 'Understanding Historic Buildings' by Historic England 2016 shall be submitted to and approved in writing by the Planning Authority.

Reason: To accord with paragraph 205 2021 of the National Planning Policy Framework to ensure that a record is made of the heritage asset before it is demolished.

- (7) Prior to any demolition taking place, The Charles Brooking Collection shall be permitted to visit the building and identify architectural features of note which are worthy of preservation. If requested by The Collection, one of each item shall be carefully removed and given and delivered free of charge and cost to the Brooking Collection. If requested by The Brooking Collection, this shall include a photograph of each feature in situ, and details of its location in the house

Reason: To accord with paragraph 205 of the National Planning Policy Framework 2021 to ensure that a record is made of the heritage asset before it is demolished.

- (8) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies 2015.

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

Reason: in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of

the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be first occupied unless and until details of Electric Vehicle charging and electric cycle charging points have been submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (11) No development shall commence until a Construction Transport Management Plan, to include details of:

parking for vehicles of site personnel, operatives and visitors

loading and unloading of plant and materials

storage of plant and materials

programme of works (including measures for traffic management)

provision of boundary hoarding behind any visibility zones

HGV deliveries and hours of operation

vehicle routing

measures to prevent the deposit of materials on the highway

before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

on-site turning for construction vehicles

measures to ensure the footway/ cycleway are not obstructed during construction

Measures to ensure that the highway is not obstructed during Epsom Derby Week

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of

the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

- (12) The development hereby approved shall not be first occupied unless and until the existing access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (13) The development hereby approved shall not be first occupied unless and until the required Traffic Regulation Order for the proposed loading bay has been designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (14) Within six months of first occupation the required Traffic Regulation Order for the proposed car club bay shall be designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

- (15) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.65 l/s.

Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt

traps, inspection chambers etc.), this should include details of the proposed Blu-roof system.

A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

Details of drainage management responsibilities and maintenance regimes for the drainage system.

Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (16) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls) and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, in consultation with the Environment Agency and Thames Water, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

- (18) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

- (19) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:

a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

if, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

- (20) The development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted Noise and Vibration Assessment, prepared by Entran, dated June 2022. Prior to occupation of the site, the applicant shall submit evidence to the local planning authority that this mitigation has been installed and/or commissioned as necessary.

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (21) Works related to the construction of the development hereby permitted, including works of demolition or 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 Document 2015.

- (22) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015.

- (23) The development hereby permitted shall be carried out in strict accordance with the recommendation set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (24) No development shall commence on site until details of the siting and scale of bird boxes and bat boxes are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

- (25) The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by DAP Architecture Ltd and dated June 2022, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007.

- (26) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency

Reason: In order to comply with Policy CS6 of the Core Strategy 2007 and Policy DM12 of the Development Management Policies 2015.

- (27) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

Reason: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives, in accordance with Policy DM10 of the Development Management Policies Document 2015.

Informatives:

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

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

- (2) 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) 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;
- 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".

- (4) The scheme to implement waiting restrictions or other relevant works to regulate or restrict the operation of the highway shall first require a Traffic Regulation Order or Notice prior to use. The alteration of the Traffic Regulation Order or creation of a new Order or Notice is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event that the implementation of waiting restrictions or other works requiring an Order or Notice is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to first occupation of the development. Any alternative scheme or works shall be implemented prior to the occupation of any dwellings to the satisfaction of the Local Planning Authority.
- (5) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (6) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice
- (7) 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 Act 1980 Sections 131, 148, 149).

- (8) The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (9) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- (10) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.
- Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- (11) Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
- (12) There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- (13) The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our

guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water at developer.services@thameswater.co.uk.

- (14) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- (15) There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- (16) Sub ground structures should be designed so they do not have an adverse effect on groundwater.
- (17) Network Rail requests the applicant / developer engages Network Rails Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rails Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.
- (18) The application site is adjacent to Network Rail land required for the future delivery of Crossrail 2 which would mean a higher frequency of trains operating out of Epsom Station than at present.
- (19) Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage,

to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design

- (20) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order.
- (21) Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
- (22) Fire safety information in accordance Regulation 38 of the Building Regulations should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
- (23) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
- (24) Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to: protect life; protect property, heritage, the environment and our climate; help promote and sustain business continuity; and permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- (25) The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.
- (26) The applicant is advised that prior to the first occupation of any part of the development hereby approved, details of the measures to be incorporated within the development to minimise the risk of crime to a level that would achieve Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The security

measures shall be installed within each dwelling, in accordance with the approved details prior to the occupation of that dwelling and confirmation that Secured by Design accreditation has been achieved shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the occupation of the final dwelling. The development shall be retained as such thereafter.

6 SUPPLEMENTARY INFORMATION - UPDATE REPORT

The Committee received and noted the report listing potential applications for consideration at forthcoming Planning Committee meetings, and providing a Quarterly Development Management Performance update.

The meeting began at 7.30 pm, was adjourned between 8.48 pm – 8.54 pm, and ended at 9.58 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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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

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.

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23/00532/FUL Parkside House, Ashley Road, Epsom, Surrey, KT18 5BS

Ward:	Town Ward
Site:	Parkside House Ashley Road Epsom Surrey KT18 5BS
Application for:	Change of use to dual use Office (Use Class E (g)(i)) and 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=RU4XJSGYJCU00>

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 building, called Parkside House, with basement car parking. The building was constructed as a purpose-built office building in the early 1990s.
- 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. A Change of Use application is submitted, from Offices (Use Class E(g)(i)) to dual use Office and Education (Use Class F1(a)) (formerly known as Use Class D1).
- 2.5 The Cover Letter that supports this application sets out that the purpose of dual use is to give UCA a planning permission for two separate uses, which can be interchangeable over a 10 year period without the need for further planning permission. After 10 years, whichever use that is being implemented within the building at that time then becomes the lawful use of the building.
- 2.6 A Marketing Report supports this application. It outlines marketing evidence for a period of 18 months based on leasehold occupancy. There was one viewing of the building since it was marketed from September 2021. Due to the need for refurbishment of the building and the lack of activity in the office market, the Marketing Report concludes that it is unlikely that office use is viable at the Site. The letting interest for the building has come from UCA on a subject to planning permission for the change of use basis.
- 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 UCA's 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 and no changes to existing landscaping. 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 1336 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 extant office use.
- 2.14 The proposal has received no objections from Statutory and Internal Consultees, no objections from nearby residents and is supported by Officers.
- 2.15 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 Application Site ('Site') comprises a three-storey building, called Parkside House, with basement car parking. The building was constructed as a purpose-built office building in the early 1990s.
- 4.2 The building has a traditional appearance utilising brick and stone, with a mansard roof. Landscaping surrounding the building consists largely of hardstanding for access and parking, with small areas of planting to the south and east of the building. There is a Tree Preservation Order allocated to a tree located on the eastern portion of the Site within a small area of soft landscaping.
- 4.3 Nuffield House, an office building, to the north of the Site. To the south, the Site overlooks Rosebery Park, with several trees and shrubs partially concealing the Site from the park.

5 Proposal

- 5.1 The proposal seeks full planning permission for a change of use of Parkside House to dual use Office (Use Class E (g)(i)) and Education (Use Class F1(a)).
- 5.2 The Cover Letter that supports this application sets out that the purpose of dual use is to give UCA a planning permission for two separate uses, which can be interchangeable over a 10 year period without the need for further planning permission. After 10 years, whichever use that is being implemented within the building at that time then becomes the lawful use of the building.

6 Comments from third parties

- 6.1 The application was advertised by means of letters of notification to 103 neighbouring properties. 0 letters of representation have been received.
- 6.2 A Site Notice was displayed, and the application advertised in the local paper.

7 Consultations

- SCC Highways: no objection. Recommend Conditions
- Environment Agency: Falls outside of remit
- SCC Archaeology: No Archaeological Concerns
- SCC LLFA: No objection
- EEBC Planning Policy: No objection
- EEBC Conservation and Design: No objection
- EEBC Ecology: No objection
- EEBC Environmental Health: No objection
- EEBC Trees: No objection
- EEBC Waste: No objection
- EEBC Contaminated Land: No objection

8 Relevant planning history

- 8.1 There is no recent or relevant planning history relating to this Site.

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 and landscaping
- Impact on neighbouring amenity
- Flood risk
- Highways, car parking and cycle parking
- Sustainability.

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 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). The occupation of Parkside House (this Site) would facilitate this.
- 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. A Change of Use application has been submitted 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 Cover Letter supports this application. It sets out that UCA is investing in new facilities to create an international centre for creative business, fashion and textiles. This will 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 Parkside House will facilitate.

- 10.13 The Cover Letter sets out that the purpose of dual use is to give UCA a planning permission for two separate uses, which can be interchangeable over a 10 year period without the need for further planning permission. This is controlled under Class V, Part 3 of Schedule 2 of the General Permitted Development (England) Order 2015. In essence, Class V allows an Applicant or Landlord to switch between the two uses without the need for further planning permission for a period of up to 10 years. After 10 years, whichever use that is being implemented within the building at that time then becomes the lawful use of the building. This permitted development right introduces flexibility into planning permissions for a change of use to allow market forces to dictate the use of premises. Where one use was unsuccessful (i.e., if UCA were to vacate the premises in the next few years), there would be an alternative use (i.e., offices) already established and lawfully in place ensuring the continued active use of premises.
- 10.14 A Marketing Report supports this application. It outlines marketing evidence for a period of 18 months based on leasehold occupancy. There was one viewing at the building since it was marketed from September 2021. Due to the need for refurbishment of the building and the lack of activity in the office market, the Marketing Report concludes that it is unlikely that office use is viable at the Site. The letting interest for the building has come from UCA on a subject to planning permission for the change of use bases.
- 10.15 The Cover Letter 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.
- 10.16 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.
- 10.17 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

- 10.18 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 for a sufficient period and that there has been very limited interest.

- 10.19 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

- 10.20 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 higher education offer within the Borough.
- 10.21 Subject to planning permission being granted, a Condition would be included to ensure that the dual Office (Class E (g)(i)) and Education (Class F1(a)) Uses shall be limited for a period of 10 years from the date of the decision. The use of the building at the time of the expiry of the 10 year period would become the established use of the building. Any further changes of use after that period would require a further planning application/permission.
- 10.22 The proposal complies with Policies DM34 of the Development Management Policies Document (2015) and Policy E5 of Plan E (2001).

Design and landscaping

Policy

- 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 supports this application. It sets out that the application does not seek any external or internal alterations to the building to facilitate the Change of Use.
- 10.27 The Cover Letter sets out that the Site currently contains moderate levels of soft landscaping on the southern and eastern portions of the Site. This soft landscaping would be retained as part of this planning application. The introduction of further soft landscaping is not possible without interfering with the existing access and car parking arrangements. As the access and car parking arrangements are sought to be maintained as existing, no further soft landscaping is proposed as part of this application.

EEBC Conservation and Design Officer

- 10.28 EEBC's Conservation and Design Officer commented on this application, noting that there are no alterations to the elevations and that the building is not close to any heritage assets, other than 55 South Street, which is a Listed Building. The Officer had no comments to give and raises no objection to the proposal.

EEBC Tree Officer

- 10.29 EEBC's Tree Officer formally commented on this application, with no objection, as there are no changes proposed to the existing landscaping.

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 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 because 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, reduce 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).
- 10.39 The building is not located in an area affected by surface water flooding.

Flood Risk Assessment

- 10.40 A Flood Risk Assessment (FRA) supports this application. It sets out that the Site lies within Flood Zone 1. Although ground water flood risk is not expected at surface level, there is a possibility of groundwater affected the basement levels. Further onsite investigation would be required to further understand this risk.
- 10.41 The FRA sets out that the building is not located in an area affected by surface water flooding and the flood risk to the educational use of the proposed building from ground floor level up is very low. 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 from 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.

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 recognise that there are no changes sought to the building footprint or the levels of hardstanding, so the proposed development should not increase the risk of flooding elsewhere and would be safe for future occupants throughout the lifespan of the development.
- 10.45 The proposal complies with Policy DM19 of the Development Management Policies Document (2015).

Highways, car parking, cycle parking and refuse

Policy

- 10.46 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.
- 10.47 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.

- 10.48 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.
- 10.49 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

- 10.50 A Transport Statement supports this application. It sets out that the existing on-site car parking provision is split between the surface car park, which provides 45 car parking spaces, including one designated disabled space and the basement car park, which is split over two levels. A total of 188 car parking spaces are provided across both parking areas. The basement car park has a total of 141 car parking spaces, with 69 car parking spaces on the upper level and 72 car parking spaces located on the lower level.
- 10.51 The Transport Statement sets out that the Site provides a total of 35 cycle parking spaces. This provision consists of 9 Sheffield stands providing two cycle parking spaces each, and 17 wall mounted butterfly stands. All cycle parking spaces are provided internally across the split-level basement.
- 10.52 The Transport Statement acknowledges the Site's Town Centre location and that it is accessible by foot, cycle and public transport. There are bus stops located along Ashley Road and the A24, and Epsom train station is within walking distance.
- 10.53 The Transport Statement sets out that the Site's existing vehicular and pedestrian access arrangements would remain unchanged as a result of this proposal. The on-site car parking provision would also remain unchanged, but a total of nine car parking spaces (5% of the existing spaces) would be designated as disabled car parking bays.
- 10.54 The Transport Statement sets out that UCA staff members and visitors are allowed to use their car parks only, not students.
- 10.55 The building could accommodate up to 1336 students and they would be encouraged to travel to the building 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 fewer vehicular movements throughout a typical weekday, as well as during AM and PM peak hour periods, in comparison with the Site's extant office use.

- 10.56 The Transport Statements sets out that the on-site cycle parking provision is not proposed to change as part of this proposal. However, since the demand for on-site car parking from staff and visitors is likely to be significantly lower, there is scope to convert car parking spaces to cycle parking spaces.
- 10.57 The Transport Statement sets out that the 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 approximately 90% of the cycle parking spaces are used, additional cycle spaces could be installed to accommodate increased demand from both staff and students at UCA.
- 10.58 The Transport Statement sets out that currently, delivery and servicing is accommodated on Site. Delivery and servicing vehicles access and egress the Site via the access located off Ashley Road. There is sufficient space within the internal layout to enable a larger refuse truck to enter and exit in forward gear.
- 10.59 The Transport Statement sets out that the delivery and servicing arrangements will not change because of the proposal. The proposed refurbishment/expansion works would not result in an intensified use of the Site and as such, it is not envisaged to result in an increase in the number of delivery and servicing movements to/from the Site.
- 10.60 In summary, the Transport Statement sets out that the proposal would likely result in a substantial decrease in vehicular movements throughout a typical weekday, including peak AM and PM hour periods, in comparison to commercial office use. Consequently, the proposal would have a positive impact on the operational and safety characterises of the local highway network.

Cover Letter, dated 05 July 2023

- 10.61 A Cover Letter supports this application, which suggests providing 23 active Electric Vehicle Recharging Points (EVCPs) EVPCs within the Site's surface car park. The provision would accommodate the short, medium and long term demand arising from UCA staff and visitors. It would also strike a reasonable balance in satisfying future demand whilst not comprising the long-term aim and objectives of UCA's Travel Plan, which is to increase the proportion of staff and visitors to travel by sustainable modes, rather than the private car for journeys to and from UCA's campuses.

EEBC Waste

- 10.62 EEBC Waste formally commented on this application confirming that the proposals are suitable, subject to ensuring that bins must be sited for collection within six metres of the entrance.

Surrey County Council Highways

- 10.63 Surrey County Council (SCC) Highways formally commented on this application, with no objection, but recommending that Conditions are attached to any planning permission granted.

Sustainability

Policy

- 10.64 The National Planning Policy Framework (2011) (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives. The environmental objectives include mitigating and adapting to climate change.
- 10.65 Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.
- 10.66 Consideration of sustainability and climate change are embedded within the Local Planning Authority's Core Strategy (2007). Specifically, Policy CS1 of the Core Strategy (2007) sets out that the Council expect development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development, both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high-quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 of the Core Strategy (2007) sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.
- 10.67 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 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.
- 10.68 Subject to planning permission being granted, 23 active Electric Vehicle Recharging Points (EVCPs) EVPCs within the Site's surface car park would also be provided, but the proposal does seek to promote sustainable means of travel, encouraging walking and cycling, rather than reliance on the private car.
- 10.69 The proposal would bring the building back into viable use, enhance the higher education offer within the Borough, encourage increased footfall within the Town Centre.

10.70 The above comprises sustainable principles. The proposal accords with Policy CS6 of the Core Strategy (2007).

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 A Marketing Report supports this application. It outlines marketing evidence for a period of 18 months based on leasehold occupancy. There was one viewing of the building since it was marketed from September 2021. Due to the need for refurbishment of the building and the lack of activity in the office market, the Marketing Report concludes that it is unlikely that office use is viable at the Site. The letting interest for the building has come from UCA on a subject to planning permission for the change of use basis.
- 11.3 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 UCA's Epsom Campus.
- 11.4 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.
- 11.5 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.
- 11.6 The proposal does not seek any external or internal alterations to the building and no changes to existing landscaping. There are no objections from EEBC's Conservation and Design Officer and Tree Officer.
- 11.7 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.
- 11.8 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.

- 11.9 UCA staff members and visitors are allowed to use their car parks only, not students. The building could accommodate up to 1336 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 extant office use.
- 11.10 The proposal has received no objections from Statutory and Internal Consultees, no objections from nearby residents and is supported by Officers.
- 11.11 Officers recommend approval of the planning application, subject to Conditions.

12 Recommendation

12.1 Grant, subject to Conditions.

Conditions

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:

630439.01 – Site Location Plan
630439.02 - Existing Site Plan
630439.04 – Existing Lower Car Park Plan
630439.06 - Existing Upper Car Park Plan
630439.08 - Existing Ground Floor Plan
630439.10 - Existing First Floor Plan
630439.12 – Existing Second Floor Plan
630439.14 – Existing Elevation 1
630439.16.17 – Existing Elevation 2 and 3
630439.20 – Existing Elevation 4
630439.03 – Proposed Site Plan
630439.05 – Proposed Lower Car-Park
630439.07 – Proposed Upper Car-Park
630439.09 – Proposed Ground Floor Plan
630439.11 – Proposed First Floor Plan
630439.13 – Proposed Second Floor Plan
630439.15 – Proposed Elevation 1
630439.18.19 - Proposed Elevation 2 and 3

630439.21 – Proposed Elevation 4

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

3.The dual Office (Class E (g)(i)) and Education (Class F1(a)) hereby permitted, under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), shall be limited for a period of 10 years from the date of this decision. The use of the building at the time of the expiry of the 10 year period shall become the established use of the building. Any further change of use after that period shall require a further planning permission

Reason: In order to provide greater flexibility to the use of the building and to clarify the lawful uses hereby permitted and to clarify the criteria relating to this permission

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 (a) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking areas shall be retained and maintained for their designated purposes

5 (b) The existing vehicle parking (and turning) area at the premises (as shown on the existing site plan, the existing upper car park and the existing lower car park (dated 04 May 2023) shall be permanently retained and maintained for their designated purpose

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users namely pedestrians and cyclists and to satisfy policies DM35, DM36 and DM37 of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

6. The development hereby approved shall not be occupied unless and until at least 23 car parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the approved proposal by the Local Planning Authority.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

7. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure parking of bicycles. All cycle parking should be secure, covered and lit. Thereafter the parking areas shall be retained and maintained to the satisfaction of the Local Planning Authority. Furthermore, an Electric Charging Point nearby to any bicycle parking to increase the take up of electric bicycles and to be in line with recent SCC parking guidance released in February 2023 shall be installed prior to first occupation and maintained thereafter.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

8. 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

9. On collection days, refused and recycling bins serving the development must be sited for collection within six metres of the vehicular entrance.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007), Policy DM10 and DM12 of the Development Management Policies 2015 and '*Guidance on the storage and collection of household waste*' (dated November 2018)

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.

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.

4. 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 Act 1980 Sections 131, 148, 149)

5. 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

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

7. 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.

8. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway

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

- 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

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

**22/01518/FUL Majestic Wine Warehouses Ltd, 31 - 37 East Street
Epsom, Surrey**

Ward:	Town Ward
Site:	Majestic Wine Warehouses Ltd 31 - 37 East Street Epsom Surrey KT17 1BD
Application for:	Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping.
Contact Officer:	Gemma Paterson

1 Plans and Representations

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

Link: [22/01518/FUL](https://www.ewell.surrey.gov.uk/22/01518/FUL)

2 Background

- 2.1 The application was due to be determined by Members at the July 2023 Planning Committee. However, the applicant has since appealed this application because of non-determination. Members are therefore not determining this planning application but considering whether they would have refused the proposal (for the reasons set out below or other reasons) or if they would have approved the proposal. Officers will then inform the Planning inspectorate of the decision the Council would have made if the applicant had not appealed.

3 Summary

- 3.1 The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 3.2 The application seeks planning permission for the demolition of the existing two storey building and the erection of a part four storey, part five storey

building comprising a self-storage facility (Class B8 use) and flexible office use (Class E(g)(i) use).

- 3.3 The site comprises brownfield land within a sustainable location and forms part of an opportunities site within the adopted Local Plan that seeks an element of employment floorspace. The proposal would result in an optimisation of the site and could therefore be considered acceptable in principle, subject to the other material planning considerations.
- 3.4 Although the proposal would result in the loss of existing retail use on the site, in the absence of any safeguarding policies to retain retail uses in a Town Centre Location outside of the designated primary shopping area, the loss of the existing retail use from the site is acceptable
- 3.5 The proposal would provide a flexible form of commercial accommodation to support local businesses, particularly small to medium enterprise and start up business, as well as creating new employment opportunities, both directly and indirectly.
- 3.6 The proposal would result in a reduction of traffic generation to the site in comparison to the existing use, to the benefit of the surrounding highway network.
- 3.7 The proposal would deliver a series of biodiversity measures on the site, resulting in an 11% biodiversity net gain.
- 3.8 The proposal would incorporate a combination of energy efficient measures, including photovoltaic panels.
- 3.9 The proposal would accord with the Council's policies in relation to heritage assets, flood risk, noise/disturbance, land contamination and archaeology.
- 3.10 It has not been sufficiently demonstrated that the proposal would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.
- 3.11 The opportunities for meaningful landscaping have not been fully explored, as the proposal fails to provide any landscaping to the rear of the site, which is particularly important when considering the delivery of the adjacent opportunity site. Although the proposal would provide some form landscaping to the East Street streetscene, to a level that would be an betterment upon the existing situation, Officers are not satisfied as to whether this landscaping could be established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing.
- 3.12 As a result of its layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond

architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area.

- 3.13 The proposed development would create poor living conditions for the occupiers of the student accommodation at Crossways House due to inadequate daylight and through the reduction of sunlight to bedrooms, creating significant and unacceptable effect on their amenity.
- 3.14 Officers are not satisfied that the level of parking identified can be achieved on site. No robust justification has been submitted to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking.
- 3.15 The presumption in favour of sustainable development (paragraph 11 of the NPPF) is engaged, and planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF 2021 as a whole.
- 3.16 Overall, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The application is therefore recommended for refusal
- 3.17 **The application would have been recommended for REFUSAL**

4 Site description

Application Site

- 4.1 The application site lies to the north of East Street and comprises a two-storey brick building and 48 space hard surfaced car parking area set upon 0.31 hectares. The existing building is subdivided into two units; one unit comprises 1,010m² of floor space and is currently vacant, whilst the second unit comprises 222 m² of floor space and is currently occupied by the operation Majestic Wine.
- 4.2 Vehicular access to the site is direct from East Street, by way of a priority junction and shared access with Laine Performing Arts Centre and car parking adjacent to the gas holder. The access becomes divided 30 metres from the carriage way on East Street, directing the traffic to either the site or the Laine Performing Arts Centre.
- 4.3 There are two trees to the front of the site that are subject to a Tree Preservation Order.

Surroundings

- 4.4 The area surrounding the site comprises a mix of commercial and residential uses. To the north of the site is Hook Road Car Park, the gas holders, with Rainbow Leisure Centre beyond.

- 4.5 To the north east of the site two student accommodation blocks, one of which Crossways House, bounds the site.
- 4.6 To the south west of the site is the Laine Performing Arts Centre, beyond which is an office and four residential properties.
- 4.7 To the south, beyond the main highway is the Royal Mail Delivery Office, a retail store, the Epsom Job Centre and various offices.
- 4.8 With the vicinity of the site are Grade II Listed properties 23, 25 and 27 East Street, located to the south west.
- 4.9 The townscape to the north side of East Street is varied, ranging from two storey residential dwellings to five storey student accommodation and office blocks. The southern East Street townscape is predominantly four storeys in height.

5 Proposal

- 5.1 The proposed development involves the demolition of the existing two storey building and the erection of a part four storey, part five storey building comprising a self-storage facility (Class B8 use) and flexible office use (Class E(g)(i) use).
- 5.2 With regard to the self-storage use, the proposal would comprise 'permanent' floors on the ground floor level and on part of the second floor, providing 1.859m² of self-storage floorspace.
- 5.3 The quantum of self-storage floorspace can be increased through the installation of demountable mezzanine floors across the first, part second third and further floor, to a total maximum quantum of self-storage floor space of 8,006m².
- 5.4 The proposed building would also accommodate 222m² of flexible office space located across the ground and first floor of the building.
- 5.5 The proposal would be supported by an undercroft service yard accessed via a sliding gate and access-controlled bollard. The gate would be opened during staff hours of 08:00 – 18:00, with limited access to specific customers outside of core hours from 07:00 – 23:00. Access to the service yard outside of these core hours would be via key code entry.
- 5.6 The information supporting this application advises that 14 parking spaces can be provided within the site, including one disabled space and one parent/child space.
- 5.7 Two parking spaces will be provided with electric vehicle charging points and a further two supplied with a suitable power supply.
- 5.8 12 cycle parking spaces will be provided within the site to serve both the self-storage facility and the flexible office space.

- 5.9 The proposal also provides hard and soft landscaping along the East Street frontage and along the south west of the boundary. The East Street landscaping would comprise native and oriental shrub planting, flowering lawn and the planting of three multi stemmed trees. The existing TPO trees will be retained and subject to pruning works.
- 5.10 The landscaping along the south west boundary comprising hedging and climbers on a stainless-steel rod structure on the south west elevation of the building, with other areas of ornamental shrub planting and flowering lawn.

6 Comments from third parties

- 6.1 The application was advertised by means of a site and press notice, and letters of notification to neighbouring properties. Three letters of objection had been received and the issues raised are summarised as follows:

Southern Gas Network

- The site boundary includes land outside of the control of the applicant which is necessary to facilitate the full range of necessary vehicle movements. The swept path diagram confirms that tight vehicle movements will need to be performed immediately adjacent to the Laines Theatre Performance Centre, putting students at greater risk as a consequence.
- The proposed layout and massing could prejudice the future redevelopment of the remaining parts of the Utilities Site
- The proposal would result in harm to the amenity of the residents at the adjacent student accommodation at Crossways House.
- No consideration has been given in the Noise impact Assessment to the potential for residential development on the remaining parts of the Utilities Site.
- No marketing evidence has been provided to suggest that a retail use is no longer viable.
- The site is not an appropriate location for a self-storage facility; an office development is more suitable
- The net increase in jobs outlined in the supporting Economic Statement is misleading; only three people will be directly employed.
- No account of the network of underground utilities has been taken. The proposal needs to take account of the potential impacts that the development can have on utilities which are susceptible to vibration, in the interests of human health and continuity of supply.

University of Creative Arts

- UCA's five storey accommodation known as Crossways House provides student accommodation for 150 students. The wellbeing of students is a priority for UCA, and it is important that UCA is able to provide students with high quality student accommodation, as this is their primary living space when study with UCA. The student accommodation is leased all year round by UCA.
- The development seeks to drastically add to the volume, height and massing of the site resulting in a prose represents a gross form of overdevelopment
- A building of this height and massing would have an overbearing impact on Crossways House which will create a sense of enclosure for the students living there.
- The proposal would create a poor sense of outlook and result in loss of light levels that will impact the existing living conditions of students at Crossways House .
- As a result of the operating hours, the proposal is likely to cause an increase in noise position for the existing residents of Crossways House
- UCA is not against the redevelopment of the site but does not consider a self-storage facility use appropriate in this location.

Other

- The obvious use of this site would be for housing
- It would be better to build/provide this self-storage facility further out of the centre of Epsom, preferably in the industrial area such as Longmead.

6.2 The applicant has responded to these objections with the following comments:

- The application site solely comprises of land that is owned by the applicant or that they have access rights over.
- No changes to the existing junction with East Street are proposed as part of the application. As a result, vehicles accessing the proposed development would have the same width of access as vehicles , such as large articulated lorries, currently accessing the site. The submitted swept path drawing show that the largest vehicle that would require access to the site, a 10m rigid HGV can comfortably turn in and out of this access with no tight manoeuvres are required.
- Footways are provided on both sides of the access, including adjacent to the Laines Arts Centre. Given this and the wide access that does not

require tight turns, there would be no increased risk to users of the centre as a result of the proposed development.

- The proposed development would not prejudice the future delivery of further development at the Utilities Site and an illustration has been submitted to demonstrate this.
- It is noted that the Council are currently consulting on the Regulation 18 Draft New Local Plan. The draft plan proposes to continue to allocate the majority of the Utilities Site land for redevelopment. This plan is at a very early stage of preparation and therefore it is considered appropriate to focus on the adopted Local Plan at this stage. However, the draft allocation also continues to allocate the land for mixed use development, including residential and employment uses.
- The height is considered to respect the character and context of the surrounding locality and is policy compliant. It is therefore considered that height is acceptable, as it helps promote additional height across the Utilities Site.
- The level of BRE daylight and sunlight compliance is considered to be reasonably high, given the urban context of the area. Where the BRE guidance is not met, these windows serve units within Crossways House which is in use as student accommodation. Only three bedrooms will fall below guidance for both VSC and NSL and they do so marginally.
- Crossways House itself serves student accommodation which have more transient residential occupiers than Use Class C3 homes, and therefore would typically be considered to be a less sensitive use.
- The Proposed Development has also sought to minimise the impact to the Crossways House windows; however some degree of impact is to be expected for the development site to undergo any meaningful redevelopment and the Site is a site allocated for development.
- Any future residential development located on the Epsom Gas Works site will be positioned further away than Crossways House from the yard and therefore, based on the conclusions of the Noise Impact Assessment, it is clear that there would be no adverse effects on new residential development at the Epsom Gas Works site.
- We therefore do not agree with SGN's interpretation of Policy DM31. Notwithstanding this, as noted within the Planning Statement submitted with the application, the existing use is a large format retail occupier rather than a shop unit. It is therefore our understanding that the loss of this retail floorspace would be acceptable in-principle without the need to provide marketing evidence over the past two years.
- Direct employment opportunities will be provided from the proposed flexi-office space as well as the proposed self-storage use.

- The indirect opportunities that have been set out in the Economic Survey submitted with the application, should not be overlooked. The indirect job opportunities that the self-storage facility will provide, provide an import addition to the economy and support for local business.
- With respect to utilities, a draft Construction and Environmental Management Plan has been submitted with the application, it is expected that the Council will condition that a final Plan is required to be submitted prior to implementation of the development.

6.3 One letter of support had been received from the Epsom Civic Society and summarised as follows:

- The design appears to fit with the context of East Street
- The design and materials are welcomed compared with the warehouse shed normally associated with the applicant company
- The flexible office space is interesting and assume there will be demand for this
- Landscaping is important is East Street as it is bereft of 'greenness'. It is important that existing trees are protected
- Concern that the redevelopment may be a little premature given that the site forms part of the Utilities Site.
- Access to the Utilities Site has not as yet been designed but given the established entrance to the original gas works site, thought should be given to as whether the current application may jeopardise, impinge or compromise the layout design of an important upcoming Town Centre site

6.4 The comments material to the planning merits of this proposal are addressed within the contents of this report.

7 Consultations

7.1 **Surrey County Council Highways:** No objection subject to conditions

7.2 **Environment Agency:** No objection subject to condition

7.3 **Lead Local Flood Authority (SuDS):** No objection subject to conditions

7.4 **Surrey County Council Archaeology:** No objection

7.5 **Council's Conservation Officer:** No harm identified to any designated heritage assets

7.6 **Contaminated Land Officer:** No objection subject to conditions

7.7 **Council's Tree Officer:** Objection raised due to lack of landscape opportunities.

7.8 **Council's Transport and Waste Service Manager:** No objection

8 Relevant Planning History

Application No	Application detail	Decision
05/00660/FUL	Variation of planning condition 5 of 79/119/0553, condition 4 of 80/0224/0131 and condition 1 of EPS/96/0288; to extend the range of goods that can be sold from the retail unit to include all types of comparison goods and wine, spirits and beer (in bulk only)	Granted 01.11.2005

9 Planning Constraints

Built Up Area
Epsom Town Centre Boundary
Higher Buildings Area
Opportunity Site
Area of High Archaeological Value
HSE Major Hazards Site
SSSI 5K Buffer Zone
SSSI Impact Risk Zone

10 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 2 – Achieving Sustainable Development
Chapter 6 – Building a strong, competitive economy
Chapter 7 – Ensuring the vitality of town centres
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well design places
Chapter 14 – Meeting the challenge of climate, flooding and costal change
Chapter 15 – Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS1 - General Policy
Policy CS3 - Biodiversity
Policy CS5 - The Built Environment
Policy CS6 - Sustainability in New Developments

Policy CS11 - Employment Provision
Policy CS14 - Supporting Measures to Improve Epsom Town Centre
Policy CS16 - Managing Transport and Travel

Development Management Policies 2015

Policy DM4 - Biodiversity and New Development
Policy DM5 - Trees and Landscape
Policy DM8 - Heritage Assets
Policy DM9 - Townscape Character and Local Distinctiveness
Policy DM10 - Design Requirements for New Developments
Policy DM24 - Employment Uses Outside of the Existing Employment Area
Policy DM25 - Development of Employment Uses
Policy DM31 - Safeguarding Small-Scale Retail Provision
Policy DM35 - Transport and New Development
Policy DM36 - Sustainable Transport for New Development
Policy DM37 - Parking Standards

Plan E Epsom Town Centre Area Action Plan 2011

Policy E1 - Town Centre Boundary
Policy E3 - Town Centre Retail Capacity
Policy E5 - Town Centre Employment Floorspace Provision
Policy E7 - Town Centre Building Height
Policy E15 - The Utilities Site

Other Material Documents

Planning Practice Guidance 2021
National Design Guide 2021
Surrey County Council Vehicular Guidance 2021
The Epsom and Ewell Borough Council Future40
The Epsom & Ewell Economic Development Action Plan 2016
The Housing and Economic Needs Assessment 2023
The Longmead and Nonsuch Industrial Estates Capacity Study 2018
The Spatial Economic Growth Strategy 2020
Addendum to the Spatial Economic Growth Strategy 2021
The Epsom and Ewell Borough Council East Street Office Demand Study –
Final Report 2013
Epsom Draft Emerging Local Plan 2022 - 2040 (Reg 18 consultation closed)
Epsom Draft Town Centre Masterplan

11 Planning Considerations

11.1 The main planning considerations material to the determination of this application are:

- Presumption in Favour of Sustainable Development
- Loss of Existing Retail Use
- Economic Opportunities
- Impact on Heritage Assets
- Trees and Landscaping
- Impact on Visual Amenity
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Biodiversity
- Flood Risk and Surface Water Drainage
- Land Contamination
- Archaeology
- Sustainability
- Community Infrastructure Levy (CIL)
- Planning Balance

12 Presumption in Favour of Sustainable Development

12.1 The National Planning Policy Framework 2021 NPPF 2021 sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

12.2 Paragraph 12 of the NPPF 2021 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.

12.3 The Council does not have an up-to-date development plan at this time. Paragraph 11d of the NPPF 2021 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless 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.

12.4 The site is located within a built-up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF

2021. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

13 Principle of Development

- 13.1 Paragraph 119 of the NPPF 2021 states that planning decisions should promote an effective use of land in meeting the need for homes or other uses, while safeguarding and improving the environment.
- 13.2 Paragraph 124 of the NPPF 2021 states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 13.3 Paragraph 81 of the NPPF 2021 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 13.4 The site comprises brownfield land within a sustainable location and forms part of a opportunities site within the adopted Local Plan that seeks an element of employment floorspace. The proposal could therefore be considered acceptable in principle, subject to the other material planning considerations identified below.

14 Loss of Existing Retail Use

- 14.1 Paragraph 86 of the NPPF 2021 supports the role that town centres play at the heart of local communities and that a positive approach to their growth, management and adaptation should be made.
- 14.2 The site has a mixed retail use and lies within the Town Centre Boundary. The site does not lie within the designated primary shopping area and is therefore afforded no protection by Policy E4 of Plan E Epsom Town Centre Area Action Plan 2011, which seeks to retain retail uses within the primary shopping designation of the Town Centre.
- 14.3 However, Policy DM31 of the Development Management Policies Document 2015 seeks to safeguard small scale retail provision by not permitting the loss of retail unless
 - a) the unit is within 400m of a designated frontage; or
 - b) the retail use is inappropriate in terms of access or neighbourliness or
 - c) the proposed use would provide a community serve or function
- 14.4 As the site is within 160 metres of the designated primary frontage of the Epsom Town Centre Primary Area and in the absence of any other policies to protect the loss of existing E1 uses in a Town Centre Location outside of the designated primary shopping area, the loss of the existing Class E1 (retail) use from the site is acceptable.

15 Economic Opportunities

Proposed Mixed Use – Class B8 Storage

- 15.1 Policy 81 of the NPPF 2021 states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
- 15.2 Future40 is the Borough Council's initiative that has created a new long-term vision for the Borough as a Creative and Vibrant Place, with opportunity and prosperity as a main theme. This initiative identifies that the Borough invests in its future by supporting business, allowing them to grow and feel welcome.
- 15.3 The Epsom & Ewell Economic Action Plan 2016 aims to anticipate and respond to changes in employment and business patterns by proposing a series of interventions to (inter alia):
- a) improved accessibility and infrastructure, which is essential to improving the functionality and competitiveness of the town;
 - b) widening the choice of commercial property, noting that there are a number of employment sites which have scope for innovative development, fundamental to securing economic growth diversification; and
 - c) Securing business investment and growth in the Borough
- 15.4 The Spatial Economic Growth Strategy 2020 highlights at paragraph 2.5.1 that there is an acute shortage of small business units within the Borough, particularly for businesses with the aspirations and potential for scaling-up.
- 15.5 Paragraph 2.4.2 of the Spatial Economic Growth Strategy 2020 identifies that many small businesses, whilst working flexibly, still require a base or hub and are prepared to pay for decent quality and smart, slick office space, which the Borough currently lacks
- 15.6 The Spatial Economic Growth Strategy 2020 also identifies Longmead and Nonsuch industrial estates as have a strategic importance as an employment location, mainly, though not exclusively, for industrial uses.
- 15.7 The 2021 Addendum to the Spatial Economic Growth Strategy (which takes into consideration the impact of the Covid pandemic on employment floorspace demand due changes of circumstances and the adoption of new working practices) identifies at paragraph 5.5 that demand for industrial and warehouse space will be booming in the foreseeable future and that demand for industrial premises far outweighs the current supply.
- 15.8 Paragraph 5.5 attributes this demand to:

- A shift from retailers giving up their shopfronts and focusing more on storage and distribution
 - More delivery businesses
 - A number of people running business from home are demanding industrial premises
- 15.9 The Housing and Economic Needs Assessment 2023 recommends at paragraph 1.25 that the Council should continue to secure warehousing and general industrial floorspace supply in key industrial estates of the Borough.
- 15.10 Paragraph 17.79 of the Housing and Economic Needs Assessment 2023 recommends that due to the prominent role of Longmead and Kiln Lane industrial estates in providing industrial and warehousing spaces in the Borough, it is essential to safeguard the employment land supply of these estates from loss to other land uses and that the two industrial estates be redeveloped the estates to increase the job density to absorb the additional floor needs for (et alia) warehousing purposes.
- 15.11 Paragraph 17.80 of the Housing and Economic Needs Assessment 2023 recommends redeveloping the Longmead and Kiln Lane industrial estates to increase land needs relevant to light industrial, general industrial and warehousing purposes.
- 15.12 Policy C11 of the Core Strategy 2011 seeks to retain employment uses in Epsom Town Centre.
- 15.13 Policy E5 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to deliver around 6,000 sqm of new employment floorspace within the Town Centre during the period until 2026.
- 15.14 The proposal seeks to provide an overall quantum of 8,006 sqm of self-storage space, through a variety of size of rooms, typically 1 – 40 sqm, dependent upon the requirements of the customer.
- 15.15 The application is supported by an Economic Statement, prepared by Quod, reference Q220515, which advises at paragraph 3.6 that the storage space attracts a wider range of business occupiers, with paragraph 3.8 identifying that the operations flexible terms are particularly attractive to small/medium enterprises and start-ups.
- 15.16 The Economic Statement states that the proposed use create indirect opportunities for 280 – 375 net additional local jobs. Paragraphs 3.13 to 3.15 advises that this figure is as a result of a 2018 survey undertaken by the applicant company, which asked its existing customers how many jobs were created as a result their storage space.
- 15.17 The responses averages as 1 full time employee (FTE) job per 28sqm GIA of self-storage floorspace. Given the proposed developments maximum quantum of self-storage floor area, this would equate to a potential for providing 285 FTE jobs.

- 15.18 At the time the 2018 survey was taken, 28% of the overall applicant company floorspace occupied by business, which has now risen nationally to 37%. Should the level of business demand match that of the current national average, then the Planning Statement suggests that the employment supported by the proposed development could be as high as 390 FTE jobs.
- 15.19 The proposed use would directly employ 3 FTE jobs. The site in its current use has the potential to support up to 15 FTE jobs. The proposed development would therefore likely result in the loss of indirect employment at the site. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.
- 15.20 Notwithstanding this, there is an identified need in the Borough for warehouse space to accommodate for a shortfall in commercial space or flexible arrangements for small business units and start-ups and the scale of indirect FTE opportunities created at the site are a considered to be a benefit of the scheme to be weighed in the planning balance.

Proposed Mixed Use – Flexible Offices

- 15.21 The East Street Office Demand Study 2013 identifies at paragraph 5.10 that the occupier market in East Street has continued to show resilience and an appetite for small-medium office floorspace accommodation, especially on a flexible lease/rental basis, to allow for future changes to their operating environment.
- 15.22 Paragraph 5.44 of the East Street Office Demand Study 2013 therefore recommends making better use of the East Street office stock through more flexible floorspace letting and lease arrangements.
- 15.23 The Spatial Economic Growth Strategy 2020 identifies that there is a need to address an employment demand in the Borough for office related uses, particularly for smaller units to accommodate start up and small businesses of 1-10 people.
- 15.24 Paragraph 2.4.4 of the Spatial Economic Growth Strategy 2020 identifies that the trend for flexible working looks set to remain and will probably increase as businesses use hot-desking, home-working and flexible hours as a way of cutting costs and using technology to its full advantage. Whilst often needing less space as a consequence, businesses still require a base, or a hub of some sort and the requirement is typically for quality over quantity.
- 15.25 Paragraph 2.5.3 of the Spatial Economic Growth Strategy 2020 identifies a lack of flexibility in unit sizes and lease lengths for units on East Street.
- 15.26 Paragraph 3.1.4 of the Spatial Economic Growth Strategy 2020 identifies East Street as having potential to become the Borough's Central Business District, although there is need for refurbishment to internal layouts of existing office buildings and improvements to the public realm.

- 15.27 The Housing and Economic Needs Assessment 2023 recommends at paragraph 1.79 that the current land use for offices should be intensified or regenerated in key employment areas such as the Town Centre area and the sites at East Street. Paragraph 17.78 recommends current office clusters, such as Epsom Town Centre and the sites at East Street represent opportunities for office spaces to meet demand.
- 15.28 The 2021 Addendum to the Spatial Economic Growth Strategy reiterates demand is expected to remain strong for smaller office space.
- 15.29 Plan E, Epsom Town Centre Area Action Plan 2011 sets a vision for each of the key areas throughout Epsom Town Centre. The vision for East Street is summarised as the main business district for both Epsom and the wider Borough, with a mix of small shops and other commercial uses.
- 15.30 Policy DM25 of the Development Management Policy Document 2015 identifies that Epsom Town Centre is the most sustainable location for new office facilities and other higher density employment uses.
- 15.31 In addition to self-storage, 222sqm of flexible office space will be provided aimed specifically at small to medium enterprises. Serviced office units from 10 – 50 sqm will be subject to the same flexible rental terms as the storage units. Breakout space will be provided for communal working and shared meeting room facilities will be available to book.
- 15.32 Correspondence from DWD reference 13263 and dated 14 February 2023, indicates that the flexi office space has the potential to directly support 14-18 people. This figure is reached by using the Homes and Communities Agency 2015 Employment Density Guide (3rd Edition). This figure, along with the proposed 3 FTE jobs that the proposal would directly employ would result in 17-21 directly employed staff working at the site, a net gain over the potential 15 FTE directly employed positions created by the current uses at the site.
- 15.33 Whilst it is appreciated that the flexi office space is likely to generate FTE, these would not be directly employed at the site any more than the business associated with the self-storage use would be directly employed staff working at the site.
- 15.34 Notwithstanding this, there is clearly an identified need in the Borough for flexible office space and the scale of indirect FTE opportunities created at the site are a considered to be a benefit of the scheme to be weighed in the planning balance.

Wider Benefits

- 15.35 The Economic Statement highlights the wider economic benefits of the proposed development, such as jobs associated with the construction of the development and the direct economic and social investment into the town centre from future customers, adding to the vitality and viability of the town centre.

- 15.36 Further community benefits are identified because of the attractive nature of the flexible space for use by charities and community organisations. These are benefits of the scheme to be weighed in the planning balance.

Utilities Site Allocation/Emerging Draft Local Plan

- 15.37 The Spatial Economic Growth Strategy 2020 advises at paragraph 3.1.5 that the buildings immediately adjacent to the Utilities site that face onto East Street have scope for recycling and redevelopment and intensification for employment uses and other complementary activity. This would complement high profile development on the Utilities site and propel this grouping of sites into a significant central business district.
- 15.38 Policy E15 of Plan E Epsom Town Centre Area Action Plan 2011 identifies the site falling within the Utilities Site opportunity site. Proposals for the redevelopment of the Utilities Site will require the delivery of (inter alia) a minimum of 5,000 sqm of employment floorspace alongside a minimum of 250 dwellings.
- 15.39 Paragraph 5.20 of the key wording associated with this policy identifies that The Utilities Site opportunity site will deliver new employment floorspace on those parts of the site with frontage access onto East Street and Hook Road. These are appropriate locations for high density employment uses, such as modern serviced office developments, which will contribute towards the vision for this part of the Town Centre.
- 15.40 As part the evidence base to support the Council's Local Plan (2022-2040), the Council has committed to preparing an 'Epsom Town Centre Masterplan' to set out the vision for the town centre and provide a framework for development principles. Within both the Local Plan and Masterplan, the 'Hook Road Car Park and SGN Site' of which this forms part will be a key allocation to deliver the Council's aspirations to provide, amongst other things, high quality residential development to help meet the housing needs of the borough.
- 15.41 Policy SA1 of the Draft Local Plan Regulation 18 Consultation 2023 identifies the site as falling within the Hook Road Car Park and SGN Site allocation, seeking to deliver a mixed use development comprising (inter alia) mixed use ground floor active frontages, accommodating space for office, retail and creative start-ups. The layout, scale and massing of the proposed development has the potential to prejudice the wider delivery of the opportunity site in the future, by fettering parts of the opportunity site by creating overbearing, overshadowing and loss of light impacts, therefore preventing the delivery of much needed houses and employment spaces. This is an adverse impact to the scheme to be weighed in the planning balance.
- 15.42 Furthermore, whilst Officers acknowledge that the emerging Draft Local Plan is in an early stage of preparation, the fact that the Draft Plan holds future

aspirations for the direction of travel for the Borough should not be discarded, particularly where there are very real concerns that the proposed scheme could prejudice the comprehensive delivery of a site which presents a generational opportunity for successful regeneration and provision of a significant number of homes within the town centre. Policy SA1 of the Draft Local Plan Regulation 18 Consultation 2023 seeks to provide office, retail and creative start-ups within the site, which are employment uses considered to be more appropriate to the existing and potential future character of the area.

- 15.43 There are other commercial sites within the Borough with good access that would provide a more suitable location for the proposed development. For example, a similar self-storage company, Shurgard, runs its operation from London Road. The relocation of the proposed development to other suitable employment sites within the Borough would be much encouraged.

16 Impact on Heritage Assets

- 16.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.2 The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 16.3 Additionally, the NPPF 2021 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 16.4 Paragraph 200 of the NPPF 2021 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

- 16.5 Paragraph 201 of the NPPF 2021 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 16.6 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.7 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 2021 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 16.8 This is further supported by paragraph 206 of the NPPF 2021 which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 16.9 Appendix 2 Glossary of the NPPF 2021 defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 16.10 Policy DM8 of the Development Management Policies Document 2015, sets out the Council’s intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will

be considered (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

- 16.11 The site is set amongst a set of relatively large buildings along East Street. To the east of the site 42-44 East Street, a Grade II building located between two large office buildings, which is of significance as a good quality 18th century house. This heritage asset has no views of the application site and it makes no contribution to its setting.
- 16.12 To the west of the site are 19 and 21 East Street, 23 and 25 East Street and The Plough and Harrow Public House all of which are Grade II Listed. At the turn of the century, much of this area consisted of dwellings of a similar scale interspersed with the gas works and telephone exchange.
- 16.13 The significance of the two sets of Listed buildings consists of their status as humble cottages building during the development of Epsom in the nineteenth century, evident in their appearance, form, scale and use of materials. The former Plough and Harrow is significant as a public house said to be built around 1900, evident in its rather extravagant appearance, form and scale.
- 16.14 The setting of these buildings is largely evident from this group and those closer to the railway bridge which indicates the piecemeal development of this part of Epsom during the 19th and 20th centuries. Unlike 42-44 East Street these buildings are not entirely marooned. However, toward the site, the buildings are of a much greater scale and do not contribute to the setting of these listed buildings.
- 16.15 The Council's Conservation Officer is satisfied that the proposed development would not cause harm to the setting of the heritage assets. Although the Conservation Officer acknowledges that their setting will change, it would not lead to the loss of any element which reveals their significance. The Council's Conservation Officer concludes that views of the heritage assets looking east along the road currently feature large buildings and the proposal would only add to this. The Council's Conservation Officer adds that this is not saying that the scale of the building is appropriate, just that it would not harm what contributes to the setting of the heritage assets and their significance.
- 16.16 As the Council's Conservation Officer has attributed no harm to the significance of the designated heritage assets as a result of the proposed development, it is not necessary to weigh up the public benefits against any identified harm. The proposal would therefore preserve the setting of the architectural and historic interest of the identified Listed Buildings, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990), Policy DM8 of the Development Management Policies Document 2015 and the relevant heritage paragraphs of the NPPF 2022.

17 Trees and Landscaping

- 17.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 17.2 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 by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 17.3 The proposal is supported by an Arboricultural Report, prepared by Crown Tree Consultancy, dated August 2022, which identifies two TPO trees to the front of the site (Ash T4 and Sycamore T5), as well as a group of Sycamores G6- G8) planted on third party land to the north of the site land, adjacent to the shared boundary. The Report advises that these trees are to be retained as part of the proposal and would be subject to pruning, to prevent accidental damage to the canopies of these trees during demolition and construction works.
- 17.4 The Council's Trees Officer has reviewed the supporting Arboricultural Report and noted that the building is set back 2.0 metres from the building line of the existing warehouse on site adjoining the two TPO trees (Ash T4 and Sycamore T5). However, the Tree Officer is concerned that there would be little room for canopy growth for these two trees as a result of the layout of the proposed development.
- 17.5 The Tree Officer has advised that a building line clearance of 8.0 – 9.0 would be desirable to allow for the full growth of the TPO trees. The spatial separation between the new building line of the proposed development and the TPO trees would be 6.0 metres, which falls below the desirable separation required to accommodate future crown spread.
- 17.6 Similarly, the Tree Officer recommends a minimum 4.5m clearance between the proposed building and a Sycamore (G6) within third party land adjacent to the boundary of the site, The Tree Officer has also raised concern about the extent of pruning to these trees, which would need to be significant and consistent, in order to accommodate the side elevation of the proposed

development. This would significantly reduce the stature of this tree and its environmental benefit to the area.

- 17.7 In terms of the proposed landscaping, the Tree Officer notes that over the years, the gradual replacement of buildings along East Street with larger buildings has created a canyoning effect and is now one of the worst streets in the Borough for street level traffic pollution. Although the proposal involves new tree and native species landscaping as part of the scheme, which is welcomed and considered to be a benefit to the proposal in principle, the Tree Officer is concerned that there is lacking sufficient landscaping at street level to help purify the air and create an attractive place for people. The canyoning of building with little green infrastructure is both unattractive and unhealthy.
- 17.8 The Tree Officer has also noted that numerous attempts at street tree planting have failed due along East Street due to the intensive array of services below the footways. Therefore, from a design perspective, it is necessary to try and break up the wall of tall buildings and move the building lines back, so more landscaping and trees can be provided.
- 17.9 Although paragraph 5.25 of Plan E Epsom Town Centre Area Action Plan 2011 considers green walls to be innovated measures to enhance biodiversity and to make a valuable contribution towards the enhancement of the Town Centres' character and appearance, the Council's Tree Officer is not satisfied that the wall of climbers would provide the appropriate biodiversity mitigation that can otherwise be achieved by the three-dimensional quality of new tree planting.
- 17.10 The Tree Officer recommends that in addition to the climbing plant wall, there should also be a significant further offsetting of the building to allow a further frontage tree to be incorporated into the street scene. A new semi-mature tree could then be planted at the midpoint between T5 and what is shown as the reception entrance. A further tree in this location could help soften the building mass behind and would prevent obtrusive banners being sited on this visual corner of the building.
- 17.11 The Tree Officer concludes that the bulk of the proposed building would cover the majority of the footprint of the site, which would prevent any suitable, additional landscape space to be created at the rear. It also loses the opportunity for landscape integration with any potential future redevelopment with the brownfield site at the rear.
- 17.12 In light of the Tree Officer's comments, Officers are concerned that the proposed development would prevent the future growth of trees with and adjacent to the site, including two TPO trees that amount to a significant contribution to the verdancy of the area. The successful retention of these trees is a key criteria of Policy E16 of Plan E Epsom Town Centre Area Action Plan 2011

- 17.13 The proposal also reduces the ability to provide any meaningful landscaping on the site, to both the front, but particularly to the rear. Policy E16 of Plan E Epsom Town Centre Area Action Plan 2011 seeks the provision of additional tree plans and landscaping; involving the planting of native species and the opportunity to provide this in a meaningful way has not been met by the proposal.
- 17.14 Officers are also not satisfied that it has been sufficiently demonstrated that the proposed landscaping identified in the supporting documentation can be successfully established long term, due to the provision of underground services under the adjacent footpath,
- 17.15 As such, the proposal would fail to comply with Policy DM5 of the Development Management Policies Document 2015 and paragraph 131 of the NPPF 2021. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

18 Impact on Visual Amenity

- 18.1 The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 18.2 Paragraph 130 of the NPPF 2021 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 18.3 Paragraph 135 of the NPPF 2021 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 18.4 Policy DM9 of the Development Management Policies Document 2015 states supports development that would make a positive contribution to the Borough's visual character and appearance.
- 18.5 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;

- Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 18.6 Policy DM13 of the Development Management Policies Document 2015 states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.
- 18.7 However, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside and Policy DM13 of the Development Management Policies Document 2015. This was due to the policy restricting opportunities for growth in the Borough. It should be noted that although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 18.8 East Street is a mixed use area with a strong building line on both sides of main highway. The majority of the built form faces the highway, providing active frontages. There is no uniformity in plot size, although the predominant plot character is a good distribution of frontage built form, with hard surfacing to accommodate rear vehicle parking. A number of the new developments along East Street also feature some frontage landscaping strips or accommodate trees, in order to bring some verdancy to this densely built form area
- 18.9 To the west of East Street, moving towards the High Street, the built form to the south of the highway is tall and close knit, commencing with the three storey commercial units at 2a – 16a East Street and extending to the four storey Emerald House (14 East Street), part three/four storey Post Office (18 East Street) and the four storey retail unit at 20 - 40 East Street.
- 18.10 In comparison, two storey built form lines the north of East Street highway, until Crossway House and Bradford House (39 and 39a East Street), which are both five storey developments. Beyond this is the four storey Newport House (40 East Street) and then a further run of two storey built form.
- 18.11 As you move further east towards Ewell Village and particularly past Church Road, the built form to the south relaxes into three and two storey development and benefits from more landscaping and greater pockets of spaciousness.
- 18.12 The existing layout of the site complements the predominant pattern of development within the locale, by siting the built form within the site to front the main highway, thereby contributing to the established building line, and providing a hard surfaced vehicle parking court to the rear.

- 18.13 The existing built form extends the full width of the plot, with the East Street elevation configured in steps and two storey in scale. Whilst the East Street elevation contains some cladding and advertisements to break up the brickwork expanse, given the absence of a dedicated entrance or any windows to along this elevation, there is no existing active frontage, which is somewhat uncharacteristic of the area. Notwithstanding that the existing built form on the site is not of any great architectural merit, it's scale and form prevents it from appearing prominent within the existing street scene.
- 18.14 The proposal would replace the existing built form on site with a part four and five storey built form that would extend the majority of the width and depth of the existing plot. The proposed built form would be arranged on site to respect the building line along East Street whilst providing a frontage landscape strip of a scale that would allow for some soft landscaping, although it is questioned as to whether any planting can be established with any longevity. It is considered that there is a greater opportunity to provide more meaningful landscaping on the site, particularly to the rear of the site, that would otherwise contribute significantly towards establishing verdancy on East Street and improve the visual amenity of the area.
- 18.15 By extending built form over the majority of the plot, the proposal would result in the loss of the open hard surfacing to the rear of the site, a feature that is characteristic of the area. The proposal would result in the loss of the opportunity to provide any form of landscaping to the rear of the site, preventing any integration with any potential future redevelopment with the brownfield site at the rear. The proposal would therefore fail to respect the prevailing pattern of development in the locale, by resulting in an over proliferation of built form within the plot, indicating an overdevelopment of the site.
- 18.16 The massing of the building is articulated into two distinct volumes, with the proposed built form facing East Street at four storeys and combined partially glazed panels with white and grey cladding, yellow aluminium feature frames and light brickwork. The second volume is five storeys, set back further within the site. The four storey element would be served by two separate pedestrian entrances from East Street; one to the south east of the proposed building serving the proposed flexible office use and one to the south west serving the proposed storage use. These entrances, in combination with the glazing panels, would provide a much-welcomed active frontage to the site that would be characteristic to the street scene.
- 18.17 With respect to scale, the existing built form has a footprint that covers 43% of the site, with the remainder providing vehicle access, parking and landscaping. In comparison, the footprint of the proposed built form would extend over 66% of the site; 9% of which would be four storey, with the remaining 57% at five storey.
- 18.18 The four storey element along East Street would have an overall height of 12 metres, with the remaining fifth storey at a height of 15.6 metres (16.7 metres to the top of the lift overrun).

- 18.19 Whilst the height of the proposed built form would be comparable to adjacent development, the combination of the height, width and depth of the proposed built form would result in a massing that would appear as an overly large and dominating, appearing as an incongruous feature would fail to respect the character and appearance of the locality.
- 18.20 In respect of design, the nature of operation is dictating a stark utilitarian style building without any real architectural interest or any meaningful voids to break up the elongated elevations, instead relying upon the over proliferation of vertical grey cladding as an attempt to provide visual relief to what would otherwise be an excessive amount of brickwork. Although the south west/north east elevation would feature a green climbing wall system that would add some interest to this elevation, it would not serve to soften the design of the building as intended.
- 18.21 It is noted that the existing building on site is similar in design; however, the presence of a similar form of existing development is not justification to allow further inappropriate development into a street scene, particularly when the replacement built form is at a greater scale and therefore would have a greater visual prominence within the street scene in comparison to the existing situation.
- 18.22 East Street is a predominant mix of residential and office buildings, and the design of these surrounding buildings reflect characteristics required for human occupancy. In comparison, the design of the development, with minimal fenestration, demonstrates how incongruous a large warehouse building would be within the East Street streetscene.
- 18.23 The extent of the built form would be clearly visible from East Street through the proposed access and would be read as an incongruous addition that would harm the character and appearance of the area.
- 18.24 Whilst both local and national policy seeks to encourage effective use of brownfield sites in sustainable locations such as this, it also requires respect towards local character and high quality design. The proposed development, as a result of its scale, massing and design would present as an overly domineering and incongruous addition that would fail to respect the pattern of development in the locality, as well as failing to integrate successfully with the prevailing character and appearance of the area.
- 18.25 In accordance with paragraph 134 of the NPPF 2021, the permission should be refused as it would be, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

19 Impact upon Neighbouring Residential Amenity

- 19.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 (Design Requirements for New Developments, including House Extensions) of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 19.2 The neighbouring properties most likely to have their amenities impacted upon by the proposed development are Crossways House which comprises student accommodation located to the south east of the site, the Laine Performing Arts Centre, and educational facility located to the south west of the site.

Overbearing/Loss of Outlook

- 19.3 The proposal would be located within 3.5 – 14.4 metres of Crossways House. The south west elevation of Crossways House is articulated, and the section of the elevation stepped forwards within 3.5 metres of the development does not contain any windows. The recessed walls of the south west elevation of Crossways House would be within 12.4 metres and 14.4 metres respectively, which would prevent any issues of loss of outlook or be overbearing.
- 19.4 The proposed development would be located within 2.8 metres – 16.4 metres of Laine Performing Arts School. Whilst the proposal is likely to have a greater impact upon the occupiers of this neighbouring property, given its nature as an educational premises and in considering the distances to be retained, Officers are satisfied that the proposal would not create any issues of loss of outlook or be overbearing to the occupiers within.

Loss of Daylight/Sunlight

- 19.5 The application is supported by a Daylight and Sunlight Assessment, prepared by GIA, reference 17740-22-0819 and dated 19 August 2022.
- 19.6 The Daylight and Sunlight Assessment has considered the daylight impacts to the neighbouring properties as a result of the proposal using two BRE methodologies set out in the BRE document Site layout planning for daylight and sunlight: A guide to good practice (2022); the Vertical Skylight Component (VSC) and The No Sky Line (NSL). The Daylight and Sunlight Assessment confirms at paragraph 4.14 that for daylight impacts to be compliant with BRE Guidelines, both the VSC and NSL tests have to be met.
- 19.7 For sunlight assessment, one methodology is provided by the BRE, denoted as Annual Probable Sunlight Hours (APSH). These assessments are now typically carried out using specialised computer software which allows the

assessment of rooms with multiple windows to be completed more accurately than what is suggested in the BRE Guidelines.

- 19.8 Given the non-domestic nature of the Laine Performing Arts School, Officers are satisfied that the proposal would not cause significant harm to the amenities of the occupiers utilising the educational facility in terms of loss of sunlight and daylight. The following assessment is therefore concentrated upon Crossway House,

Vertical Skylight Component

- 19.9 Paragraph 2.2.7 of the BRE Guidelines states that if VSC levels are greater than 27%, then enough skylight should still be reaching the window of the existing building. If the VSC, with development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- 19.10 Officers have reviewed the Daylight and Sunlight results and have identified 18 habitable rooms that would have a VSC of 27% or less with the development in place.
- 19.11 Out of these 18 habitable rooms, 9 of these would experience less than 0.8 times its former value (more than 20%). Of the remaining 9 that would not experience a reduction of VSC of less than 0.8 times its former value, further consideration of the NSL will be considered from paragraphs 19.17 – 19.21 below.
- 19.12 3 out of the 9 habitable rooms would experience less than 0.8 times its former value would experience a reduction ranging between 20% to 30% (F01/R11, F02/R4 and F02/R11).
- 19.13 The remaining 6 (F01/R8, F01/R9, F01/R10, F02/R8, F02/R9 and F02/R10) would experience 30%-40% reduction in VSC.
- 19.14 It is noted that the Daylight and Sunlight Assessment at paragraphs 5.13 – 5.14 considers any habitable rooms with a VSC reduction of between 20%-30% to be only marginally beyond the 20% and that those habitable rooms that will experience a 30%-40% would, in some cases, retain VSC values of between 15% - 23%; a level considered by the author of the Assessment to be acceptable given the urban context of the area and the nature of the properties use.
- 19.15 Officers strongly disagree with paragraph 5.12 of the Daylight and Sunlight Assessment, in which the author considers the habitable use contained within Crossway House to be 'transitory in nature' and therefore 'potentially less sensitive to a change in light condition (when compared to residential use)'. Officers consider Crossway House to be in residential use, as student accommodation, where students can reside up to a year and beyond. UCA have also confirmed that the student accommodation is used all year round and when students are on their summer break, the rooms are used by short

term lets for summer school students on exchange programmes. A habitable use more akin to being 'transitory in nature' would be a hotel and therefore not an appropriate comparison, given the semi-permanent occupation of their nature.

- 19.16 Furthermore, in many urban areas, a VSC value of 18% is a reasonable and accepted level of daylight. Whilst Officers may accept that, on balance, a retention of a VSC value of above 18%, any habitable rooms in existing neighbouring buildings that retain less than 18% VSC are considered to result in significant reduction of daylight which would adversely affect the amenity for the occupiers. In this case, habitable rooms F01/R8 would retain a VCS of 12%, F01/R9 would retain a VSC of 17%, F01/R10 would retain a VSC of 13% and F02/R8 would retain a VSC of 16%.

No Sky Line

- 19.17 Paragraph 2.2.11 of the of the BRE Guidelines states that if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 19.18 There are 3 habitable rooms that would have direct sunlight reduced to 0.8 times its former value; F01/R10, F01/R11 and F02/R10, all of which serve bedrooms.
- 19.19 Paragraph 5.15 of the Daylight and Sunlight Assessment suggests that two of these bedrooms (F01/R11 and F02/R10) would have reduction of 24%, which the author considers to be only marginally beyond the parameter suggested by BRE Guidance.
- 19.20 Whilst Officers note that paragraph 2.2.10 of the BRE Guidance considers that, in houses, bedrooms are less important, Crossways House is not a domestic house, and the use of bedrooms by students is likely to be more intense than a domestic dwelling, as it is their only form of private accommodation. Students are therefore likely to spend more time in bedrooms than they are the shared living accommodation comprising living rooms, dining rooms and kitchens, all of which are considered more important in the BRE Guidance. Officers therefore consider that there are exceptional circumstances to consider bedrooms within Crossways House to be as important as living rooms, dining rooms, and kitchens when considering daylight distribution.
- 19.21 For this reason, Officers are concerned that the reduction of daylight into bedrooms F01/R10, F01/R11 and F02/R10 would result in dark and gloomy conditions for the occupier within to an extent that would harm their current level of amenity.

Annual Probable Sunlight Hours

- 19.22 Paragraph 3.2.13 of the BRE Guidance advises that sunlight to an existing dwelling may be adversely affected where the window receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or less than 5% of APSH in winter and less than 0.80 times its former value during that period; and also has a reduction in sunlight received over the whole year greater than 4% of APSH.
- 19.23 Out of 54 windows considered relevant for assessment, 2 bedrooms would not meet the BRE Guidance for APSH. Both windows would experience changes in excess of 40% for annual and winter sunlight. Bedroom F01/R10 would retain 12% APSH and 2% winter sunlight and bedroom F02/R10 would retain 195 APSH and 4% winter sunlight.
- 19.24 Paragraph 5.17 of the Daylight and Sunlight Assessment considers these impacts acceptable, given the excellent compliance of the unaffected habitable units, isolated nature of the impacts and the use of the property as student accommodation.
- 19.25 Whist Officers again note that paragraph 3.1.2 of the BRE Guidance considers that in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of the day, but especially in the afternoon. It is viewed to be less important in bedrooms and in kitchens, where people prefer it in the morning rather than the afternoon.
- 19.26 Officers refer back to paragraph 19.20 of this report to indicate the exceptional circumstances in which Officers consider bedrooms within Crossways House to be as important as living rooms when considering requirements for sunlight.
- 19.27 Officers also refer back to paragraph 19.15 of this report, which refutes the conclusion that the occupants of the accommodation are transitory in nature. The amenities of the occupiers within the student accommodation are considered to warrant the same level of protection as occupiers of residential domestic housing.
- 19.28 The proposal would result in a significant loss of sunlight to the bedrooms F01/R10, F01/R11 and F02/R10, creating dark and gloomy conditions to the extent that the occupiers within would experience a significant loss of amenity.

Noise

- 19.29 Paragraph 185 of the NPPF 2021 states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid

- noise giving rise to significant adverse impacts on health and the quality of life.
- 19.30 The proposed development is proposed to operate between 07:00 – 23:00 Monday to Sunday and Bank Holidays.
- 19.31 The proposal is supported by a Noise Assessment, prepared by Sharps Acoustics and dated 23 August 2023. The Noise Assessment assesses the potential impact of noise generated by the proposed development, such as vehicle movements, loading/unloading activities and plant noise, on the nearest sensitive noise receptors.
- 19.32 The proposal involves the installation of acoustic fences along the north east side of the service yard. This would measure up to 5.85 metres in height.
- 19.33 The Noise Impact Assessment advises that embedded noise mitigation in the form of two acoustic fences is required to ensure predicted noise levels would always be below the lowest observed adverse effect level in order for the proposed development to have no adverse effects on any noise sensitive receptor. In the event the application is granted, the Noise Assessment also recommends a condition to control noise output from the proposed plant, which is yet to be confirmed.
- 19.34 In light of the above, Officers raise no objection to the proposed in respect of noise, subject to, in the event that permission is granted, conditions to secure the siting of the acoustic fencing, to control noise output from the proposed plant and to secure the proposed operating hours. Broadly, this type of use is not unacceptable within this location and within an employment site.
- 19.35 In conclusion to the neighbouring amenity section, the proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, creating a significant and unacceptable effect on their amenity. As such, the proposal would fail to comply with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015. This would weight as an adverse effect in the planning balance. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

20 Highways, Parking and Cycle Parking

- 20.1 Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 20.2 Policy CS16 of the Core Strategy 2007 encourages development proposals that foster an improved and integrated transport network and facilitate a shift

of emphasis to non-car modes as a means of access to services and facilities.

- 20.3 This policy further emphasises that development proposals should provide safe, convenient, and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.
- 20.4 Furthermore, this policy stipulates that development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 20.5 The application is supported by a Transport Statement, prepared by Rappor, reference 21-0162 and dated September 2022 and correspondence referenced QT-21-0162, prepared by Rappor and dated 14 December 2022.
- 20.6 The Transport Assessment gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site.
- 20.7 The site would be accessed via a vehicle crossover from East Street. There are no changes proposed to the existing access and a swept path analysis has confirmed that a 10m rigid HGV, the largest vehicle that would require access to the site, can access and egress in a forward gear.
- 20.8 Pedestrian access to the proposed development would be provided directly from East Street with entrance to the storage reception immediately to the north of the site access road. Access to the flexi-offices will be to the north of the building, via a footway link from East Street.
- 20.9 The Transport Assessment identifies that the proposal would provide a total of 9.0 marked vehicle parking spaces within the site, 1.0 of which would be accessible and 1.0 for parent and child. 2.0 parking spaces would be fitted with active electric vehicle charging points, with a further 2.0 provided with a suitable power supply.
- 20.10 Notwithstanding this, the correspondence referenced QT-21-0162 suggests that a further 4.0 – 5.0 spaces could be accommodated to the front of the proposed loading bays, although these would not be marked out as parking spaces. The correspondence referenced QT-21-0162 therefore advises that parking for up to 13-14 vehicles can be accommodate on the site.
- 20.11 When considering forecast trip generation, in order to determine the levels of existing trips generated by the current storage/retail use operating from the site, a traffic survey was carried out on both a weekday (Friday) and a weekend day (Saturday) in May 2022, which indicates that the existing use of the site currently generates up to 34 vehicle trips during the Friday 17:00 – 18:00 PM peak (the current operation is closed during the 08:00 – 09:00 AM peak) with 264 vehicle trips across 07:00 – 19:00. On the Saturday, 58

- vehicle trips were generated during the weekend peak (11:00 – 12:00) with 317 vehicle trips across the 12 hour Saturday.
- 20.12 In order to predicted the traffic flow associated with the proposed development, the Transport Statement outlines that trip rates derived from the company operation at Fulham in a survey undertaken on a Thursday and Saturday in July 2019.
- 20.13 The Transport Statement considers this to be representative for the purposes of estimating trip generation at the site, even though the Fulham operation does not provide 24 hour site access (extended access between 5am to 11pm is available outside opening hours), does not provide flexi-offices and is within the London Low Emissions Zone (LEZ).
- 20.14 Notwithstanding this, the 2019 traffic survey indicates that the Fulham operation currently generates up to 6 vehicle trips during the Thursday AM peak, 7 vehicle trips in the PM peak and 121 vehicle trips across 24 hours. On the Saturday, 14 vehicle trips were generated during the weekend peak (10:00 – 11:00) with 168 vehicle trips across the 12 hour Saturday.
- 20.15 Following a request from Surrey County Highways in respect of the traffic generation associated with the proposed flexi office use, correspondence referenced QT-21-0162 has provided a forecast trip generation for the proposed flexi office use, using the TRICS database. This forecasts a generation of 8 vehicle trips in the weekday AM peak and 6 vehicle trips in the PM peak, with 40 vehicle trips across the 12 hour weekday.
- 20.16 In comparison to the existing use, the predicted traffic generation would result in a significant reduction in trip generation. Across the average weekday 106 fewer trips are forecasted and an few 149 trips on an average Saturday.
- 20.17 The County Highway Authority has undertaken a full assessment of the supporting Transport Statement and consider it be a fair representation of the existing highway network and a realistic assessment of the likely impact of the proposed development on the highway network.
- 20.18 Policy DM37 of the Development Management Policies Document 2015 and the Council's Parking Standards for Residential Development SPD set out that commercial development will adhere to the Surrey County Council Vehicular Guidance 2021.
- 20.19 The Transport Statement indicates at paragraph 5.10 that although the proposed use falls within a Class B8 use, self-storage is different in terms of its operation to a pure storage use and therefore considers the Class B8 use Surrey County Council's Vehicle parking Standards not relevant to the proposal.
- 20.20 Instead, the Transport Statement demonstrates that a parking accumulation exercise has been undertaken, again based on surveys at the existing

Fulham facility, which does not provide 24 hour site access, does not provide flexi-offices and is within the London LEZ.

- 20.21 The Parking Accumulation table submitted in support of this application (Table 2 - correspondence referenced QT-21-0162, superseding Appendix E of the Transport Statement) indicates that the maximum demand for car parking for both the storage and flexi office use will be at 11:00 for 12 spaces.
- 20.22 Officers note that the 2019 traffic survey indicates that the Fulham operation currently generates 24 arrivals and 25 departures on an average weekday between 11:00 – 12:00. Whilst it is appreciated that the duration of parking is variable dependant on the nature of trip, Officers are satisfied that 14.0 vehicle parking spaces can accommodate for the forecasted parking demand.
- 20.23 However, it will need to be demonstrated that a further 5.0 parking spaces can be accommodated to the front of the loading bays without impeding access/egress to the car parking spaces to the north, particularly in the case of HGV parking. It is further noted that whilst the County Highway Authority have not raised a technical objection to the parking provision on the site, they have requested, by way of a condition, revised plans for the parking area. These revised plans are to include larger parking bays that will facilitate larger vehicles/small vans which are most likely to utilise the parking area for the proposed use.
- 20.24 The proposal seeks to provide 12 cycle parking spaces within the site, which is considered to be acceptable. However, the County Highway Authority also note that the cycle parking may require relocation in order to accommodate these parking changes.
- 20.25 In the absence of details demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, Officers are not satisfied that the level of parking proposed can be achieved.
- 20.26 As it has not been sufficiently demonstrated that the level of vehicle parking proposed can be achieved on the site, Officers would expect robust justification to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Policy DM37 of the Development Management Policies Document 2015. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

21 Refuse and Recycling Facilities

- 21.1 Policy CS6 of the Core Strategy 2007 sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve

natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

- 21.2 Annex 2 of the Council's Revised Sustainable Design SPD 2016 sets out the refuse and recycling requirements for commercial development.
- 21.3 The proposal does not provide any dedicated refuse facilities for customers on site and instead direct customers to take waste off-site and dispose of it themselves. Waste facilities will only be provided for staff and refuse collection will take place from within the service yard.
- 21.4 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity and storage.
- 21.5 As such, Officers are satisfied that the proposed development would meet Policy CS6 of the Core Strategy 2007 and the requirements of Annex 2 of the Council's Revised Sustainable Design SPD 2016.

22 Biodiversity

- 22.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 22.2 Paragraph 180 of the NPPF 2021 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 22.3 Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 22.4 Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 22.5 The application is supported by a Preliminary Ecological Appraisal, prepared by RPS, reference EC9O0269_871 002, dated August 2022. The Appraisal

- has identified that there are no suitable habitats for reptiles or amphibians on site.
- 22.6 In terms of bats, the site offers very little habitat for populations of commuting and foraging bats and that none of the trees on site have any suitable roosting features for bats.
- 22.7 The existing building on site is generally well sealed and offers very little in terms of suitable features for roosting bats. Whilst a small gap was noted above the roller door to the existing building, which could offer a suitable entrance point for bats, given that the building is in use, the Preliminary Ecological Appraisal concludes that it is highly unlikely that this would be suitable for roosting bats.
- 22.8 However, the Preliminary Ecological Appraisal notes that the scattered shrub and trees on the site offer some limited suitable habitat for common species of birds. In the event permission is granted, it would have been reasonable to recommend a condition to ensure that should any vegetation removal of suitable habitat be needed, this will need to occur outside the bird nesting season (March to September inclusive). If this is not possible, removal should only take place under the supervision of a suitably qualified ecologist who will check for any active nests.
- 22.9 Although the site itself offers limited suitable habitat for species of commuting or foraging bats, the adjacent green corridor does offer suitable habitat in an otherwise urban location. Although no further surveys are recommended in the Preliminary Ecological Appraisal, it is recommended, in the event permission is granted, to condition a number of mitigation measures as set out on Section 5 of the Preliminary Ecological Appraisal, to ensure that no adverse impact on this green corridor occur as a result of the proposal.
- 22.10 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 22.11 The application is also supported by a Biodiversity Net Gain Assessment, prepared by RPS, reference ECO02669_871 A, dated August 2022
- 22.12 Given that the Biodiversity Metric, the tool for determining biodiversity value, was updated in March 2023 to version 4, it is likely that the Biodiversity Net Gain Assessment submitted utilised the Biodiversity Metric 3. However, as biodiversity net gain is not mandatory for new development until November 2023, it is encouraging that net gain is being secured on the site, notwithstanding that the Metric used is not the most recent version.

- 22.13 The existing site contains hardstanding, a building and ruderal vegetation/scattered shrubs. This habitats would fit within the UKHabs Classification habitat condition category of poor and as such a pre-development score of the site is calculated by the Biodiversity Metric to be 0.92 habitat units.
- 22.14 The proposal seeks to provide new habitats on the site, which are demonstrated on the supporting Landscape Plan (Drawing Number L001 P02). This will provide a higher quality habitat, such as flowering grassland, trees and native scrub planting, which provides a biodiversity net gain of +0.11 habitat units, or 11.53%.
- 22.15 The 2021 Environmental Act will require new development to achieve a minimum of 10% biodiversity net gain, a measure supported by paragraphs 179 of the NPPF 2021 and Policy DM4 of the Policy DM4 of the Development Management. The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021. This is considered to be a benefit of the scheme to be weighed in the planning balance.

23 Flood Risk and Surface Water Drainage

- 23.1 Paragraph 167 of the NPPF 2021 states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 23.2 Paragraph 169 of the NPPF 2021 sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 23.3 Policy CS6 of the Core Strategy 2007 states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.
- 23.4 Policy DM19 of the Development Management Policies Document 2015 states that the Council will expect development 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.
- 23.5 The site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps.
- 23.6 The site is in a sensitive ground water location, overlaying a principal aquifer in Source Protection Zone 1.
- 23.7 The application is supported by a Flood Risk and Drainage Strategy, prepared by Campbell Reith, reference 13669 and dated September 2022.
- 23.8 In terms of fluvial flooding, the site, and therefore the proposed development, would be wholly in Flood Zone 1. As such, the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 23.9 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood Risk Assessment: the sequential test for applicants' 2017 needs to be carried out
- 23.10 With respect to pluvial flooding, the site is located upon a principal aquifer and in Source Protection Zone 1. The geology of the site demonstrates that direct infiltration drainage techniques would not be suitable on the site and therefore attenuation provision is proposed in the form of cellular underground attenuation tank, to be sited beneath the proposed service yard. A flow control device will be fitted to release the surface water at a controlled rate into the existing nearby surface water public sewer network. A petrol interceptor will be used to treat the service yard run off.
- 23.11 Furthermore, additional attenuation is to be provided within rain gardens along the western boundary of the site. Rooftops and runoff from pedestrian areas will be routed directly into the rain gardens where possible.
- 23.12 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2021 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 23.13 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

24 Land Contamination

- 24.1 Paragraph 183 of the NPPF 2021 states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 24.2 Paragraph 184 of the NPPF 2021 continues where a site is affected by contamination issues, responsibility for securing a safe development rest with the developer and/or landowner in accordance with paragraph 179 of the NPPF 2021
- 24.3 Policy DM17 of the Development Management Policies Document 2015 states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 24.4 The application is supported by a Land Quality Statement, prepared by Campbell Reith, reference 13669 and dated September 2022. This document indicates that no significant contamination issues were encountered during investigations with respect to human health or controlled water receptors and recommends that a watching brief is maintained throughout demolition and intrusive ground works, so that any previously unidentified contamination material can be identified and referred to an experienced Environmental Consultant for evaluation.
- 24.5 Both the Environment Agency and the Council's Contaminated Land Officer has reviewed this document and have recommended conditions to secure a site investigation scheme, as well as conditions to prevent infiltration drainage and piling, in order to protect the groundwater source, which in this case a Primary aquifer within Ground Source Protection Zone 1.
- 24.6 If permission is granted, these conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.
- 24.7 The proposal is therefore considered to accord with Policy DM17 (of the Development Management Policies Document 2015 and the requirements of the NPPF 2021).

25 Archaeology

- 25.1 Paragraph 194 of the NPPF 2021 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 25.2 Policy CS5 of the Core Strategy 2007 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 25.3 Policy DM8 of the Development Management Policies Document (2015) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 25.4 The site is located within an Area of High Archaeological Potential, designated around the historic core of Epsom. The application is supported by an Archaeological Desk Based Assessment, prepared by Orion Heritage Ltd, reference PN3503/DBA1 and dated June 2022, which has concluded that the archaeological potential of the site is not sufficient to preclude or constrain development and given the low archaeological potential of the site, no further requirement for archaeological investigation is anticipated.
- 25.5 The County Archaeological Officer has reviewed the archaeological desk based assessment submitted and considers it to be of good quality and suitable to support the development application. In view of the previous history of the site and the low likelihood of the potential archaeology, the County Archaeological Officer raises no objection to the proposal.
- 25.6 In light of the above, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy CS5 of the Core Strategy 2007, Policy DM8 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

26 Sustainability

- 26.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives - the environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 26.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of

the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.

26.3 The application is supported by a Sustainability Statement, prepared by Blew Burton Ltd, dated August 2022 and a Planning Statement, prepared by DWD Property and Planning, reference 13263 and dated September 2022 which identifies the following sustainability measures:

- Photovoltaic panels will be installed on 465m² of the roof;
- Air to air heat pump system to heat the reception and flexi-offices;
- Construction materials will be responsibly sourced where possible, durable and fit for purpose;
- A detailed Site Waste Management Plan will be developed by the contractor prior to work starting on site. This plan will set targets and procedures for the sorting, reusing and recycling of construction waste into defined waste groups, either on site or through a licensed contractor;
- The actual specifications of the water using products are yet to be established, however, a 40% improvement on baseline; and
- Energy efficient measures will be implemented, such as good fabric insulation and low energy light fittings

26.4 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

27 Community Infrastructure Levy (CIL)

27.1 The proposal will be CIL liable.

28 Planning Balance

28.1 Paragraph 11 (d) of the NPPF 2021 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.

28.2 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.

28.3 Whilst it is clear that the proposal has the potential to create a substantial amount of indirect employment, the anticipated numbers identified in

supporting documents are not supported by any robust or up to date evidence. Notwithstanding this, the Council's own evidence demonstrates that there is a clear demand for flexible employment accommodation in the Borough and this benefit is therefore afforded substantial weight in the planning balance.

- 28.4 The proposal would create short term economic benefits during the construction period. Given the warehouse style of construction would reduce the overall length of the construction period and the otherwise temporary nature of this benefit, it is afforded minor weight in the planning balance.
- 28.5 The use of the development for wider community benefit is also afforded minor weight in the planning balance, as there is no evidence provided to demonstrate that the proposed development would be attractive to such community groups.
- 28.6 The benefit from direct economic and social investment into the town centre from future customers is afforded moderate weight as a result of the distance from the site into the Town Centre, which is likely to attract customers into it.
- 28.7 The proposal would result in a reduction of vehicle trips to the site, which would have a positive impact upon the highway network. This benefit is afforded moderate weight in the planning balance.
- 28.8 The proposal would incorporate a series of biodiversity enhancements to deliver a biodiversity net gain of 11% on the site. This benefit is afforded moderate weight in the planning balance as any development coming forward from November 2023 would expect to achieve a 10% minimum on the site as mandatory.
- 28.9 The proposal would accord with the Council's policies in relation to heritage assets, flood risk, noise/disturbance, land contamination and archaeology. These are not considered to be benefits of the scheme, as new development is expected to be policy compliant.
- 28.10 As a result of its layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area. Given that high quality design is at the heart of national, strategic and local planning policy, this adverse impact is afforded substantial weight in the planning balance.
- 28.11 The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and through the reduction of sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at

Crossways House to insufficient levels, creating significant and unacceptable effect on their amenity. This adverse impact is afforded substantial weight in the planning balance.

- 28.12 Whilst the documentation supporting this application identifies that 14.0 vehicle spaces can be accommodated within the site, in the absence of any details demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be physically accommodated on the site, Officers are not satisfied that the level of parking identified can be achieved. As it has not been sufficiently demonstrated that the level of vehicle parking proposed can be achieved on the site, Officers would expect robust justification to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking. This adverse impact is afforded moderate weight in the planning balance.
- 28.13 The scheme has been submitted in isolation from the wider redevelopment of the opportunity site. It is clear from the submitted plans that the proposal constitutes a large utilitarian building which has little or no regard to the wider opportunity site. The rear elevation, which would effectively front on to any redevelopment of the Hook Road and SGN Site presents an industrial and blank elevation to its likely future neighbours and has the very real potential to hamper the comprehensive redevelopment of the area rather than assisting or enabling it. The proposed scheme would make it harder for the Council to meet its aspiration within the Reg 18 consultation to provide town centre homes by reducing the amount of land available, both within the site and adjoining given its horrendous scale and aspect. This adverse impact is afforded moderate weight in the planning balance.
- 28.14 It has not been sufficiently demonstrated that the proposal would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing. This adverse impact is afforded moderate weight in the planning balance.
- 28.15 Although the proposal would provide some form of landscaping to the East Street streetscene, to a level that would be an improvement upon the existing situation, Officers are not satisfied as to whether this landscaping could be established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. Furthermore, the opportunities for landscaping have not been fully explored, as the proposal fails to provide any landscaping to the rear of the site, which is particularly important when considering the delivery of the adjacent opportunity site. There is more than adequate scope to provide meaningful frontage and rear landscaping on the site and it has not been adequately demonstrated why this cannot be provided. This adverse impact is afforded moderate weight in the planning balance.
- 28.16 Overall, the adverse effects in respect of this development would not 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 Recommendation

That the Planning Inspectorate be informed that the Local Planning Authority would have REFUSED permission for the following reasons:

1. Harm to the Character of the Area

As a result of its overall layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015.

2. Harm to Existing Trees

It has not been sufficiently demonstrated that the proposal development, as a result of its layout and scale, would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.

Furthermore, the layout and scale of the proposed development prevents any meaningful landscaping on the site, particularly to the rear, to the detriment of the emerging verdancy of the area. It has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

3. Harm to Neighbour Amenity

The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, resulting in dark and gloomy accommodation that would create significant and unacceptable effects on the occupier's amenity. As such, the proposal would fail to comply

with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015.

4. Lack of Car Parking

In the absence of details and robust justification demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, it has not been adequately demonstrated that the level of parking proposed can be achieved and there would not be adverse impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Section 12 of the National Planning Policy Framework 2021 and Policy DM37 of the Development Management Policies Document 2015.

Informatives

1. The plans relating to this application are as follows:

Drawing Number 2303-X01-A
Drawing Number 2303-P01
Drawing Number 2303-P02
Drawing Number 2303-P03
Drawing Number 2303-P04
Drawing Number 2303-P05
Drawing Number 2303-P06
Drawing Number 2303-P07
Drawing Number 2303-P08
Drawing Number 2303-P09
Drawing Number L001 P02
Drawing Number L002 P01
Drawing Number SP02 Rev C

2. In dealing with the application, the Council has implemented the requirement of 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 Documents and other informal written guidance, as well as offering a full pre-application advice service.

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Planning Appeals Report

Ward	(All Wards)
Contact officer	Justin Turvey

Report prepared by Simon Taylor (Interim Planning Development & Enforcement Manager).

The Planning Service has received the following planning appeal decisions which relate to non-householder developments:

Summary of Appeal Decisions:

Item	Site Address	Planning Reference	Description of Development	Decision and Costs
1	81 College Rd, Epsom KT17 4HH	22/01028/FUL	Infill 3 bed dwelling	Dismissed
2	289 London Rd, Ewell, KT17 2BZ	22/01028/FUL	Infill 3 bed dwelling	Dismissed Costs refused
3	Cromwell Rd, Worcester Park, KT4 7PY	22/00561/T56	15m tele monopole and associated works	Dismissed
4	Upper High St, Ewell KT17 4TA	22/00052/T56	17m tele monopole and associated works	Dismissed
5	Chessington Rd, West Ewell, KT19 9UR	21/01557/T56	15m tele monopole and associated works	Dismissed

Summary of Issues:

1. 81 College Road

The appeal was dealt with under written representations and the primary issue identified by the Inspector was the impact upon the character of the area, including an adjacent protected tree. The Inspector identified a spacious and verdant character and a large and prominent tree in the rear garden.

The Inspector found the following with respect to the appeal:

- The existing and proposed plots would be considerably smaller than those nearby, would not allow for adequate landscaping and would be cramped in its form (para 6)
- The proximity of the tree to the dwelling and the likely use underneath the tree and the shading impact upon the habitable rooms would lead to pressure to have the tree removed (para 7)
- Incursions into the RPA of the tree and tree protection is likely acceptable but pressure to prune is undesirable (para 8)

- The scale and form of the dwelling, including roof form is subordinate, plot width and building separation is not unusual and planting would provide integration but would not offset harm (para 10)
- In the absence of documentation, there was no ability to consider previous decisions (para 21)

In the consideration of the planning balance, the provision of one additional dwelling was given limited weight and the adverse harm outweighed the limited benefits and the appeal was dismissed.

2. 289 London Road

The appeal was dealt with under written representations and the primary issues identified by the Inspector was the impact upon the character of the area, and whether there was adequate internal floorspace. The Inspector identified predominantly semi detached properties, modest gardens, consistency in building line, hipped roof forms and positive building separation.

The Inspector found the following with respect to the appeal:

- The dwelling would be incongruous with the semi detached pattern (para 7)
- Due to their design, scale, height, width, depth and siting, this pair of semi-detached properties create a massing that dominates the street scene at this particular point along London Road (para 9)
- Due to its siting, scale, height, width and depth, and its proposed roof design, the proposed dwelling would result in a two-storey built form and massing that would substantially close the separation between buildings; and would result in a cramped appearance within the immediate street scene (para 9)
- There are no comparable properties that would justify the proposal, otherwise reinforcing the harm that would arise (para 12)
- The proposal fails to provide adequate internal floorspace (para 17)

In the consideration of the planning balance, the provision of one additional dwelling was given limited weight and the adverse harm outweighed the limited benefits and the appeal was dismissed.

A costs application by the appellant alleged that the persistent objection was unreasonable, the reasons for refusal were not adequately considered and there was not consistency in decision making. The Inspector found little evidence – the officer report sets out history and the decision notice is clear and the costs application was dismissed.

3. Cromwell Road

The appeal relates to a 15m 'slim line' high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets at the junction of Worcester Park Road, Cromwell Road and Old Malden Lane, on a highway verge, assessed under Schedule 2, Part 16, Class A of the GPDO, which requires a consideration of effect on character and appearance. The Inspector has identified a residential area of two storey buildings with newer medium rise development and tree covered open spaces.

The Inspector found the following with respect to the appeal:

- The pole is sited amongst the tree backcloth, mitigating harm to a degree but would still be prominent, conspicuous and incongruous (para 9)
- The height and bulk is greater than other furniture (para 10)
- The Council did not contest the alternative sites or the radius put forward but resident objectors provided several examples but there is no certainty that there are not other sites available (para 11-12)

In the consideration of the planning balance, the harm outweighs the economic and society benefits (para 16) and the appeal was dismissed.

4. Upper High Street

The appeal relates to a 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets on a grass verge at the north side of Upper High Street and the junction with Church Road and Alexandra Road, assessed under Schedule 2, Part 16, Class A of the GPDO, which requires a consideration of effect on character and appearance. The Inspector has identified a residential area of two-three storey buildings and very few trees.

The Inspector found the following with respect to the appeal:

- The pole would be very significant in height on a corner location (para 8)
- There is a lack of infrastructure or vegetation to aid in screening (para 9)
- It is accepted that there are no other alternative sites (para 10)
- The harm to the Pikes Hill CA did not require further consideration (para 14)

In the consideration of the planning balance, the harm outweighs the benefits (para 13) and the appeal was dismissed.

5. Chessington Road

The appeal relates to a 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works on Chessington Road, assessed under Schedule 2, Part 16, Class A of the GPDO, which requires a consideration of effect on character and appearance. The Inspector has identified a parade of shops and three storey block of flats on a busy road as being the predominate character.

The Inspector found the following with respect to the appeal:

- The pole would sit amongst the context of streetlamps (para 7) and a line of trees (para 8) but the overall height is significantly taller than the surrounding area (para 8)
- There is a lack of infrastructure or vegetation to aid in screening and the thicker form at its top would draw attention (para 9)
- The proximity to the parade of shops, residential properties and existing monopoles and longer views from the roundabout are such that the height and clutter of the development would harm the character of the area and would not be mitigated by its painted colour (para 9)

- It would appear that alternative sites have been unnecessarily discounted and there is insufficient evidence of other alternative sites (para 13-14)

In the consideration of the planning balance, the harm outweighs the benefits (para 13) and the appeal was dismissed.

Summary of Pending Appeals:

Reference	Appeal Ref		Address	Proposal	Lodged	Procedure
21/01406/FUL	22/00013/NON DET	APP/P3610/W/22/ 3291215	140 - 142 Ruxley Lane West Ewell KT19 9JS	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.	04/05/2022	WR
21/01167/FUL	22/00017/REF	APP/P3610/W/22/ 3301362	Land Adjacent To Hollycroft Epsom Road, Ewell KT17 1JR	Erection of a two-storey detached dwelling with associated soft landscaping.	17/06/2022	WR
21/01254/FLH	22/00018/REF	APP/P3610/W/22/ 3301360	Hollycroft, Epsom Road, Ewell KT17 1JR	Part single storey and part two storey extension following the demolition of existing extensions and structures. The erection of a detached garage.	17/06/2022	WR
21/01255/LBA	22/00019/REF	APP/P3610/Y/22/3 301359	Hollycroft, Epsom Road Ewell KT17 1JR	Part single storey and part two storey extension following the demolition of existing extensions and structures. Erection of a detached garage.	17/06/2022	WR
21/00790/FUL	22/00023/REF	APP/P3610/W/22/ 3301980	The Stoneleigh Inn, Stoneleigh Broadway, Stoneleigh KT17 2JA	Upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development.	27/06/2022	WR
21/00791/LBA	22/00024/REF	APP/P3610/Y/22/3 301981	The Stoneleigh Inn, Stoneleigh Broadway, Stoneleigh KT17 2JA	Upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development.	27/06/2022	WR
22/00316/TPO	22/00033/NON DET	APP/P3610/W/22/ 3310516	8 Grafton Road Worcester Park KT4 7QP	T1 Pine: Fell to ground level	07/11/2022	WR
22/00695/FUL	22/00034/REF	APP/P3610/W/22/ 3312147	39 Manor Green Road Epsom Surrey KT19 8RN	Change of use of gym/yoga studio to residential to create a 1 bedroom dwelling with associated garden and parking	29/11/2022	WR
22/01086/FUL	22/00035/REF	APP/P3610/W/22/ 3312598	52A Park Avenue East Stoneleigh KT17 2NY	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings and single storey dwelling in rear garden	06/12/2022	WR

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22/01085/FUL	22/00036/REF	APP/P3610/W/22/3312765	52A Park Avenue East Stoneleigh KT17 2NY	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings	08/12/2022	WR
22/00431/FUL	22/00037/REF	APP/P3610/W/22/3313773	Epsom Lodge, 1 Burgh Heath Road Epsom KT17 4LW	Change of use of vacant Care Home (Use Class C2) to Dwellinghouses (Use Class C3) including associated alterations and erection of two storey side extension (with roofspace accommodation) to create 6 flats (1 x 1 bed and 5 x 2 bed).	22/12/2022	WR
22/00817/FLH	23/00001/REF	APP/P3610/D/23/314322	124 Hook Road, Epsom KT19 8TX	Formation of vehicular access and crossover (involving dropping of kerb).	08/01/2023	WR
22/01522/FUL	23/00003/REF	APP/P3610/W/23/3315065	12 Dartford Court, Glanville Way, Epsom KT19 8HQ	Single storey detached outbuilding (Use as Garden Office).	19/01/2023	HAS
22/01698/FUL	23/00006/REF	APP/P3610/W/23/3318006	72 Chesterfield Road, West Ewell KT19 9QP	Demolition of garage and construction of bungalow	06/03/2023	WR
22/00385/TPO	23/00007/CON D	TBA	Land To the Rear Of Burnside, Vernon Close, West Ewell KT19 9LF	Felling of Oak (T19 of TPO 77 and T12 of TPO 317) located at the rear of the property in Danetree Close	29/03/2023	WR
23/00036/FLH	23/00008/REF	APP/P3610/D/23/3320972	49 Lower Hill Road, Epsom KT19 8LS	Use of existing incidental outbuilding to provide ancillary residential accommodation.	25/04/2023	WR
23/00166/FLH	23/00009/REF	APP/P3610/D/23/3321891	32 Scotts Farm Road West Ewell, KT19 9LJ	New access	10/05/2023	WR
23/00122/FLH	23/00010/REF	APP/P3610/D/23/3322276	20 Mount Pleasant, Epsom KT17 1XE	Loft and raising of ridge	18/05/2023	WR
23/00026/FLH	23/00011/REF	APP/P3610/D/23/3322403	18 Mount Pleasant, Epsom KT17 1XE	Loft and raising of ridge	18/05/2023	HAS
23/00266/FUL	23/00012/REF	APP/P3610/W/23/3324358	Land at 1 Limecroft Close, Ewell KT19 9RE	Additional dwelling	20/06/2023	WR
22/01518/FUL	23/00013/NON DET	APP/P3610/W/23/3324830	Majestic Wine Warehouses, 31 - 37 East Street	Self-storage facility	28/06/2023	TBC