

LICENSING AND PLANNING POLICY COMMITTEE

Thursday 18 February 2016 at 7.30 pm

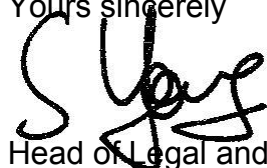
Council Chamber - Epsom Town Hall

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

Councillor Graham Dudley (Chairman)
Councillor David Wood (Vice-Chairman)
Councillor Michael Arthur
Councillor Tony Axelrod
Councillor Rob Geleit

Councillor Tina Mountain
Councillor Martin Olney
Councillor David Reeve
Councillor
Humphrey Reynolds
Councillor Clive Smitheram

Yours sincerely



Head of Legal and Democratic Services

For further information, please contact Sandra Dessent, 01372 732121 or
sdessent@epsom-ewell.gov.uk

AGENDA

1. QUESTION TIME

To take any questions from members of the the Public

Please note: Members of the Public are requested to inform the Democratic Services Officer before the meeting begins if they wish to ask a verbal question to the Committee.

2. MINUTES OF PREVIOUS MEETING (Pages 3 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 10 December 2015 and Minutes of the Special Meeting held on the 19 January 2016 (attached) and to authorise the Chairman to sign them.

3. 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.

4. EPSOM TOWN CENTRE OFFICES AT RISK OF CONVERSION TO RESIDENTIAL: CONFIRMATION OF ARTICLE 4 DIRECTIONS (Pages 13 - 138)

Following the Secretary of State's decision to extend the permitted development regime relating to a change of use from office to residential it is proposed to use a series of highly focused Article 4 Directions to protect building and sites in Epsom Town Centre that have been assessed as being at risk. (Annexe 4 provides details of the buildings/sites that have been proposed for Article 4 directions).

This process included an initial consultation period that provided interested parties with an opportunity to make their views known to the Council. This Report provides an overview of the responses received and seeks confirmation of the Article 4 Directions.

5. REVISED SUSTAINABLE DESIGN SUPPLEMENTARY PLANNING DOCUMENT - CONSIDERATION OF CONSULTATION RESPONSES AND ADOPTION (Pages 139 - 206)

The existing Sustainable Design Supplementary Planning Document (SPD) was adopted in 2012 and forms part of the Local Plan. A revised version has been prepared to take account of changes to national policy, legislation and advances in good practice.

A public consultation has taken place and this report provides Members with a summary of the consultation responses received. The SPD has been amended in the light of the consultation process and is recommended for consideration and adoption by the Committee.

**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 10 December 2015**

PRESENT -

Councillor David Wood (Chairman); Councillor Michael Arthur (Vice-Chairman);
Councillors Graham Dudley, Neil Dallen, Rob Geleit, Martin Olney, David Reeve,
Humphrey Reynolds and Clive Smitheram

Absent: Councillor Tony Axelrod and Councillor Tina Mountain

Officers present: Mark Berry (Head of Place Development), Michael Clarkson
(Graduate Planner (Policy)) and Sandra Dessent (Democratic Services Officer)

27 SUBSTITUTIONS

Councillor Neil Dallen attended as a nominated substitute for Councillor Tony Axelrod.

28 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

With the agreement of the Committee, Councillor David Wood was appointed as Chairman and Councillor Michael Arthur was appointed as Vice-Chairman.

29 QUESTION TIME

No questions were asked or had been submitted by members of the Public.

30 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Licensing and Planning Policy Committee held on 22 October 2015 were agreed as a true record and signed by the Chairman.

31 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors in items on the Agenda.

32 ORDER OF MEETING

The order of items on the Agenda was changed with the agreement of the Committee. Item 06 – *Parking Standards Adoption* was taken before item 05 – *Crossrail 2 Consultation*.

33 ARTICLE 4 DIRECTIONS - OFFICE BLOCKS

The Committee was asked to agree to the Council pursuing the introduction of an Article 4 Direction for buildings and sites in Epsom Town Centre.

Following the Secretary of State's decision to extend the permitted development regime relating to a change of use from office to residential it is proposed to use a highly focused Article 4 Direction to protect buildings and sites in Epsom Town Centre that have been assessed at being at risk. There was concern that the changes would have a harmful impact upon the economic vitality and viability of Epsom Town Centre.

The Committee were informed that the report focused on specific sites (both vacant and occupied) as opposed to a broader all-inclusive approach. The emphasis was to protect only those buildings and sites that were the most appropriate and sustainable locations for employment or commercial activity. It was noted that other authorities who had used a wide approach had not been viewed favourably.

The Committee noted that in line with previous applications for Article 4 Directions, a Government Planning Officer would be examining the supporting evidence for the applications. However, following agreement by the Committee, the Article 4 Directions would be effective as soon as they were served.

Having considered the Article 4 Directions Report and Annexe, The Committee agreed to the following amendments:

- Page 26 Paragraph 5.5; 'above criteria' to be changed to 'below criteria
- Page 61; Colevin Interiors onwards, image numbers are out of sequence, i.e. image 16 is listed twice
- Page 72; Image to be inserted for 22, 69/71 East Street
- Page 89; 6/7 Market Parade, High Street 'Prior Approval Required and Refused' to be inserted in decision column

Accordingly, subject to the amendments discussed at the meeting, the Committee agreed to pursue the introduction of an Article 4 Direction for selected buildings and sites in Epsom Town Centre in order to manage proposals seeking changes of use from Class B1 (Office) to Class 3 (Residential), and for three specific buildings from Class A2 (Financial and Professional Services) to Class C3 (Residential).

34 PARKING STANDARDS - ADOPTION

The Committee were requested to consider the responses to the consultation of the Parking Standards for Residential Development Supplementary Planning Document.

Following the conclusion of the Development Management Policies Document examination process, Officers prepared a draft Supplementary Planning Document (SPD) containing new minimum parking standards for residential development, taking into account recent changes to national planning policy in relation to parking standards. In September 2015 the Committee approved the Supplementary Planning Document for public consultation.

The consultation had closed and the collated responses were considered by the Committee. It was noted that the minimum standards detailed in the Supplementary Planning Document could be challenged to ensure a higher provision where justified, with appropriate evidence. Factors such as accessibility to the development, opportunities for public transport and the availability of off street parking would be investigated when making an assessment.

The Committee were informed that the new parking standards would come into force with immediate effect for all future planning applications.

Officers agreed to increase the minimum internal space and entrance width of a single garage, to ensure sufficient size to accommodate large family vehicles, and amend the Supplementary Planning Document accordingly.

Accordingly, the Committee agreed to adopt the Supplementary Planning Document, subject to the amendment discussed at the meeting.

Postscript: The minimum internal space of a single garage has been increased from 2.7m x 5.1m, to 3.0 x 5.5m, and amended in the Supplementary Planning Document accordingly.

35 CROSSRAIL 2 CONSULTATION

The Committee were asked to consider the implications of the Crossrail 2 proposal and consider the draft response to the current consultation.

Crossrail 2 is a proposed new railway that would serve London and the South-East. It is envisaged that one of its Southern branches would extend into Epsom. This could bring considerable benefits to the Borough including significantly improved rail services into and across London and economic growth for the town centre and employment areas. Whilst Crossrail 2 would also seek to unlock sites for new housing growth, it is probable that the majority of these would be situated in North London and beyond. In contrast the scale of additional housing growth predicted for Epsom and Ewell is more modest.

An annexe to the report detailing a draft response to the consultation was distributed at the meeting. The Committee considered the contents and made the following comments:-

- Clarification required on the number of Crossrail trains stopping at Ewell West and Stoneleigh, so that a more accurate assessment can be made on the impact to residents.

- The response should include a narrative on the possible side effects for residents in terms of how the services could alter the appeal of living in areas of the Borough in close proximity to the Crossrail stations.
- Further information required on the length of trains.
- The current infrastructure in the stations and future requirements to support the Crossrail service should be considered as it is anticipated that the number of passengers using the stations would increase considerably.
- Paragraph 3 of the response should read '***This applies to*** green field development opportunities, which are constrained by our functional Green Belt, and urban intensification...'

Accordingly the Committee proposed and agreed a revised recommendation i.e.; That Officers submit a revised draft response to the Crossrail 2 Consultation for consideration by the Chairman and Vice Chairman in early January 2016.

36 VERBAL REPORT - DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT: CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

The Committee received a verbal report prepared at the request of the Chairman in response to an urgent question asked by Councillor Liz Frost at the Council meeting on Tuesday 08 December 2015.

The question highlighted the recent release of a Government Consultation on a number of planning policy changes which included proposed changes to national planning policy that may allow for the allocation of sites located within the Green Belt for starter homes. The consultation was scheduled to conclude on 25 January 2016 and the Chairman had requested Officers to prepare a verbal report for the meeting due to take place this evening.

The Committee noted that the consultation was seeking views on some specific changes to National Planning Policy in the following areas:

- Broadening the definition of affordable housing to expand the range of low cost housing opportunities for those aspiring to own their new home
- Increasing residential density around commuter hubs to make more efficient use of land in suitable locations
- Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans
- Supporting delivery of starter homes

The Committee were informed that the proposed changes had the potential to impact on the Council in terms of the preparation and delivery of the Local Plan, specifically in relation to the forthcoming review of the Core Strategy.

The Committee discussed the scope of the proposed changes and noted that if the suggested proposal to develop on brownfield land came into effect, it could impact a considerable number of sites in the Borough, for example; Nescot campus, Epsom College, the Hospital Cluster sites and the David Lloyd Health Club site.

The Committee noted that the Government had not proposed a covenant to protect the status of starter homes, and consequently on resale properties could be sold at market value. Along with other proposed changes this could have a negative impact on many of the Council's key priorities including economic vitality, quality of life, visual appearance and sustainability.

In view of the matters discussed at the meeting, the Chairman requested that a Special Meeting be convened on a date to be agreed early in the New Year in order that the Committee could have sight of the final response.

Postscript: A Special Meeting of the Licensing and Planning Policy Committee has been scheduled for Tuesday 19 January 2016 at 19.30.

The meeting began at 7.30 pm and ended at 9.08 pm

COUNCILLOR DAVID WOOD (CHAIRMAN)

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**Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE
held on 19 January 2016**

PRESENT -

Councillor Graham Dudley (Chairman); Councillor Clive Smitheram (Vice-Chairman);
Councillors Michael Arthur, Tony Axelrod, Neil Dallen (as nominated substitute for
Councillor David Wood), Rob Geleit, Martin Olney, David Reeve and
Humphrey Reynolds

Absent: Councillor David Wood and Councillor Tina Mountain

Officers present: Sandra Dessent (Democratic Services Officer) and Karol Jakubczyk
(Planning Policy Manager)

37 SUBSTITUTIONS

Councillor Neil Dallen attended as a nominated substitute for Councillor David Wood.

38 APPOINTMENT OF VICE CHAIRMAN

In the absence of the Vice-Chairman, Councillor Clive Smitheram was appointed as Vice-Chairman.

39 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors in the item on the Agenda.

40 GOVERNMENT CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY - THE COUNCIL'S RESPONSE

Following an urgent question asked by Councillor Liz Frost at the Council meeting on Tuesday 08 December 2015, Councillor Graham Dudley the Chairman of the Licensing and Planning Policy Committee called a Special Meeting to consider the Council's response to a Government Consultation regarding proposed changes to national planning policy.

The consultation was seeking views on some specific changes to National Planning Policy in the following areas:

- Broadening the definition of affordable housing to expand the range of low cost housing opportunities for those aspiring to own a home.

- Increasing residential density around commuter hubs to make more efficient use of land in suitable locations
- Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans
- Supporting delivery of starter homes

Officers had prepared draft responses to the twenty three questions, in the Government's Consultation document. The Committee considered the scope of the proposed changes and was concerned that the proposals would diminish the Council's ability to meet local affordable housing need and that higher density development would have a harmful impact upon the Borough's visual character and appearance, and the openness of the Green Belt.

The Committee reviewed each question and response in order, and agreed to the following amendments:

- Question 3: Response to include a reference to the importance of visual character and appearance of the townscape when considering the definition of commuter hubs.
- Question 10: Amend to read; '...Our existing core strategy policy CS8 supports the principal of residential development within the existing urban area (the remainder of the Borough is Green Belt or **designated Strategic Open Space**). ...'
- Question 11: In response to the second part of the question, '*What should constitute significant under-delivery, and over what time period*', revise the emphasis of the response to point to the Annual Monitoring Report as the most favourable tool to assess performance.
- Question 13: In the response include Article 4 Directions as a form of evidence that could be used to justify retention of land for commercial or similar use.
- Questions 17 and 18: Amend the response to read; 'We have no comments on this question, **because we are not a rural borough/district.**'
- Question 21: Add specific request for a longer transitional period.

Accordingly, it was agreed that the responses discussed at the meeting, subject to the amendments detailed above, would constitute the Council's formal response to the Government Consultation on proposed changes to national planning policy.

The meeting began at 7.30 pm and ended at 8.50 pm

COUNCILLOR GRAHAM DUDLEY (CHAIRMAN)

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**EPSOM TOWN CENTRE OFFICES AT RISK OF CONVERSION TO
RESIDENTIAL: CONFIRMATION OF ARTICLE 4 DIRECTIONS**

<u>Report of the:</u>	Head of Place Development
<u>Contact:</u>	Karol Jakubczyk
<u>Urgent Decision?(yes/no)</u>	No
<u>If yes, reason urgent decision required:</u>	
<u>Annexes/Appendices (attached):</u>	Annexe 1: Schedule of Consultation Responses Annexes 2 and 3: Letters of Support Annexe 4: Epsom Town Centre Office Article 4 Direction Study
<u>Other available papers (not attached):</u>	Licensing & Planning Policy Committee Agenda 16 December 2015

REPORT SUMMARY

Following the Secretary of State's decision to extend the permitted development regime relating to a change of use from office to residential it is proposed to use a series of highly focused Article 4 Directions to protect buildings and sites in Epsom Town Centre that have been assessed as being at risk.

This process included an initial consultation period that provided interested parties with an opportunity to make their views known to the Council. This Report provides an overview of the responses received and seeks the confirmation of the Article 4 Directions.

RECOMMENDATION

Notes

1. The Committee considers the responses received and agrees to the immediate confirmation of the Article 4 Directions relating to buildings and sites in Class B1 (Office) use.
2. The Committee considers the response received in respect of the Job Centre, East Street and either agree to:
 - a) immediate confirmation of the Article 4 Directions relating to the three specific buildings in Class A2 (Financial & Professional Services) use; or
 - b) allow these three Directions to lapse (after a six month period – 28 June 2016).

1 Implications for the Council's Key Priorities, Service Plans and Community Strategy

- 1.1 The Permitted Development (PD) regime is a very important component of the planning system. Development that is thereby automatically approved by Government order can have a significant negative effect on the Council's ability to control development and a consequent similar impact on the built and natural environment. The impact of such development has a bearing on many of the Council's key priorities including economic vitality, quality of life, visual appearance and sustainability.
- 1.2 The Corporate Plan includes related planning policy objectives and an overarching objective of Economic Vitality, the achievement of which could be adversely affected by the implementation of the proposed extended PD rights.
- 1.3 Plan E forms a key part of the Epsom & Ewell Borough Local Plan, which assists in the spatial delivery of the objectives of the Sustainable Community Strategy and the Council's Key Priorities.

2 Background

- 2.1 In May 2013 the previous government introduced changes to the PD Regime relating to changes of use from Class B1 (Office) to C3 (Residential). In response to this change in the PD Regime the Council unsuccessfully applied for an exemption for the whole of Epsom Town Centre. Our case for exemption was set out in a report to the Planning Policy Sub-Committee on 27 February 2013.
- 2.2 In response to the previous government's decision to refuse our application for exemption we successfully introduced Article 4 Directions, removing the right to changes of use from Class B1 (Office) to C3 (residential), on three buildings located on East Street Epsom. These were Adelphi Court, Crossways House and Bradford House. These Article 4 Directions were supported by evidence that assessed the level of risk. These initial three Directions were confirmed by the Council during 2013.
- 2.3 During the first quarter of 2015, the government indicated that they would be extending and expanding the PD Regime relating to changes of use from offices to residential uses as part of the Housing and Planning Bill. It is anticipated that the changes will be either extended until 2019 (the current changes expire in 2016), or made permanent. The government has also stated that the PD Regime will be expanded to allow for the demolition of office and erection of new residential uses without the need for planning permission (the current PD Regime only allows for conversion with minimal external alterations).

- 2.4 Since the introduction of the changes in 2013, Epsom Town Centre has experienced a visible loss of office floorspace to new residential uses through the PD route. This has notably included viable good quality stock, such as Rutland House, Novellus Court and Charles Stuart House. Officers are aware of interest from landowners to change the use of other viable, occupied office buildings into residential accommodation. Local property agents have also expressed their concern about loss of office stock to residential uses.
- 2.5 On 16 December 2015 the Licensing & Planning Policy Committee agreed to the introduction of a series of focused Article 4 Directions on specific buildings and sites within Epsom Town Centre (as defined by the Plan E Epsom Town Centre Area Action Plan). This approach provides us with a mechanism to manage change on those sites at greatest risk from the changes in the PD regime. The Study produced in support of the new Article 4 Directions is included under Annex 4.
- 2.6 Following the Committee's decision the Article 4 Directions was served on 22 December 2015. This was followed by a 21 day consultation period during which interested parties could make their views known to the Council. The consultation period ended on Tuesday 12 January 2016.

3 Consultation Responses

- 3.1 During the 21 day consultation period we received responses relating to seven of the nineteen Article 4 Directions. These are set out, alongside Officer's comments and conclusions (the latter in italicised text) under Annex 1.
- 3.2 All seven responses objected to the serving of the Article 4 Directions on the specific buildings in question. A common thread appearing in most of the objections was that the change of use of office buildings to residential accommodation through the permitted development regime is justified on the grounds of housing need. Given our performance in accommodating new housing growth and the current levels of housing land supply this argument does not carry much weight.
- 3.3 Given the number of objections from landowners of viable and occupied office buildings (all seven), the results of the consultation process suggest that there is a genuine risk of unmanaged loss of our viable and occupied office stock. On that basis Officers conclude that the Borough Council is entirely justified in introducing focussed Article 4 Directions as a legitimate mechanism to manage the use of viable and occupied office buildings.
- 3.4 The objection from the new owners of the Job Centre merits further consideration. Specifically their response sets out the existing constraints that make the change of use of this building difficult. Their response also identifies the general constraints to PD changes of use involving A2 (Financial and Professional Services) uses. In conclusion, Officers suggest that Members may wish to reconsider the necessity of some of the Article 4 Directions relating to buildings in A2 use.

- 3.5 We were also contacted by the National Planning Casework Unit on behalf of the Secretary of State for Communities and Local Government. They requested further information from the Council to justify the introduction of the Article 4 Directions within the context of national planning policy guidance. Officers prepared a comprehensive statement of case, clearly setting out the reasons and justification for the Article 4 Directions, which was submitted to National Planning Casework Unit for consideration by the Secretary of State. We also included the letters supporting our approach, received from the Coast to Capital Local Enterprise Partnership and the Gatwick Diamond Initiative. These are included under Annex 2.
- 3.6 The Secretary of State has yet to respond. Officers will keep the Committee informed of any further developments and their likely implications for the Epsom Town Centre Article 4 Directions.

4 Financial and Manpower Implications

- 4.1 The resourcing of the current Local Plan work programme was approved by the Licensing and Planning Policy Committee in September 2014. That work programme did not factor in any additional work required to safeguard our employment land from expanded changes to the PD Regime. Consequently, some adjustment in our priorities has been necessary.
- 4.2 Should the concerns set out above be borne out we may find ourselves in a situation where the increase in resident population is not matched by Community Infrastructure Levy contributions. This situation may be partially tempered through increases in revenue from Council Tax and New Homes Bonus, although it is noted that any loss in existing Business Rates revenue will not be made good by replacement Council Tax receipts.
- 4.3 The changes to the PD Regime have not resulted in reduced workloads for the Council's Development Management Team. The Prior Approval regime and the fact that external alterations to a building currently still require permission mean that there will still be work required in assessing future proposals.
- 4.4 The introduction of the new Article 4 Directions will ensure that planning applications come forward as previously. There will be consequent increase in application numbers.

5 Equalities and Other Legal Implications

- 5.1 The confirmation and implementation of the Article 4 Directions follow a formal process.
- 5.2 There is a possible risk that the landowners affected by the Article 4 Directions could make compensation claims. Given the Council's long standing vision and strategy for Epsom Centre, employment land in general, and our flexible approach towards mixed-use proposals such claims would not be considered to be justifiable.

6 Sustainability Policy and Community Safety Implications

- 6.1 Safeguarding our portfolio of employment land will contribute towards delivering the Council's objectives for maintaining and enhancing the Borough as a sustainable place to live, work and visit.
- 6.2 Both the Core Strategy's and Plan E's policies for employment uses and Epsom Town Centre have been subject to sustainability appraisal as an integral part of the Local Plan process. These sustainability appraisals have been subject to public consultation.
- 6.3 There are no significant Community Safety considerations.

7 Partnerships

- 7.1 No specific considerations.

8 Risk Assessment

- 8.1 The changes to the PD Regime place at risk our ability to deliver our economic and Town Centre strategies. Other significant risks were set out in the reports to the previous Council Committees and include: inappropriate sites coming forward for housing, inability to secure any affordable housing and difficulties in securing contributions through the Community Infrastructure Levy.

9 Conclusion and Recommendations

- 9.1 The Committee are asked to consider the responses received and agree to the immediate confirmation of the Article 4 Directions relating to:
 - a) Oaks House, West Street
 - b) Parkside House, Ashley Avenue
 - c) The Kirkgate, Church Street
 - d) The Wells, Church Street
 - e) Adelphi Court, East Street
 - f) Epsom Chase, Hook Road
 - g) Sollis House, Hook Road
 - h) Bradford House, East Street
 - i) Global House, Ashley Avenue
 - j) Epsom Gateway, Ashley Avenue
 - k) Horizon House, Upper High Street
 - l) 30 – 38 Upper High Street
 - m) Emerald House, East Street
 - n) Newplan House, East Street
 - o) Nightingale House, East Street
 - p) Eastleigh House, East Street
- 9.2 The Committee are asked to consider the response received from the new owners of the Job Centre and determine whether there is merit in confirming the Article 4 Directions on the following buildings:
 - a) Job Centre, East Street
 - b) Glen House, East Street
 - c) 69 – 71 East Street

WARD(S) AFFECTED: All

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New Article 4 (1) Directions Epsom Town Centre – Landowner Comments and Officer Responses January 2016



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Introduction

Landowner Comments & Officer Responses

A. The Kirkgate 19 – 31 Church Street, Epsom

Stiles Harold Williams acting on behalf of Standard Life Investments

Administrative Matters

Firstly, we would like to draw your attention to the procedural matters associated with the introduction of an Article 4 direction in an area.

The permitted development rights from office to housing came in force in May 2013 and remain to expire in May 2016. Introduction of Article 4 direction at this stage is questioned in being reasonable and necessary. The directive applies to 19 different properties within the Epsom Town Centre area, however is not accompanied by any justification as to why particular locations are chosen and how the existing Town Centre has so far been impacted by loss of the office space.

Schedule 3 of the GDPO refers to the need for article 4 direction with immediate effect where authority 'consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area'. If such effect would be clear threat to amenities of the area, it would have been apparent earlier rather than identified in the last quarter of the year.

Borough Council Officer Comments

There is no requirement for the Direction itself to include a detailed justification for why particular locations have been identified. For the purposes of clarity the Direction does include a brief justification why the Borough Council took the decision to take this course of action. Further comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council's website. This information was prepared in support of the report take before the Licensing & Planning Policy Committee on 10 December 2015.

As clearly demonstrated by the evidence prepared in support of the Article 4 Directions, the Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate takes actions on the basis of such evidence, under the principles of the plan, monitor and manage.

Housing Land Supply

Introduction of the GDPO rights have been underpinned by an ongoing housing crisis evident across wider South East. Increased constraints on the area such as Green Belt are evident in Epsom and Ewell and as such every opportunity has to be utilised for locate housing in a sustainable manner. The proximity of the town centre with its amenities and transport connections is priority for this.

Borough Council Officer Comments

The Borough currently has between an eight and half to eleven years supply of deliverable and developable housing sites. This is evidenced by the Local Plan Annual Monitoring Report 2014/ 15. Consequently, there is no evidence of an overriding need within Epsom & Ewell.

The preparation and development of a sustainable housing growth strategy for the Borough is best addressed through the Local Plan process, which allows for the comprehensive consideration and assessment (including the sustainability appraisal process) of the issues raised. It is noted that the permitted development regime does not allow for the assessment of these issues.

In that respect, the suggestion that every opportunity be utilised to locate housing in a sustainable manner is counter-intuitive, as it would appear to suggest that housing be delivered at all costs – with no regard for other key components of sustainable development such as economic vitality, a balanced mix of uses, the provision of affordable housing and the delivery of supporting infrastructure.

Employment Land Supply

Currently there is no evidence of the shortage of employment land in the borough, as highlighted by the East Street Office Demand Study (2013). It specifically identifies a need for flexibility and the need to consult with local businesses and create the right conditions locally for employment growth. This aligns with the provisions of the National Planning Policy Framework for flexible approach safeguarding of employment allocation sites and thus very site specific restriction applied in the case of this Article 4 does not reflect either flexible approach or any form of consultation with the existing employment uses in the area for the benefit of the local growth.

It goes further to state (para 2.42.) that The Council has applied the policies in a flexible manner in terms of the re-use of vacant employment sites, including Town Centre offices, for other commercial/employment uses including education, healthcare and employment generating community activities. Any justification for departure from this approach needs to be provided.

In conclusion, we find that the introduction of the Article 4 has lacked consultation and justification, in contrary to the current national and local

policy documents, thus we urge you to review the boundaries of the proposed area and inclusion of The Kirkgate within.

Borough Council Officer Comments

The Borough Council's Local Plan strategy towards existing employment land and floorspace is clear. This is set out under Core Strategy Policy CS11. Existing employment land and floorspace is at a premium. Given the nature of the Borough the opportunities for new or replacement provision are limited.

Epsom Town Centre is the most sustainable location in the Borough. The Borough Council's strategy for securing sustainable, balanced and mixed growth across the Town Centre area is clearly set out in Plan E Epsom Town Centre Area Action Plan. Our own evidence clearly demonstrates that as the Local Planning Authority, the Borough Council has successfully delivered sustainable growth across the Town Centre. Our approach towards growth has and continues to include the release of employment floorspace where it is supported by evidence. This is in accordance with Plan E Policy E5. The Borough Council recently adopted Development Management Policies Document Policy DM24 reinforces this approach – namely, that the release/ loss of employment floorspace to other uses will not be permitted unless supported by evidence that meets the Policy's criteria. This approach was found sound by the Inspector. The approach has not prevented buildings and sites coming forward for redevelopment where such proposals are supported by evidence.

The Borough Council's strategy for sustainable growth has been the subject of comprehensive public consultation. The Council's use of Article 4 Directions to support that strategy is established, the first having been served in 2013. The requirement for further consultation is unclear. The Article 4 Directions were publically considered by a Committee of the Council. The Borough Council publicised the Directions with site notices, a notice in the press and with letters served directly to all landowners. All parties interested in the process had the opportunity to respond.

Borough Council Officer Conclusions

The Kirkgate, Church Street, Epsom is a highly valued office building, which is currently fully occupied. The loss of this site, the businesses housed within and their employees would have an adverse impact on the economic vitality and viability of the Town Centre. The agent acting on behalf of the landowner has not presented any evidence to demonstrate that there is no risk of the site being lost through the permitted development regime. Our evidence demonstrates that there is a risk of the Town Centre's occupied and higher grade office sites, such as the Kirkgate, being lost (in an unmanaged way) to residential uses. This would have an adverse impact on the economic vitality and viability of the Town Centre. On that basis, it is recommended that the Council confirms the Article 4 Direction on this site.

- B. Epsom Gateway, Ashley Avenue, Epsom**
- C. Oaks House, West Street, Epsom**
- D. The Wells, 3 – 13 Church Street, Epsom**

Indigo acting on behalf of Threadneedle Property Unit Trust in relation to three sites.

We are objecting on the grounds that there is no sound planning reason to impose this restriction, particularly with regard to the current supply of office floorspace in Epsom and the recognised demand for new homes. In addition, we note that the Council has previously been unsuccessful in introducing an Article 4 Direction across the entire town centre.

We regard the introduction of an Article 4 directions on the three sites to be wholly unnecessary and in contradiction of the guidance set out in paragraph 22 of the National Planning Policy Framework (2012)(NPPF). Paragraph 22 states that “*planning policies should avoid the long term protection of sites allocated for employment use*”. This guidance and the Government’s reasons for introducing this permitted development initiative support the basis of our objection.

Borough Council Officer Comments

For the purposes of clarity the new Directions were served on the basis that they are necessary to deliver and manage the delivery of the adopted Local Plan strategy for economic growth and for Epsom Town Centre. Without the ability to positively intervene and manage the release of viable employment sites there is a significant risk of the Borough Council’s adopted strategy being undermined. This would have adverse impacts upon the continued economic vitality and viability of Epsom Town Centre. Comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council’s website. This information was prepared in support of the report take before the Licensing & Planning Policy Committee on 10 December 2015.

Although the Borough Council, like most of the local authorities who originally applied for an exemption, was unsuccessful in its application, the serving of Article 4 Directions to manage the change of use of office buildings has been a successful approach in Epsom & Ewell. This is evidenced by the initial three Article 4 Directions served on sites in 2013. The justification for the latest Directions follows the same rationale as the initial three – albeit that the latest Article 4 Directions are now supported by more comprehensive evidence of risk.

For the purposes of clarity, NPPF Paragraph 22 relates to the long term protection of employment sites allocated (through the Local Plan) where there is no reasonable prospect of the site being used for that purpose. In this case the Article 4 Directions serve as a mechanism external to local plan allocations. In that respect NPPF Paragraph 22 does not apply. It is also noteworthy that in this case, all three office buildings are in occupied and in active use. Furthermore, the Borough Council’s Local Plan policies provide

sufficient flexibility to allow for changes of use where there is evidence to support that change.

As clearly demonstrated by the evidence prepared in support of the Article 4 Directions, the Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate takes actions on the basis of such evidence, under the principles of the plan, monitor and manage.

Government Rationale for Office to Residential Permitted Development

The General Permitted Development Order 2015 Class O allows for “a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices)”. The rationale for this amendment is to encourage the conversion of office space to help drive the supply of new housing.

To safeguard important office locations, the GPDO under Article 2 (5) identifies land within 17 local authorities that is exempt from Class O. There are no areas within Epsom and Ewell which are exempt by this Article. Paragraph 39 of the government guidance *When is permission required?* (2014) makes it clear that Article 4 directions to remove permitted development rights should be supported by a “particularly strong justification” in cases where “prior approval powers are available to control permitted development”.

Borough Council Officer Comments

Although the Borough Council was unsuccessful in obtaining an exemption, it was successful in serving Article 4 Directions to manage proposals seeking change/ loss of employment floorspace. This is evidenced by the initial three Article 4 Directions served on sites in 2013. The Secretary of State did not challenge our approach – indeed, the Secretary of State and the Planning Minister have endorsed the use of Article 4 Directions where they are supported by evidence. The justification for the latest Directions follows the same rationale as the initial three – albeit that the latest Article 4 Directions are now supported by more comprehensive evidence of risk. The Borough Council contends that there is a very strong case for the continued use of Article 4 Directions to secure the delivery of the adopted Local Plan strategy and to manage the risk to that strategy.

Housing Land Supply

The supply of housing in the south east is increasingly under pressure and as a result national planning policy prioritises the provision of more housing, particularly in sustainable locations within the south east region.

Borough Council Officer Comments

The Borough currently has between an eight and half to eleven year supply of deliverable and developable housing sites. This is evidenced by the Local Plan Annual Monitoring Report 2014/ 15. Consequently, there is no evidence of an overriding need within Epsom & Ewell.

The preparation and development of a sustainable housing growth strategy for the Borough is best addressed through the Local Plan process, which allows for the comprehensive consideration and assessment (including the sustainability appraisal process) of the issues raised. It is noted that the permitted development regime does not allow for the assessment of these issues.

Employment Land Supply within Epsom and Ewell

The Council commissioned *East Street Office Demand Study (2013)* prepared by GVA and which identifies that there is currently an oversupply of employment land in Epsom, with 25,262 sqm available.

Our client's site, Epsom Gateway, comprises of 7,432 sqm of rentable floorspace. These figures show that there is currently 14 years supply of such office space (1,850 sqm+) in Epsom.

Our client's site, Oaks House, comprises 1,610 sqm of rentable floorspace. These figures show that there is currently five years supply of such office space (offices with floorspace between 465 -1,850 sqm) in Epsom.

Our client's site, The Wells, comprises of 1,886 sqm of rentable floorspace. These figures show that there is currently 14 years supply of such office space (1,850 sqm+) in Epsom.

This is more than sufficient supply of office floorspace in Epsom and an Article 4 Direction is therefore not justified. This is supported by the identified need for more sustainable homes in the south east.

Borough Council Officer Comments

The Borough Council's Local Plan strategy towards existing employment land and floorspace is clear. This is set out under Core Strategy Policy CS11. Existing employment land and floorspace is at a premium. Given the nature of the Borough the opportunities for new or replacement provision are limited.

Epsom Town Centre is the most sustainable location in the Borough. The Borough Council's strategy for securing sustainable, balanced and mixed growth across the Town Centre area is clearly set out in Plan E Epsom Town Centre Area Action Plan. Our own evidence clearly demonstrates that as the Local Planning Authority, the Borough Council has successfully delivered sustainable growth across the Town Centre. Our approach towards growth has and continues to include the release of employment floorspace where it is supported by evidence. This is in accordance with Plan E Policy E5. The Borough Council recently adopted Development Management Policies Document Policy DM24 reinforces this approach – namely, that the release/ loss of employment floorspace to other uses will not be permitted unless supported by evidence that meets the Policy's criteria. This approach was found sound by the Inspector. The approach has not prevented buildings and sites coming forward for redevelopment where such proposals are supported by evidence.

Primary research carried out by the Borough Council as part of its local plan and economic development monitoring regimes demonstrates that during the last two years the Borough has lost over 5,000 sqm of office space. Of greatest concern is that most (seventeen of the twenty schemes up to October 2015) of the conversions are located in Epsom Town Centre and that many have involved the loss of medium sized, good quality office stock. This

is precisely the type of stock that is in demand from small-medium sized enterprises (SMEs); again precisely the type of business that the Borough Council is seeking to attract.

Conclusion

In light of Government guidance and policy, the Council's own employment studies and the need for sustainable homes in the south east region, the introduction of the Article 4 directions at the three sites cannot be justified.

We trust this objection will be taken into consideration and that the council will reconsider the Article 4 directions at the three sites and not progress them.

Borough Council Officer Conclusions

Contrary to the agent's statement, the Borough Council's approach in serving new Article 4 Directions is in accordance with national and local policy. The approach taken by the Borough Council is entirely consistent with the approach taken when serving the initial three Article 4 Directions on office buildings in 2013. That approach was not challenged by the Secretary of State. The justification for the latest Directions follows the same rationale as the initial three – albeit that the latest Article 4 Directions are now supported by more comprehensive evidence of risk. The Borough Council contends that there is a very strong case for the continued use of Article 4 Directions to secure the delivery of the adopted Local Plan strategy and to manage the risk to that strategy.

Epsom Gateway, Oaks House and the Wells are highly valued office buildings, which are viable and are currently occupied. The loss of these sites, the businesses housed within and their employees would have a very significant impact on the economic vitality and viability of the Town Centre. The agent acting on behalf of the landowner has not presented any evidence to demonstrate that there is no risk of these sites being lost through the permitted development regime. Our evidence demonstrates that there is a risk of the Town Centre's occupied and higher grade office sites, such as these three sites, being lost (in an unmanaged way) to residential uses. This would have an adverse impact on the economic vitality and viability of the Town Centre. On that basis, it is recommended that the Council confirms the Article 4 Directions on these sites.

E. Eastleigh House, East Street, Epsom

shp acting on behalf of Baymont Limited.

Baymount's intentions

Baymount wishes to clarify that it has had no intentions to convert the building from office (Use Class B1) to residential (Use Class C3). The building is occupied and it is Baymount preference that the building is so used for the foreseeable future.

Baymount is aware, however, that the Article 4 has potentially affected its interests and has found it necessary to consider the associated implications for its property.

Borough Council Officer Comments

The Borough Council welcomes the statement that Baymont Limited has had no intentions to convert Eastleigh House from its current office use to residential. However, such a statement provides no guarantees into the medium-long term. Our evidence clearly demonstrates that viable and occupied office space has been lost, in spite of local demand for such space. In those examples, tenants have been displaced, having to find alternative accommodation. Whilst to date displaced tenants have been able to secure alternative accommodation this may not be possible in all potential circumstances. For example, there are limited opportunities for major employers to secure alternative accommodation within Epsom Town Centre.

It is unclear how the new Article 4 Direction has affected the landowner's interest. As their agent acknowledges the inclusion of the building within the current safeguarding zone means that the building has no permitted development rights. The new Article 4 Direction confirms the existing position into the medium-long term in order for the Borough Council manage the delivery of the adopted Local Plan strategy.

The Article 4 Direction - Objections

Baymount objects to the Council imposing the Article 4 on Eastleigh House. It is considered that it is unjustified, unnecessary, untimely and inconsistent with other decisions made by the Council. It considers that the Council's decision to remove national permitted development rights does not follow advice in NPPG, paragraph 200, as their use should be limited and justified.

Borough Council Officer Comments

The decision to introduce new Article 4 Directions is entirely consistent with the Borough Council's Local Plan strategy and policies. The Borough Council has significant experience of using Article 4 Directions as a mechanism to manage the delivery of the adopted Local Plan. The Borough Council already uses Article 4 Directions to manage Conservation Areas, Primary Retail Frontages and viable office stock. The decision to serve new Article 4 Directions was based on comprehensive evidence and monitoring (collated since 2013). In respect of the new Article 4 Directions, the Borough Council

has taken a highly focussed approach. It is noteworthy that the Council has focussed purely on individual buildings and has not sought an area wide Direction. The buildings identified are all viable and are in most cases occupied. The Council believes that its approach continues to be limited and justified.

The Council was not successful when it sought a blanket exemption from the extension of permitted development rights in 2013. Whilst it successfully imposed specific Article 4 Directions on land towards the western end of East Street, the subsequent planning history indicates that such Article 4 has not been necessary. As detailed in the Head of Planning and Building Control's report to the Licensing and Planning Committee on 10 December 2015 (the Report, paragraph 4.7), no application for planning permission has been submitted for development which was otherwise permitted - the alternative uses relating to those properties are not those to which the Article 4 refers. It is evidential, therefore, that there was no need for Article 4 Directions at those properties.

Borough Council Officer Comments

It is correct that the Council was successful in serving an initial series of Article 4 Directions on three buildings during 2013. The Council has followed a similar process with the new Article 4 Directions - albeit utilising more comprehensive evidence and monitoring data. Contrary to the respondents interpretation the Borough Council suggests that the use of the initial three Article 4 Directions has been a success. It is noted that change of use at Adelphi Court, a viable and fully occupied site, have been averted. The redevelopment of Crossways House for student accommodation was secured with no impact on the development's viability. Bradford House currently remains occupied as an office building. Whether these outcomes would have happened in the absence of an Article 4 Direction is unknown. Nevertheless, the Borough Council can cite recent losses of viable higher grade office stock, which would have benefited from an Article 4 Direction – allowing the opportunity for intervention in order to manage change.

If all recent Article 4 Directions are confirmed, the significant number of properties which will not have the benefit of permitted development rights for change of use of offices to residential (either through exemptions of the General Permitted Development Order or Article 4 Directions), will effectively equate to a blanket exclusion over a significant area in this part of the town centre - the very opposite of the Secretary of State's decision relating to the previously blanket exemption. It is considered that no evidence has been provided to demonstrate that there is a real risk on the vitality and viability of the town centre, the implementation of strategy and the provision of balanced communities. Most particularly, there is no specific evidence that control over the change of use of Eastleigh House is necessary to achieve the aims.

Borough Council Officer Comments

The respondent's assertion that the new Article 4 Directions will equate to a blanket-exclusion is incorrect. The new Article 4 Directions have focussed upon a limited number of individual occupied and viable office buildings. The

Borough Council has not sought to introduce an area wide Article 4 Direction across the Town Centre. There is a far greater number of office buildings across the Town Centre, and an even greater number across the wider Borough, that have not been included in this series of new Directions.

Comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council's website. This information was prepared in support of the report take before the Licensing & Planning Policy Committee on 10 December 2015.

As clearly demonstrated by the evidence prepared in support of the Article 4 Directions, the Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate to take action on the basis of such evidence, under the principles of the plan, monitor and manage. It is noted that the respondent has not prepared any evidence to support their position.

The vacancy rate of office stock in Epsom is high - the GVA 2013 East Street Office Demand Study identifies a substantial level of stock vacancy. Whilst Baymount acknowledges that there have been some proposals to convert office buildings to residential use – the Council's own reports demonstrate that such conversions, if completed in their totality, relate to only 4.8% of the office floor space (page 83, the Report). This compares most favourably to the neighbouring authority areas of Mole Valley (approximately 30% of its office space has been lost) and other areas referred to in that Report (pages 85 and 87).

Borough Council Officer Comments

Epsom Town Centre is the most sustainable location in the Borough. The Borough Council's strategy for securing sustainable, balanced and mixed growth across the Town Centre area is clearly set out in Plan E Epsom Town Centre Area Action Plan. Our own evidence clearly demonstrates that as the Local Planning Authority, the Borough Council has successfully delivered sustainable growth across the Town Centre. Our approach towards growth has and continues to include the release of employment floorspace where it is supported by evidence. This is in accordance with Plan E Policy E5. The Borough Council recently adopted Development Management Policies Document Policy DM24 reinforces this approach – namely, that the release/ loss of employment floorspace to other uses will not be permitted unless supported by evidence that meets the Policy's criteria. This approach was found sound by the Inspector. The approach has not prevented buildings and sites coming forward for redevelopment where such proposals are supported by evidence.

The key factor omitted by the respondent is that a large proportion of office building losses (in Epsom & Ewell) have been viable, occupied and higher grade stock. The losses to date in Mole Valley District have primarily been comprised of tired stock. It is noteworthy that this position has changed and

Mole Valley is now beginning to experience the adverse impacts (particularly in Leatherhead) of viable higher grade stock.

The conversion rate, therefore, is very low in respect of the vacancy and the overall office floor space. Even if all the prior approval conversions are carried out, there is no evidence that this will affect employment opportunities within the area. It is clear from page 84 of the Report that there has been no loss of employment, only employment floor space, and much of that was vacant prior to being changed to residential use. There is only anecdotal information relating to tenant evictions - this is not evidence and cannot be used to assume that tenants of Eastleigh House are at risk.

Borough Council Officer Comments

Our evidence clearly demonstrates that viable and occupied office space has been lost, in spite of local demand for such space. In those examples, tenants have been displaced, having to find alternative accommodation. Whilst to date displaced tenants have been able to secure alternative accommodation this may not be possible in all potential circumstances. For example, there are limited opportunities for major employers to secure alternative accommodation within Epsom Town Centre. The changes to the permitted development mean that the Council is unable to intervene to prevent the loss of occupied and viable office stock. The Borough Council's existing policies provide sufficient flexibility to comprehensively assess proposals for conversion where such developments are appropriate.

At paragraph 7.1 the report refers to the 'worst case scenario - that most office stock could be lost in 5 years. However, permitted development rights have been in place for 3 years, resulting in limited loss of office accommodation overall. There is no reasonable prospect that the 'worst case scenario' will occur. Baymount considers that there is more likely to be potential for office accommodation to be retained, if the supply decreases, as the remaining office space will become more attractive and viable to accommodate the demand within the area. The vacancy rate demonstrates that supply currently outstrips demand. Eastleigh House is not at risk from loss as it is currently occupied.

Borough Council Officer Comments

The Borough Council's evidence demonstrates that there has been an acceleration in the loss of viable office – as conversion becomes a more attractive short-term proposition for landowners. Whilst the Borough Council respects the wishes of landowners to optimise the value of their assets, such activity should not be at the expense of the longer term economic viability and strategic planning of the Borough.

The Borough Council acknowledges that a potential outcome is that demand for office stock increases and that viability/ value of office uses rises. However, in the absence of other mechanisms for intervention, the introduction of new Article 4 Directions is considered to be an appropriate measure to manage change. The respondent has presented no evidence (for

example case studies) to demonstrate how office markets can be relied upon to self-regulate. In the absence of such evidence, the Borough Council is justified in using Article 4 Directions as a legitimate intervention.

The main concern of the Council is the potential loss of high quality office accommodation (paragraph 7.1 of the report), although it is choosing not to seek to control all Grade A office buildings (sections 7 and 8 of the Report). It refers to an (unidentified) amount of high grade office accommodation lost to residential use, and states that this was not the purpose of allowing changes from office to residential without permission. However, it is now clear that the Government considers that the temporary change to permitted development rules to be successful as it is now in the process of extending the relaxation of control. It is clear that the Government is placing significant weight on the provision of housing; significantly greater evidence of potential harm to the well-being of the area than fear of losing control should therefore be made by the Council.

Borough Council Officer Comments

The Borough currently has between an eight and half to eleven year supply of deliverable and developable housing sites. This is evidenced by the Local Plan Annual Monitoring Report 2014/ 15. Consequently, there is no evidence of an overriding need within Epsom & Ewell.

The preparation and development of a sustainable housing growth strategy for the Borough is best addressed through the Local Plan process, which allows for the comprehensive consideration and assessment (including the sustainability appraisal process) of the issues raised. It is noted that the permitted development regime does not allow for the assessment of these issues.

The Report raises issues which are not justification for imposing the Article 4:

- Affordable housing - the provision of affordable housing is a significant flagship policy of the Government and it is clear that an outcome of the provisions of Class O would be the provision of 'uncontrolled' housing only. This must have been considered as part of decision by Government to allow permitted development for office to residential conversion. This is a national point already weighed in the balance by the creation of Class O. It is not a local point and there is no local justification for it.

There is no justification in the Report that affordable housing provision is below that which should be provided in the Borough, or that the permitted changes of use will prevent the implementation of policies for affordable housing elsewhere on other allocated / windfall sites, for which permission is required and for which affordable housing can be secured.

Housing policies (Core Strategy, CS8) demonstrate that windfall housing is required to meet housing supply in the area - policies presume in favour of development of previously built land, including conversion. No evidence is provided in the Report that conversions are leading to rising house prices.

It is clear, however, that the conversions are contributing towards increasing housing supply, providing a range of housing types, generally in smaller units, in sustainable locations and in close proximity to places of employment which are significant benefits as the mixed and balanced communities created are those sought by the Council. The provision of a wide range of housing, in sustainable locations, therefore meets the requirements of the Council.

Borough Council Officer Comments

The provision of affordable housing is a key corporate priority for the Borough Council. It is a key strand throughout our housing growth strategy. The high level of demand is supported through our Local Plan evidence base.

Although the Borough Council has been successful in securing affordable housing demands remains very high, particularly in respect of homelessness prevention. Our latest Annual Monitoring Report projections suggest that delivery of new affordable housing beyond the next five years will become unreliable. Given that context it is entirely justified for the Local Planning Authority to consider this as a strategic issue.

The respondent is factually incorrect in stating that the windfall housing is required to meet housing land supply – that statement is not supported by our Annual Monitoring Report or housing land supply trajectory.

Whilst conversions are undoubtedly contributing to housing land supply their contribution is unmanaged and does not support provision of necessary infrastructure. Our own evidence demonstrates that there is an over-supply of smaller units and that greatest demand remains for family sized accommodation. These needs could be addressed through the application of existing Local Plan policy.

- Planning standards - the Report does not demonstrate any harm that may be caused from the converted residential properties not meeting the current standards of the Council. As the changes of use can take place without the consent of the Council, it clearly does not stand as precedent or prevent the Council from implementing its standards for those properties which require planning permission. In any event as noted by the Report any conversion would likely involve external works that would require permission and these works would be under planning control regardless.

Borough Council Officer Comments

The Borough Council has recently adopted the Nationally Described Space Standards as a key component of its Development Management Policies Document. Providing sufficient living space for residents is a key tenant of

sustainable design. Core Strategy Policy CS5 requires that all development secure high quality inclusive design. Unmanaged conversions raise the risk of undermining this strategic objective of securing sustainable places for people to live. The Borough Council believes that it is entirely correct in identifying this as an issue and potential adverse impact in securing qualitative growth for Epsom Town centre.

Contrary to the respondent's statement, all but one of conversions coming through the permitted development route has not sought external changes to the donor office building. This is noteworthy for two reasons – firstly, that contrary to the Borough Council's own original assumptions modern office buildings provide more flexible and convertible accommodation than anticipated (and the opportunities for interventions are therefore limited) and that as a consequence the opportunities for positive intervention (in the absence of Article 4 Directions) are extremely limited.

- Rateable value etc. - the report provides no evidence of any harm to the Council, or the well-being of the area from changes to the rateable value of properties, nor income gained from offices compared to residential properties. Paragraph 4.12 of the Report refers only to impact on vitality and viability if office accommodation is lost, although provides no evidence to substantiate the comments. The report also provides no calculation or assessment of the economic benefit of additional residential properties to vitality and viability neither of the town and town centre nor of any additional Council revenue gained by residential properties being fully occupied (compared to the significant vacancy of office premises). It is Baymount's contention that occupied residential use in buildings within the town centre adds to the economic base of the town and the vitality and viability of the town centre.

Notwithstanding the generalities stated above, Baymount also considers that Council's case provides no clear evidence of any potential harm which may result from potential for the use of Eastleigh House to change from office to residential without the need for planning permission, and therefore, any justification for the imposition of an Article 4 direction.

Other than the general comments in the Report relating to the possible loss of existing employment floor space, there is very limited information specific to Eastleigh House - the specific site assessment at page 64 of the Report only.

The subject site, whilst a good quality building is not high or Grade A and would require significant refurbishment to improve to meet current office standards. Unlike Council Officers, Baymount has the benefit of understanding the internal condition of the building and can confirm that no economic case could be made to justify the cost of refurbishment works to bring the building to Grade A standard. Any conversion, therefore, would not result in the loss of Grade A office floor space.

Borough Council Officer Comments

Comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council's website. This information was prepared in support of the report taken before the Licensing & Planning Policy Committee on 10 December 2015.

As clearly demonstrated by the evidence prepared in support of the Article 4 Directions, the Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate takes actions on the basis of such evidence, under the principles of the plan, monitor and manage.

The key consideration for serving Article 4 Directions (whether they relate to Conservation Areas, primary retail frontages or as in this case offices) is whether the permitted development rights available to the area/ site would undermine the ability of the local planning authority to deliver their local plan. The available evidence demonstrates that there are clear trends developing in the Town Centre (and across the wider South East – specifically the Coast to Capital and Gatwick Diamond areas) – that are witnessing the loss of occupied and viable office space through the permitted development regime. The serving of Article 4 Directions provides an appropriate mechanism to manage that change. Without that ability to intervene the Borough Council's adopted strategy will be undermine – there is evidence that it already has, as occupied and viable stock has been lost. It is noted that the respondent has not prepared any evidence to challenge this position or to quantify their suggestion that a town centre dominated by residential uses will positive will have a positive impact of local vitality and viability.

The Borough Council sought to use the best evidence available to it – such as the Co-Star Database. The respondent did not provide any evidence that challenged that data. Local planning policy provides the landowner with an opportunity to robustly demonstrate the scale of demand and the condition of the property. Should that evidence demonstrate that Eastleigh House is no longer fit-for-purpose, and that subject to a twelve month period there is no demand for that property then the Council would positively consider proposals for its change of use. That is a sound approach that is entirely in accordance with national policy.

Furthermore, the Assessment states that the building cannot be converted to residential without external alteration being carried out. Whilst there are permitted development rights for alterations to an office – such alterations can only be used for that purpose and at ground floor only. On this basis, the Council has full control over these matters anyway so the Article 4 is not necessary.

Notwithstanding this, there is no scope for an application for prior approval to be submitted as there is no permitted development right applicable to this building for the change of use from office to residential use.

The permitted development right under Class O - offices to dwelling houses is explicitly not permitted by virtue of paragraph O 1 (d) as the site is or forms part of a safety hazard area. The site assessment for Eastleigh House (page 79 of the Report) states that: Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development Rights.

On this basis, as there are no permitted development rights for the change of use of this property to residential use, it follows that there is even less justification to remove such rights via the Article 4 vehicle beyond the points set out above; therefore, it should not have been imposed and the owner requests that the Article 4 Direction, as imposed on Eastleigh House, is removed.

Borough Council Officer Comments

The HSE safeguarding zone relates to a gas holder site (on adjacent land north of East Street) that is no longer in active use. The site is now primarily used for vehicle storage. Although utility supply infrastructure remains imbedded within that site, the Health and Safety Executive and utilities provider have notified the Borough Council that the extent of the zone will be reviewed to more accurately reflect the level risk. On that basis it is entirely appropriate for the Council to take precautionary action. This was the case when the Borough Council originally served the initial three Article 4 Directions – which the Secretary of State did not challenge.

For the purposes of clarity, the prior approval process referenced by the respondent is extremely limited in its scope. It takes no account of market signals or whether the building/ site remains fit for purpose; specifically in relation to occupancy, economic impact and the impact on wider Local Plan strategies. To suggest that the prior approval process offers the Borough Council an opportunity to interrogate the justification for a change is entirely erroneous.

Consistency

Baymount is concerned at the lack of consistency in the Council's decision relating to the Article 4 - it is clear from the assessment that the decision to impose the Article 4 is based on assessment of potential risk, relating to those properties which can or cannot benefit from permitted development rights.

There are two clear examples of inconsistent decisions.

Listed Buildings have been excluded from the necessity for Article 4 within the Report and the individual site assessment. For example, at page 80, the risk associated with Site 16, 42-44 East Street (and closer to the core of the town centre) is zero as it is stated that although the buildings design lends itself to straightforward internal conversion, this is a Grade II Listed Building. Consequently it does not benefit from permitted development Rights to

convert from office to residential use and this property is excluded from those the subject of the Article 4 directions.

Secondly, at the adjacent property, the Report recommended against an Article 4 on grounds that as the owner has recently invested in the property and brought it to high quality office standard so it would be unsound business practice to convert to residential, as no interest has been shown in its conversion to date and it would be difficult to convert without significant internal and external alteration. These are much the same arguments used to justify the Article 4 at Eastleigh House, demonstrating an inconsistent approach.

Borough Council Officer Comments

The respondent is incorrect. The Borough Council has followed an entirely consistent approach, which corresponds to national planning policy guidance, local plan policy, the Borough-wide Corporate Plan and the strategy for inward investment (through Local Enterprise Partnership funding) for the Town Centre. The approach in assessing risk has followed the same methodology as the initial three Article 4 Directions (served in 2013), albeit informed by a more extensive evidence base.

The Borough Council excluded listed buildings from consideration on the grounds that listed buildings in office use do not access to the permitted development rights allowing for a change of use to residential accommodation. Unlike the anticipated changes to the East Street safeguarding zone, there are no plans to include listed buildings within the permitted development regime. On that basis the Borough Council's assessment is entirely logical.

Timescale

The owner also wishes to state that it considers the timing of the Council's decision to impose the immediate Article 4 Direction as unacceptable. There is no clear reason why the Council would take such action now, other than the stated intention of the Government to widen permitted development rights. Until such time that the actual harm from those extended rights is known, the Council is acting rashly.

Additionally, not only is there no evidence of harm from the change of use the Council is concerned of and no case properly made that the specific local circumstances warrant taking an exceptional case from that provided for by Permitted Development rights nationally, but in addition there is no balance against the clear benefits the provision of residential development could otherwise make. Additionally, as there is clearly no identified risk of immediate action that could be taken by the owner to convert the building, the use of the immediate Article 4 is unnecessary.

Finally, the making of the direction and allowing the minimum period of 21 days to respond, which includes the Christmas Holiday period shows a total disrespect for the business community.

Borough Officer Comments

The Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate that it takes actions on the basis of such evidence, under the principles of the plan, monitor and manage. Such an approach is clearly in accordance with guidance in national planning policy, which requires local planning authorities to have regard of market signals. The Borough Council is responding to a situation where the market is failing. It is unclear why such an approach is considered unacceptable.

The Borough Council understands the benefits that new housing growth brings to the Borough. It has been very successful in securing such growth across the Local Plan period – as evidenced by the Annual Monitoring Reports and housing land supply trajectories. However, the provision of new additional homes must be balanced other demands, particularly the need to maintain and enhance the business offer available in Epsom Town Centre – the most sustainable location for such activity in the Borough.

The Borough Council has a long and good track record of working closely with the business community. This is evidenced by their support for the Borough Council's Local Plan strategy. Further support for the Council's approach in managing changes has come from the Coast to Capital LEP and the Gatwick Diamond Initiative.

Conclusion

Baymount considers that the Report does not provide sufficient evidence to justify any potential harm to the intentions of the Council for this area or for the well-being of the area from any potential conversion of Eastleigh House from office use to residential use through any permitted development potential.

The site assessment for Eastleigh House demonstrates the great uncertainty associated with any potential for change of use - it is based on

- if a prior approval is approved
- if permitted development relating to external changes and / or demolitions are introduced and what they may entail, and
- if the hazard area is removed; it is clear that this may be in the long term.

There is clearly considerable uncertainty and lack of evidence that the change of use could occur without control at this time and the Article 4, therefore, is not justified.

Baymount considers that as there are no permitted development rights for Eastleigh House for the change of use of the building from office to residential, it is not appropriate for an Article 4 Direction to be confirmed as there are no rights to remove.

Baymount considers that the Council has reacted to a fear of unknown change rather than evidence of direct risk or harm, which is not the correct approach. It requests that the Article 4 be removed from this property.

Baymount also reserves the right to comment further on this matter should circumstances change or additional information be made available.

Borough Council Officer Conclusions

Contrary to the agent's statement, the Borough Council's approach in serving new Article 4 Directions is in accordance with national and local policy. The approach taken by the Borough Council is entirely consistent with the approach taken when serving the initial three Article 4 Directions on office buildings in 2013. That approach was not challenged by the Secretary of State. The justification for the latest Directions follows the same rationale as the initial three Article 4 Directions – albeit that the latest Article 4 Directions are now supported by more comprehensive evidence of risk. The Borough Council contends that there is a very strong case for the continued use of Article 4 Directions to secure the delivery of the adopted Local Plan strategy and to manage the risk to that strategy.

Eastleigh House is a highly valued asset, which is viable and currently occupied. It is the home of Premium Credit – a significant employer within the Town Centre. The loss of this building to residential accommodation would have a considerable impact on the Town Centre as it would be problematic to

the relocate the scale of employment currently catered for on-site within the Town Centre. The agent acting on behalf of the landowner has not presented any evidence to demonstrate that there is no risk of the site being lost through the permitted development regime. Our evidence demonstrates that there is a risk of the Town Centre's occupied and higher grade office sites, such as this site, being lost (in an unmanaged way) to residential uses. This would have an adverse impact on the economic vitality and viability of the Town Centre. On that basis, it is recommended that the Council confirms the Article 4 Directions on these sites.

F. Job Centre, 50 East Street, Epsom

DLA Piper acting on behalf of RLH Property Limited

We object to the proposed Article 4(1) Direction dated 22 December 2015 to remove permitted development rights provided pursuant to Class M, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO 2015") with immediate effect ("Article 4 Direction") which was served by Epsom and Ewell Borough Council ("Council") under cover of a letter also dated 22 December 2015.

The timing of service of the Article 4 Direction on 22 December 2015 was unreasonable in that the timescales for preparing a response have been constrained by the Christmas holiday period. Our client only became aware of the Article 4 Direction in early January and has had limited time in which to take legal advice and to collate information for the preparation of this objection. The Article 4 Direction was sent to "the occupier" and as stated above the Council should note that our client only acquired the Property three days before service of the Article 4 Direction. We contacted the Council to request an extension of time because of our client's recent acquisition, which was refused. Furthermore, our client has not been party to any consultations on this matter which may have taken place with the previous owner.

Borough Council Officer Comments

For the purposes of clarity the new Directions were served on the basis that they are necessary to deliver and manage the delivery of the adopted Local Plan strategy for economic growth and for Epsom Town Centre. Without the ability to positively intervene and manage the release of viable employment sites there is a significant risk of the Borough Council's adopted strategy being undermined. This would have adverse impacts upon the continued economic vitality and viability of Epsom Town Centre. Comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council's website. This information was prepared in support of the report taken before the Licensing & Planning Policy Committee on 10 December 2015.

Having previously successfully served Directions in relation to Conservation Areas, offices and primary retail frontages the Borough Council has experience of this process. In serving the new Article 4 Directions the Borough Council closely followed the Regulations. All reasonable avenues were taken to ensure that interested parties were made aware of the new Directions. The Borough Council interrogated the Land Register and contacted all known landowners. Details of the new Article 4 Directions were added to the Borough Council's Land Charge immediately. Site notices were placed (in advance on 21 December 2015) and a notice published in the local press. The Regulations are silent on how holiday periods should be considered and whether extensions of time be accommodated. On that basis, the Borough Council concludes it is within their gift to determine such matters. Given the time constraints placed on the Borough Council (in responding to

the Secretary of State in relation to this matter) and the limited resources available to the Council, the length of the consultation is considered to have been reasonable. The Borough Council notes that the respondent contacted its Planning Policy Team a week before the deadline – it is noted that a week was sufficient to respond.

The existing limits to permitted development rights are sufficient to prevent any change of use from A2 financial and professional services use to C3 residential use on a scale which would have an adverse impact envisaged by the proposed Article 4 Direction upon Epsom Town Centre.

The Licensing and Planning Policy Committee report dated 10 December 2015 ("2015 Report") is supported by an Article 4 Direction Study dated November 2015 ("Article 4 Study"). Both of these documents fail to show any evidence of risk to the viability and vitality of Epsom Town Centre from the potential conversion of the Property to C3 residential use via Class M of Part 3, Schedule 2 of the GDPO 2015.

Borough Council Officer Comments

The Borough Council considers that there is significant evidence of risk to Epsom Town Centre's viable and occupied office stock, which will undermine the Local Plan strategies for employment growth (across the borough) and the continued economic vitality and viability of Epsom Town Centre.

The Job Centre building remains occupied and on that basis can be considered to be a viable employment proposition. The respondent has not addressed this matter within their objection. Indeed the intentions of the new landowner remain unknown. The current Job Centre use is a highly valued town centre asset, which compliments the surrounding employment uses located along this part of East Street. The loss of this valued asset will have an adverse impact upon local residents. It is also noted that the respondent has not provided any conflicting assessment that the loss or change of use of this site will have a positive impact upon East Street or the wider Town Centre. Such an assessment would normally be provided as a key component of a planning application.

The Council has also failed to demonstrate that the Property is of a sufficient quality to attract and retain business in Epsom Town Centre in order to merit protection via the Article 4 Direction.

The Property is currently occupied by a Job Centre and is stated by the Council to fall within Use Class A2 financial and professional services. Any potential change of use from the Council's identified A2 use to residential use within Use Class C3 would be via permitted development rights pursuant to Class M of Part 3, Schedule 2 of the GDPO 2015.

Class M.1 (c) of Part 3, Schedule 2 of the GDPO states that development is not permitted by Class M if: "the cumulative floor space of the existing building changing use under Class M exceeds 150sqm."

The net internal area of the Property is 807sqm (8,687 sqft). The 2015 Repott acknowledges that conversion under Class M is a more onerous process. Were the Owner to seek to use permitted development rights pursuant to Class M to convert the Property, only a proportion of the Property could realistically be converted providing up to a possible 2 residential units, without planning permission having to be obtained from the Council. Planning permission would also be required for any external works to the Property.

In addition, determination as to whether prior approval would be required would have to be obtained from the Council for those conditions set out in Class M.2 of Part 3, Schedule 2 of the GDPO including transport and highways impacts, contamination risks, flooding risks, the impact of development on the provision of services and the design or external appearance of the building as a result of any proposed change of use. These measures, in conjunction with the requirement for planning permission for external works to the Property referred to above, ensure that the Council has an adequate measure of control over any potential development at the Property where permitted development rights pursuant to Class M are implemented.

Borough Officer Comments

The respondent's comments on the apparent difficulties in pursuing a conversion via the Class M process are duly noted and will be considered under the conclusions (below).

For the purposes of clarity, the prior approval process referenced by the respondent is extremely limited in its scope. It takes no account of market signals or whether the building/ site remains fit for purpose; specifically in relation to occupancy, economic impact and the impact on wider Local Plan strategies. To suggest that the prior approval process offers the Borough Council an opportunity to interrogate the justification for a change is entirely erroneous.

We also note that the Property falls within a safety hazard area as scheduled by the Health and Safety Executive and development would therefore not be permitted pursuant to Class M.1 (g) (iii) of the GDPO 2015. We understand that there is an expectation that the Utilities site to the north of East Street may become available for redevelopment, at which point the safety hazard area designation will no longer apply. However, should this occur the permitted development rights for the Property will remain subject to the limitations set out in Class M.1 and M.2, as referred to above.

Borough Officer Comments

The HSE safeguarding zone relates to a gas holder site (on adjacent land north of East Street) that is no longer in active use. The site is now primarily used for vehicle storage. Although utility supply infrastructure remains

imbedded within that site, the Health and Safety Executive and utilities provider have notified the Borough Council that the extent of the zone will be reviewed to more accurately reflect the level risk. On that basis it is entirely appropriate for the Council to take precautionary action. This was the case when the Borough Council originally served the initial three Article 4 Directions – which the Secretary of State did not challenge. The Borough Council's approach remains consistent.

The Council in paragraph 3.2 of the 2015 Report states: "These new Directions seek to protect only those buildings and sites that are the most appropriate and sustainable locations for employment /commercial activity (either in office or other employment uses) that are assessed as being at risk from conversion to residential use. "

The 2015 Report fails to show any evidence of risk to the viability and vitality of Epsom Town Centre from the potential conversion of the Property to C3 residential use via Class M of Part 3, Schedule 2 of the GDPO 2015. The reference to the potential conversion of the Property via permitted development rights pursuant to Class M is only briefly referred to in paragraph 3.4 of the 2015 Report and no actual and proper assessment of risk is provided.

The inclusion of the Property in the 2015 Report and Article 4 Study seems to be as an afterthought to the main objective of the Council to protect those properties which are subject to permitted development rights pursuant to Class 0, Part 3 of Schedule 2 to the GDPO 2015. There is thus insufficient justification provided in these documents for an Article 4 Direction in relation to the Property.

Other than the reference in paragraph 3.2 of the 2015 Report to "other employment uses", ie those uses determined by the Council to be non B1 office use, the only reference to A2 uses is in paragraph 3.4 of the 2015 Report, which states: " The Study also identifies the three buildings as being in A2 (financial and professional service) use. These buildings could still come forward for conversion to residential under Class M of the [GDPO 2015]. However, this would be a more onerous process. Nevertheless, the Council may wish to consider the benefit of serving Article 4 Directions on these three buildings".

The main objective of the Article 4 Study is to provide a direct response to the Secretary of State's decision to extend and expand the permitted development regime for the potential change of use of B 1 office space to C3 residential use pursuant to Class 0, Part 3 of Schedule 2 of the GDPO 2015.

At no point does the Article 4 Direction Study address the question of permitted development rights pursuant to Class M and any actual risk to current office space in Epsom Town Centre from the implementation of such rights.

Borough Council Officer Comments

The respondent's comments on the apparent difficulties in pursuing a conversion via the Class M process are duly noted and will be considered under the conclusions (below).

The evidence base prepared in support of the new Article 4 Direction clearly demonstrates that the cumulative loss of viable and occupied office floorspace would have a significant impact of the future economic vitality and viability of Epsom Town Centre. In summary, the Town Centre is the most sustainable location of office and town centre based employment uses in the Borough. It has a finite supply of viable office and employment floorspace that serves as a key component of its economy. The loss of the floorspace and the associated employees would not be made good by new residents (who in most cases will not be present during the working week). By serving new Article 4 Directions the Borough Council is not seeking prevent the opportunities for change, merely to introduce appropriate measures to ensure its management in accordance with the adopted Local Plan.

Prior to the current Article 4 Direction, the Council sought an Article 4 Direction following a repmt to the Planning Policy Sub-Committee dated 27 February 2013 to exempt the whole of Epsom Town Centre from permitted development rights for the change of use from B1 office to C3 residential use.

The proposed Article 4 Direction was unsuccessful, but was supported by information contained in a repmt prepared by OVA entitled: East Street Office Demand Study- Final Report dated February 2013 ("GV A Report").

Borough Council Officer Comments

The respondent's statement is factually incorrect. The Borough Council, like most local planning authorities across the nation were unsuccessful in securing an exemption from the changes to the permitted development regime. All but a small number of extant exemptions are now being revoked. The Borough Council was subsequently successful in serving Article 4 Directions on three office buildings, which have aided the process of managing change. The new Article 4 Directions have followed the same process and are consistent with the strategy for growth set out in adopted Local Plan policy.

Part 3 of the GVA Report provides a commercial market assessment. The conclusions for pmt 3 include the desirability of new office space over existing. The conclusions to patt 3 are set out at page 32 and include the following:

In short occupiers are demanding offices 1-vith high specifications in terms of modern ICT infrastructure, air conditioning, fixtures and fit out, high environmental and sustainability credentials, and the flexibility of jlomplates to configure and reconfigure Jpace to meet their needs. It has become increasingly difficult to accommodate these demands within second hand stock (particularly that which was developed pre-1990) even if the stock has been extensively refurbished. As such, for major and cmporate occupiers new floorspace has become increasingly attractive.

There does not appear to have been any update to the assessment of office space available on East Street since the OVA Report was prepared and there is insufficient evidence to show that the Property is of a sufficient quality and, or sufficiently modern to require protection from the potential to implement permitted development rights for a change of use to Class C3 residential. As a result the 2015 Report and the Article 4 Study have been based upon outdated and therefore inadequate evidence.

Our reading of the 2015 Report and the Article 4 Study is that the Property is not of the same quality as the other properties addressed in these documents to be subject to an Article 4 Direction.

The 2015 Report focuses on the potential for the loss of Grade A or good quality stock offices via the conversion to C3 residential dwelling use upon Epsom Town Centre.

Paragraph 3.5 of the Article 4 Study states that: "Since the introduction of the changes to the permitted development regime (in 2013) the Council has carefully monitored office portfolio - with the specific objective of retaining its best office stock."

Paragraph 3.9 of the Article 4 Study goes on to confirm that there is: "an understanding that there is limited market demand for lower grade office stock (either within Epsom or the wider South West London market) ... By taking measures to safeguard those sites that remain valuable for sustainable employment growth and are almost at risk from the recent changes to the permitted development regime the Council are taking positive measures to plan for future growth "

Para 4.9 of the Article 4 Study states that: The assessment notes that whilst the overall number buildings lost has been limited, the office stock has generally been good quality, located in the Town Centre rather than poorer quality, high vacancy properties. The Borough Council did not anticipate the changes to the Permitted Development Regime having such a harmful impact upon viable good quality office stock. As a consequence the current Study needs to be expanded in scope, taking account of the potential/threat to the remaining sources of employment floorspace. However this "threat" has been incorrectly assessed in relation to the Property.

The methodology referred to in Part 5 of the Article 4 Study states that the evidence:

"demonstrates that a significantly wider range of office buildings are now at risk of being lost to residential uses. In particular, evidence demonstrates that viable, Grade A or high grade stock is at greatest risk. An assessment of sites that are to be subject to an Article 4 Direction are identified and assessed subject to a number of criteria and those buildings that are selected are because they meet at least two of the following criteria:

- Occupied
- Known at risk
- Good quality I Grade A stock
- Town centre
- Highly sustainable location
- Previously served
- Important employment designation

Of the other twenty properties referred to in the Article 4 Study, sixteen are assessed as being in good condition, and where known, four of those properties have been identified as holding a Co Star rating of 4, and seven a Co Star rating of 3.

The details for the Property are set out as Site 17 in the consequent assessment information. The condition of the Property is described as: "Fair. Externally, the building appears to be in good and solid, albeit ageing condition. The building is brick clad, with accommodation over three storeys. The internal condition and layout of the building is unknown, although the design and placement of its fenestration suggests large open plan office layouts. The building has a Co Star rating of 2."

In comparison to other the majority of the properties assessed in the Article 4 Study, the condition of the Property is relatively poor and the Co Star rating of 2 out of a possible 5 indicates that it is at the lower end of the scale in terms of presenting an attractive market offer. This does not accord with the objective of the proposed Article 4 Direction to protect Grade A and high grade office stock from conversion.

Borough Council Officer Comments

The Borough Council duly takes note of the respondent's assertion that the Job Centre building is in poor condition and the implication that further investment in the building is not financially viable. The Borough Council's evidence utilised the best available data sources. The Borough Council acknowledges that these sources may not always be reliable. In that respect, the Borough Council notes that the building was assessed (during the Study site visit) as being in a fair, albeit aging condition. The building remains occupied and that basis can be assumed to remain fit-for-employment purposes. The Council highlights that the condition of the building would be a key consideration in determining a planning application. It is consequently within the landowner's gift to demonstrate that the building is no longer fit-for-purpose. The Council notes that regardless of whether it confirms the current Article 4 Direction pertaining to this building or not, a planning application will be necessary.

No account has been taken by the Council when assessing whether an Article 4 Direction is necessary as to the existing limits for permitted development rights, which are sufficient to prevent any change of use from A2 financial and professional services use to C3 residential use. Class M permitted development rights are restricted to a maximum conversion of 150sqm of floor space, which would realistically provide a maximum of two residential units.

This scale of development would not have an adverse impact envisaged by the proposed Article 4 Direction upon Epsom Town Centre.

The 2015 Repmt fails to show any evidence of risk to the viability and vitality of Epsom Town Centre from the potential conversion of the Property to C3 residential use via Class M of Part 3, Schedule 2 of the GDPO 2015 and the inclusion of the Property in the 2015 Report and Article 4 Study is as an afterthought;

The Council has failed to demonstrate that the Property is of a sufficient quality to attract and retain business in Epsom Town Centre in order to merit protection via the Article 4 Direction. The information is based upon an outdated assessment of office space on East Street and the market offer that can be provided. In addition, by an assessment carried out for the Article 4 Study the Property is shown to be relatively poor and therefore unlikely to provide an attractive offer in a market that has been assessed as desiring new office space over existing second hand provision.

Borough Council Officer Conclusions

The Job Centre, East Street, Epsom is a highly valued town centre employment use, which is currently fully occupied. The loss of this site, the use housed within and the associated employees could have an adverse impact on the economic vitality and viability of the Town Centre. Our evidence demonstrates that there is a risk of the Town Centre's occupied and higher grade office and employment sites, such as the Job Centre, being lost (in an unmanaged way) to residential uses.

The agent acting on behalf of the landowner appears to suggest that the opportunities for the site being lost through the permitted development regime are currently limited – primarily due to the process associated with the Class M permitted development rights. Although Borough Council Officers do not entirely agree with that conclusion, the building and site are currently excluded from permitted development rights because of its location within the HSE safeguarding zone. Subject to supporting evidence the Borough Council could consider a planning application to redevelop this site for a mixed-use scheme; conceivably comprised of commercial/ retail uses on the ground floor and residential accommodation on the upper floors.

On the basis that the building is aging, not of the highest quality and will require planning permission (for a change of use – due to its location) the Committee may wish reconsider confirming the current Direction. Subject to the Committee's the Article 4 Direction could be allowed to lapse after six months.

G. Adelphi Court, 1 – 3 East Street, Epsom

LRP acting on behalf of Epsom Properties Ltd/ formerly Haven Property Investments Ltd

We were surprised to receive your notification and although, please note, we have no plans at the moment for any such office-to-residential conversion, we wish strongly to object to this Direction and ask for it to be withdrawn.

We assume that the Council has been panicked into making this Direction by the number of office-to-residential conversions that have taken place to buildings further along East Street or elsewhere, but do not see that as a good reason to unilaterally withdraw *our* rights in respect of *our* property. There is no mention of any other properties being similarly affected, although perhaps there may be others too. The reason given for imposing this Direction upon us is that it will "protect the economic viability and vitality of Epsom Town Centre as an employment destination" but were Adelphi Court to be converted to residential use the loss of employment for the town (*if any*) would be negligible: (a) there being no more than 30-40 people currently working in Adelphi Court; (b) because it is quite likely that any 'new' residents may well also work elsewhere in the town anyway; and (c) any such new residents (unlike many of the workers currently employed in Adelphi Court, who live elsewhere) would be in the town in the evenings and at weekends, thus not only maintaining its 'economic viability' but in fact enhancing it.

Borough Council Officer Comments

Comprehensive information and evidence used to support the serving of the new Article 4 Directions is freely available from the Borough Council's website. This information was prepared in support of the report take before the Licensing & Planning Policy Committee on 10 December 2015. As clearly demonstrated by the evidence prepared in support of the Article 4 Directions, the Borough Council has been carefully monitoring the impacts of the permitted development regime upon the vitality and viability of the Town Centre since 2013. It is entirely appropriate that it takes actions on the basis of such evidence, under the principles of the plan, monitor and manage.

For the purposes of clarity Adelphi Court, East Street, Epsom was originally served with an Article 4 Direction during 2013. The Borough Council's approach in reviewing and renewing that Article 4 Direction is appropriate and entirely consistent with the approach that has been taken in this exercise.

The Borough Council has always been thorough in serving Article 4 Directions; being careful to ensure that all appropriate parties, including landowners are informed of the serving process and subsequent confirmation. It is surprising that the landowner's agent appears unaware of the building's status.

We would further point out that part of Adelphi Court has already been vacant for several years, implying that there is already an over-supply and no demand for offices such as you are trying to force us to retain by making any

change of use more difficult. Where is the current 'economic vitality' (that you are trying to protect) arising from office suites that have remained unlet for years? We would also remind you that it is us, not the Council, who have to bear the cost of any such unlet (unlettable?) commercial space in the building's maintenance and running costs, business rates, etc.

Borough Officer Comments

The partial vacancy of the building does not by itself demonstrate oversupply within the market. There are many possible why commercial buildings are unlet which in many cases do not reflect market signals. Our Local Plan policies provide an opportunity for developers to demonstrate that buildings and sites are genuinely surplus to requirement or no longer fit-for-purpose. Buildings and sites, such as Adelphi Court (subject to an Article 4 Direction since 2013) do not generate a planning application fee.

On the contrary, when the country and particularly the South East is crying out for more residential accommodation that normal people on a normal wage can afford, does it make sense for the Council deliberately to remove landowners' options (were it to be our wish here) and make it more difficult to follow commercial sense and seek to address that issue?

Borough Council Officer Comments

The Borough currently has between an eight and half to eleven year's supply of deliverable and developable housing sites. This is evidenced by the Local Plan Annual Monitoring Report 2014/ 15. Consequently, there is no evidence of an overriding need within Epsom & Ewell.

The preparation and development of a sustainable housing growth strategy for the Borough is best addressed through the Local Plan process, which allows for the comprehensive consideration and assessment (including the sustainability appraisal process) of the issues raised. It is noted that the permitted development regime does not allow for the assessment of these issues.

The introduction of an Article 4 Direction does not remove a landowner's option for changes of use. As stated above, our Local Plan policies provide an opportunity for developers to demonstrate that buildings and sites are genuinely surplus to requirement or no longer fit-for-purpose. Buildings and sites, such as Adelphi Court (subject to an Article 4 Direction since 2013) do not generate a planning application fee.

Furthermore, the Council's action seems to be failing to recognise that with internet working, shopping and banking, peoples' working and shopping patterns have *already* changed significantly and, whether we like it or not, there is simply not the demand for in-town-centre commercial premises that there used to be. Town Centres are not what they used to be (have you been to Guildford recently? I have and was most unimpressed by it in comparison with how it was in years gone by) and we need to accept that fact. The Council's Direction seems to be seeking to forcibly shore-up something that has disappeared and will never return. In doing so, it is therefore unjust and

unreasonable to pick on our small building and remove our rights and options simply to try to preserve an out-of-date model of what a town centre 'has' to be like.

Borough Council Officer Comments

Our evidence demonstrates that the changes to the permitted development regime are continuing to have an adverse impact upon viable and occupied office provision in Epsom Town Centre. Our viable and occupied office stock continues to make an important contribution to the delivery of our adopted Local Plan strategy. The introduction of Article 4 Directions provides an appropriate mechanism to help in the management and delivery of that strategy.

As stated above, our Local Plan policies provide an opportunity for developers to demonstrate that buildings and sites are genuinely surplus to requirement or no longer fit-for-purpose. Buildings and sites, such as Adelphi Court (subject to an Article 4 Direction since 2013) do not generate a planning application fee.

We therefore again ask for this Direction to be withdrawn in order not to penalise us by restricting (or making more difficult) the future range of commercial options available to us. Please therefore reconsider this matter and withdraw this Direction.

Borough Council Officer Conclusions

Adelphi Court, East Street, Epsom is a highly valued office building, which is currently occupied. The loss of this site, the businesses housed within and their employees would have an adverse impact on the economic vitality and viability of the Town Centre. The building was originally the subject of an Article 4 Direction that was confirmed in 2013. The agent acting on behalf of the landowner has not presented any evidence to demonstrate anything has changed in relation to this site. Our evidence demonstrates that there is a risk of the Town Centre's occupied and higher grade office sites, such as Adelphi Court, being lost (in an unmanaged way) to residential uses. This would have an adverse impact on the economic vitality and viability of the Town Centre. On that basis, it is recommended that the Council confirms the new Article 4 Direction on this site.

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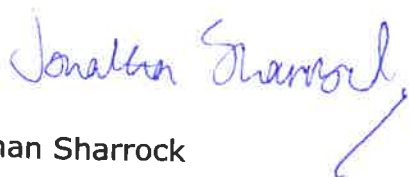
Arun House
Hurst Road
Horsham
West Sussex
RH12 2DN19th January 2016Mrs Frances Rutter
Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey
KT18 5BY

Dear Frances,

Coast to Capital Local Enterprise Partnership represents more than 85,000 businesses and works closely with local authorities to achieve our priority of creating 100,000 new jobs by 2035. I have been monitoring the impact of the changes to the permitted development regime that allow the change of use of offices to residential uses across the Coast to Capital area. Our evidence demonstrates that over 500,000 sq ft of viable office space has already been lost in the Crawley area alone. We believe that this is having an adverse impact upon business growth and job creation. The loss of office space in Town Centre locations such as in Epsom have a far wider impact upon the economic vitality and viability of their retail offer. This has the potential to undermine the work we are undertaking in partnership with local authorities. In particular, there is a real risk that the Local Growth Fund infrastructure investment being made in the Coast to Capital's town centres will unravel.

The LEP has underlined the damage being done to the viability of local business to the Government. We are actively seeking changes to the permitted development regime to address our concerns – so that occupied and viable offices are exempted. In the absence of such amendments to the permitted development regime we positively endorse and support the use of Article 4 Directions to manage the retention of occupied and viable office buildings – particularly those located in highly sustainable town centre location. On that basis we support the approach being taken by Epsom & Ewell Borough Council.

Yours sincerely



Jonathan Sharrock

Chief Executive

Coast to Capital LEP

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The Gatwick Diamond Initiative,
55c Basepoint,
Metcalf Way,
Crawley,
West Sussex
RH11 7XX

18 January 2016

By E mail:
Planning Policy, Epsom & Ewell Borough Council

To whom it may concern

Notice of Direction made under Article 4 (1) by Epsom & Ewell Borough Council

The Gatwick Diamond Initiative is a business led partnership driving economic growth in the geographic area stretching in the north from Epsom in Surrey to Burgess Hill in West Sussex in the south, with Gatwick Airport and Crawley at its heart. We work with local authority, education and business membership organisations to produce an economic development strategy with an agreed vision to be a world class, internationally recognised business location. The Gatwick Diamond is also a key stakeholder of the Coast to Capital Local Enterprise Partnership.

The Gatwick Diamond Initiative strongly supports Epsom & Ewell's Borough Council's Notice of Direction made under Article 4 (1). Our support is based on the results of five years of quantitative data obtained through our quarterly business surveys and our close relationship with hundreds of local businesses which has provided substantial qualitative data.

We support this Direction for the following reasons:

1. Loss of commercial property to PDR is already too high

Retaining key employment sites will ensure that a high level of occupancy is maintained, that existing businesses can grow, that emerging business sectors can be attracted and that further sustainable economic development be provided. Already in the Gatwick Diamond, we estimate that around 1 million sq. ft. of commercial property has been lost to residential. Businesses also face the loss of a further 2.3 million sq. ft. of commercial property in Crawley should the Gatwick second runway be approved.

2. Demand far outstrips supply

An important part of the role of the Gatwick Diamond Initiative is to retain existing businesses in the area, to help them expand, and to help businesses who want to locate

Mob: 07748 115411 | Tel: 01293 813950 (not always manned) | rosemary.french@gatwickdiamond.co.uk
Gatwick Diamond Initiative Ltd is a company registered in England and Wales at:
Basepoint, Metcalf Way, Crawley RH11 7XX. Company number 07498960
www.gatwickdiamond.co.uk

here. Most, but not all, of our enquiries are from abroad referred to us by UK Trade & Investment, the government's inward investment arm. In addition, local councils and property agents will have dealt with numerous more enquiries.

In 2013 we dealt with 17 serious enquiries for whom we could not find property. The sectors were mainly Professional and Business Services, and high tech, highly skilled knowledge based technology businesses. In 2014, we dealt with 22 enquiries, a 30% increase. However, we did notice a different pattern. The enquiries in previous years had mainly been foreign owned businesses and new to the area. Those continued but there were more local businesses of all sizes, already located here, looking for space to expand into.

While attracting new businesses will always be important, we are struggling simply to help those businesses currently based here to grow because we are unable to find commercial space for them.

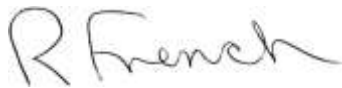
3. Right idea, wrong location

We understand the government's strategy to bring back to life moribund town centres with boarded up shops. Residential units will certainly enliven such areas encouraging a day and night time economy. However, in Epsom and Ewell, the town centre is already vibrant because of its high business occupancy bringing business to local retailers, restaurants and cafes. It is, further, a lively town centre due to the large number of students living and studying at the University of the Creative Arts. It would be a backward step to convert occupied and viable commercial units to residential to meet housing targets. In doing so, the area risks becoming a commuter town with increased congestion on road and rail because those new residents cannot find work locally. The very homes they now live in would have provided the very jobs they need!

4. Epsom: A University Town

Epsom is a university town. Young entrepreneurs are a vital source of innovative business ideas and risk taking. They are often best placed to take advantage of new technologies, such as the rise of internet based companies. Their experience now, both successes and failures, will be invaluable in the future when they become the next generation of business leaders. However, currently, those Epsom students leave the town on graduation to go elsewhere to start and grow their new businesses, seeking suitable incubation and small serviced office accommodation. Epsom actually needs more office space, not less as caused by PDR, to provide a supply to retain students. We have already expressed our support to Epsom & Ewell council in their plans to provide increased serviced office space. But without the commercial property to convert or commercial land to build upon they will not achieve this aim.

Yours sincerely,



Rosemary French
Executive Director
The Gatwick Diamond Initiative

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Epsom Town Centre Office to Residential Article 4 Direction Study



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1. Introduction

- 1.1 This Study has been prepared by the Council as direct response to the Secretary of State's decision to extend and expand the changes to the permitted regime that allow the conversion of office buildings to residential use without the need for a planning application.
- 1.2 The permitted development regime is a very important component of the planning system. Development that is thereby automatically approved by Government order can have a significant effect on the Council's ability to control development and a consequent impact on the built and natural environment. The impact of such development has a bearing on many of the Council's key priorities including economic vitality, quality of life, visual appearance and sustainability.
- 1.4 The Council previously applied for an exemption for the whole of Epsom Town Centre but was unsuccessful. In order to retain an ability to intervene the Borough Council served Article 4 Directions removing permitted development rights on three office buildings and sites assessed as being at greatest risk from being lost to residential use. A similar study to this one was prepared to provide supporting evidence. This Study builds upon that initial study, taking advantage of a wider evidence and knowledge base, developed since the original changes to the Permitted Development Regime were made.
- 1.5 The Council believes that new Article 4 Directions are justified on the basis that this will provide an appropriate level of intervention in order to:
 - Manage proposals that seek a change of use from office to residential to ensure that there is no adverse impact upon the economic vitality and viability on Epsom Town Centre or the Borough's wider employment offer;
 - Manage the local office/ employment market's transition, following the recent periods of economic instability, in order to ensure that other commercial/ employment uses are fully considered prior to releasing buildings/ sites to residential use; and to ensure that mixed-use options are also fully considered; and
 - Ensure that use of the Town Centre's/ Borough's most sustainable employment sites is optimized.
- 1.6 The Study will be submitted as part of a report to the Council's Licensing and Planning Policy Committee recommending the introduction of further Article 4 Directions on specific buildings and sites located in and around Epsom Town Centre.
- 1.7 Following this the Study will be used to inform the preparation of future planning policy. It is likely that it will also be used to inform other

Council economic development initiatives seeking to maintain and enhance the employment offer across the Town Centre.

2. Objectives

2.1 The Study seeks to meet the following objectives:

- To establish how the Borough Council can maintain its corporate and local plan strategy for qualitative sustainable economic/ commercial growth following further changes to the permitted development regime;
- To establish whether there is any merit in serving additional Article 4 Directions on office buildings and/ or employment sites located in and around Epsom Town Centre in order to manage proposals to change their use;
- To identify those key office properties/ sites located in and around Epsom Town Centre that remain valued for their employment potential and which are now at risk from unmanaged changes in use following further changes to the Permitted Development regime; and
- To identify specific sites upon which to serve Article 4 Directions removing the permitted development right to change use from office to residential, should this course of action been deemed necessary.

2.2 The principle output from the Study will be to provide the supporting evidence for site specific Article 4 Directions that will remove the permitted development right to change the use of an office building (Use Class B1) into residential accommodation (Use Class C3). This will include the proposed permitted development right allowing demolition and replacement of existing office uses with new residential uses.

3. Policy Context

3.1 The following section provides a brief overview of the national and local planning policy context for the Study.

3.2 The National Planning Policy Framework (NPPF) provides the basic planning policy framework for preparing local plans and for decision making within the context of the development management process. NPPF Para 21 states that planning authorities should:

“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;”

3.3 In the case of Epsom Town Centre's office stock, our local plan evidence base and annual monitoring data demonstrates that our local office market has contracted (following the sustained periods of recession). Nevertheless, Epsom Town Centre remains a highly accessible and sustainable location for employment and other commercial activities. Taking account of Borough-wide employment land supply, it continues to be an appropriate location for employment uses.

3.4 The NPPF continues by stating that:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

3.5 The Council regularly monitors the Borough's employment sites. This is primarily done through the local plan annual monitoring process. Since 2007, employment land studies have also helped to inform the local plan process. Since the introduction of the changes to the permitted development regime (in 2013) the Council has carefully monitored office portfolio – with the specific objective of retaining its best office stock. This approach reflects national policy. The Study reflects this through its conclusions (on individual sites) and recommendations.

3.6 In terms of planning for town centres, the NPPF sets out a town centre first approach, something which the Council has taken forward in the development of local planning policy. The NPPF, under Paragraph 23, makes the following key statements, which are relevant to the Study:

"Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*

- *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
- *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.”*

3.7 As stated above the Council has taken a positive town centre first approach, which is reflected in the Sustainable Community Strategy, the Core Strategy and Plan E. The Council's visions and strategies for the Town Centre focus upon meeting the identified retail, housing and business needs of local communities; these being firmly rooted in evidence of demand. In order to meet these needs the Council has, through Plan E, identified and where necessary allocated sites for these specific uses. The Council's approach is entirely consistent with national planning policy.

3.8 Whilst the Council has not allocated specific employment areas in Epsom Town Centre, it has set out a series of Visions for the areas that comprise the Town Centre (within Plan E). These clearly set out how areas such as East Street and Ashley Avenue function as the Town Centre's main business districts, and how they will be maintained and enhanced during the plan period. Again, this is a positive approach to planning for sustainable commercial growth, which is consistent with national planning policy.

3.9 The Council recognises that its local office market has been subject to restructuring during the recent period of economic recessions. There is also an understanding that there is limited market demand for lower grade office stock (either within Epsom or the wider South West London market). Nevertheless, Epsom Town Centre remains the most sustainable location within the whole Borough for high density employment growth. By taking measures to safeguard those sites that remain valuable for sustainable employment growth and are at most risk from the recent changes to the permitted development regime the Council are taking positive measures to plan for future growth in accordance with national planning policy.

- 3.10 In 2013 the government amended the General Permitted Development Order to allow the change of use of offices falling under Use Class B1(a) to residential uses falling under Use Class C3. This change of use is subject to a mechanism known as “Prior Approval”, whereby the Council must assess the impact of the change of use on transport and highways, as well as the contamination risks and flooding risks at the site before allowing the change of use. This Permitted Development Right was allowed for a three year period between May 2013 and May 2016.
- 3.11 Prior to making the amendment to the Order, the government invited applications for exemption from the changes for defined areas of land. The Borough Council applied for an exemption covering the whole of Epsom Town Centre as defined in Plan E; however, we were unsuccessful. Subsequently, the Borough Council pursued the introduction of Article 4 Directions on three office buildings on East Street that were deemed to be at greatest risk from conversion under Permitted Development Rights. The Council’s approach of assessing risk, targeting the specific sites at greatest risk and then serving Article 4 Directions has proved successful and in accordance with national planning policy and legislation.
- 3.12 In April 2015 the General Permitted Development Order was consolidated and several new Permitted Development Rights were introduced. Currently, the right to change from B1 (a) office to C3 residential use remains in effect temporarily until May 2016. However, the government is known to be preparing to make these rights permanent. They will also be extended to include necessary external works and to allow the demolition of existing office buildings and their replacement with new build residential, as announced in the statement of the Housing and Planning Minister Brandon Lewis of 13 October 2015. The timeframe for this is expected to become clearer after the Housing and Planning Bill, currently going through parliament, is passed. In anticipation of these changes, Officers have prepared this Study to assess the potential risk to the Borough’s remaining Town Centre office stock.
- 3.13 The Council’s corporate and Local Plan strategies are predicated on Epsom Town Centre remaining the most appropriate and sustainable location for commercial activity in the whole of the Borough. The following documents provide the local policy context for seeking to safeguard office buildings/ sites that continue to be important to our employment strategy – our [Corporate Plan](#); our [Sustainable Community Strategy](#); the [Epsom & Ewell Core Strategy](#); [Plan E Epsom Town Centre Area Action Plan](#); and [Development Management Policies Document](#).

4. Impact of Permitted Development Regime Changes on Epsom Town Centre

- 4.1 The Council unsuccessfully applied to the Secretary of State for an exemption from the changes to the permitted development regime during February 2013. The Council's application was made on the grounds the changes would undermine adopted strategies relating to employment and Epsom Town Centre. The Council noted that employment land supply within the Borough is heavily constrained and it is unlikely that we would be able to identify suitable and sustainable new employment sites to make-good any losses that would result from this loss of control. The Council's strategy has been to optimise existing stock and sites, which are already in the most sustainable locations rather than to seek new sites.
- 4.2 Within its application the Council also highlighted its strong housing delivery performance, having had in excess of ten years available housing land supply.
- 4.3 Consequently, the Council's case of exempting Epsom Town Centre from the new permitted development regime was made on the basis of the following points:
- a) There would inevitably be a significant loss of employment floor space in Epsom Town Centre due to commercial pressures. This would fundamentally damage the employment-base of the Borough and strengthen less-sustainable patterns of development and make the Borough even more dependent upon outward-commuting. Towns such as Epsom, within close proximity to London, are particularly vulnerable to this. When prospects improve, many of the best employment sites may have been lost.
 - b) The Council has an established strategy for focussing economic growth on Epsom Town Centre, which continues to be the most sustainable location for commercial and economic activity in the Borough. This approach is key to the Council's corporate and planning policies and is being actively pursued with partners. This approach is consistent with national planning policy, particularly in respect of the "town centre first" approach;
 - c) The Town Centre is practically the only location in the Borough where there is a supply of available employment land; either in terms of developable sites or vacant premises. The constraints that envelop the Borough (including the Green Belt) limit the potential supply of new sites, which otherwise wouldn't be in the Town Centre and would be less sustainable; and

- d) The Council has a very healthy supply of deliverable and developable housing sites and consequently we don't need to release additional sources of supply – especially sources that will not contribute towards meeting our affordable housing target.

- 4.5 From the outset the Council considered another option, namely the introduction of an Article 4 Direction on all or part of East Street. In order to support this approach the Council prepared the East Street Epsom Article 4 Direction Study (2013), which assessed the risk (as it was understood at the time) of loss of existing office stock to residential uses. That previous Study identified three office buildings/ sites that would benefit from Article 4 Directions - the three sites being Adelphi Court, Bradford House and Crossways House.
- 4.6 The previous Study formed the basis of a Report to the Council's Planning Policy Committee recommending the immediate serving of Article 4 Directions upon these buildings/ sites. This action was confirmed during October 2013. As per the Regulations, the Secretary of State was informed of the Article 4 Directions but chose not to intervene.
- 4.7 Since serving of the three Article 4 Directions, the Council has considered and determined an application to comprehensively redevelop the Crossways House and Bradford House site for a mixed-use development comprised of student accommodation (C1 use class) and commercial uses (ground floor). This is in the process of being partially implemented on the Crossways House site; Bradford House currently remaining available as office accommodation. Adelphi Court, which had been identified as being at high risk, continues to provide viable office accommodation and is fully occupied. The Council considers the three Article 4 Directions to have been a success.
- 4.8 Since the introduction of the changes to the Permitted Development Regime, the Council has been monitoring the wider impacts to the Town Centre's office stock. The latest assessment of the impacts is included under Appendix A. A table setting out all of the office buildings and sites across the Borough lost through the Permitted Development Regime is included under Appendix B. The locations of office buildings lost through the Permitted Development Regime and through planning permissions are identified under Map 1.

- 4.9 The latest assessment identifies that the Council's local plan policies are being undermined by developments coming forward through the Permitted Development regime. This suggests that although successful, the initial Article 4 Directions were too narrowly focused. The assessment notes that whilst the overall number buildings lost has been limited, the office stock has generally been good quality, located in the Town Centre rather than poorer quality, high vacancy properties. The Borough Council did not anticipate the changes to the Permitted Development Regime having such a harmful impact upon viable good quality office stock. As a consequence the current Study needs to be expanded in scope, taking account of the potential threat to the remaining sources of employment floorspace.
- 4.10 It is noted that whilst the lost office sites have yielded new residential accommodation it has typically taken the form of high-value units that do not fully meet local needs. These new residential units have not included any affordable units, which is an acute area of local need. Our evidence also demonstrates that the Council has experienced a reduction in revenue from business rates due to the loss of viable office accommodation.
- 4.11 Elsewhere in the Gatwick Diamond area¹, intelligence suggests that Crawley is experiencing a similar situation to Epsom; namely, the loss of high quality office stock to residential accommodation. Whilst Crawley is markedly different from Epsom in many respects it shares some similarities; most notably that it has limited sources of supply of new employment land/ floorspace. The Borough Council understands that Crawley Borough Council is considering serving Article 4 Directions. It is noted that the Gatwick Diamond Initiative supports the introduction of Article 4 Directions to manage the retention of viable office stock.
- 4.12 In conclusion, in order to successfully implement the Borough Council's local plan growth strategy, particularly the improvements identified in Plan E Epsom Town Centre Area Action it will become even more important to have quality office stock to attract and retain business in the Town Centre. Without it the Town Centre's vitality and viability will be significantly eroded. The introduction of new Article 4 Directions, served upon buildings and sites assessed as being at risk provides an appropriate mechanism to manage change and ensure the successful delivery of growth.

¹ The Gatwick Diamond Initiative is a business led economic area partnership that sites at the heart of the Coast to Capital Local Enterprise Partnership area.

5. Methodology

- 5.1 The Study has followed a relatively straightforward methodology. The first stage of the Study is to identify an initial area of search. The previous Article 4 Office Study focussed upon East Street, Epsom. This was because of the known concerns around office building vacancy rates, which had been highlighted by the Epsom Office Market Demand Assessment (March 2013). Evidence collated by the Borough Council since the serving of those initial Article 4 Directions demonstrates that a significantly wider range of office buildings are now at risk of being lost to residential uses. In particular, evidence demonstrates that viable, Grade A or high grade stock is at greatest risk. This includes buildings that are currently occupied. On that basis the Study covers a wider area – that includes sites falling within the Plan E Epsom Town Centre Boundary and its immediate hinterland.
- 5.2 Other intelligence, including recent planning history/ applications, pre-application enquiries and data on buildings/ sites known to be subject to active marketing was utilised to identify buildings/ sites for site survey visits. This initial stage of the process took the form of a desktop exercise.
- 5.3 The next stage of the process saw Officers visit the sites identified during the initial stage of the Study. The individual site surveys sought to establish the condition and quality of the building/ sites. The site visits also sought to establish the redevelopment potential of the individual sites, specifically how adaptable the buildings are in terms of conversion within the constraints of the permitted development regime. Officers made judgements on the convertibility of buildings based on a number of criteria including their condition, external design (specifically access and fenestration) and where possible their internal layout. Officers also made complimentary assessments on whether the buildings and sites remain fit-for-purpose as employment sites, either in their current form or through comprehensive redevelopment.
- 5.4 The outputs from the site survey stage were in the main recorded on-site. Additional details, such as those relating to parking, marketing, building floor area and proximity to public transport were completed through on-line research and the use of GIS. A photographic record of each site was made during the course of the site visits.

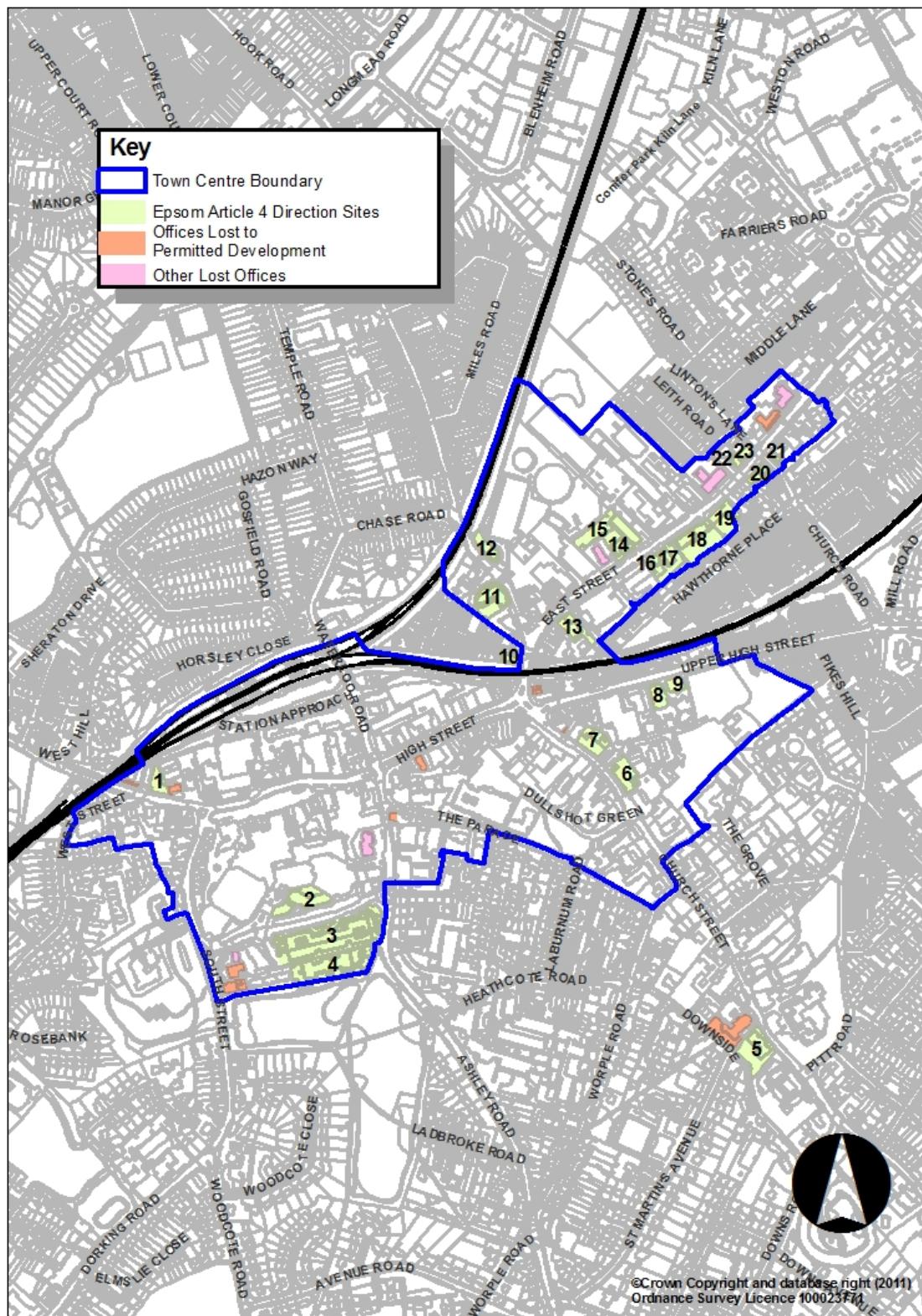
5.5 The Council has sought to develop the methodology used in the original study in order to provide a more comprehensive assessment of risk. In order to provide a greater focus for potential sites for Article 4 Directions the following additional criteria were considered when identifying sites. To ensure that the Study's outcomes are robust and defensible it was agreed that all sites needed to meet at least two of the above criteria to qualify for assessment for an Article 4 Direction:

- The office site is occupied and in active use – the Study has sought to establish the extent of ownership; particularly whether it is owner occupied; and the remaining length of tenancies. Where a candidate office is vacant, the Study identifies whether it is being actively marketed and for what uses it is being marketed. The latter may feed into intelligence as to whether it is at risk of loss to residential uses.
- The office site is rated as either good or Grade A stock – the Study has access to Co-Star² and other sources data (including information provided by local agents and marketing literature) to establish the quality of the stock, and whether it remains as viable, fit-for-purpose accommodation.
- The location of the site – specifically how sustainable the site is as a location for office uses. Given the high levels of accessibility available to sites located in Epsom Town Centre this criterion is met by most of the sites surveyed by this study.
- The site has been identified as an important employment location – the Study takes note of the Town Centre 'visions' identified in Plan E Epsom Town Centre Area Action Plan, and their collective contribution to the Town Centre's continued economic vitality and viability. For example, this criterion applies to sites located along East Street and in the Ashley Avenue/ Ashley Road area.
- The office site is known to be at risk – the Study takes account of intelligence available to the Council.
- Whether the site has previously been the subject of an Article 4 Direction - the Study seeks to re-assess whether the sites previously served with Article 4 Directions should be served with fresh Directions.

5.6 The Study was led and validated by the Council's Planning Policy Manager, who has in excess of twenty years' experience in the preparation of planning policy related studies.

² This is an established commercial property database that is used by both the public and private sector.

- 5.7 The map below sets out the sites surveyed during the course of the site visits. The corresponding data for each site follows in numerical order.



Map 1: Epsom Town Centre Offices

6. Building/ Site Survey Form

Site1

Site Address: Oaks House 16 – 22 West Street Epsom	Marketing Details: (if applicable) Stiles Harold Williams
Proximity to Station: About 250m Proximity to Public Transport: Directly opposite bus stop	Number of on-site parking spaces: Underground parking available
Length of time vacant/ subject to marketing Partially occupied. 2 vacant suites of 2,000 and 2,600 sq ft currently being advertised for rent.	
Size of Building/ site area: Total Rentable Building Area: 17,330 sq ft. Typical floor size: 4,332 sq ft. Site area approx. 650 sq m	
Condition of Building: Externally the building is in good condition. The building is a modern refurbished office that is partially occupied. It is in a prominent position at the corner of West Street and Station Approach. The building's current Co-Star rating is unknown. Accommodation is over four floors and the building benefits from comfort cooling, suspended ceilings with Category II lighting, lift and three compartment perimeter trunking.	
Employment/ Commercial Potential: Very High. The building is in a highly sustainable location in the heart of the Town Centre and is partially occupied. There is no basis to suggest it is not fit for continuing commercial use.	
Potential for Conversion into Residential and possible yield: Medium-High. The building could conceivably be converted to residential use as it exists with minimal external alterations, although the ground floor does not lend itself to easy conversion. If converted, this building could conceivably yield at least 20 units, possibly more with a higher density scheme.	
Level of risk of conversion under PD Regime: High. Although presently the ground floor does not lend itself to easy conversion there appears to be higher potential for the upper floors to be lost. However, if the principle of conversion were established via the granting of Prior Approval, the Council may struggle to resist the loss of this site. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 1. Oaks House, West Street, Epsom: modern office accommodation, located in the heart of Epsom Town Centre. This sustainable office building remains a viable employment site and merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 2

Site Address: Global House Ashley Avenue Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 500m Proximity to Public Transport: Approximately 350m to bus stops on High Street	Number of on-site parking spaces: 75
Length of time vacant/ subject to marketing N/A - Serviced offices managed by City Skyline at least partially occupied	
Size of Building/ site area: Total Rentable Building Area: 60,300 sq ft. Typical size of 15,075 sq ft. Site size approx. 1,500 sq m	
Condition of Building: Fair. The building has a Co-Star rating of 3. Externally it appears in reasonable condition although may benefit from refurbishment having been built in 1981.	
Employment/ Commercial Potential: High. The site is in a highly sustainable location within the Town Centre and is close to public transport links. It is at least partially occupied and leased to tenants via City Skyline. Facilities include 24 hour access; meeting and conference rooms; lifts; comfort cooling.	
Potential for Conversion into Residential and possible yield: Whilst it is possible to envisage conversion, this appears difficult without external works to the building. There may also be access issues given that the building sits above the Ashley Centre and adjoins the Centre's car park. If converted, the site could conceivably deliver in around 80-100 units.	
Level of risk of conversion under PD Regime: At present the risk appears low due to the building's design and access issues. It would take significant external work to make the building fit for residential use. However, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 2 Global House, Ashley Avenue, Epsom: this building provides modern serviced office accommodation in a highly sustainable central location. Conversion to residential appears unlikely. However, recent evidence from schemes that have come forward through the permitted development regime suggests that it could still be at risk. The government's proposal to expand the permitted development regime to include alterations and even demolition suggest that this site merits consideration for an Article 4 Direction.

Site 3

Site Address: Epsom Gateway Ashley Avenue Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 500m Proximity to Public Transport: Approximately 350m to bus stops on High Street	Number of on-site parking spaces: Underground parking available
Length of time vacant/ subject to marketing N/A – occupied by Atkins and Nuffield Health.	
Size of Building/ site area: Total Rentable Building Area: 80,000 sq ft. Typical Floor Size: 20,000 sq ft. Site size approx. 4,500 sq m	
Condition of Building: Good. The building has a Co-Star rating of 4. The building was renovated in 2012.	
Employment/ Commercial Potential: High – the site is fully occupied by two large employers. It is in a highly sustainable location in the Town Centre and close to public transport links. It also benefits from underground parking on-site.	
Potential for Conversion into Residential and possible yield: At present the risk of conversion appears low. The building's design does not easily lend itself to conversion as it exists currently. The ground floor and roof areas would need to be substantially altered to make the building fit for purpose as residential accommodation. If converted, the site could conceivably deliver in excess of 100 units.	
Level of risk of conversion under PD Regime: At present the risk appears low due to the building's design. It would take significant external work to make the building fit for residential use. However, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 3 Epsom Gateway, Ashley Avenue: this building provides modern office accommodation, for two significant local employers, in a highly sustainable central location. Conversion to residential appears unlikely. However, recent evidence from schemes that have come forward through the permitted development regime suggests that it could still be at risk. The government's proposal to expand the permitted development regime to include alterations and even demolition suggest that this site merits consideration for an Article 4 Direction.

Site 4

Site Address: Parkside House Ashley Avenue Epsom	Marketing Details: (if applicable) CBRE
Proximity to Station: About 550m Proximity to Public Transport:	Number of on-site parking spaces: 188
Length of time vacant/ subject to marketing Partially occupied by Aon. 2 nd Floor currently available (approx. 11,728 sq ft).	
Size of Building/ site area: Total Rentable Building Area: 34,454 sq ft. Typical Floor Size: 11,515 sq ft. Total Site size approx. 3,500 sq m	
Condition of Building: Good. The building has a Co-Star rating of 3. The building was built in 1990 and benefits from air conditioning; fully accessible raised floors; suspended ceilings with Category II lighting; lifts. Externally it appears in good condition.	
Employment/ Commercial Potential: High. This site is in a Town Centre location and close to public transport. It is partially occupied and the building is in good condition.	
Potential for Conversion into Residential and possible yield: High. The building's setting away from the highway and its external design appear to lend themselves to residential conversion. There may be some external works required. If converted, the site could conceivably yield around 50 units.	
Level of risk of conversion under PD Regime: High. The building's setting away from the highway and its external design appear to lend themselves to residential conversion. There may be some external works required but it would appear these would be minimal and the Council would struggle to resist this building's loss to residential use. Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 4 Parkside House, Ashley Avenue: this building provides modern office accommodation in a highly sustainable central location. Conversion to residential appears likely given its setting and the apparent flexibility of the building's design. This sustainable office building remains a viable employment site and merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 5

Site Address: Ebbisham House 30 Church Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 950m Proximity to Public Transport: About 640m to bus stop on High Street	Number of on-site parking spaces: 20-25
Length of time vacant/ subject to marketing N/A – Occupied by National Counties Building Society	
Size of Building/ site area: Total Rentable Building Area: 12,110 sq ft. Typical Floor Size: 5,865 sq ft. Total Site size approx. 1,900 sq m.	
Condition of Building: Good. The building has a Co-Star rating of 2. Externally the building appears in good condition.	
Employment/ Commercial Potential: High – the building is fully occupied despite being in a more peripheral location outside the Town Centre.	
Potential for Conversion into Residential and possible yield: High. The design, setting and location of the building all lend themselves to residential use.	
Level of risk of conversion under PD Regime: Zero. This is a Grade II* Listed Building and therefore cannot be converted under the PD Regime.	



Image 5 Ebbisham House, Church Street: this building provides good quality office accommodation. It continues to provide viable employment floorspace. As a Grade II* Listed Building it is not at risk of loss to residential through the permitted development regime.

Site 6

Site Address: The Kirkgate Church Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 550m Proximity to Public Transport: About 230m to bus stop on High Street	Number of on-site parking spaces: Underground parking available – 92 spaces
Length of time vacant/ subject to marketing N/A – occupied by multiple employers including TNS and Kantar Retail.	
Size of Building/ site area: Total Rentable Building Area: 26,713 sq ft. Typical Floor Size: 6,678 sq ft. Total site size approx. 1,400 sq m.	
Condition of Building: Good. The building has a Co-Star rating of 4. Externally the building appears in good condition.	
Employment/ Commercial Potential: High – the building is occupied and is in a highly sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: High – the design of the building lends itself to conversion with limited external works needed. If converted to residential use, the site could conceivably yield around 20 units.	
Level of risk of conversion under PD Regime: Very High – there is known to be interest in converting this building to residential use using the Permitted Development regime. The building's design lends itself to conversion with little or no external work required. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 6 The Kirkgate, Church Street: this building provides modern office accommodation, for a number of notable local employers, in a highly sustainable central location. It is fully occupied and remains a viable source of employment floorspace. It merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 7

Site Address: The Wells Church Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 500m Proximity to Public Transport: About 180m to bus stop on High Street	Number of on-site parking spaces: Basement level parking at rear.
Length of time vacant/ subject to marketing The building is currently fully occupied by Atkins.	
Size of Building/ site area: Total Rentable Building Area: 20,138 sq ft. Typical Floor Size: 6,712 sq ft. Total site size approx. 1,200 sq m.	
Condition of Building: Good. The building has a Co-Star rating of 4. Externally the building appears in fairly good condition.	
Employment/ Commercial Potential: High – the building is currently fully occupied in a highly sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: Medium-High. The ground floor does not appear conducive to conversion as currently constituted, but there is higher potential for the upper storeys. If converted the building could conceivably yield around 15 units.	
Level of risk of conversion under new PD Regime: Medium-High. Although some external works would be required to reconfigure the ground floor, the rest of the building lends itself to conversion. The building has been sold fairly recently and was advertised as having residential potential through the Permitted Development route. It would be difficult for the Council to resist the loss of this site if a Prior Approval were granted for the change of use. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 7 The Wells, Church Street: this building provides modern office accommodation, for a notable local employer, in a highly sustainable central location. It is fully occupied and remains a viable source of employment floorspace. It merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 8

Site Address: Horizon House 28 Upper High Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 550m Proximity to Public Transport: Approx. 250m to bus stop on High Street	Number of on-site parking spaces: 59
Length of time vacant/ subject to marketing N/A – appears to be fully occupied.	
Size of Building/ site area: Total Rentable Building Area: 17,992 sq. ft. Typical Floor Size: 4,480 sq. ft. Total site size 800 sq m.	
Condition of Building: Fair. The building was built in 1993 and has a Co-Star rating of 3.	
Employment/ Commercial Potential: High – the building appears fully occupied and is in a highly sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: Medium – the design of the building as it exists does not easily lend itself to conversion, but it may be possible with minimal external alterations. If converted, the site could conceivably yield around 10-15 units.	
Level of risk of conversion under PD Regime: Medium. Although the building's design does not appear to lend itself to easy conversion it may be possible with minimal external alterations. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 8 Horizon House, Upper High Street: this building provides modern office accommodation in a sustainable central location. It is fully occupied. Conversion to residential appears likely given its setting and the apparent flexibility of the building's design. This sustainable office building remains a viable employment site and merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 9

Site Address: 30 – 38 Upper High Street Epsom	Marketing Details: (if applicable) Stiles Harold Williams
Proximity to Station: About 600m Proximity to Public Transport: About 290m to bus stop on High Street	Number of on-site parking spaces: 34
Length of time vacant/ subject to marketing The building is partially occupied by A-Plan Insurance on the ground floor. One part of the ground floor is undergoing refurbishment and the upper floors are currently unoccupied but believed to be under offer.	
Size of Building/ site area: Total Rentable Building Area: 11,720 sq ft. Typical Floor Size: 5,625 sq ft. Total site size: 600 sq m	
Condition of Building: The building is in good condition and is currently undergoing partial refurbishment. It currently has a Co-Star rating of 4.	
Employment/ Commercial Potential: High – The site is partially occupied and is undergoing partial refurbishment. It is in a sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: Whilst it appears possible to convert the building as it currently exists, external works may be required to make the building suitable for residential use. If converted the building could conceivably yield between 5 and 10 units.	
Level of risk of conversion under PD Regime: Medium. Some external works may be required to convert the building to residential use. It is also likely that the ground floor occupier constitutes an A2 rather than B1(a) use, meaning that the building could not be converted in its entirety using the Permitted Development Regime. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.	



Image 9 30 – 38 Upper High Street: this building provides modern office accommodation in a sustainable central location. It is fully occupied. Conversion to residential appears likely given its setting and the apparent flexibility of the building’s design. This sustainable office building remains a viable employment site and merits consideration for an Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 10

Site Address: Adelphi Court 1 – 3 East Street Epsom	Marketing Details: (if applicable) Instant Offices
Proximity to Station: About 339 metres Proximity to Public Transport: About 100 metres to nearest bus stop on High Street	Number of on-site parking spaces: Very small number of spaces to the rear of the property (1 - 2 spaces).
Length of time vacant/ subject to marketing: The building is marketed as managed workspace by Instant Offices.	
Size of Building/ site area: Total Rentable Building Area: 5,428 sq ft. Typical Floor Size: 1,466 sq ft. Total site area: 260 sq m	
Condition of Building: Externally, the building appears to be in good and solid condition. The building is distinctive being brick clad, with accommodation over three storeys, inclusive of accommodation in its mansard roof space. The internal condition and layout of the building is unknown. However, it is understood that the ground floor is comprised of a central corridor that leads to a stairwell and lift at the rear end of the building. The building has a Co Star rating of 3.	
Employment/ Commercial Potential: The building appears to be a good well-maintained condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace. Given the building's location and close proximity to rail and public transport opportunities and to the facilities and service available within the Town Centre, this is considered an ideal location for office and other commercial uses.	
Potential for Conversion into Residential and possible yield: High – The building lends itself to easy conversion without the need for external works. If converted, the building could conceivably yield between 5 and 8 units.	
Level of risk of conversion under PD Regime: High. The building's design lends itself to internal conversion to residential use with limited or no external works. The Council has already placed an Article 4 Direction on this site to prevent it being converted via the PD Regime. Currently the HSE major hazard site safeguarding zone partially covers this site, which restricts Permitted Development rights.	



Image 10 Adelphi Court, East Street: this building provides flexible serviced office accommodation for smaller businesses. It was assessed as being a valuable asset that merited protection through an Article 4 Direction by the previous Study. It is currently fully occupied and remains a viable source of employment floorspace. It and merits consideration for a new Article 4 Direction to protect it from loss through the permitted development regime to residential uses.

Site 11

Site Address: Epsom Chase 1 Hook Road Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 500m Proximity to Public Transport: About 180m to bus stop on High Street	Number of on-site parking spaces: Unknown – underground and surface parking on site
Length of time vacant/ subject to marketing N/A – the building is fully occupied by Bunzl.	
Size of Building/ site area: Total Rentable Building Area: 15,393 sq ft. Typical Floor Size: 7,696 sq ft. Total site size: 1,700 sq m	
Condition of Building: Good. The building appears in good physical condition. It has a Co-Star rating of 3.	
Employment/ Commercial Potential: High. The building is fully occupied and the site is in a highly sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: High – The building's design lends itself to residential conversion with little or no external works required. If converted the building could conceivably yield at least 20 units.	
Level of risk of conversion under PD Regime: High – The building appears to lend itself to easy conversion with minimal external works required. There would be little chance of preventing the loss of this site if a Prior Approval application were made. Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use. However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 11 Epsom Chase, Hook Road: this building provides modern office accommodation, for a notable local employer, in a highly sustainable central location. It is fully occupied and remains a viable source of employment floorspace. It has been assessed as being at high risk of loss through conversion due to the flexibility of the building's design. It merits consideration for an Article 4 Direction.

Site 12

Site Address: Sollis House 20 Hook Road Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 550m Proximity to Public Transport: About 250m to bus stop on High Street	Number of on-site parking spaces: 10
Length of time vacant/ subject to marketing N/A – site is fully occupied by The Sollis Partnership	
Size of Building/ site area: Site area: 350 sq m	
Condition of Building: The building appears in good condition. Its Co Star rating is unknown.	
Employment/ Commercial Potential: High – The building is fully occupied and is in a sustainable Town Centre location.	
Potential for Conversion into Residential and possible yield: High – The building appears to lend itself to reasonably easy conversion requiring limited or no external works. If converted this site could conceivably yield between 1 and 5 units.	
Level of risk of conversion under PD Regime: High – the building’s design appears to lend itself to easy conversion with limited or no external works. It could even conceivably come forward as a single residential unit. Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use. However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 12 Sollis House, Hook Road: this building provides modern office accommodation, for a notable local employer, in a highly sustainable central location. It is occupied and remains a viable source of employment floorspace. It has been assessed as being at high risk of loss through conversion due to the flexibility of the building's design. It merits consideration for an Article 4 Direction.

Site 13

Site Address: Emerald House East Street Epsom	Marketing Details: (if applicable) Stiles Harold Williams
Proximity to Station: About 400 metres Proximity to Public Transport: About 175 metres to nearest bus stop (on southern side of East Street)	Number of on-site parking spaces: Parking to the rear accessed from the side of the building. Parking comprised of provision at surface, undercroft and basement level. 55 car parking spaces.
Length of time vacant/ subject to marketing: The building is currently vacant and has been for some 2 years. It is being actively marketed as office accommodation.	
Size of Building/ site area: Total Rentable Building Area: 17,245 sq ft. Typical Floor Size: 5,481 sq ft. Total site area: 1,000 sq m	
Condition of Building: Externally, the building appears to be a modern office in very good and solid condition. The building is brick clad, with accommodation over three - four storeys. The internal condition and layout of the building is unknown. The building is noted as having an energy performance rating of E, raised floors, one passenger lift and air condition. It has a Co Star rating of 3.	
Employment/ Commercial Potential: The building appears to be modern and in a good well-maintained condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. Conversion to a purely residential use may be possible but is likely to require and external works. For example works to the buildings fenestration may be required to provide it with a residential appearance. If converted, the building could conceivably yield around 30 units.	

Level of risk of conversion under PD Regime:

Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use.

If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.

Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.



Image 13 Emerald House, East Street: this building provides modern quality office accommodation in a highly sustainable central location. Although this building has been vacant since 2013 there has to date been interest in its conversion. However, its central location and the availability of on-site parking provision make it an ideal candidate for conversion. Consequently, it merits consideration for an Article 4 Direction.

Site 14

Site Address: Bradford House 39A East Street Epsom	Marketing Details: (if applicable) Stiles Harold Williams
Proximity to Station: About 500 metres. Proximity to Public Transport: About 140 metres to bus stop on northern side of East Street	Number of on-site parking spaces: Located to side and rear of building. 20 car parking spaces.
Length of time vacant/ subject to marketing: Building is currently vacant, having been unoccupied for about three years.	
Size of Building/ site area: Total area – 730 sq m (7,840 sq ft)	
Condition of Building: Externally, the building appears to be in good, albeit ageing condition. Some external features, such as fenestration suggest that modernisation/ refurbishment may be required. However, the building is in a pleasant setting being surrounded by mature planting and landscaping. The internal condition of the building is unknown. The building is noted as having accommodation over four floors, an energy performance rating of B, raised flooring and a security system.	
Employment/ Commercial Potential: The building is ageing and its condition may well be deteriorating due to continued vacancy. However, on the basis of its external condition it still appears solid and fit-for commercial occupation. It may not be suitable as Grade A office stock but may still be able to provide accommodation for other commercial activities. The site has planning permission together with the adjacent Crossways House to come forward as a mixed-use development, with commercial uses at ground floor level and associated residential accommodation located on the upper floors. The redevelopment of Crossways House is already being undertaken.	
Potential for Conversion into Residential and possible yield: The site has planning permission together with the adjacent Crossways House to come forward as a mixed-use development, with commercial uses at ground floor level and associated residential accommodation located on the upper floors. The redevelopment of Crossways House is already being undertaken.	
Level of risk of conversion under PD Regime: High. The Council has already placed an Article 4 Direction on this site to prevent it being converted via the PD Regime. Whilst the redevelopment of the building has not yet been carried out this Article 4 Direction is still in effect. However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 14 Bradford House, East Street: It was assessed as being a valuable employment site that merited protection through an Article 4 Direction by the previous Study. The building is currently vacant and forms part of wider permitted proposal to develop it and the adjoin Crossways House (which is also the subject of a historic Article 4 Direction) into student accommodation (a C1 use class). In spite of the permitted proposal it merits consideration for a new Article 4 Direction so that the Borough Council retains the ability to manage development on this part of East Street.

Site 15

Site Address: Newplan House 41 East Street Epsom	Marketing Details: (if applicable) Stiles Harold Williams
Proximity to Station: About 510 metres Proximity to Public Transport: About 130 metres to bus stop on northern side of East Street	Number of on-site parking spaces: Located to side and rear of building. 62 car parking spaces.
Length of time vacant/ subject to marketing: The building is partially occupied and only the third floor is currently available to let (5,730 sq ft).	
Size of Building/ site area: Total Rentable Building Area: 23,060 sq ft. Typical Floor Size: 5,765 sq ft. Total site size: 850 sq m	
Condition of Building: The building is modern stock in good condition. Accommodation is laid out over four storeys. The building is noted as having an energy rating of E, two passenger lifts, air conditioning and a security system. The building has a Co Star rating of 3.	
Employment/ Commercial Potential: The building is modern and in good condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: The design of the building does not appear to readily lend itself to any easy conversion to residential use. Conversion to a residential use may be possible but is likely to require significant external works. If converted, the building could conceivably yield about 30-40 units.	
Level of risk of conversion under PD Regime: Medium. Although this building would require significant external works to be converted to residential use, the Council may struggle to prevent its loss if a Prior Approval application were made and subsequent planning applications were then submitted once Prior Approval was obtained to approve the external works. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use. However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 15 Newplan House, East Street: this building provides modern office accommodation, for two significant local employers, in a highly sustainable central location. Conversion to residential appears unlikely. However, recent evidence from schemes that have come forward through the permitted development regime suggests that it could still be at risk. The government's proposal to expand the permitted development regime to include alterations and even demolition suggest that this site merits consideration for an Article 4 Direction.

Site 16

Site Address: Nightingale House 46 – 48 East Street Epsom	Marketing Details: (if applicable) None
Proximity to Station: About 560 metres Proximity to Public Transport: Bus stop immediately outside	Number of on-site parking spaces: Rear parking accessed from side of building, via neighbouring Job Centre car park.
Length of time vacant/ subject to marketing: Building is currently occupied in its entirety by four employers.	
Size of Building/ site area: Total Rentable Building Area: 3,247 sq ft. Typical Floor Size: 811 sq ft. Total site area: 125 sq m	
Condition of Building: Externally, the building appears to be a modern office in good and solid condition. The building is brick clad, with accommodation over three storeys. The internal condition and layout of the building is unknown.	
Employment/ Commercial Potential: The building appears to be modern and in good condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. Conversion to a purely residential use may be possible but is likely to require internal and external works, which will require planning permission. Access to the on-site parking provision is via the neighbouring office block's car park and presents an obstacle to conversion, which will require the neighbour's agreement to achieve a resolution. If converted, the scheme could potentially yield around 5-10 units.	
Level of risk of conversion under PD Regime: Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use. If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use. Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 16 Nightingale House, East Street: this building provides modern office accommodation, for four local employers, in a sustainable central location. Conversion to residential appears unlikely. However, recent evidence from schemes that have come forward through the permitted development regime suggests that it could still be at risk. The government's proposal to expand the permitted development regime to include alterations and even demolition suggest that this site merits consideration for an Article 4 Direction.

Site Address: Colevin Interiors 42 – 44 East Street Epsom	Marketing Details: (if applicable) Ground floor available to let via Colevin Interiors (landowner)
Proximity to Station: About 560 metres Proximity to Public Transport: Bus stop immediately outside	Number of on-site parking spaces: None
Length of time vacant/ subject to marketing: Building is currently part occupied by Colevin Interiors with the ground floor available to let.	
Size of Building/ site area: Total Rentable Building Area: 1,419 sq ft. Total site area: 125 sq m	
Condition of Building: Externally, the building appears to be a very well maintained office converted from a former residential property. The building appears to be historic and has a distinctive character, in an area that is otherwise characterised by modern office buildings. The internal condition and layout of the building is unknown. The building's Co Star rating is unknown.	
Employment/ Commercial Potential: The building appears to be well-maintained and in good condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. However, conversion back to a residential use would appear to be relatively straightforward as externally the building remains in a residential configuration. The lack of on-site parking provision may render conversion unattractive. If converted, this build could potentially yield 1-4 units.	
Level of risk of conversion under PD Regime: Zero. Although the building's design lends itself to a straightforward internal conversion, this is a Grade II Listed Building. Consequently it does not benefit from Permitted Development Rights to convert from office to residential use. Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 16 Colevin Interiors, East Street: this modest office building continues to provide viable employment floorspace. As a Grade II Listed Building it is not at risk of loss to residential through the permitted development regime.

Site 17

Site Address: Job Centre 50 East Street Epsom	Marketing Details: (if applicable) None
Proximity to Station: About 570 metres. Proximity to Public Transport: Bus stop immediately outside.	Number of on-site parking spaces: Rear parking accessed from front of building – approximately 25 to 30 spaces.
Length of time vacant/ subject to marketing: Building is currently occupied in its entirety by a single employer.	
Size of Building/ site area: Total Rentable Building Area: 8,460 sq ft. Typical Floor Size: 2,115 sq ft. Total site area: 410 sq m	
Condition of Building: Fair. Externally, the building appears to be in good and solid, albeit ageing condition. The building is brick clad, with accommodation over three storeys. The internal condition and layout of the building is unknown, although the design and placement of its fenestration suggests large open plan office layouts. The building has a Co Star rating of 2.	
Employment/ Commercial Potential: The building is relatively modern and appears to be in good albeit ageing condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been tentative interest from the market in potentially converting the building to residential use. Conversion to a purely residential use may be possible but is likely to require significant external works, which will require planning permission. For example works to the buildings fenestration may be required to provide it with a residential appearance and to make best use of the internal floorspace. If converted, the building could conceivably yield 20-25 units.	

Level of risk of conversion under PD Regime:

Low. The building's design does not readily lend itself to straightforward conversion and would require external works.

As the building is occupied by a Job Centre, the lawful use of the building falls under the A2 (financial and professional services) use class. As an A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.

Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.



Image 17 Job Centre, East Street: the building is relatively modern and appears to be in good albeit ageing condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace. Recent intelligence indicates that the building may soon become available to the market. As an A2 use, any conversion of the Job Centre to residential use would need to take a more onerous route under Class M of the General Permitted Development Order 2015.

Site 18

Site Address: Eastleigh House 52 - 60 East Street Epsom	Marketing Details: (if applicable) None
Proximity to Station: About 614 metres. Proximity to Public Transport: About 52 metres to bus stop on southern side of East Street	Number of on-site parking spaces: Rear parking accessed from front of building.
Length of time vacant/ subject to marketing: Building is currently occupied in its entirety by Premium Credit.	
Size of Building/ site area: Total Rentable Building Area: 23,310 sq ft. Typical Floor Size: 5,827 sq ft. Total site area: 750 sq m	
Condition of Building: Externally, the building appears to be in fair and solid condition. The building is brick clad, with accommodation over four storeys – inclusive of accommodation in a mansard roofspace. The internal condition and layout of the building is unknown. The building has a Co Star rating of 2.	
Employment/ Commercial Potential: The building is modern and in fair condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. Conversion to a purely residential use may be possible but is likely to require significant internal and external works, which will require planning permission. For example works to the buildings fenestration may be required to provide it with a residential appearance. If converted, the building could conceivably yield around 50 units.	

Level of risk of conversion under PD Regime:

Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use.

If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.

Given the age of the building and its continued employment use, it can be safely assumed that it remains a viable employment site. Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.



Image 18 Eastleigh House, East Street: this building provides modern office accommodation, for a major local employer, in a sustainable central location. Conversion to residential appears unlikely. However, recent evidence from schemes that have come forward through the permitted development regime suggests that it could still be at risk. The government's proposal to expand the permitted development regime to include alterations and even demolition suggest that this site merits consideration for an Article 4 Direction.

Site 19

Site Address: Towers Watson 64 – 74 East Street Epsom	Marketing Details: (if applicable) 70Seventy (www.seventyepsom.co.uk)
Proximity to Station: About 664 metres Proximity to Public Transport: About 65 metres to bus stop on southern side of East Street	Number of on-site parking spaces: Rear parking accessed from side of building. 80 parking spaces on site.
Length of time vacant/ subject to marketing: Building is currently vacant but has undergone a recent substantial refurbishment and is being marketed as office accommodation.	
Size of Building/ site area: Total Rentable Building Area: 16,454 sq ft. Typical Floor Size: 4,113 sq ft. Total site area: 640 sq m	
Condition of Building: Externally, the building appears to be a modern Grade A office in good and solid condition. The building is brick clad, with accommodation over four storeys – inclusive of accommodation in the roofspace. The building has recently undergone extensive refurbishment and is being marketed for office use. Its current Co Star rating is unknown.	
Employment/ Commercial Potential: The building is modern and in very good condition. There is no evidence to suggest that it is no longer fit-for-purpose and as such it remains viable employment floorspace.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. Conversion to a purely residential use may be possible but is likely to require significant internal and external works, which will require planning permission. For example it would appear that additional fenestration would be required to make the best use of the internal space. The building follows an open plan layout internally and its subdivision would result in the need for more windows. If converted the building could potentially yield approximately 30 units.	
Level of risk of conversion under PD Regime: Low. The building's design does not readily lend itself to a straightforward internal conversion through the permitted development process and will require planning permission. Given that the building has undergone a recent refurbishment and is being actively marketed for employment use, it can be safely assumed that it remains a viable employment site. Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.	



Image 19 Towers Watson, East Street: this vacant office building has recently been refurbished to provide good quality accommodation and is actively being marketed as such. On that basis it would be unsound business practise for the landowner to pursue seek a change to residential uses through the permitted development regime at this point in time. On that basis it is considered that the building would not currently benefit from an Article 4 Direction.

Site 20

Site Address: Epsom Point 84 – 90 East Street Epsom	Marketing Details: (if applicable) None
Proximity to Station: About 686 metres Proximity to Public Transport: About 93metres to bus stop on southern side of East Street	Number of on-site parking spaces: Basement level parking accessed from side of building. 26 parking spaces on site.
Length of time vacant/ subject to marketing: Building is currently vacant, having been unoccupied for a period of about two – three years. The building was previously occupied by the County and Magistrates' Courts. These uses were consolidated to larger sites at Guildford and Kingston. Whilst the building is unoccupied it is not being actively marketed.	
Size of Building/ site area: Total Rentable Building Area: 7,273 sq ft. Total site area: 540 sq m	
Condition of Building: Externally, the building appears to be in fair and solid condition. The building is distinctive being brick clad, with accommodation over three storeys. The internal condition and layout of the building is unknown. The building has a Co Star rating of 2.	
Employment/ Commercial Potential: The building is ageing and its condition is deteriorating due to continued vacancy. The building structure appears to be solid and there is no evidence to suggest that it is no longer fit-for-purpose as office accommodation. The availability of on-site parking makes this an attractive option. However, the building's internal layout is unknown; it is possible that reconfiguration of court rooms will be required and that this may render its return to commercial use unviable.	
Potential for Conversion into Residential and possible yield: There has been no interest from the market in converting the building to residential. Conversion to a purely residential use may be possible but is likely to require significant internal and external works, which will require planning permission. If converted to residential this building could yield about 18-25 units. An alternative student scheme could yield up to 80 student beds.	
Level of risk of conversion under PD Regime: Low. The building's condition and design does not readily lend itself to a straightforward internal conversion through the permitted development process and will require planning permission. As a former Court, the site does not fall under B1(a) office use but is classified as Sui Generis. This means that any conversion would require planning permission.	



Image 20 Epsom Point, East Street: the Study notes that this building is aging and is deteriorating due to continued vacancy. The building structure appears to be solid and there is no evidence to suggest that it is no longer fit-for-purpose as office accommodation. The availability of on-site parking makes this an attractive opportunity. The established use of the site is a County/ Magistrates' Court and such it falls within the Sui Generis use class. Consequently, it is not at risk of being lost to residential uses through the Permitted Development Regime.

Site 21

Site Address: Glen House 100 East Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 860m Proximity to Public Transport: About 100m to bus stop on East Street	Number of on-site parking spaces: Parking at rear of the site. 6 parking spaces available.
Length of time vacant/ subject to marketing: N/A – Occupied by Harbord & Co Solicitors	
Size of Building/ site area: Total Rentable Building Area: 2,480 sq ft. Typical Floor Size: 800 sq ft. Total site area: 240 sq m	
Condition of Building: Externally the building appears to be in fair albeit ageing condition. The building has a Co Star rating of 2.	
Employment/ Commercial Potential: As an occupied site, it can be assumed that it remains a viable employment location for a small or medium sized business.	
Potential for Conversion into Residential and possible yield: High. The building adjoins an existing residential block which has the same design, indicating its potential for conversion with little or no external works. As a small office building in a more peripheral location than the prominent office stock along East Street the site could struggle to attract new tenants if vacated.	
Level of risk of conversion under PD Regime: Unknown. As the building is occupied by a Solicitors, the lawful use of the building could be either A2 (financial and professional services) or B1(a) office. This would need to be established before a Prior Approval application could be considered. The lawful use of the building is unknown at this point. If it were considered to be in A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.	



Image 21 Glen House, East Street: as an occupied site, it is assumed that it remains a viable employment location for a small or medium sized business. The level of risk is potentially very high as the building would appear to require little in the way of external works to convert into residential accommodation. However, there is some uncertainty over the established lawful use of the building. Should the building fall under the A2 use class conversion to residential accommodation will not be possible through the Permitted Development Regime.

Site 22

Site Address: 69 – 71 East Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 850m Proximity to Public Transport: About 100m to bus stop on East Street	Number of on-site parking spaces:
Length of time vacant/ subject to marketing N/A – Occupied by Hakim Fry Chartered Accountants	
Size of Building/ site area: Site area: Approx. 300 sq m	
Condition of Building: Externally the building appears to be in a fair condition. It is currently fully occupied and as such remains a viable employment site.	
Employment/ Commercial Potential: High – The building is fully occupied. Although it is towards the far end of East Street it is still close to public transport. The building is currently occupied by a firm of chartered accountants and this type of use continues to be suitable for the building's size and location.	
Potential for Conversion into Residential and possible yield: Medium-High – it appears possible to convert the building with little or no external works required. If converted, this site could conceivably yield 4-5 units.	
Level of risk of conversion under PD Regime: Unknown. As the building is occupied by a Chartered Accountants, the lawful use of the building could be either A2 (financial and professional services) or B1(a) office. This would need to be established before a Prior Approval application could be considered. The lawful use of the building is unknown at this point. If it were considered to be in A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.	

Site 23

Site Address: Victoria House 73-77 East Street Epsom	Marketing Details: (if applicable) N/A
Proximity to Station: About 850m Proximity to Public Transport: About 125m to bus stop on East Street	Number of on-site parking spaces: 8
Length of time vacant/ subject to marketing N/A – building is occupied by the Core Wellness Centre.	
Size of Building/ site area: Total Rentable Building Area: 3,850 sq ft. Typical Floor Size: 1,925 sq ft. Total site size: 400 sq m	
Condition of Building: Fair – The building has a Co-Star rating of 2. Externally the building appears in reasonable condition.	
Employment/ Commercial Potential: High – The building is fully occupied. Although it is towards the far end of East Street it is still close to public transport. The building is occupied by a D1 user and this type of use continues to be suitable for the building's size and location.	
Potential for Conversion into Residential and possible yield: Medium-High. The building appears convertible with limited or no external works required. If converted, this site could potentially yield 10-15 units.	
Level of risk of conversion under PD Regime: Low. The building is occupied by a D1 user. Consequently it is highly likely that the lawful use of the building does not fall into B1(a) office use and therefore there is no Permitted Development Right to convert to residential use.	



Image 23 Victoria House, East Street: the building appears to be in good condition, and is currently occupied. On that basis it is considered to be viable as employment floorspace. The building has the potential to be converted to residential accommodation. However, the current occupier utilises the building under the D1use class. Consequently, conversion to residential accommodation will not be possible through the Permitted Development Regime.

7. Conclusions

7.1 The Study identified the following conclusions:

- The original Article 4 Directions served on Adelphi Court, Bradford House and Crossways House has been successful in managing proposals to change the use of these important office/ employment sites. Adelphi Court remains a viable, fully occupied office building. Bradford House although currently unoccupied remains available to the market and could still come forward for employment uses. Proposals to change the use of Crossways House to a mixed use scheme comprised of student accommodation (C1 use class) and commercial floorspace were positively considered by the Council. That proposal is currently being implemented.
- The serving of new Article 4 Directions on viable office buildings/ sites, located in or around Epsom Town Centre, that have been assessed as being at risk is considered to be an appropriate intervention to help manage change. Such an intervention will help ensure that the Borough Council can continue to implement a strategy for sustainable growth.
- The Town Centre remains a highly sustainable location to do business and for new employers to locate. This is evidenced by the viability and quality of the office stock surveyed by the Study and the levels of occupancy.
- Since the implementation of the original changes to the Permitted Development Regime, Epsom Town Centre has witnessed the loss of a number of notable quality office buildings, which could have continued to provide viable employment floorspace. This is contrary to the stated objectives behind the changes to the Permitted Development Regime, which sought the release of older stock no longer fit-for-purpose. There are strong indications that this trend will continue.
- The new residential accommodation yielded by the conversion of lost office space has not met local needs. In the main, the new residential accommodation has been high value – which is a contributing factor in the rise in local house prices, which are making the Borough a less affordable place to live.
- The loss of office buildings to residential accommodation has resulted in a reduction in revenue from business rates.

- The further proposed changes being introduced through the Housing and Planning Bill to extend and expand Permitted Development Rights pose a significant risk to Epsom Town Centre's remaining office stock. A worst-case scenario envisages the loss of most of our remaining stock within the next five years. This would result in the majority of current employers based in the Town Centre leaving the Borough, because there are no alternative sites available. This would have a significant impact upon the medium-long term vitality and viability of the Town Centre as a retail and commercial location. It would also have an adverse impact upon the Borough Council's strategy for sustainable growth and would undermine the infrastructure investment being directed at Epsom Town Centre and the Longmead and Nonsuch employment areas³.
- Epsom Town Centre's remaining office stock is relatively diverse in terms of size, age and overall quality. The majority of the stock surveyed for the Study was assessed as being viable, with a proportion being either Grade A or of good quality.
- The Town Centre is a highly accessible and sustainable location for office and other employment activities being well located in relation the railway station, public transport and other transport networks.
- Whilst the HSE major hazard site safeguarding zone, centred upon the Utilities site on East Street, currently provides a degree of protection to many of the remaining office buildings in that locality, it cannot be relied upon as a long term intervention. The decommissioning of the gas holders and potential relocation of the utility provider (Scotia Gas) suggest that at the very least the extent of the zone may be reduced to cover a smaller area⁴. On that basis, the Study advises that precautionary action be taken to ensure that those buildings/ sites at potential risk benefit from Article 4 Directions.
- A small number of the office buildings surveyed as part of the Study fall within other use classes – such as A2 Financial and Professional Services and D1 Non-residential Institutional uses. For those buildings in A2 use the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area. The Council may still decide that these buildings would benefit from Article 4 Directions.

³ This specifically relates to the Kiln Lane Link major scheme. The business case for the Kiln Lane Link is in part predicated upon securing an up-lift in employment opportunities, by improving accessibility). The unmanaged loss of office stock through the Permitted Development Regime would undermine the future viability of such an up-lift; through the loss of the very sites that could be enhanced by that proposal.

⁴ Although the gas holders have been decommissioned, the site continues to function as a major gas distribution utility and it is logical that some form of safeguarding zone will remain.

- Other office buildings in Epsom Town Centre, including examples not surveyed for the purposes of the Study, are included as heritage assets on the statutory National List. There is currently no risk of these being lost to residential uses through the Permitted Development Regime.

7.2 The following table sets out the Study's assessment of risk from conversion for the individual surveyed buildings and sites.

Table 1: Levels of risk from conversion to residential through permitted development

Site	Commentary
High Risk	
Site 1 Oaks House 16 – 22 West Street Epsom	<p>High. Although presently the ground floor does not lend itself to easy conversion there appears to be higher potential for the upper floors to be lost. However, if the principle of conversion were established via the granting of Prior Approval, the Council may struggle to resist the loss of this site.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 4 Parkside House Ashley Avenue Epsom	<p>High. The building's setting away from the highway and its external design appear to lend themselves to residential conversion. There may be some external works required but it would appear these would be minimal and the Council would struggle to resist this building's loss to residential use.</p> <p>Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 6 The Kirkgate Church Street Epsom	<p>Very High – there is known to be interest in converting this building to residential use using the Permitted Development regime. The building's design lends itself to conversion with little or no external work required.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 7 The Wells Church Street Epsom	<p>Medium-High. Although some external works would be required to reconfigure the ground floor, the rest of the building lends itself to conversion. The building has been sold fairly recently and was advertised as having residential potential through the Permitted Development route. It would be difficult for the Council to resist the loss of this site if a Prior Approval were granted for the change of use.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>

Site 10 Adelphi Court 1 – 3 East Street Epsom	<p>High. The building's design lends itself to internal conversion to residential use with limited or no external works.</p> <p>The Council has already placed an Article 4 Direction on this site to prevent it being converted via the PD Regime. Currently the HSE major hazard site safeguarding zone partially covers this site, which restricts Permitted Development rights.</p>
Site 11 Epsom Chase 1 Hook Road Epsom	<p>High – The building appears to lend itself to easy conversion with minimal external works required. There would be little chance of preventing the loss of this site if a Prior Approval application were made.</p> <p>Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Site 12 Sollis House 20 Hook Road Epsom	<p>High – the building's design appears to lend itself to easy conversion with limited or no external works. It could even conceivably come forward as a single residential unit.</p> <p>Similarly, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Site 14 Bradford House 39A East Street Epsom	<p>High. The Council has already placed an Article 4 Direction on this site to prevent it being converted via the PD Regime. Whilst the redevelopment of the building has not yet been carried out this Article 4 Direction is still in effect.</p> <p>However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Medium Risk	
Site 2 Global House Ashley Avenue Epsom	<p>At present the risk appears low due to the building's design and access issues. It would take significant external work to make the building fit for residential use.</p> <p>However, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 3 Epsom Gateway Ashley Avenue Epsom	<p>At present the risk appears low due to the building's design. It would take significant external work to make the building fit for residential use.</p> <p>However, if the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 8 Horizon House 28 Upper High Street Epsom	<p>Medium. Although the building's design does not appear to lend itself to easy conversion it may be possible with minimal external alterations.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
Site 9 30 – 38 Upper High Street Epsom	<p>Medium. Some external works may be required to convert the building to residential use. It is also likely that the ground floor occupier constitutes an A2 rather than B1(a) use, meaning that the building could not be converted in its entirety using the Permitted Development Regime.</p>

	<p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p>
<p>Site 13 Emerald House East Street Epsom</p>	<p>Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
<p>Site 15 Newplan House 41 East Street Epsom</p>	<p>Medium. Although this building would require significant external works to be converted to residential use, the Council may struggle to prevent its loss if a Prior Approval application were made and subsequent planning applications were then submitted once Prior Approval was obtained to approve the external works.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>However, currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
<p>Site 16 Nightingale House 46 – 48 East Street Epsom</p>	<p>Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
<p>Site 18 Eastleigh House 52 - 60 East Street Epsom</p>	<p>Medium. The building's design does not readily lend itself to straightforward conversion and would require external works. However, if a Prior Approval application were granted the Council would struggle to prevent its loss to residential use.</p> <p>If the permitted development regime was changed to include external alterations and/or demolition there would appear to be little the Council could do to prevent the loss of this site to residential use.</p> <p>Given the age of the building and its continued employment use, it can be safely assumed that it remains a viable employment site. Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Low Risk	
<p>Site 5 Ebbisham House 30 Church Street Epsom</p>	<p>Zero. This is a Grade II* Listed Building and therefore cannot be converted under the PD Regime.</p>

Site 16 Colevin Interiors 42 – 44 East Street Epsom	<p>Zero. Although the building's design lends itself to a straightforward internal conversion, this is a Grade II Listed Building. Consequently it does not benefit from Permitted Development Rights to convert from office to residential use.</p> <p>Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Site 17 Job Centre 50 East Street Epsom	<p>Low. The building's design does not readily lend itself to straightforward conversion and would require external works.</p> <p>As the building is occupied by a Job Centre, the lawful use of the building falls under the A2 (financial and professional services) use class. As an A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.</p> <p>Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Site 19 Towers Watson 64 – 74 East Street Epsom	<p>Low. The building's design does not readily lend itself to a straightforward internal conversion through the permitted development process and will require planning permission. Given that the building has undergone a recent refurbishment and is being actively marketed for employment use, it can be safely assumed that it remains a viable employment site.</p> <p>Currently the HSE major hazard site safeguarding zone covers this site, which restricts Permitted Development rights.</p>
Site 20 Epsom Point 84 – 90 East Street Epsom	<p>Low. The building's condition and design does not readily lend itself to a straightforward internal conversion through the permitted development process and will require planning permission. As a former Court, the site does not fall under B1(a) office use but is classified as Sui Generis. This means that any conversion would require planning permission.</p>
Site 21 Glen House 100 East Street Epsom	<p>Unknown. As the building is occupied by a Solicitors, the lawful use of the building could be either A2 (financial and professional services) or B1(a) office. This would need to be established before a Prior Approval application could be considered. The lawful use of the building is unknown at this point.</p> <p>If it were considered to be in A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.</p>

<p>Site 22 69 – 71 East Street Epsom</p>	<p>Unknown. As the building is occupied by a Chartered Accountants, the lawful use of the building could be either A2 (financial and professional services) or B1(a) office. This would need to be established before a Prior Approval application could be considered. The lawful use of the building is unknown at this point.</p> <p>If it were considered to be in A2 use, the Prior Approval route could still be sought to convert the building to residential use under Class M of the General Permitted Development Order 2015. However, this would be a more onerous process for a developer than the Prior Approval mechanism for the conversion of B1(a) office use to residential, as the Council would have to assess the impact of the proposal on adequate provision of services in the area.</p>
<p>Site 23 Victoria House 73-77 East Street Epsom</p>	<p>Low. The building is occupied by a D1 user. Consequently it is highly likely that the lawful use of the building does not fall into B1(a) office use and therefore there is no Permitted Development Right to convert to residential use.</p>

8. Recommendations

8.1 On the basis of the conclusions set out above the following recommendations are suggested to the Council:

- i. That the Council considers the immediate introduction of Article 4 Directions on those office buildings and sites that remain important and viable sources of employment land and are at risk from loss through conversion. These buildings and sites are:
 - Oaks House
 - Parkside House
 - The Kirkgate
 - The Wells
 - Adelphi Court
 - Epsom Chase
 - Sollis House
 - Bradford House
 - Global House
 - Epsom Gateway
 - Horizon House
 - 30 – 38 Upper High Street
 - Emerald House
 - Newplan House
 - Nightingale House
 - Eastleigh House
- ii. That consideration is given to serving additional Article 4 Directions to manage the three sites identified as falling under the A2 use class, namely;
 - The Job Centre, East Street;
 - Glen House, East Street; and
 - 69 – 71 East Street
- iii. That the Council continues to monitor proposals coming through the Permitted Development regime, particularly those buildings and sites not currently included under the proposed Article 4 Directions. Subject to any monitoring outcomes and where it is appropriate the Council should in the future consider options to serve additional Article 4 Directions to include other buildings and sites when it becomes necessary to afford them protection.

- iv. The Council must continue to develop its evidence base in relation to employment uses across the Town Centre. This is particularly important in relation to providing evidence that demonstrates that the reasonable prospect of buildings and sites continuing in employment use⁵.
- v. The Council must continue to work and engage with landowners and their agents to secure the enhancement and regeneration in accordance with local plan policy.

⁵ National planning policy, under NPPF Paragraph 22 sets out the test for affording sites long term protection through local plan policies.

Appendix A: Epsom & Ewell Borough Council – PDCOU Commercial Office Space to Residential Use

Background

Legislation was introduced in May 2013 making it possible to convert office floorspace to residential use without requiring planning permission until the end of May 2016. There are proposals for these to be made permanent.

This permitted development right is subject to prior approval by the local planning authority. The matters for Prior Approval are transport and highways impact on the development; contamination risks on the site; flooding risks on the site.

Within Epsom & Ewell a small designated area on East Street is exempt from the temporary permitted development right under Article 4 Direction. This Direction was made in 2013 in response to the Government's changes to Permitted Development rights and covers three sites that are considered to be of significant strategic importance because of their central location in the town centre. No other commercial sites in the borough benefit from this exemption.

The Impact of Prior Approval for Conversion of Offices to Residential In Epsom & Ewell

The schedule accompanying this report sets out details of all of the applications for prior approval to convert office floorspace to residential use. The rest of this note provides a brief commentary on the data.

a) Scheme Detail

From 31st May 2013 to 31st October 2015 (29 months) a total of 20 prior approval applications have been permitted totalling at least 100 units. Seventeen schemes are in Epsom town centre; three in Ewell and one in Woodcote.

Of the approved units, the majority are for one and two bedroom flats. One site (Charles Stuart House) will contain four three bedroom units.

At the end of October 2015 the total amount of office floorspace that could potentially be lost, if all current prior notifications/approvals are implemented totals at least 5,036.86m². This amounts to approx. 4.8% of the Borough's office stock⁶.

⁶ This percentage is calculated using the 2012 Rateable Value Statistics which indicate that there is 104506 sq m of office space in the Borough.

None of these proposals are required to make affordable housing contributions even if they are providing over ten new units. There is also no way of securing on site infrastructure through the s106 process. The new units will still be liable for the Community Infrastructure Levy (CIL) if the site has not been occupied for six months within the last three years (but where they have been they are not CIL liable as there is no new floorspace in a conversion).

b) Type of office floorspace being lost

Much of the Borough's established office market is located in and around Epsom town centre and it is of concern that a number of the office buildings to be converted to residential under permitted development relate to medium sized, good quality office buildings in the town centre. Most notably Rutland House, a grade A modern building located on South Street and in close proximity to Nuffield Health and Atkins, has been subject to prior approval with over 30 units developed in the 1335.86m² office floorspace.

Outside the town centre an older but sizeable (1298 m²) serviced office building has been subject to prior notification approval affecting a number of businesses.

c) Loss of firms:

We have no evidence of local firms having to move out of the area as a result of office floorspace changing to residential use. Around a third of the premises were wholly vacant before the prior notification was submitted. However, almost all buildings identified are good quality and in close proximity to the town centre amenities, offering opportunities for business expanding or moving into the area.

Anecdotally we are aware of tenants within serviced office accommodation being evicted and some businesses being relocated into 19 West Street, Epsom.

Local Impact

(1) Contribution to the supply of new homes.

The prior approval process has so far yielded a potential 70 new dwellings, around 40% of the year's new housing requirement.

Moreover, the process is providing a supply of 1 and 2 bed flats for which there is a need. Around two thirds of the dwellings approved to date are for 1 bedroom flats

which could be considered to be at the less expensive end of the housing market. However, having viewed recent marketing material for some of the conversions they appear to be being marketed at the higher end of the housing market, as exclusive high- end properties priced as highly as £675,000 for a two bedroomed unit. This is certainly not considered an 'affordable' price.

(2) Impact on business rates, Council tax

From the list of approved schemes, ten business rate properties have been lost from the Valuation List with a total reduction in business rate income in 2015/16 of £214,309.

Overall conclusions.

The Council's planning policies are being undermined by the PDCOU legislation. Whilst the overall number of PD applications has been limited in the borough the buildings affected have generally been good quality, town centre located schemes rather than poorer quality, high vacancy properties. This is in direct contrast to neighbouring Mole Valley that has lost around 30% of its office space, but the majority to date has been lower quality and vacant.

As the Plan E programme of improvements begins it will become even more important to have quality office stock to attract and retain business in the town centre.

Article 4 Direction

Following the Government's recent extension of the policy Epsom & Ewell Borough Council is looking to gain PDR exemption for key employment sites in the town centre. The buildings identified offer the opportunity to provide space for existing and new business to expand, create jobs and deliver economic growth.

The Plan E vision states that 'over the next 20 years East Street will establish itself as the main business district for both Epsom and the wider borough'. It also seeks to deliver 6000 – 7000 sq m of new employment floor space within the town centre up to 2026. Under this policy loss of existing employment uses within the Town Centre will be resisted.

Last week the Gatwick Diamond Executive Director reported to Epsom business leaders that there is a major shortage of modern office space in the Gatwick Diamond area. It has been difficult to identify appropriate space for inward

investment enquiries and the lack of small business start up and grow on space is even more acute, despite strong demand.

Similarly Surrey County Council has reported that the **Outer London and M25 Office sector**, known as the 'doughnut', has experienced the highest rental growth since 2000, according to a new report from CBRE. The latest CBRE Monthly index has seen rental values for offices in the 'doughnut' grow by 1.0% in the last month, the fastest monthly rate since July 2000 (1.4%) and growth of 4.2% since January.

Demand from service orientated SMEs is likely to increase fuelled by the projected increase in the Borough population. The options to accommodate this requirement are limited, and therefore critical to protect what we have. Once commercial space and employment land loses its status and is converted to residential it is gone forever. As is its local wealth creation potential.

Buildings identified for Article 4 Direction

Buildings have been selected because they meet at least two of the following criteria:

- Occupied
- Known at risk
- Good quality / Grade A stock
- Town centre
- Highly sustainable location
- Previously served
- Important employment designation

The town centre is a location where high quality premises are demanded from a variety of occupiers such as creative, financial, business and professional services. Epsom is an attractive and conveniently located to London & the South East with good transport links. It is a location of choice for a growing business community that adds to the vibrancy of the town centre. Over the last couple of years we have seen planning approval given to Atkins to develop its flagship Epsom campus, already housing the largest concentration of employees in the UK. Nuffield Health chose Epsom town centre for its UK headquarters, as it had offered good quality office

stock, close to rail and town centre facilities as well as nearby green space. Macdermott expanded its offices within Global House and German cyber security company Cyclex selected Epsom as a base for its first UK office. The town centre was also being seriously considered by Lidl for its new HQ operation, narrowly losing out to Kingston on transport factors.

Article 4 Direction by other authorities

We understand that Mole Valley is looking into Article 4 Direction now that the legislation has been made permanent. Whilst the early applications have related to smaller, lower quality stock there is concern that if major employers in Mole Valley decide to rationalise operations and relocate landlords may take the opportunity to realise a residential value of their office floorspace or major sites.

Richmond has seen the highest number of prior notifications of any London borough with 400 applications received. This could result in potentially losing 71,000 sq m / 24% of office space. Richmond Council has removed PD rights within 12 areas which are key office locations in the Borough, including parts of Richmond, Twickenham and Teddington town centres using Article 4 Direction. The Council did so on the basis that remaining space for commercial offices in the Borough will see a huge rental increase whilst losing local jobs.

Crawley is also looking to put Article 4 Direction in place in the Manor Royal business district. Through the PDR process the borough has already lost quarter of a million sq ft of employment space. It is looking to safeguard the rest of the business space as well as support those businesses that have been affected and displaced.

Brighton & Hove City Council has also identified and served Article 4 Direction in certain areas of the city to safeguard key employment sites.

Julia Owen
November 2015

Appendix B Commercial Property to Residential November 2015

Application No	Address	Ward	Submission Date	Decision Date	Decision	Completion Date	Units Proposed	Net Change	Currently occupied or vacant (IF KNOWN)	M2 B1 lost (m2)	Rateable Value	BR Income	Description
14/01219	Ryebrook Studios, Woodcote Site, Epsom	Woodcote	21/11/2014	29/12/2014	Prior Approval not required		12F		NOW VACANT	1298	118,975	15/16 £47,229 14/15 £46,244 13/14 £45,275	modern, managed office space - closed Jan 2015
14/00724	19 Church Road, Epsom	Town	31/10/2014	01/12/2014	Prior Approval not required		C3			185	6,800	15/16 £3,264 14/15 £3,203 13/14 £3,142	From Google - Sweet Chariot Leisure located at the Clubhouse, 19 Church Road KT17 4DZ. From street view looks residential
14/00638	Ground Floor (Front Of) Charles Stuart House 28 Church Street Epsom Surrey KT17 4QP	Town	08/08/2014	25.09.2014	Prior Approval not required	completed - residential market material available	1Fx3B	1	OCCUPIED	187	19,000	15/16 £9,367 14/15 £9,158 13/14 £8,949	Grade A office space - brochure available
14/00637	Ground Floor (Rear Of) Charles Stuart House 28 Church Street Epsom Surrey KT17 4QP	Town	08/08/2014	25.09.2014	Prior Approval not required	completed - residential market material available	1Fx3B	1	OCCUPIED	167	14,000	15/16 £6,720 14/15 £6,594 13/14 £6,468	Grade A office space - brochure available
13/01082	Nelson House, 1A Church Street, Epsom KT17 4PF	Town	19/11/2013	13/01.2014	Prior Approval not required	under construction	3F	32	OFFICE SPACE VACANT, GROUND FLOOR CURRENTLY RETAIL		17,800	15/16 £8,544 14/15 £8,384 13/14 £8,224	
13/01553	Second Floor (rear) Charles Stuart House, 28 Church Street, Epsom, KT17 4QP	Town	21/03/2014	09/05/2014	Prior Approval Not Required	completed - residential market material available	1Fx3B	1	OCCUPIED	181	14,500	15/16 £6,960 14/15 £6,830 13/14 £6,699	Grade A office space - brochure available
13/01552	Second Floor (front) Charles Stuart House, 28 Church Street, Epsom, KT17 4QP	Town	21/03/2014	09/05/2014	Prior Approval Not Required	completed - residential market material available	1Fx2B	1	OCCUPIED	169	14,250	15/16 £6,840 14/15 £6,712 13/14 £6,584	Grade A office space - brochure available
13/01550	First Floor (front) Charles Stuart House, 28 Church Street, Epsom, KT17 4QP	Town	21/03/2014	09/05/2014	Prior Approval Not Required	completed - residential market material available	1Fx2B	1	OCCUPIED	181	34,250	15/16 £16,885 14/15 £16,508 13/14 £16,132	Grade A office space - brochure available
13/01548	First Floor (Rear) Charles Stuart House, 28 Church Street, Epsom, KT17 4QP	Town	21/03/2014	09/05/2014	Prior Approval Not Required	completed - residential market material available	1Fx3B	1	OCCUPIED	194	included in above		Grade A office space - brochure available
14/01522	Rutland House, 57 - 59 South Street, Epsom, KT18 7PR	Town		30.01.15	Prior Approval not Required	completed - residential market material available	26F X 1B, 6 x 2B		VACANT	133.86	165,000	15/16 £81,345 14/15 £79,530 13/14 £77,715	High quality office space - brochure available

						material available							
13/00617	7 - 7A Ashley Road, Epsom, KT18 5AQ	Town	09/08/2013	31/03/2015	Allowed At Appeal	completed - residential market ing material available	3F x 2B	3	OCCUPIED	235	33,250 deleted 26.06.14	14/15 £3,820 13/14 £15,661	ex retail, converted to office to expedite PDCOU?
13/00886	Deeburn, 15 Depot Road, Epsom, KT17 4RJ	Town	07/10/2013	03/12/2013	Permit Prior Approval		1F x 1B	1	VACANT	Unsure	4,300 deleted 06.06.14	0	modern 1990s building - looks residential. Now shown as one Band C dwelling
13/00656/PDCOU	33 High Street, Ewell, KT17 1SA	Ewell	19/08/2013	14/10/2013	Permit Prior Approval	25/07/2014	1Fx2B	0	UNKNOWN	79	11,300	0	Mid 18thC shop originally built as double fronted house
14/01240	Headway House, 15 - 17 Chessington Road, Ewell, KT17 1TS	Ewell	21/11/2014	09/01/2015	Prior Approval not required		11	11	VACANT	825	55,000	15/16 £27,155 14/15 £26,510 13/14 £25,905	Originally Bytes House - appears on appeal withdrawn list too
15/00308	Office above Cadogan House, 4-6 High Street, Epsom	Town	08/04/2015	20/05/2015	Prior Approval not required	outstanding permission	6Fx1B 1F x2B						
15/00592	69-71 High Street, Epsom	Town	12/08/2015	29/09/2015	Prior Approval not required	outstanding permission	2F	2					
15/00548	Brookland House, 2B West Street, Ewell	Ewell	09/07/2015	03/09/2015	Prior Approval not required	outstanding permission	1F	1	OCCUPIED				Shop? BPS Interiors
15/00520	Apex House, 10 West Street, Epsom	Town	09/07/2015	26/08/2015	Prior Approval not required	outstanding permission	4F	4	OCCUPIED				Estate Agents - Huggins, Edwards and Sharp
15/00494	Felix House, 83-85 East Street	Town	30/06/2015	18/08/2015	Prior Approval not required	outstanding permission	16F	16	OCCUPIED				Oracle Group - PR and marketing agency
14/01920	24-28 West Street	Town	08/04/2015	20/05/2015	Prior Approval not required	outstanding permission	C3		OCCUPIED?				Estate Agents - Fine and Country
14/00504	Novellus Court, 61 South Street, Epsom, KT18 7PX	Town			Prior Approval not required	under construction	C3		Under construction	1224	82,000	15/16 £40,426 14/15 £39,524 13/14 £38,622	
Refusals / Withdrawn													
14/00780	6-7 Market Parade, High Street, Ewell	Ewell	29/08/2014	03/10/2014			C3				25,250	15/16 £12,448 14/15 £12,171 13/14 £11,893	
14/00540	Apex House, 10 West Street, Epsom, KT18 7RG	Town	01/08/2014	09/09/2014	Refused		4Fx1B, 3Fx2B	7	UNKNOWN	524.5	29,500	15/16 £14,544 14/15 £14,219 13/14 £13,895	
14/00180	127 East Street, Epsom, KT17 1EJ	Town	23/05/2014	26/06/2014	Prior Approval Required and Refused		1Fx2B	1	UNKNOWN	70	unable to identify		
13/00468	Admark House, 2 West Street, Ewell, KT17 1UU	Ewell	09/07/2013	16/09/2013	Refused		1F x 1B, 1F x 2B	2	OCCUPIED	No info	22,200	15/16 £10,656 14/15 £10,456 13/14 £10,256	

13/00774	Rosebery House, 55 East Street, Epsom, KT17 1BP	Town	12/09/2013	08/11/2013	Prior Approval Required and Refused		24x 1B, 11 x 2B	?	VACANT	1595	213,000	15/16 £105,009 14/15 £102,666 13/14 £100,323	
13/00441	16A East Street, Epsom, KT17 1HH	Town	04/07/2013	29/08/2013	Prior Approval Required and Refused		2F	2	VACANT	No info	8050 deleted 05/01/15	14/15 £3,820 13/14 £2,898	
13/00894	1 High Street, Ewell, KT17 1SB	Ewell	08/10/2013	04/12/2013	Refused		No not specified	?			13,250	15/16 £6,532 14/15 £6,387 13/14 £6,241	
13/00894	21 High Street, Ewell, KT17 1SB	Ewell	08/10/2013	04/12/2013	Prior Approval Required and Refused		No not specified	?	UNKNOWN	147.5	6,500	15/16 £3,120 14/15 £3,062 13/14 £3,003	

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REVISED SUSTAINABLE DESIGN SUPPLEMENTARY PLANNING DOCUMENT - CONSIDERATION OF CONSULTATION RESPONSES AND ADOPTION

<u>Report of the:</u>	Head of Place Development
<u>Contact:</u>	Karol Jakubczyk/ Susie Legg
<u>Urgent Decision?(yes/no)</u>	No
<u>If yes, reason urgent decision required:</u>	
<u>Annexes/Appendices (attached):</u>	Annex 1: Draft Revised Sustainable Design SPD (incorporating changes identified during consultation) Annex 2: Consultation Responses, Officer Comments and Suggested Actions
<u>Other available papers (not attached):</u>	L&PPC Report 22 October 2015 – Revised Sustainable Design Supplementary Planning Document

REPORT SUMMARY

The existing Sustainable Design Supplementary Planning Document (SPD) was adopted in 2012 and forms part of the Local Plan. A revised version has been prepared to take account of changes to national policy, legislation and advances in good practice.

A public consultation has taken place and this report provides Members with a summary of the consultation responses received. The SPD has been amended in the light of the consultation process and is recommended for adoption.

RECOMMENDATION

- (1) That the Committee considers the consultation responses and proposed further changes to the revised version; and
- (2) That subject to any further amendments that it be adopted as a supplementary planning document.

Notes

1 Implications for the Council's Key Priorities, Service Plans and Community Strategy

- 1.1 The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's Key Priorities. The Local Plan also plays a key role in implementing the Sustainable Community Strategy through the planning process. As part of the Local Plan the Sustainable Design SPD provides further detailed guidance on the implementation of the Core Strategy CS6. This Document also contributes towards the delivery of the Corporate Plan key priority "Sustainability" and in particular the Annual Service Plan objective VA5.

2 The Sustainable Design Supplementary Planning Guidance

- 2.1 The Council is committed to ensuring that Epsom and Ewell grows sustainably and Core Strategy Policy CS6 requires that new development should result in a sustainable environment and reduce or have a neutral impact upon, pollution and climate change.
- 2.2 In order to aid the planning process, Officers prepared a guide to assist developers and householders in identifying measures and opportunities available to integrate sustainability into their development which was adopted as a Supplementary Planning Document in 2012. This set out how developers can demonstrate compliance with Core Strategy Policy CS6.
- 2.3 While much of the content of the 2012 version of the Document remains relevant it has been affected by a number of recent changes to national policy. In light of this and with the benefit of Officers' experiences in using the Document, it is considered timely to prepare a revised version. A copy of the Draft Revised Sustainable Design Supplementary Planning Document (incorporating changes identified during consultation) is included under Annex 1.
- 2.4 The draft SPD was subject to public consultation during the final quarter of 2015. Following the close of the consultation period Officers considered the responses, made comments of their own and identified potential actions. These are collected under the document enclosed under Annex 2.

3 Consultation

- 3.1 We received five consultation responses, these came from a local resident; the Epsom Civic Society; the Environment Agency; Thames Water; and Gatwick Airport Ltd.

- 3.2 Although none of the responses objected to the content of the document, or raised substantive issues, they suggested a number of minor amendments and additions that collectively improve the usefulness of the SPD. These are set as track changes in Annex 1 and also included as actions under Annex 2

4 Financial and Manpower Implications

- 4.1 There is an ongoing requirement to develop supporting documents to the Local Plan. Planning policy staff resources are already allocated to ensure that this objective is achieved.
- 4.2 As this document already forms part of the Local Plan, its revision should not have any additional impact on the resources of the Development Management team.

5 Equalities and Other Legal Implications

- 5.1 The Revised Document takes account of equality issues. The Council's Statement of Community Involvement addresses those equality issues related to consultation and engagement.

6 Sustainability Policy and Community Safety Implications

- 6.1 The Revised Document will contribute towards delivering the Council's objectives for maintaining and enhancing the Borough as a sustainable place to live, work and visit by providing guidance to new development proposals.

7 Partnerships

- 7.1 None for the purposes of this report.

8 Risk Assessment

- 8.1 The amendments to the Document help to ensure it is up to date with the latest Government policy.

9 Conclusion and Recommendations

- 9.1 Members are asked to consider the consultation responses and proposed further changes to the revised version of the SPD; and that subject to any further amendments the revised SPD be adopted as a supplementary planning document (superseding the existing version).

WARD(S) AFFECTED: All

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Revised Sustainable Design Supplementary Planning Document Final Draft



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1. Introduction

- 1.1 Delivering more sustainable forms of development and effectively tackling the causes and effects of climate change in the way we plan new development requires careful thought and openness to innovative ideas. This guide is designed to aid all those involved in the planning, design and construction of new developments within the Borough.
- 1.2 National planning policy states that there will be a presumption in favour of sustainable development. The Council is committed to ensuring that Epsom and Ewell grows sustainably and Policy CS6 of the adopted Core Strategy requires that new development should result in a sustainable environment and reduce or have a neutral impact upon, pollution and climate change.
- 1.3 By following this Guidance Document, prospective developers can help ensure and demonstrate that their development proposals are genuinely environmentally sustainable.

Status of this Guidance

- 1.4 This Guidance provides detailed information on how planning policy will be implemented, specifically Core Strategy Policy CS6 (set out below). It will form part of the adopted Development Plan for the Borough and will therefore carry significant weight when making planning decisions. How sustainable design is considered as part of the planning process from the pre-application stage through to post completion monitoring is set out in Annex 1.
- 1.5 The measures and opportunities available to developers and householders to integrate sustainability into their development are contained within the Guidance. It provides a mixture of advice, good practice, case studies and references. Importantly the Guidance also sets out how developers can clearly demonstrate that they have met our requirements for sustainable design and how their proposals are in compliance with our Core Strategy and Development Management Policies.

Planning Policy Context

- 1.6 Sustainable development and design objectives are well established through national and local planning policy and underpinned by law¹. The following policies provide the wider context for this Guidance Document.

Local Plan Policy

The Core Strategy:

- 1.7 This is the most important policy document as it sets out the vision and core strategic policies that will ensure the delivery of sustainable communities across the Borough. Its policies are based upon strong local evidence and reflect local conditions. In respect of this Guidance Document, key policies include Policy CS5, which seeks

¹ S39 Planning and Compulsory Purchase Act 2004 on sustainable development – local planning authorities “must exercise the function with the objective of contributing to sustainable development.”; and S183 Planning Act 2008 on good design – “.. must in particular have regard to the desirability of achieving good design; and the Planning and Energy Act 2008 – requirements for energy use and energy efficiency in local plans.

high quality and inclusive design from all development proposals. The Core Strategy also includes Policy CS6, which sets out the requirements for sustainable design and which forms the policy basis for the guidance contained within this document.

Core Strategy Policy CS6

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.

In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development:

- *minimises the use of energy in the scheme by using an appropriate layout, building design and orientation;*
- *minimises the emission of pollutants, including noise, water and light pollution, into the wider environment;*
- *has no adverse effects on water quality, and helps reduce potential water consumption, for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage;*
- *avoids increasing the risk of, or from, flooding;*
- *minimises the energy requirements of construction, for example by using sustainable construction technologies and encouraging the recycling of materials;*
- *encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme;*
- *incorporates waste management processes, for example for the recycling of water and waste. The waste hierarchy (Reduce-Reuse-Recycle-Recover- Dispose) should be applied to all stages of development design, construction and final operation.*

Plan E Epsom Town Centre Area Action Plan:

- 1.8 Although Plan E is primarily focused with maintaining and enhancing the economic vitality and viability of Epsom Town Centre, it also contains policies that relate to sustainable design, which are complemented by this Guidance.
- 1.9 These include Policy E7 Town Centre Building Height, Policy E8 Town Centre Energy Generation and Policy E9 Public Realm improvements. Policy E8 seeks to maximise the opportunity for decentralised and renewable energy sources in the Town Centre. A variety of high intensity uses may lend themselves to such schemes, or have the ability to link in at a later date. Policies E7 and E9 aim to enhance the character and appearance of the town centre helping to ensure its long term its environmental, social and economic sustainability.

Development Management Policies Document:

- 1.10 This recently adopted document helps to deliver the strategic objectives and vision of the Core Strategy. Many of the policies are directly related to sustainability. Policy DM10 is a detailed policy which identifies numerous principles of good sustainable design. Policy DM12 requires certain internal and external space standards to be met while also identifying specific targets for water consumption. Policy DM19 sets out the Council's broad approach to addressing flood risk. Many of these policies are elaborated upon in this Guidance.

National Planning Policy

National Planning Policy Framework:

- 1.11 The National Framework sets out the government's objectives for the planning system and makes a presumption in favour of sustainable development proposals. Our Sustainable Design Guidance helps to identify what this means for Epsom & Ewell in terms of a development's environmental performance and will help us identify whether a proposal is genuinely 'sustainable development'.
- 1.12 The Framework seeks the delivery of quality homes, and high quality design that goes beyond aesthetic considerations. The Government's commitment to wider climate change objectives is stated in chapter 10, which includes the need to reduce carbon dioxide emissions, increase the delivery of renewable and low-carbon energy and minimise the adverse impacts of climate change and manage flood risks. Chapter 11 recognises the need to conserve and enhance the natural and local environment, requiring impacts on biodiversity to be minimised and where possible, gains to be made. In response to this the Council has produced a local guide on Biodiversity and Planning in Epsom & Ewell.

National Planning Practice Guidance:

- 1.13 This national guidance sets out how the Government's planning policies are expected to be applied. For example it contains a chapter on Flood Risk, setting out (amongst many other things) how Flood Risk Assessments should be prepared. The NPPG is updated on a regular basis.

Other influences on Planning Policy

Housing Standards Review:

- 1.14 Planning policy has been influenced by the 2012 Housing Standards Review, which involved a thorough assessment of the building regulations framework and voluntary housing standards (including the Code for Sustainable Homes). In order to simplify the system the Government has withdrawn the Code for Sustainable Homes and created some new 'optional' Building Regulations for water consumption and access. This has been reflected in our Development Management Policies Document, which requires the 'optional' higher standards. The Government has stated that it does not intend to proceed with the 2016 zero carbon homes target but will keep energy efficiency standards under review, "recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established." The energy efficiency requirements are set out in Part L of the Building Regulations. Our Sustainable Design Guidance reflects these changes to national legislation.

Surrey Climate Change Strategy:

- 1.15 The Council is committed to addressing climate change and has demonstrated this through signing up to the Surrey Climate Change Strategy. This partnership seeks to establish a consistent approach across the 11 Surrey Boroughs. It has a wide ranging agenda addressing issues such as improving the energy efficiency of homes, improving supply chains for local renewable resources and highlighting the importance of sustainability in schools.

2. Using the Sustainable Design Guidance

- 2.1 Sustainable design is an integral part of achieving truly sustainable development and the Council will seek to ensure that it is a consideration throughout the planning process.
- 2.2 Our Core Strategy Policy CS6 requires that proposals for development shall result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. Proposals shall demonstrate how they achieve this by providing information on the following areas:
- Minimising the Energy Requirements of Construction
 - Waste Management
 - Air Quality, Noise and Light Pollution
 - Managing Water (water consumption, quality and reducing flood risk)
- 2.3 This Guidance sets out what information applicants must provide under these separate chapter headings, with specific requirements set out at the start of each chapter. Information to support most development proposals should be provided in the form of a Sustainability Statement.
- 2.4 This Guidance also contains a chapter on Energy (chapter 7). However, due to government policy requiring development to meet the standards set out in [part L "Conservation of fuel and power" of the Building Regulations](#), information relating to energy is not included in the Sustainability Statement.

To demonstrate compliance with Core Strategy Policy CS6 and to enable the Council to establish whether a proposal constitutes 'sustainable development', all minor² and major³ development proposals are required to be accompanied by a Sustainability Statement or appropriate BREEAM⁴ Assessment (see BREEAM section on page 10).

The level of detail contained within the Sustainability Statement should be proportionate to the scale of the development and its potential impact.

Applicants for householder developments are encouraged to consider how they can make their development proposals more sustainable (see Householder application section on page 11).

- 2.5 Applicants are encouraged to enter into pre-application discussions with the Council, particularly those proposing major schemes, which will help identify the level of detail required in the sustainability statement and whether any additional supporting studies are needed.
- 2.6 The Council will use the information contained in the Sustainability Statement to assess whether the proposal meets the requirements of CS6. Should the Statement

² Minor development is defined as residential: 1 to 9 dwellings / under 5ha, office / light industrial / general industrial / retail: up to 999sqm / under 1ha

³ Major development is defined as residential: 10 dwellings & over / 5 ha & over, office / light industrial / general industrial / retail: 1000sqm+ / 1 ha+

⁴ This is the Building Research Establishment Environmental Assessment Method, an established environmental assessment method and rating system for buildings.

demonstrate that the proposal does not constitute 'sustainable development' we will use the information in seeking to negotiate the mitigation necessary to achieve compliance with Core Strategy Policy CS6. Failing that the outputs from the Statement will form the basis for refusing the application.

- 2.7 Proposals for non-residential development, such as commercial or community uses (for example schools or other education facilities) will be encouraged to submit an appropriate BREEAM assessment. This will help an applicant demonstrate how they are meeting the requirements of Core Strategy Policy CS6 and also aid the subsequent stages of the development process, when the Building Regulations come into consideration.

2.8 The matrix below provides a brief summary as to what information is likely to be required as part of the sustainability statement for a minor or major development proposal. Further details on the requirements are set out under each section of the SPD.

Section in SPD	Requirements for minor ⁵ or major ⁶ development proposals
3) Minimising the energy requirements of construction	Applicants will need to demonstrate how energy use will be minimised during the construction process (not how the development itself will perform in energy terms).
4) Waste management	Applicants will need to provide details as to how the proposal performs in relation to construction waste, and where applicable, householder recycling and on-site composting facilities
5) Air quality, noise and light pollution	The Sustainability Statement should identify potential air quality, noise and light pollution issues related to the proposal and set out how they are to be addressed.
Air quality	<i>Major Development:</i> An Air Quality Impact Assessment is required. <i>Minor Development:</i> If development is located within a designated Air Quality Management Area an Air Quality Impact Assessment may be required in support of an application.
Noise	An acoustic study may be required to support an application if the proposal will generate noise with the potential to cause nuisance or harm or if it is located in proximity to such sources of noise.
Light	A report setting out lighting isochrome details may be required if a proposal will generate a significant source of light.

⁵ Minor development is defined as residential: 1 to 9 dwellings / under 5ha, office / light industrial / general industrial / retail: up to 999sqm / under 1ha

⁶ Major development is defined as residential: 10 dwellings & over / 5 ha & over, office / light industrial / general industrial / retail: 1000sqm+ / 1 ha+

Section in SPD	Requirements for minor or major development
6) Water consumption, quality and reducing flood risk	The Sustainability Statement should provide information on the following categories, where relevant:
<i>Sustainable Drainage Systems (SuDS)</i>	<p><i>Major Development:</i> Applicants will need to demonstrate how SuDS will be incorporated into the proposal site in perpetuity – such information to be referred to Surrey County Council as the Lead Local Flood Authority.</p> <p><i>Minor Development:</i> All applicants are required to consider the feasibility of SuDS at the design stage of a scheme.</p> <p>The incorporation of SuDS is required if the development is located within an area of surface water flood risk.</p>
<i>Water quality</i>	<p><i>Major Development:</i> Applicants will need to demonstrate that the proposal will not create unacceptable pollution risks to water quality or allow existing risks to continue, particularly if located in a Source Protection Zone.</p> <p><i>Minor Development:</i> If development is located in a Source Protection Zone⁷ applicants will need to demonstrate that the proposal will not create unacceptable pollution risks to water or allow existing risks to continue.</p>
<i>Fluvial flood risk</i>	If the site is over 1 hectare in size or located within Flood Zones ⁸ 2 or 3 a Flood Risk Assessment is Required.
<i>Surface water flooding</i>	If the proposal will increase the built footprint it should be demonstrated that it will not increase the site's risk of or from flooding (e.g. through SuDS).

⁷ These seek to protect groundwater sources such as wells, boreholes and springs used for public drinking water supply. These Zones are defined by the Environment Agency. Further information can be found on [their website](#).

⁸ These refer to the probability of river and sea flooding. Areas defined as Flood Zone 1 have a low probability of flooding. Areas defined as Zone 2 have a medium probability. Zone 3a is defined as having a high probability, whilst Zone 3b is the functional floodplain, where water has to flow or be stored in times of flood. Further information can be found in the [\(national\) Planning Practice Guidance](#).

BREEAM

- 2.9 For non-domestic buildings the Building Research Establishment Environmental Assessment Method (BREEAM) standards can be used to assess the environmental performance of buildings. BREEAM has become one of the most comprehensive and widely recognised measures of a building's environmental performance.
- 2.10 A BREEAM assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology. They include aspects related to energy and water use, the internal environment (health and well-being), pollution, transport, materials, waste, ecology and management processes.
- 2.11 A Certificated BREEAM assessment can be provided by licensed organisations, using assessors trained under a UKAS accredited competent person scheme, at various stages in a buildings life cycle. BREEAM addresses wide-ranging environmental and sustainability issues and can be used by those making a planning application to demonstrate to the Borough Council how their development proposal meets the criteria for sustainable development set out under Core Strategy Policy CS6.
- 2.12 A BREEAM assessment is a two-stage process. The first part of the assessment is undertaken during the design stage, to indicate the likely score for the scheme. The second stage is undertaken post-construction, and reviews the design stage assessment to ensure all the specified issues have been implemented. If the required standard has not been achieved at the construction stage, measures should be undertaken retrospectively to increase the BREEAM score until it meets the required standard. More information can be accessed from the BRE's website at www.breeam.org
- 2.13 BREEAM 'Very Good' is currently secured through planning conditions. The conditions can only be fully discharged when a post-construction certificate is provided, although partial discharge of conditions may be possible with a design stage assessment.

The Council recommends that developers pursuing a non-residential or commercial scheme use the BREEAM assessment methodology to demonstrate the sustainable design performance of their proposal and how it meets the criteria for sustainable development set out under Core Strategy Policy CS6.

Householder Development

While householder applications are not required to be supported by a Sustainability Statement, the Council strongly encourages the consideration of how sustainability principles can be incorporated into a proposal, particularly those elements which are not covered in detail by national policy or building regulations.

These suggestions can help make a proposal more environmentally friendly and could help the occupiers save on utility bills. Key sustainability elements worth considering include:

- **Sustainable drainage systems (SuDS)** – incorporating such measures can help reduce the risk to and from flooding. This is particularly important if the development is located within an area identified as being at risk from surface water flooding⁹. Examples include, green roofs, permeable paving and water butts which can also help reduce water consumption. Larger schemes may wish to consider rainwater harvesting and greywater recycling which can significantly decrease water bills if the property is on a water meter (further information is provided in chapter 6).
- **Incorporating renewables** – new development can be an opportunity to install renewable technologies, such as solar panels, which as well as being environmentally friendly can significantly reduce energy bills (further information is provided in chapter 7)
- **Energy and water efficient white goods** – such as low flow taps, showers and water efficient white goods. These may help provide savings to utility bills.
- **Waste facilities (composting)** - while the provision of well-designed refuse and recycling facilities are required by planning policy, composting facilities can help reduce the amount of waste sent to landfill and provides an excellent resource for the garden (further information is provided in chapter 4).
- **Minimising energy requirements of and waste arising from construction** – consider using recycled materials where possible or those with ‘low embodied energy’ such as timber. Sourcing materials locally is also more environmentally friendly (further information is provided in chapter 3).

⁹ Further information on this source of flood risk can be found within the Borough Council’s [Surface Water Management Plan](#) and on the [Environment Agency's website](#).

3. Minimising the energy requirements of construction

REQUIREMENTS

As part of the Sustainability Statement developers shall demonstrate how they have sought to minimise energy within their construction process. This will include details of how embodied energy costs within materials have been reduced. Reference should be made to how recycled, reclaimed, sustainable and locally sourced materials will be used.

Where an applicant is unable to demonstrate that they have sought to minimise energy within their development, a clear statement setting out the reason why not must be submitted as part of the application. If viability is cited as a reason, a financial open-book assessment will be required as supporting evidence.

- 3.1 All materials have an embodied energy cost. For example, a clay brick will have costs associated with extracting the raw material from the earth, which is then coupled with a manufacturing cost and finally a transportation cost. Some relatively cheap materials, such as Chinese slate, will have significant embodied energy costs generated by extraction and transportation.
- 3.2 There are a number of relatively simple measures that developers and homeowners can take that effectively reduce the energy requirements of construction, not only benefiting the environment but also saving them money and in some cases supporting the local economy.

Recycling of materials

- 3.3 In Epsom & Ewell the availability of greenfield development land is heavily constrained by the Green Belt and other policy designations, and consequently most future developments will be on sites within the existing urban area. Many of these development opportunities will be on brownfield sites. Ideally, we believe that new developments should consider the potential re-use/ conversion of any existing buildings that may be on-site. This significantly reduces the need to bring new materials into the Borough. Reuse of existing structures can, in some circumstances, also reduce the cost of the development.
- 3.4 Where the re-use of existing buildings is not an option, the developer should explore the potential to recycle or reclaim on-site materials as part of the development. This is particularly relevant where a historic building is involved. The Council's Conservation Officer is available to provide guidance to developers or homeowners who are considering this approach. If it is not possible to recycle on-site materials as part the development proposal, we strongly recommend that developers consider the re-sale value of these materials as part of their waste management strategy (see Section 4).
- 3.5 Alternatively, developers and homeowners should consider optimising the use of reclaimed or recycled materials where appropriate. This approach is present in countless historic buildings, is inherently sustainable and can benefit the visual character and appearance of the proposal. This may be particularly beneficial for developments within or adjoining the Borough's numerous conservation areas. However, over-specification of reclaimed materials can sometimes result in the unnecessary stripping of traditional buildings and so a cautionary approach is recommended when sourcing such materials. Examples of potential materials include:

Reclaimed

- Re-used timber sections or floorboards
- Bricks – cleaned up and reused
- Re-used glass panels or windows

Recycled

- Panel products with chipped recycled timber
- Crushed concrete or bricks for hardcore
- Crushed glass recycled as sand or cement replacement

Maximise the use of materials with a low embodied energy

- 3.6 This is the amount of energy required to extract, make and transport a product. For example, products which have long manufacturing processes, such as plastics and silicon, have high-embodied energy because they use up fuel and other resources. These materials also tend to be less bio-degradable, having a significant cost implication for the waste management stage of the development (see Section 4).
- 3.7 In contrast timber, which in some cases only needs sawing before it is ready for use, has low embodied energy. Timber window frames are strongly encouraged over uPVC and aluminium. Equally the use of timber building frames is also encouraged where appropriate. Notably, timber products and waste are significantly easier to re-use, reclaim or recycle. There are a number of publications, such as the Green Building Bible, that suggest alternatives to other high embodied energy materials such as cement.

Locally sourced materials

- 3.8 Materials extracted, or manufactured locally (within Surrey or the South East) have significantly less embodied energy than those imported from overseas. Their use can help to make a development proposal more viable and contribute to local economic vitality and viability. Use of local materials can serve to visually enhance the character and appearance of a development – particularly if it is located within or close to one of the Borough's Conservation Areas.

Use materials efficiently

- 3.9 We believe that it is common sense that developers and homeowners should seek to minimise the volume of materials used in a development project. We suggest that developments are planned and monitored carefully in order to avoid waste. This can be achieved through measures that utilise whole units of construction materials.
- 3.10 We also recommend that where materials are being stored on-site, they are maintained in a way that minimises losses to damage caused by rain and damp. Ultimately the efficient use of materials will help reduce the cost of development – both in cost of materials and in removal of waste off-site.

4. Waste management

REQUIREMENTS

For all development proposals the Sustainability Statement shall demonstrate how the scheme performs in relation to construction waste, and where appropriate, householder recycling and on-site composting facilities.

Details of how construction waste will be managed in terms of the waste hierarchy (i.e. minimised, sorted, reused and recycled) should be provided. If the construction process involves the disposal of hazardous waste, then the Council will require details of how this operation will be carried out.

Where appropriate, the statement will specify how householder recycling will be collected and how it will fit with the Council's existing recycling collection service. Details as to what on-site composting facilities will be provided need to be set out.

- 4.1 Most development proposals, whether they are the subject of a planning application or fall under householder permitted developments rights, will produce waste in one form or another. This could include the packaging used to transport materials onto the site (such as brick pallets or cement bags), right through to building rubble and spoil.
- 4.2 In order to reduce the generation of waste our Core Strategy requires that developments apply the waste hierarchy – **Reduce-Reuse-Recycle-Recover and Dispose**. This approach must be applied to all stages of the development process; particularly during site preparation, construction and final operation in order to sustainably manage waste generated by development.

What is meant by the Waste Hierarchy?

- 4.3 The waste hierarchy encourages more efficient management of construction materials in order to reduce the amount of waste produced during the development process. It also provides an opportunity to recover value from the waste materials that are produced during construction. Thereby reducing the amount of waste being disposed of through landfill or incineration. It is acknowledged that it may not be possible to apply it in totality because there are many complex factors that influence the optimal management for any given waste material. However, as a positive guide that firstly encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting.
- 4.4 The following diagram illustrates how the waste hierarchy should work with the most desirable waste management solutions being at the top and the least favoured options at the bottom. The most desirable approach is to actively prevent the generation of waste in the first place – the least favoured option requires the disposal of all waste generated by development proposals, either through incineration or landfill. These are the least sustainable solutions to waste and have the greatest long term impact upon the Borough. Recent research demonstrates that the prevention and minimisation of waste from the outset of the development process saves money - it makes sense for householders and businesses to adopt the waste hierarchy.

Figure 1: The Waste Hierarchy



Avoidance: means measures taken before a substance, material or product has become waste, that reduce:

- (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (b) the adverse impacts of the generated waste on the environment and human health; or
- (c) the content of harmful substances in materials and products;

Reduction: involves efforts to minimise resource and energy use during the construction or manufacture stages. For the same output, usually the fewer materials are used, the less waste is produced. It is worth noting that in the United Kingdom, construction and demolition are the highest sources of waste.

Re-use: means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived. Preparing for re-use means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.

Recycling: means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery.

Recovery: means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Disposal: means any operation which is not recovery even where the operation has as a secondary consequence by the reclamation of substances or energy.

- 4.5 The Waste (England and Wales) Regulations 2011 formally sets out the requirements for the waste hierarchy. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then other recovery such as energy recovery, and last of all disposal (for example landfill).
- 4.6 Regulation 12 of the Waste (England and Wales) Regulations 2011 says that businesses that import or produce, collect, transport, recover or dispose of waste, or who operate as dealers and brokers, must take all reasonable measures to apply the waste hierarchy when the waste is transferred off-site.
- 4.7 Those developers that have or required to hold an environmental permit for an operation that generates waste will have to comply with a permit condition concerning the application of the waste hierarchy.
- 4.8 The Regulation 12 hierarchy duty came into force from **28 September 2011**, six months after commencement of the regulations. The Department of Environment Fisheries and Rural Affairs (DEFRA) has produced guidance in England on applying the hierarchy which can be accessed via the following [link](#).

How do I demonstrate that I have followed the waste hierarchy?

- 4.9 Advice on this is provided within Government guidance and various best practice guides for industry sectors. It is best practice to consider the most appropriate management option for any waste produced during the development process and to record in some way any advice received and decisions taken in relation to the waste.
- 4.10 Developers holding an environmental permit which has the new hierarchy condition should be able to demonstrate that they have taken the hierarchy guidance into consideration when deciding how to minimise and manage the waste produced. Under those circumstances we will not require detailed written justification of the decisions made but those decisions must be reasonable.
- 4.11 Transfer notes and, for hazardous waste, consignment notes, should contain a declaration that the waste hierarchy has been considered in deciding the most appropriate waste management option for that waste.

Where do I go if I have no choice but to dispose of the waste?

- 4.12 Disposal of construction waste is the least sustainable and ultimately the most costly way of dealing with this issue. Those responsible for project managing a development, whether it is a household extension or a new housing development, should actively plan for the prevention, minimisation, reduction or recycling of waste materials before work commences on-site. By doing so there will be considerable cost saving to the developer.
- 4.13 Nevertheless, there will be situations when disposal of waste materials is the only option and details of the Borough's Civic Amenity Site can be accessed from www.surreywaste.co.uk

Providing recycling facilities within new developments

- 4.14 Whilst there are statutory requirements with regards to provision for waste and recycling, there are additional measures that can be taken to ensure that the development has a negligible impact on the environment. Provision for the storage, collection and recycling of waste needs to be an integral part of any design for a new development since it is fundamental in its operation.
- 4.15 Internal and external storage areas, designated for recycling purposes, should be integrated into a development.
- 4.16 The Council has produced detailed guidance on the storage and collection of household waste to clearly set out the access requirements for the Borough's refuse collection fleet and the types and size of refuse and recycling storage containers that will need to be provided. A copy of this guidance is included in annex 2.
- 4.17 For commercial developments, space should be allowed for the collection and storage of bulk material for recycling.

Useful links

- 4.18 The Waste and Resource Action Programme [WRAP](#) website contains useful information including case studies and good practice guidance for the construction industry.
- 4.19 The revised European Waste Framework Directive introduces a changed hierarchy of options for managing wastes. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then other recovery such as energy recovery, and last of all disposal.

5. Air Quality, Noise and Light Pollution

REQUIREMENTS

The Sustainability Statement should identify potential air quality, noise and light pollution issues related to the proposal and set out how they are to be addressed. Further detailed studies may be required to support an application as set out below:

Air Quality

All major development proposals are required to be accompanied by an Air Quality Impact Assessment, particularly where the location, proposed use, building design and number of vehicle trips generated has a potential air quality impact. The AQIS should feature an assessment of pollutants generated by the development itself (such as the use of diesel boilers or Combined Heat and Power) as well as associated emissions from road traffic directly and indirectly generated from the development.

Should a development (of any size / type) be located in an identified Air Quality Management Area (AQMA) then an AQIS may be required.

Noise

An acoustic study will be required from development proposals / new uses that will generate noise with the potential to cause nuisance / harm, or are located in proximity to sources of significant noise. Examples of the former could include proposals for large retail uses located in proximity to residential properties, and the latter, proposals in proximity to a railway line. Residential developments in the town centres should be designed to comply with the standards in BS8233.

Light

Where appropriate, applicants will be required to submit a report setting out lighting isochrome details; specifically mapping lighting contours and lux levels emanating from source.

Air Quality

- 5.1 All local authorities have a responsibility to review and assess the current and likely future air quality within their borough from time to time. Air quality is assessed against objectives for various pollutants which are set out in the National Air Quality Strategy. These objectives are based on scientific and medical evidence on the effects of each pollutant on human health.
- 5.2 Where a local authority identifies that an air quality objective for a particular pollutant is being or may be exceeded in a particular area where there is relevant public exposure, they must declare an air quality management area. Details of the Council's role can be found on [our website](#).
- 5.3 The impact on air quality from small developments can be difficult to quantify, as it may only be negligible. However, the cumulative impact of smaller schemes can contribute to worsening air quality, so the Council will seek to secure mitigation measures such as travel plans for these schemes. This is particularly relevant in

those locations where the Council has identified an Air Quality Management Area (AQMA) or is currently monitoring air quality.

- 5.4 For major developments which are likely to impact upon air quality, an Air Quality Impact Assessment (AQIA) will be required. However an AQIA may be required for smaller schemes (which do not require an Environmental Impact Assessment) and advice should therefore be sought from the Council's Development Management Team as to whether an AQIA would be required with a particular application. For large schemes, a package of mitigation measures will be required, which could include travel plans, site specific design measures and air quality monitoring equipment.
- 5.5 Within some urban locations, especially AQMAs, building design can impact upon air quality. In particular, taller buildings that contribute to an existing 'canyon effect', where road and street networks are enclosed by surrounding tall buildings, which can hinder air circulation and trap vehicle produced particulates. In such locations, the Council will seek to negotiate with developers to ensure that the design of new buildings has at worst a neutral impact upon existing air quality.
- 5.6 The Council's Development Management team work closely with the Council's Environmental Health service to ensure that the appropriate measures are secured to mitigate the impacts of development on air quality.

Noise

- 5.7 Under Section 79 of the Environmental Protection Act 1990, local authorities have a duty to take reasonably practicable steps to investigate complaints of statutory nuisance, including: "Noise emitted from premises so as to be prejudicial to health or a nuisance."
- 5.8 Minimising the adverse impacts of noise is a significant issue for the Borough Council. This is because most new development takes place within the existing urban area. This is particularly relevant in locations where there are a combination of different uses, such as residential accommodation, retail, employment and leisure uses. Recent developments in Epsom Town Centre provide good examples of how of how this issue could be considered.
- 5.9 In that respect applicants are encouraged to enter into pre-application discussions with the Council to identify whether acoustic studies are required to support a proposal. The Council's Development Management team will work closely with the Environmental Health service to ensure that the impact/potential impact of noise pollution is mitigated.

Light

5.10 Artificial light from premises can have a detrimental impact on the quality of the local environment. Under Section 79 of the Environmental Protection Act 1990, local authorities have a duty to take reasonably practicable steps to investigate complaints of statutory nuisance, including: "Artificial light emitted from premises so as to be prejudicial to health or a nuisance."

5.11 Developers are advised to refer to the environmental zones for exterior lighting control contained within International Commission on Illumination Publication No. 150:2003 Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations. It is recommended that developments be designed in accordance with the zones in which they are proposed as well as the appropriate standards (such as the British Standard on Illumination of Sports Grounds)

Common sources of artificial light nuisance include:

- domestic security lights
- industrial and commercial security lights
- sports lighting
- car parks
- commercial advertising

6. Managing water

REQUIREMENTS:

The Sustainability Statement should provide information on the following categories where relevant:

Sustainable Drainage Systems – SuDS

All development proposals are required to consider the feasibility of SuDS being incorporated into the scheme at the design stage and where appropriate incorporate SuDS into the development.

Major development proposals (10 or more dwellings or over 1000 sq m of floorspace) are required to demonstrate how sustainable drainage systems (SuDS) will be incorporated into the site in perpetuity. This information will be passed to Surrey County Council who as the Lead Local Flood Authority for this area is a statutory consultee.

Proposals for developments falling within an area of surface water flood risk (as identified on the Environment Agency's¹⁰ "Risk of Flooding from Surface Water" maps, available via the EA website) must consider whether the layout of the scheme could be modified to better respect the natural drainage routes; and if SuDS could be incorporated into the development to reduce / mitigate the impact of the development.

Surface water flooding

New development that increases the built footprint on site, that fall within an area at risk of surface water flooding (as identified on the Environment Agency's "Risk of Flooding from Surface Water" maps, available via the EA website) must demonstrate that it will not increase the site's risk of or from flooding. This could be achievable through introducing Sustainable Drainage Systems on the site to ensure the run-off rate is not increased.

Fluvial Flooding

Any development proposed within Flood Zones 2 or 3 (as identified on the Environment Agency's "Flood Map for Planning (River and Sea)", available via the EA website) or over 1 hectare in size within Flood Zone 1 must prepare a site specific Flood Risk Assessment.

Water consumption

All residential developments are required to meet the tighter Building Regulations optional requirement of 110 litres per person per day. This will be included as a condition in any planning permission for a new dwelling/s.

Water quality

Applicants must show that their proposal will not create unacceptable pollution risks to the water or allow existing risks to continue.

Major development proposals and other development proposals falling within the identified SPZs (as set out on the Council's GIS mapping service) should be supported by documentation that clearly and concisely sets out the type of measures that will be incorporated into the proposal to ensure that there are no adverse impacts on water quality – both during the construction stage and the life of the development.

¹⁰ The Council will consult the Environment Agency on planning applications, where appropriate. Details of when the Environment Agency will be consulted can be found in the [External Planning Consultation List](#). Developers may seek a [preliminary opinion](#) from the Environment Agency.

Sustainable Drainage Systems (SuDS)

6.1 SuDS are an alternative to conventional means of managing surface water. They aim to mimic the way rainfall drains in natural systems. The prime function of SuDS, as with conventional drainage, is to provide effective flood risk protection over the long term both within and downstream of the development. However, SuDS approaches can bring wider benefits too; including

- adding amenity for the community,
- benefits to local biodiversity,
- treating the quality of surface water run-off
- reducing water consumption
- minimising the unnecessary loss of water to the mains drainage system
- reduce the likelihood of damaging and potentially polluting surface water floods

Therefore the Council encourages that SuDS be integrated into development wherever possible.

From April 2015 all major planning applications are required to demonstrate how sustainable drainage system (SuDS) will be implemented within their scheme in perpetuity. Surrey County Council is the Lead Local Flood Authority for this area and is therefore a statutory consultee on such applications.

SuDS that are potentially suitable in the Borough include:

Detention Basins

These are surface water storage areas that provide flow control and reduction through attenuation. They are normally dry and could be used for alternative purposes for much of the time (e.g. car parks recreational facilities)

Ponds and Wetlands

These are designed to be areas of permanent standing water which can provide attenuation of flows, and a certain degree of treatment. In doing this they can also provide ecological, aesthetic and amenity benefits.

Swales

Linear vegetated drainage features which can store and convey water. As part of a management train they can pass water from one storage area to the next and provide infiltration where suitable. Swales can be designed to be permanently wet or generally dry and are often located next to roads, car parks or open spaces.

Porous or Permeable Pavements

Suitable for pedestrian and vehicular traffic and allow rainwater to infiltrate through the surface where it can be temporarily stored, reused, or released into the drainage system. Construction can use porous material which permits infiltration across the entire surface or material which is impervious to water but which is laid with void spaces to permit infiltration.

Soakaways

These are filled excavations which store runoff from single properties or larger developments and roads and allow infiltration into the surrounding soil. They only work in freely draining soils.

Water butts

Approximately 13% of domestic water consumption is via external taps mainly for watering the garden or cleaning cars. A water butt is the simplest solution. These can be used to collect the rainwater that falls directly onto the roof of a building by connecting it to a downpipe and collecting rainwater from the gutters. If you are using a downpipe, you will also need an overflow pipe or a rain diverter to redirect water into the butt. Once it's full, water flows down the drainpipe. A gutter filter will also keep out unwanted debris.

Large plastic water butts can sometimes be unsightly and ideally should not be visible from the public realm, especially in Conservation Areas.

Rainwater Harvesting

Rainwater harvesting is the collection of water directly from the surface it falls on. This water would otherwise have gone directly into the drainage system or be lost through evaporation and transpiration. Once collected and stored it can be used for non-potable purposes. These include toilet flushing, garden watering and clothes washing using a washing machine.

Benefits

- Rainwater harvesting reduces the dependence of a household on the mains water supply by up to 50%
- For customers with water meters, water bills may also be reduced.
- Less water is taken from lakes, rivers and aquifers, and more is left to benefit ecosystems
- Potential reduction in risk of surface water flooding due to less rainwater being discharged to drains and sewers

Figure 2: Rainwater harvesting



Green Roofs

6.2 Green roofs are roof areas that are intentionally covered in vegetation. These are an increasingly common feature on buildings. There are three main types of green roofs:

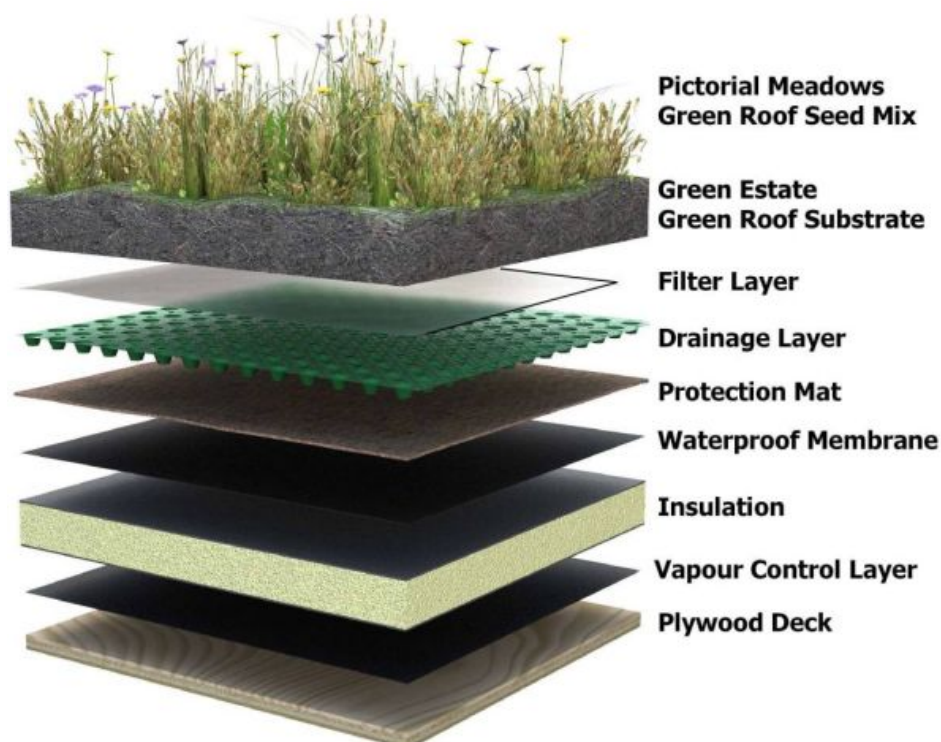
1. **Extensive** green roofs are composed of lightweight layers of draining materials, supporting low- growing, hardy plant species. The depth of the substrate is usually around 6-20cm. This is the lightweight option particularly used where weight is a design issue. It requires little maintenance.
2. **Intensive** green roofs have deeper substrate of up to 40cm, and can support a range of vegetation types including plants and trees. They are heavier as a result and require more maintenance than extensive roofs
3. **Semi- intensive** green roofs consist of a slightly deeper layer of growing materials than extensive roofs allowing different varieties of plants to grow. These roofs are not suitable for recreational use.

6.3 Retrofitting green roofs is feasible on many buildings providing spare load capacity is available. Extensive as well as intensive roofs can be retrofitted whether supported by wood steel or concrete. Although the capital cost of retrofitting a green roof will typically be greater than simply replacing a traditional flat roof, the whole life costs of the green roof may well be less and could be considered if the existing roof is in need of replacement.

Benefits:

- Surface water source control
- Improved durability of the roof
- Aesthetic and amenity value
- Enhanced biodiversity
- Promotion of evaporative cooling and reduction of urban heat island effect

Figure 3: Cross Section of a Green Roof



(Source: www.environmentaltopics.net)

Wilberforce Court (student accommodation) in Epsom has an extensive green roof.

Figure 4: Image of the Wilberforce Court green roof

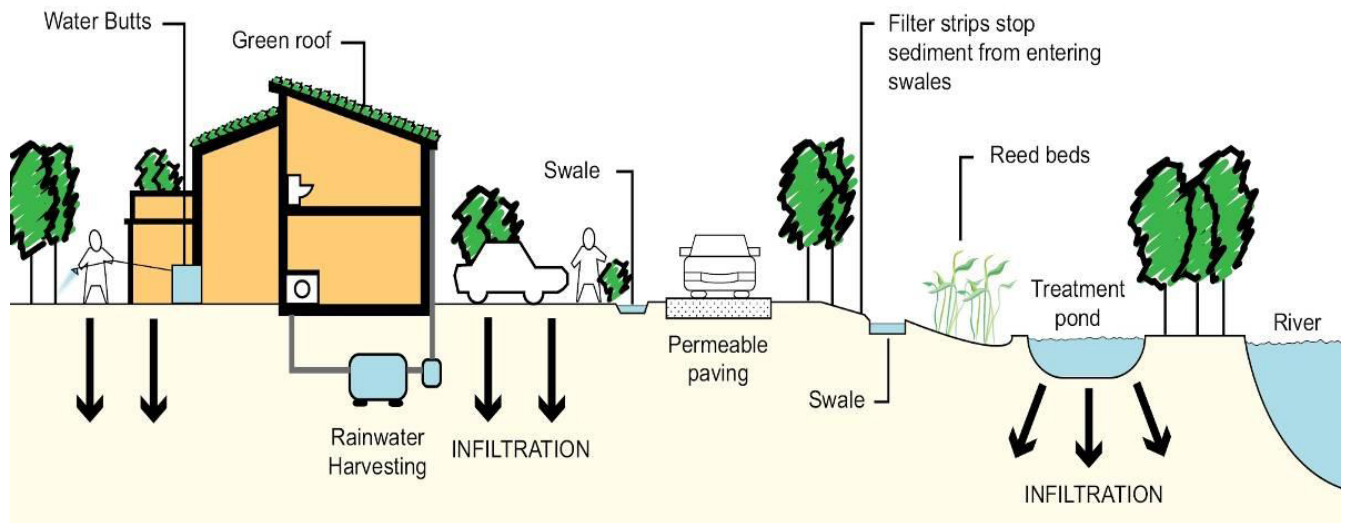


6.4 Before you decide to install a green roof you are advised to contact Building Control first. They will be able to advise you on a number of issues before starting including;

- Possible increase in weight to the roof
- Insulation levels
- Minimising the potential risk of fire
- Protecting from damp
- The provision of safe maintenance access to the roof.

Some of these issues may affect the type of green roof you install, so it's always wise to check first.

Figure 5: Diagram of potential SuDS schemes



Local SuDS Suitability Map and advice

- 6.5 A SuDS Suitability map and local advice has been produced as part of the Council's Surface Water Management Plan (SWMP). This shows the type of sustainable drainage techniques suitable in the different geological areas of the borough. The geology of the borough is made up of chalk, London clay, Lambeth group and Thanet sands. Chalk allows for infiltration whereas the bedrock in the other areas may not be suitable for infiltration techniques. This map, useful advice on appropriate local SuDS and a summary of individual measures to improve surface water management in the Borough can be found in Annex 3.
- 6.6 Many of the SUDS measures such as swales, ponds and basins can be incorporated into the design and landscaping of a development. They have additional benefits of enhancing biodiversity and enhancing the appearance and setting of a development if properly designed into the development in an appropriate location. Some of these measures require large areas of land, and may not be appropriate in high density developments. Therefore it is important that permeable hard surfacing and roofs/walls are considered on the higher density development sites to address the cumulative effect of these types of developments on off-site water discharge.
- 6.7 Existing and new SUDS and road drainage should be properly maintained to ensure their continued effectiveness.

Case Study: Bristol Business Park, Bristol

- 6.8 This is a commercial development located to the northeast of Bristol, which has been developed over a number of phases since 1993. The final three phases of development have incorporated a series of SUDS measures that seek to mitigate surface water flood risk to the neighbouring village of Hambrook. Initial SUDS measures included traditional features such as ditches and ponds. More innovative approaches were introduced during the later stages of the site's development. These included extensive areas of permeable paving, and swales and a detention pond. Further information can be found at the [following link](#).

- 6.9 Further information, guidance and case studies on SuDS can be found on the [Susdrain website](#).

Reducing flood risk

- 6.10 The Council has produced a Strategic Flood Risk Assessment (SFRA) and a Surface Water Management Plan (SWMP). These identify the different types of flood risk present in the Borough and how this should be considered when proposing development.

Strategic Flood Risk Assessment (SFRA)

- 6.11 The SFRA delineates the borough into zones of low, medium and high probability of fluvial flooding. The delineation is based largely upon existing available information provided by the Environment Agency.
- 6.12 Areas of the Borough that fall within flood zones 3b and 3a are the most susceptible to fluvial flooding and development within these areas may only be considered following application of the Sequential Test, and 'more vulnerable' development should be avoided wherever possible. The Environment Agency and DEFRA have produced [information and guidance](#) on conducting a sequential test.
- 6.13 Any development proposed within Flood Zones 2 or 3 or over 1 hectare in size within Flood Zone 1 must prepare a site specific Flood Risk Assessment.
- 6.14 Since the SFRA was published, the Environment Agency has amended the flood zones for the Borough. The most up to date flood zones can be viewed on the [Environment Agency's website](#). These should be viewed in conjunction with the SFRA.
- 6.15 The SFRA can be viewed on the Council's website at the [following link](#).

Case Study: Stanmore Place, Harrow

- 6.16 A high density housing scheme in a suburban neighbourhood that incorporates features such as a large lake and extensive lush planting (as part of the scheme's wider landscaping) to help mitigate flood risk from the adjoining Edgware Brook. These features, have contributed to the overall attractiveness and marketability of the scheme.

Surface Water Management Plan

- 6.17 Work undertaken in partnership between Epsom and Ewell Borough Council, Surrey County Council, the Environment Agency and Thames Water has identified a significant risk of flooding from surface water runoff within the Borough¹¹. The Borough's [Surface Water Management Plan](#) recommends that surface water flooding should be managed cumulatively, with each new development and household ensuring they do not contribute further to the risk of flooding in the Borough.
- 6.18 The SWMP identifies sustainable responses to manage surface water flooding and provides an evidence base upon which future decisions and funding applications can be based. The SWMP identifies the areas particularly at risk of surface water flooding and mitigation measures that should be introduced to alleviate this risk.

¹¹ Epsom & Ewell Surface Water Management Plan, River Hogsmill Defra Integrated Urban Drainage Pilot and Epsom and Ewell Borough Council Strategic Flood Risk Assessment

- 6.19 All applications should consider surface water flood risk and show how the proposal will contribute positively towards the reduction of this risk across the borough.

Paving Over Front Gardens - Changes to Permitted Development:

- 6.20 The combined effect of many homeowners within the Borough paving over their front gardens can increase the amount of surface runoff which adds to the risk of flooding. The additional hard surfaces also increase the amount of pollution (oil, petrol etc.) which can be washed off into the drains and enter the streams and rivers, as well as decreasing the amount of water which can infiltrate naturally to recharge underground aquifers. The cumulative increase in paved surfaces is known as 'urban creep'.
- 6.21 At a national level, following the summer floods of 2007, urban creep was identified by Sir Michael Pitt in his scrutiny review to Government as '[having] *a significant impact on the natural drainage of surface water, as water that previously soaked into the ground has nowhere to go and can increase the risk of surface water flooding.*' The review also identified that, '*Householders should no longer be able to lay impermeable surfaces as of right on front gardens.*' These findings are in line with the Borough's Surface Water Management Plan (SWMP) and supported by the SWMP partnership of organisations.
- 6.22 For this reason, permitted development rights that previously allowed householders to pave their front garden with hardstanding without planning permission have been removed. Since 1 October 2008, planning permission is required if more than five square metres of a new or replacement driveway is to be covered with traditional, impermeable materials that do not provide for the water to run to a permeable area.
- 6.23 The Council is supported by the SWMP Partnership (consisting of the Environment Agency, Thames Water, Surrey County Council and EEBC) in refusing permission for further impermeable front gardens where no provision has been provided to ensure the surfaces will not increase the amount of surface water runoff leaving the site.
- 6.24 Instead, there are a number of options for a new or replacement driveway to use permeable (or porous) surfacing, or to direct the runoff to a lawn or border to drain naturally. These alternative options will not require planning permission and can be better for the environment, provide attractive parking areas, do not necessarily cost more or require a lot of maintenance. Examples of options, as well as further background information, can be found in the guidance document 'Guidance on the permeable surfacing of front gardens'

Reducing potential water consumption

- 6.25 The UK's population is growing, and this is placing an increasing demand on the water supply. The demand is forecast to increase further, as climate change leads to warmer temperatures and more periods of drought. Therefore it is important that developments minimise water consumption and maximise water recycling.
- 6.26 The increased frequency of drought conditions mean that areas like Epsom that are already stretched for water capacity, will be under increasing pressure. The Environment Agency has produced a "Water Stressed Areas – Final Classification" document, which identifies the stress situation for each water company across the UK. The Borough of Epsom & Ewell is served by Thames Water and Sutton & East Surrey Water both for which the stress levels have been identified as "serious".

While all new homes already have to meet the mandatory national standard set out in Building Regulations (of 125 litres per person per day), the Council has adopted the tighter Building Regulations optional requirement of 110 litres per person per day from October 2015. This requirement is set out in Policy DM12 in the Development Management Policies Document.

- 6.27 The website www.water-efficient-buildings.org.uk provides a valuable source of information about costs and benefits of water efficient new development, as well as advice on the specification and delivery of water-efficient developments.

Water Efficiency Calculator

- 6.28 The Water Efficiency Calculator for New Dwellings (Water Calculator) is the government's national calculation method for the assessment of water efficiency in new dwellings. The calculator assesses the contribution that each internal water fitting has on whole-house water consumption. The figures are calculated by using the manufacturer's product details multiplied by an assumed use factor. More information can be found at the [following link](#).
- 6.29 There is a wide range of water efficiency measures that can be implemented, including:
- Installing flow restrictors to taps
 - Installing aerated showers that use less water but increase perceived flow rate
 - Low flush/ dual flush WCs
 - Taps with water brakes that require additional force to be turned on more than a specific amount
 - Low volume baths
 - Washing machines and dishwashers with eco settings
- 6.30 In addition to specifying water efficient fixtures, water consumption can be reduced further by recycling. The recycling measures such as rainwater harvesting, water butts, greywater drainage and SUDS are more economical to install during the construction phase rather than as part of a retro-fitting scheme.

Greywater recycling

- 6.31 Grey water is waste water from showers, baths, washbasins, washing machines and kitchen sinks. You can collect it from some or all of these sources and, after treatment, use around the home for purposes that do not require drinking water quality such as toilet flushing or garden watering. It is important that contaminants such as soap, salt and grease are removed. A sand filter can be used to reduce the amount of chemicals in the water.

Benefits:

- If used for toilet flushing, a greywater system could potentially save a third of the mains water used in the home.
- For customers with water meters, water bills may also be reduced.
- Less water is taken from lakes, rivers and aquifers, and more is left to benefit ecosystems
- Potential reduction in risk of flooding due to less rainwater being discharged to drains and sewers

Water Quality

- 6.32 Hard surfaces, such as paved over areas used for car parking or as garden patios can have a harmful impact on water quality. For example from oil and petrol spillages that is washed into the drains then entering streams, rivers and groundwater.
- 6.33 Groundwater is a valuable resource that provides water for domestic, agricultural and other commercial uses. Both European and national legislation, requires the prevention of groundwater pollution for the public good.
- 6.34 Locally the groundwater for human consumption is abstracted from the chalk aquifer. The chalk is a 'principal aquifer' capable of storing and transmitting groundwater in commercial quantities. The chalk aquifer is present at the surface in the south and east where groundwater could be affected by development and/or land contamination.
- 6.35 The Environment Agency has produced some 'standard groundwater protection advice on the discharge of surface water to ground'. This states that where disposal of surface water to the ground is the only option, it should conform to current best practice for designing SuDS to prevent the pollution of groundwater from 'diffuse' sources and ensuring compliance with the objectives of the water Framework Directive.

EA Groundwater protection advice on discharge of surface water

- 6.36 The Environment Agency has defined Source Protection Zones (SPZs) for numerous groundwater sources used for public drinking water supply. A large proportion of the Borough has been designated as a SPZ with a significant area surrounding Epsom town centre. Further information on SPZs and a map showing where they are located can be found on the Environment Agency's webpage 'Groundwater source protection zones'.

7. Energy

- 7.1 While there is no requirement for information relating to the energy performance of a building to be contained in the Sustainability Statement, this chapter contains a wealth of information on how energy consumption can be reduced and supplied more sustainably.
- 7.2 The application of the Energy Hierarchy is a tried and tested approach that reduces the adverse environmental impacts of new development. This approach seeks to minimise the development's energy use before meeting its demand by the cleanest means possible. We recommend this approach.

The Energy Hierarchy

A. Reduce the need for energy – Site layout and orientation of buildings can reduce the energy demand of buildings by capitalising on passive solar gain which utilises the energy from the sun to heat and provide light for certain rooms of a building.

B. Use energy efficiently - There are many measures that you can incorporate that help to save and efficiently use energy. These include thermal efficient glazed windows, draught proofing, insulation, and energy efficient appliances (light fittings etc).

C. Supply energy efficiently - By using existing energy supplies more efficiently greenhouse gas emissions can be significantly reduced (also termed low carbon sources), e.g. distributing waste heat energy via power networks improves the efficiency further still; or using Combined Heat and Power (CHP) networks.

D. Use renewable energy – Developments can incorporate technologies that obtain energy from flows that occur naturally and repeatedly in the environment – such as from the wind (wind turbines), from the sun (Solar PV and Solar Thermal) and from biomass.

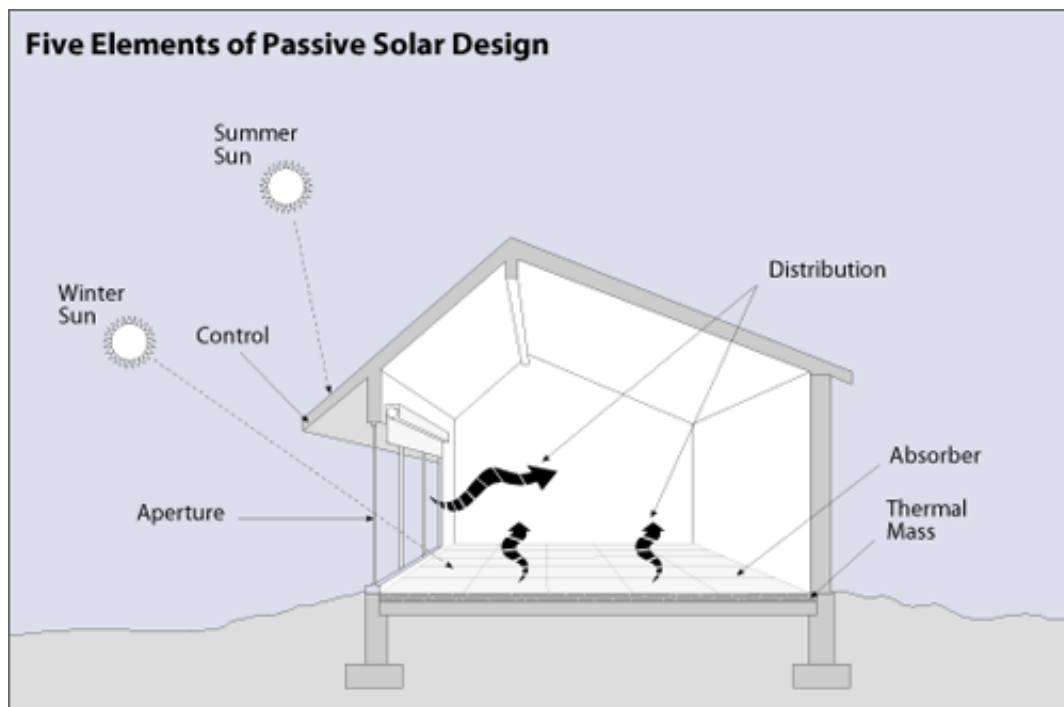
A Reduce the need for energy

Passive Solar Building Design/ climatic design

- 7.3 This is the use of the sun's energy for the lighting, heating and cooling of living spaces. The building (or element of the building) takes advantage of natural energy characteristics in materials and air created by exposure to the sun. It is achieved through orientation, layout and glazing. It does not involve the use of mechanical and electrical devices. For domestic buildings this can contribute as much as 15% of the energy required for heating and lighting. By incorporating PSD into new buildings, annual fuel bills can be reduced and CO2 emissions can be reduced.
- 7.4 In most situations measures to maximise the potential for passive solar heat gain in new developments will be possible within the design of the scheme at no significant extra cost. For example, where appropriate buildings should be compact in shape to reduce their surface area, with windows orientated towards the south to maximise passive solar gain.

The following are important elements of passive solar home design:

Figure 6: Elements of passive solar design

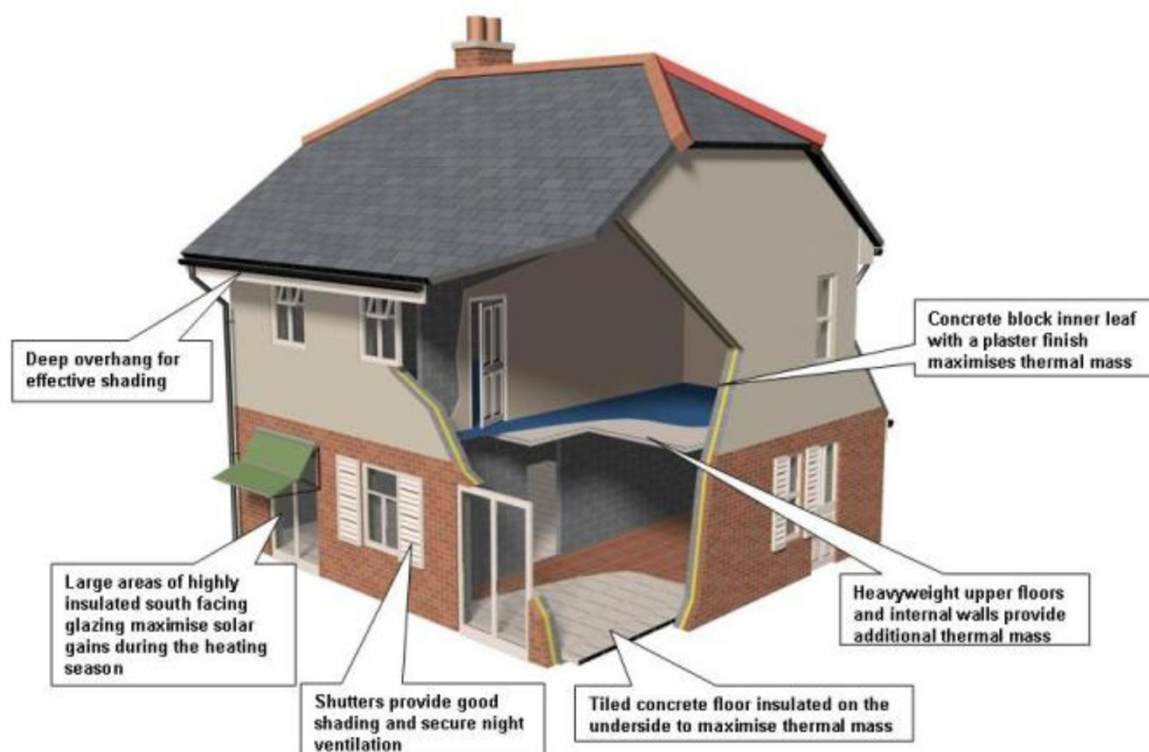


Source: http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10270

Thermal Mass

- 7.5 A central feature of any building designed to make the most of passive solar energy is high thermal mass. Exposed thermal mass elements have the ability to absorb and store heat, and release heat to the internal spaces of the building. Materials with a high thermal mass absorb heat during the day and release it during the night, helping to regulate the temperature. A high thermal mass construction could be a brick and block wall with a plaster finish. A timber framed wall has a lower thermal mass.
- 7.6 The diagram below shows examples of how the thermal mass of a building can be exploited all year round.

Figure 7: Exploiting thermal mass on a year-round basis



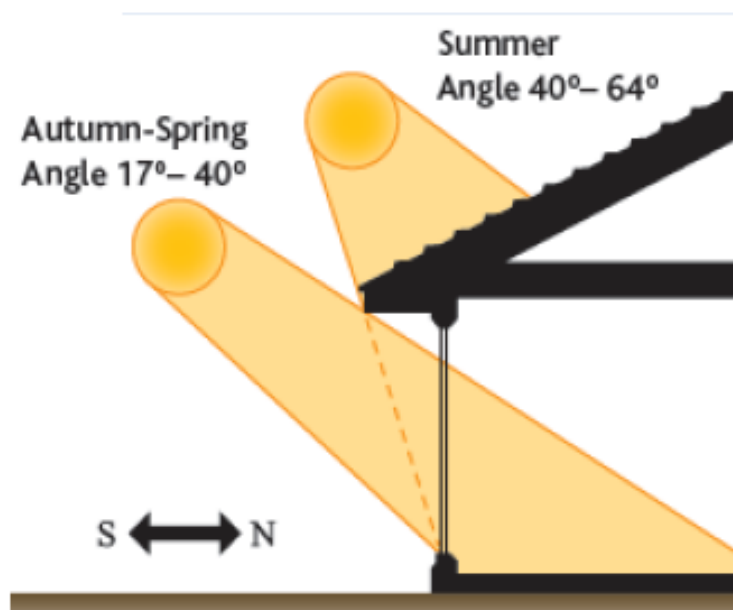
(Source:
www.sustainableconcrete.org.uk/sustainable_design_constructio/thermal_mass.aspx)

- 7.7 Some of the features identified above can be easily installed on existing properties – particularly measures such as higher-value insulated glazing and window shutters. However, these measures can in certain circumstances have an unintentionally negative impact upon the visual character and appearance of a building and its wider surroundings. This is especially true in conservation areas. A number of the Borough's Conservation Areas are subject to Article 4 directions where certain permitted development rights have been removed. For example planning permission may be required to install new windows or doors. We suggest that if you are considering installing such measures that you contact the Council's Development Management Team.

Solar Shading

- 7.8 This is designed to prevent excessive solar gain and glare. In the summer the sun is high and the solar shading acts to block sunlight from hitting the window. During the winter the sun is lower in the sky and sunlight passes beneath the shade and can pass through the window. Solar shading can be achieved through the use of overhanging roofs, balconies, fixed louvres (brise soleil) or screens. The amount of sunlight blocked by fixed shading devices can be estimated using a sun path diagram.

Figure 8: Solar Shading



Case Study: Passivhaus, Camden

- 7.9 The UK's first certified "Passivhaus"¹² has been built in Camden. The timber frame 120m² two bedroom home has a predicted annual heating demand of 3kWh/m²/yr (at standard occupancy maintained at 20°C in winter). This is achieved by 380mm of insulation, negative Psi values throughout (no cold bridging), triple glazing, "Passivhaus" sliding windows, draught free construction, and 92% efficient heat recovery ventilation consuming only 15 watts of power in extract and supply. Summer temperatures are controlled by blinds, a well-insulated structure, and two green roofs.

B Use energy efficiently

- 7.10 The first step towards reducing fossil fuel dependence is to increase energy efficiency and reduce usage wherever possible. Well-insulated buildings, designed to take advantage of passive heating, cooling and ventilation, and incorporating efficient lights and appliances can considerably reduce the energy needed in a home. It will also make the building cheaper to heat and power, which is becoming increasingly important as energy prices rise.
- 7.11 Practice has shown that well insulated buildings, which also incorporate other aspects of passive solar design, can be used throughout the year with very little additional heating other than that gained from occupants and electrical appliances such as TV's and computers.

¹² "Passivhaus" is a German standard for energy efficiency in construction and is increasingly being used across the World. More information can be found at www.passivhaus.org.uk

Insulation

- 7.12 Around half of the heat lost in a typical home is through the walls and loft. Increasing insulation levels significantly beyond current building regulations requirements is the cheapest and most effective method of reducing CO₂ emissions. It requires no maintenance and should last the life time of the building. It reduces heat losses and gains through the fabric of the building and minimises the costs of heating and cooling systems. Buildings are kept warmer in winter and cooler in the summer.

Insulation measures include:

- Cavity Wall Insulation
- Solid Wall Insulation
- Floor Insulation
- Loft Insulation
- Draught Proofing
- Tanks and Pipe Insulation
- Glazing

- 7.13 Thermal insulation is measured using U-values. The U value is a measure of how readily heat will flow through the structure. An increased thickness of insulating materials will increase energy efficiency and reduce the 'U value'.

More information on home insulation can be found on the Energy **Saving** Trust's [website](#).

Airtightness

- 7.14 Significant reductions in heat loss can also be achieved by reducing air infiltration through the building fabric and making the building air tight. Air leakage occurs in a number of places, particularly draughty windows and doors and joints between ceilings and walls.

- 7.15 Air leakage can be reduced through careful construction practices, to ensure gaps in the fabric are minimised. Measures include:

- Ensuring gaps around window and door frames are properly sealed.
- Draught-stripping external windows and doors (other than kitchens and bathrooms unless other ventilation measures are included).
- Sealing holes around services passing through the external walls including water pipes, gas pipes, boiler flues and electrical cables.
- Choosing airtight light fittings or sealing gaps around light fittings and ceiling pull cords.
- Sealing the joint between the ceiling and the external wall.
- Sealing the joint between the dry-lining and the skirting board.

For more information about draught proofing visit the [following link](#).

Ventilation

7.16 Natural ventilation involving supplying and removing air through a building using natural means reduces the need to mechanically ventilate a building, and reducing energy consumption. There are a number of possible approaches to natural ventilation:

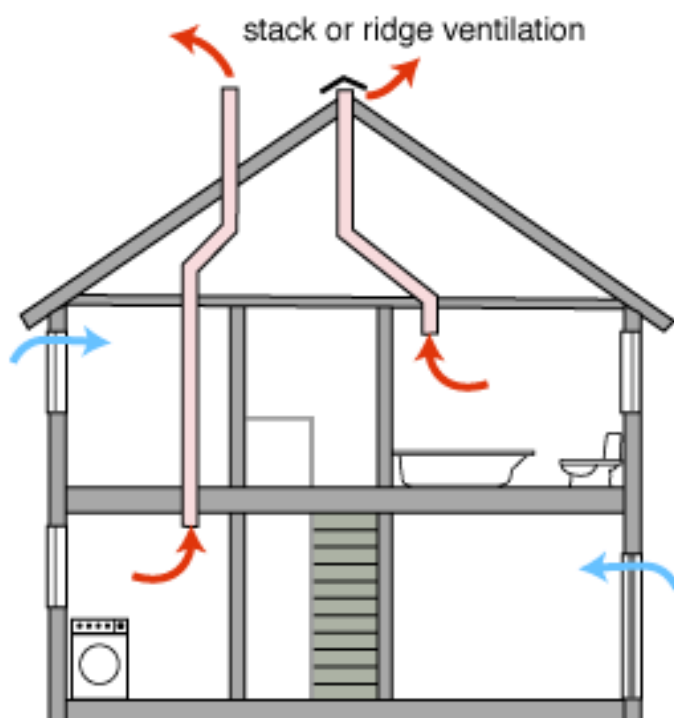
Wind driven ventilation

7.17 This can be created by taking advantage of the natural air pressure differences that occur when air flows over a building. By placing ventilation openings on the low pressure side of the building, air will be drawn into the building providing natural ventilation.

Passive stack ventilation

7.18 Passive stack ventilation is driven by differences in internal and external temperatures, and is achieved by placing ventilation openings at different heights. It is based on the 'stack' effect whereby warm air naturally rises and is replaced with cooler air entering at a lower level. In order to make a passive stack approach work, vents should be placed in rooms which require fresh air to replace moisture-laden or odorous air. Ducts draw the warm air up and out of the building, and ventilation openings (such as trickle vents in winter or open windows in summer) draw in fresh air from 'dry' rooms.

Figure 9: Passive stack ventilation



(Source: www.greenspec.co.uk/whole-house-ventilation.php)

Ventilation is covered by part F of the Building regulations. More information on this can be found on the [Planning Portal](#)

C Supply energy efficiently

Energy Efficient Appliances/ Building Infrastructure

- 7.19 Heating and lighting and other building appliances can be major consumers of energy. By carefully choosing energy efficient systems and appliances developers and homeowners can reduce the energy demand from their buildings and therefore reduce their costs significantly.
- 7.20 We encourage developers and homeowners to consider fitting the most energy efficient appliances/ infrastructure available to them. Whilst this approach may cost more in the short-term, long-term savings will be significant (see case study below). Specification of high standards of energy efficiency for appliances (for example A rated white goods), and the use of low-energy light bulbs, which consume significantly less power than ordinary bulbs to generate the same amount of light, can make a substantial contribution to the efficiency with which energy is used.

Case Study: Ashley Centre and Hook Road Car Parks, Epsom

- 7.21 We are committed to significantly reducing our gas and electricity consumption as an objective of our Climate Change Action Plan. In particular we are investing in energy efficient appliances/ infrastructure, which is being fitted to all of our buildings. Especially noteworthy is the impact of work to reduce electricity usage at the Ashley Centre and Hook Road multi-storey car parks. The car parks are major users of electricity mainly for lighting and have historically accounted for between 20% and 25% of the Council's electricity consumption at an annual cost of c£48,000pa.
- 7.22 In January 2010, the Council agreed to reduce electricity use in the above two car parks. This involved the introduction of variety of different measures including voltage optimisers and LED lighting. These works were carried out in January 2011 at a cost of c£40,000. As a result in a full year, electricity consumption will be reduced by 25% saving c£12,000pa, and achieving a payback on the investment in a few years.

D Use renewable / low carbon energy

- 7.23 Incorporating on-site renewable or low-carbon energy sources is not only good for the environment it also makes good financial sense. Low-carbon technologies such as wind turbines, solar panels and wood fuel boilers use renewable sources of energy, so you use less fossil fuel, which reduces your carbon footprint as well as your fuel bills. The availability of government financial incentives can help make this an attractive proposition either as an integrated component in new developments, or installed on existing buildings. The Energy Saving Trust provides valuable information on the many different forms of renewable and low-carbon energy.
- 7.24 Our Core Strategy encourages the use of renewable or low carbon energy technologies as an integral part of a proposals design. Since adopting the Core Strategy the Borough has been successful in ensuring that new development proposals demonstrate that at least 10% of their predicted energy needs are provided from renewable or low carbon sources.

Renewable and Low Carbon Energy Sources

- 7.25 There are many different sources of renewable and low-carbon energy that can either be incorporated into new development or fitted to existing buildings. Not all sources are viable in Epsom and not all sources will be appropriate for all types of development. It is recommended that developers of new housing which incorporate complex renewable energy installations should ensure that future occupiers are provided with clear instructions on their future operations and maintenance.
- 7.26 The following are common examples of renewable and low-carbon energy sources that can be easily integrated into the design of new developments, or fitted to existing buildings. This list is not intended to be exhaustive and there are other technologies that may be appropriate. It will be entirely up to the developer to demonstrate the value of these alternatives.

Air Source Heat Pumps

- 7.27 Air source heat pumps absorb heat from the outside air. This heat can then be used to heat radiators, underfloor heating systems, or warm air convectors and hot water in your home.
- 7.28 An air source heat pump extracts heat from the outside air in the same way that a fridge extracts heat from its inside. It can get heat from the air even when the temperature is as low as -15° C. Heat pumps are not entirely renewable energy sources as they need electricity to run, but the heat they extract from the ground, air, or water is constantly being renewed naturally.

Air source heat pumps could:

- lower fuel bills, especially if they are replacing conventional electric heating
 - generate an income through the government's Renewable Heat Incentive
 - lower carbon emissions, depending on which fuel is being replaced
 - reduce the need for fuel deliveries
 - both heat and provide and hot water for the property
 - require little maintenance - they're called 'fit and forget' technology
 - be easier to install than a ground source heat pump , though efficiencies may be lower.
- 3.31 Unlike gas and oil boilers, heat pumps deliver heat at lower temperatures over much longer periods. During the winter they may need to be on constantly to heat the property efficiently.

Ground Source Heat Pumps

- 7.29 Ground source heat pumps use buried pipes to extract heat from the ground. This heat can then be used to heat radiators, underfloor or warm air heating systems and hot water.
- 7.30 A ground source heat pump circulates a mixture of water and antifreeze around a loop of buried pipe - called a ground loop. Heat from the ground is absorbed into the fluid and then passes through a heat exchanger into the heat pump. The ground stays at a fairly constant temperature under the surface, so the heat pump can be used throughout the year - even in the middle of winter.

- 7.31 The length of the ground loop depends on the size of the proposed building and the amount of heat needed. Longer loops can draw more heat from the ground, but need more space to be buried in. If space is limited, a vertical borehole can be drilled instead.
- 7.32 Ground source heat pumps have similar advantages to the air source heat pumps outlined above. However, the latter are usually easier to install (particularly in terms of retrofitting to an existing property) than ground source as they don't need any trenches or drilling, but they are often less efficient.
- 7.33 In most retrofitting circumstances ground source heat pumps can be considered under permitted development rights. Equally, in most circumstances the Council can favourably consider proposals for new development that incorporate this renewable heating source. However, underlying geological conditions, particularly where a Major Aquifer¹³ is present may make the installation of ground source heat pumps impractical or inappropriate. We recommend that you contact the Council to establish the suitability of this renewable source prior to installation in order to avoid abortive and potentially costly work.

Micro Combined Heat & Power (Micro CHP)

- 7.34 This technology generates heat and electricity simultaneously, from the same energy source, in individual homes or buildings. The main output of a micro-CHP system is heat, with some electricity generation, at a typical ratio of about 6:1 for domestic appliances.
- 7.35 Domestic systems are currently powered by mains gas or liquid petroleum gas (LPG); in the future there may be models powered by oil or bio-liquids. Although gas and LPG are fossil fuels rather than renewable energy sources, the technology is still considered to be a 'low carbon technology' because it can be more efficient than just burning a fossil fuel for heat and getting electricity from the National Grid.
- 7.36 A typical domestic system will generate up to 1kW of electricity once warmed up: the amount of electricity generated over a year depends on how long the system is able to run. Unused electricity generated by this system has the potential to be sold back to the National Grid.
- 7.37 Micro-CHP systems are similar in size and shape to ordinary, domestic boilers and like them can be wall hung or floor standing. The only difference to a standard boiler is that they are able to generate electricity while they are heating water. In many respects these systems provide an attractive and cheap alternative to traditional renewable or low-carbon energy sources as the differences between them and conventional heating systems are minimal. In most cases installation of a micro-CHP system is unlikely to have a visual impact upon the building in question or the surrounding environment. As a consequence retrofitting is unlikely to require planning permission – in most circumstances it will be no different than simply updating an existing household boiler system.

¹³ A natural underground water source which supplies water for human consumption.

Solar Panels

Solar Thermal

- 7.38 Solar thermal panels use the sun's energy to generate hot water. The two main types of solar thermal panels are evacuated tube and flat plate collectors. Evacuated tube collectors are more efficient than flat plate collectors, and require less roof space. However, they are also more fragile as the tubes are made of glass.
- 7.39 Solar panels have over time become a popular source of renewable energy, either as component of new development proposals, or more commonly as a retrofitted solution to domestic properties.
- 7.40 Solar panels should be located on south facing roofs, or within 30 degrees of south, to maximise efficiency, and should not be shaded. They are best suited to buildings which have a particular demand for hot water, such as dwellings, hospitals and swimming pools.

Solar Photovoltaic cells

- 7.41 Photovoltaic (PV) cells use the sun's energy to generate electricity. They do not require the sun to be shining for them to work, although they are most efficient on sunny days. To ensure the efficiency of PV panels is maximised, the orientation of the building, and the tilt and shading of the panels should be considered. "[Solar Century's](#)" website contains guidance on the orientation and tilt of solar PV panels.
- 7.42 The two main types of PV panels are crystalline and thin-film. Mono-crystalline PV cells are currently the most efficient technology available and the most commonly used, in the form of aluminium framed, glass covered panels, although they are more expensive than thin-film PV. For optimum performance, PV panels should face between south-east and south-west, and should be installed at an angle of 30-40°. They should not be installed where they are overshadowed.

Council Guidance Note on Solar Panels

- 7.43 The Council has produced a [Solar Panel Guidance Note](#) which provides advice on installing solar panels lawfully by describing the type of installation that does not need planning permission on an existing building (i.e. "permitted development") and installation that does require permission.

Case Study: Brookwood Farm, Knapp Hill, Surrey

- 7.44 This is one of the very first mainstream housing developments to be built to the Code for Sustainable Homes Level 5 standard in the Country. It incorporates many of the approaches and features outlined within this document. Significantly it has attained the Code Level 5 standard without sacrificing its visual character and appearance. For example, all of the houses on the development incorporate large solar panel arrays that typically cover the east roof plane. The visual impact of these arrays has been significantly minimised through the use of solar slates, as opposed to bolt-on panel arrays.

Wind Turbines

- 7.45 Wind turbines harness the power of the wind and use it to generate electricity. Government statistics suggest that up to 40% of all the wind energy in Europe blows over the UK, making it an ideal location for domestic turbines; also known as 'microwind' or 'small-wind' turbines. Wind is entirely renewable and free, so once a turbine has been installed on-site electricity costs will be reduced¹⁴.
- 7.46 However, wind turbines can have a significant impact upon either the building that they are mounted upon, or the surrounding environment – both in terms of their visual appearance and their potential for generating noise. As a consequence proposals to install wind turbines, either as part of a new development or fitting to an existing property should seek to minimise visual and noise impacts.

Permitted Development

- 7.47 The installation of some sources of renewable or low-carbon energy on domestic dwellings can, subject to specific criteria, be carried out under permitted development rights. However, under certain circumstances proposals will require planning permission in spite of meeting permitted development criteria because of their visual impact upon the building or the surrounding area. This is particularly the case where this involves the installation of equipment on the outside of a house – such as solar panels, air source heat pumps and wind turbines. In order to avoid problems, we recommend that homeowners contemplating the installation of renewable and low-carbon energy sources contact the Council in advance to establish whether their proposal requires planning permission. Even where proposals fall under permitted development we strongly recommend that homeowners apply for a Lawful Development Certificate.
- 7.48 Information on Permitted Development Rights and details of how to make an application for a Lawful Development Certificate or for Planning Permission can be accessed on the [Planning Portal website](#).

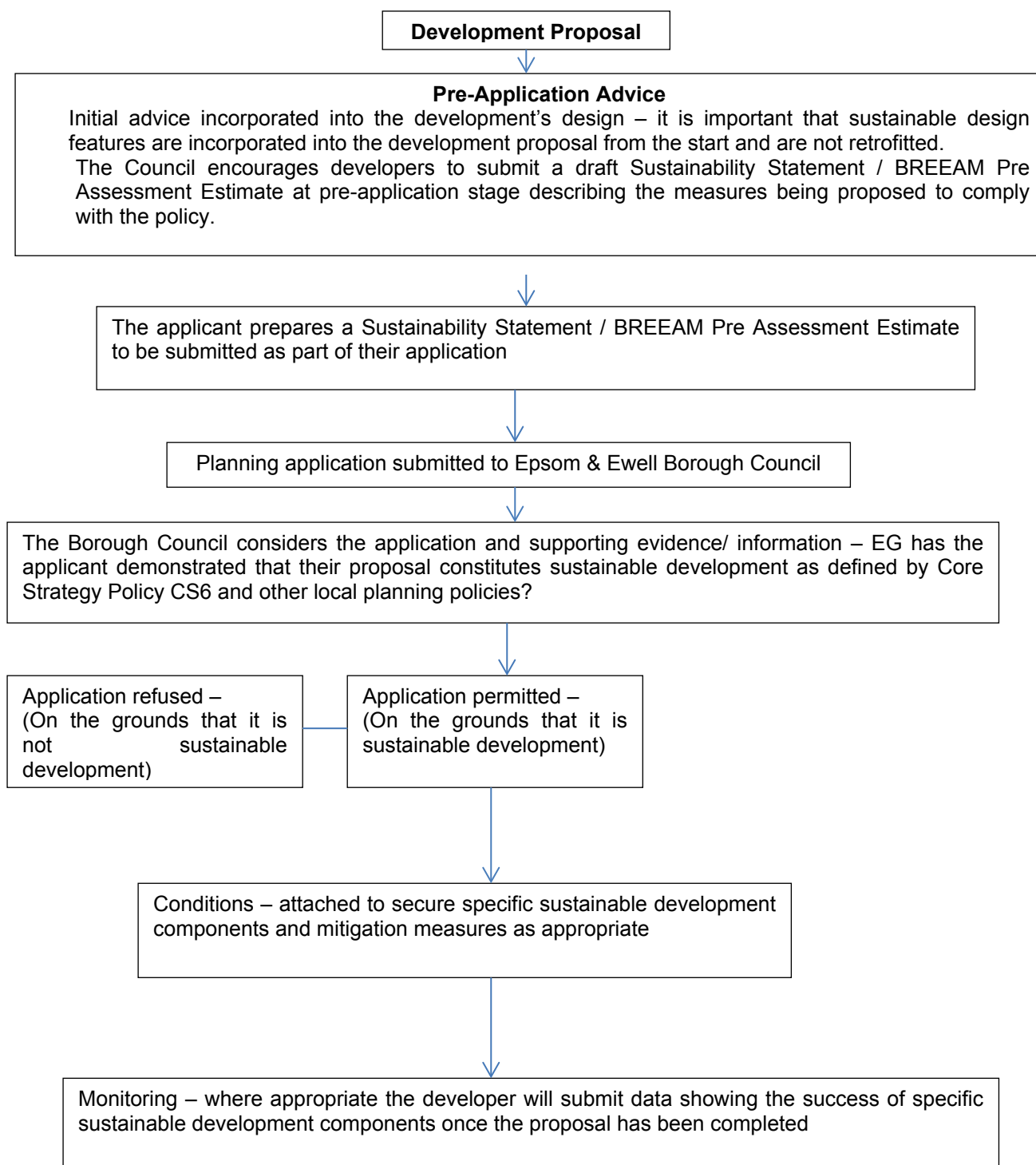
Case Study: Cardiff University ‘[Smart’ Carbon Positive Energy House](#)

- 7.49 In early 2015 designers at Cardiff University have constructed a house in Bridgend that exports more power to the national grid than it uses. Its unique design combines for the first time reduced energy demand, renewable energy supply and energy storage to create an energy positive house. The cost of constructing the house fell within the normal budget for social housing at £1,000 per sq m and took only 16 weeks to build. This makes it an ‘affordable’ option for house builders to deliver truly zero carbon homes.
- 7.50 The house has glazed photo-voltaic (PV) panels fitted into the south-facing roof, allowing the space below to be naturally lit. Solar generation and battery storage run both the combined heating, ventilation and hot water system, and the electrical power system, which includes appliances, LED lighting and a heat pump. The solar air system preheats the ventilation air, which is also warmed by the water store.

¹⁴ Gatwick Airport Ltd will be consulted on any application for ‘non domestic’ wind turbines in the Borough as it falls within the 30km wind turbine consultation zone. Further information is available from the Airport Operators Association [Advice Note: Wind Turbines and Aviation](#).

Annex 1 - Sustainable Design and the Development Management Process

The following flow diagram illustrates how the Council, as local planning authority, will, in conjunction to other key partners¹⁵, determine how a proposal meets the sustainable development requirements of Core Strategy Policy CS6.



¹⁵ These are comprised of those statutory bodies and other consultees who have a consultative input into the planning development management process.

Annex 2 – Guidance on the storage and collection of Household Waste

- **Introduction**

- a. To ensure waste is collected cleanly, safely and efficiently and to encourage waste minimisation the Council has specified that it will only collect domestic waste and materials for recycling in the containers provided by the Council. It can make this a legal requirement under Section 46 of the Environmental Protection Act 1990.
- b. Where new or redevelopment homes are being built, the Council may ask the developer to accommodate and contribute towards the cost of containers. The following information is therefore provided to assist developers in complying with planning conditions requiring the provision of storage areas for the containers. This note should be read in conjunction with Part H of the Building Regulations 2002. Manual for streets (paragraphs 6.8.4 to 6.8.18) and BS5906:2005 Waste Management in Buildings – Code of Practice.
- c. Applications for planning permission should include appropriate provision for the storage and collection of household waste and materials for recycling on the application site. Details of the siting, size and design of the refuse and recycling storage areas for each property will be required with planning applications. These details, particularly the siting and size of the storage areas, should be included on the site layout plan.

- **Houses and Bungalows**

- a. These properties will normally be provided with one 240 litre wheeled bin for waste, one 180 litre wheeled bin for plastic and cardboard recycling, one 23 litre food waste bin, one 47 litre recycling bag (for paper) and a 55 litre recycling box. Please see full dimensions of all containers listed in section 4.
- b. Residents are also able to subscribe, at a cost, to a garden waste recycling service where a 240 litre wheeled bin or 60 litre recycling bag can be issued. A nappy waste service is also offered to residents where they would be issued with an additional 180 litre bin.
- c. The Council may provide two 240 litre wheeled bins for waste for properties where there are more than eight occupants, where requested.
- d. Wheeled bins, boxes and bags should be stored on a hard, impervious, free-draining surface, in a position with convenient access to the kitchen door but also where they can be easily moved by the residents to the property boundary for emptying by the Council.
- e. Where it is intended for the wheeled bins and boxes to be permanently stored at the front of the property, a suitable enclosure should be constructed in an accessible, but inconspicuous position. Enclosures which are located in a prominent position are likely to be refused permission. Any enclosure should be of adequate height to permit the bin lids to be fully opened without having to move the bins.
- f. For developments with limited or no vehicular access, the occupiers will need to bring the wheeled bins, box and bags to the kerbside adjacent to the highway for collection. These arrangements can cause obstruction of the footpath, vehicular accesses and annoyance to other local residents. In such circumstances the occupier(s) of such properties should make their own arrangements for removing the emptied bins and boxes from the kerbside as soon as practicable after they have been emptied. Paragraph 6.8.13 of the Manual for Streets states that “waste bins on the footway pose a hazard for blind or partially sighted people and may prevent wheelchair and pushchair users from getting past”.

- **Flats and Communal Properties**

- a. For flats and communal developments with more than four properties, communal wheeled bins will be provided, at cost to the developer, for refuse and recycling collection. The total wheeled bin capacity will be based on the approximate total refuse and recycling litre requirement of 500 litres per property. This will be split among containers to allow waste streams to be separated. Please contact your planner to discuss the required litre capacity for your proposed development.
- b. The average flats and communal property development will require capacity for the following refuse and recycling containers. This example is based on 8 properties; container dimensions are available in section 4.
 - 1 x 1100 litre refuse bin
 - 2 x 1100 litre mixed recycling bins¹⁶
 - 2 x 240 litre glass (bottles & jars) recycling bins
 - 1 x 180 litre food waste recycling bin
- c. In these properties communal wheeled bins should be provided and stored in an area close to the access road with a suitable access pathway. The collectors will collect, empty and return the communal wheeled bins and boxes to the storage area.
- d. The **storage areas** for communal wheeled bins and recycling needs to:
 - Be at ground level
 - Allow sufficient room for both refuse and recycling containers to be stored and manoeuvred.
 - Be within 6 metres of the public highway
 - Residents should not be required to carry waste and recycling more than 30 metres to the storage area
 - Have a suitable level hard surface
 - Access pathway
 - Dropped kerb
 - Hatching adjacent to the dropped kerb prohibiting parking

¹⁶ Such co-mingling bins are provided on properties and sites where there is insufficient space to accommodate the full range of separate recycling bins. These bins are used for storage and collection of all forms of non-food recyclable waste.

- e. **Access pathways** from the storage area to the collection point (where the vehicle stops) need to:
 - Be level, unless the gradient falls away from the storage area in which case the gradient should not be steeper than 1:12
 - Be at least 1.5 metres wide
 - Be free from kerbs and steps
 - Have solid foundations and a smooth continuous impervious surface
 - Have shallow ramps where they meet roadways
 - Be no more than 5 metres from the point where the collection vehicle will stop
- f. The collection vehicle will need to park near the storage area. So **access roads** need to:
 - Have suitable foundations and surfaces to withstand the maximum weight of the vehicle (generally 26t GVW, 11.5t axle loading)
 - Have heavy-duty manhole covers, gully gratings etc.
 - Be designed to ensure reasonable convenience for the collection vehicle.
 - Be a minimum of 5 metres wide.
 - Be arranged for the collection vehicle to continue in a forward direction.
 - Offer adequate space for turning. The minimum turning circles are 18.5m (kerb to kerb) and 20.3m (between walls).
 - Allow a minimum of 4.1 metres clearance under any obstruction such as an archway or trees.
 - Road hatchings at the entrance, to prevent parking at all times
- g. For tracking purposes, the dimensions of the vehicles currently used in Epsom & Ewell are 10.8m long and 2.6m wide.
- h. If more than four 240 litre bins (960 litres total) are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic. In all such instances the road crossing the footway shall be designed so that the reversing vehicle does not encroach on the footway.
- i. Collection vehicles should not generally be expected to reverse into a development from a busy main road. Collection vehicles can be reversed into the development over a distance not exceeding 12 metres to a point within 5 metres of the storage area. It is requested that where possible developments are designed to avoid the reversing of collection vehicles.

- j. Appropriate measures must be incorporated into any scheme to control unauthorised parking of vehicles that would prevent access by the waste collection vehicle or the movement of bins and boxes from the enclosure to the collection vehicle.

- **Container Dimensions**

	Height	Width	Depth
1100L	132cm	122cm	92cm
660L	119cm	120cm	74cm
360L	105cm	55cm	86cm
240L	105cm	57cm	73cm
180L	99cm	48cm	65cm
Food waste Container	41cm	32ccm	40cm
Kerbisde recycling box	35cm	56cm	44cm

For further information please contact:

Planning Department
 Epsom & Ewell Borough Council
 Town Hall
 The Parade
 Epsom, Surrey
 KT18 5BY
 01372 732000
contactus@epsom-ewell.gov.uk

Annex 3 – SuDS Suitability (information from the Council’s Surface Water Management Plan)

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Epsom & Ewell Borough Council
Draft Revised Sustainable Design Supplementary Planning Document
Consultation Responses, Officer Comments and Suggested Actions
January 2016

Consultee Details	Response	Officer Comments	Suggested Actions
Gatwick Airport Ltd – Amanda Purdye	<p>In the revised Sustainable Design Supplementary Planning document, on page 34 under Para 7.2 (D) and on page 40 under Para 7.23 (D), it mentions wind turbines as an example of renewable energies that could be considered.</p> <p>On page 44 under Paras 7.45 & 7.46 it mentions wind turbines specifically and the effects they can have on the surrounding environment. Please note that the Epsom & Ewell area is within the 30km wind turbine consultation zone, therefore it is important that consultation with the airport takes place should any 'non domestic' wind turbines be proposed. This is to enable us to be able to determine any potential impacts on aviation interests.</p> <p>For further information please see Advice Note 7 'Wind Turbines & Aviation' attached. Also available at www.aoa.org.uk/operations-safety/</p>	Comments noted. The Council will ensure the airport is consulted when appropriate.	<p>Ensure the Development Management team is informed of consultation requirements.</p> <p>Consider adding footnote to Paras 7.45 and 7.46 to make reference to the 30km wind turbine consultation zone and that further information can be found at the associated web address.</p>
Epsom Civic Society – Mr Malcom Boyd	<p><i>Are you satisfied that we achieved our objectives in revising this document?</i></p> <p>We are satisfied that the objective has been achieved. We agree that all relevant policies have been included and the text makes clear and consistent reference to them.</p> <p><i>Do you have any general comments on the Document?</i></p> <p>In Figure 1, if the body of the pyramid encompasses the</p>	<p>Comments noted.</p> <p>Comment noted and agreed.</p>	<p>Amend diagram to show inverted pyramid.</p>

Epsom & Ewell Borough Council
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	<p>quantity of waste, prevention being the most favoured option should be shown as the largest quantity of waste. Similarly, minimisation should refer to the next largest quantity of waste. It follows that the pyramid should be inverted so that the smallest quantity of waste is left after the sequence of disposal options.</p>		
<p>Environment Agency – Mr Charles Muriithi</p>	<p><i>Are you satisfied that we achieved our objectives in revising this document?</i></p> <p>The revisions to the introduction section appear to be reasonable; this section looks well set out and offers links between the planning policies and local documents.</p> <p>It is helpful to have this new chapter included within the document as it starts to offer guidance on what the requirements are for different types of development in order to demonstrate that a development is sustainable. This chapter sets out the 'what' is required, but not a lot of guidance on the 'how'. Has consideration been given to possibly signposting to other documents where further information could be found to assist applicants in the process?</p> <p>Sustainable Drainage Systems As a general observation, the section of the document related to Sustainable Drainage and Flood Risk is well set out, contains helpful information with the case studies and links/signposts to other documents are very helpful. The matrix on paragraph 2.8 would be enhanced by including links and sources of useful information column to assist</p>	<p>Comments noted. The introduction is intended to set out clearly 'what' is required, while the main body of the document provides the 'how' this is to be achieved. There are numerous links to other documents / websites where further information can be found.</p> <p>Table 2.8 is intended to provide an overview as to what is required by an applicant, while the main body of the document provides the detail.</p>	<p>None</p> <p>None</p>

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	<p>applicants. This would for instance include links to borough SFRA and Surrey County council links. We appreciate that Chapter 6 Managing Water provides comprehensive coverage of water resources topics.</p> <p>Based on the borough Surface Water Management Plan, the Strategic Flood Risk assessment and the Hogsmill Integrated Urban Drainage Pilot Study a significant number of properties in the Borough may be susceptible to surface water flooding as a consequence of:</p> <ul style="list-style-type: none"> • The inability of the sewer network to safely remove intense rainfall • Surface run-off from the chalk in the south of the Borough on to the clay in the north • Groundwater flooding from the chalk following prolonged above average rainfall. <p>The Government has strengthened planning policy on the provision of sustainable drainage for 'major' planning applications. Decisions about the suitability of sustainable drainage provision are made by the Lead Local Flood Authority (LLFA). Surrey County Council as the LLFA has full responsibility for managing flood risk from surface water, groundwater and ordinary watercourses. Under the Flood Risk Regulations 2009 LLFAs are also responsible for assessing, mapping and planning for local flood risk, and any interaction these have with drainage systems and other sources of flooding, including from sewers. Water companies will work with LLFAs to help manage surface</p>	<p>Noted. The Lead Local Flood Authority (Surrey County Council) is identified in table 2.8 and in the relevant SuDS section.</p>	<p>None</p>
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	<p>water flooding.</p> <p>It will be essential that SUDS are properly planned at the onset of planning for new development. Developers and their design teams need to take into account different factors including the layout of the site, topography and geology when planning and positioning the different SUDS elements for the whole scheme. This information will be required for both outline and full applications so it is clearly demonstrated that the SUDS can be accommodated within the development that is proposed. To support the new consultation arrangements, DCLG has changed the Planning Practice Guidance. The main changes are to these pages:</p> <p>Why are sustainable drainage systems important? How the local planning authority should involve the lead local flood authority when determining planning applications and what advice should be given about local flood risks Water supply, wastewater and water quality considerations in plan-making We welcome the inclusion of a Flood Risk Assessment as part of the supporting evidence. It may be worth highlighting the need for some applicants to undertake a sequential test. https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants</p> <p>We note that the matrix on page 9 section 2.8 mentions water consumption (with water quality and flood risk) but does not detail any requirements in the table to guide how</p>	<p>Noted. A link to the sequential test information will be included in the document.</p> <p>Noted. This requirement is to be assessed through Building Regulations,</p>	<p>Add link to Para 6.12</p> <p>None</p>
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	<p>this could be satisfied. It includes further information on water efficiency and the requirement to meet the tighter standard of 110 litres per person per day but it does not include any requirement for the developer to show how this issue will be considered or addressed.</p> <p><i>Do you have any general comments on the Document?</i></p> <p>Climate Change The flood risk climate change allowances are being revised to reflect the latest climate projections in UKCP09 and wider flood risk research published since 2009. This is due to be published in autumn 2015 and will replace previous climate change allowance. The main change to the allowances will be for peak river flow. Allowances will be provided for each river basin district, similar to those in 'Adapting to climate change: Guidance for flood risk management authorities'. We will update 'Adapting to climate change: Guidance for flood risk management authorities' so the allowances are consistent. Land use planning decisions should be based on the latest and most accurate climate change data and evidence. https://www.gov.uk/government/publications/flood-and-coastal-risk-guidance-climate-change-allowances</p> <p>River Basin Management Plan We would also wish to see the SPD take into account the River Basin Management Plan which provides a framework for protecting and enhancing the benefits provided by the water environment. To achieve this, and because water and</p>	<p>rather than through the planning process.</p> <p>Comments noted.</p> <p>Comments noted. It is considered that such 'high level' documents are more appropriate to inform the general</p>	<p>None</p>
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	<p>land resources are closely linked, it also informs decisions on land-use planning.</p> <p>Catchment flood management plans The Catchment flood management plans explain the actions to help manage flood risk across river catchments. https://www.gov.uk/government/collections/catchment-flood-management-plans</p> <p>Catchment data explorer Catchment data explorer holds evidence on the state of the water environment and some of the measures that need to be put in place to improve our rivers and the water environment. http://environment.data.gov.uk/catchment-planning</p> <p>Planning Application consultation Sometimes we are consulted when we don't need to be. Please double check our "When to consult the Environment Agency list" if you are unsure whether you need to consult us. If it is a valid consultation it's important that all information and reports are available for us to view online. For a list of when to consult the Environment Agency click below: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352379/when-to-consult-environment-agency.pdf</p> <p>Pre-application Charging We encourage early pre application discussions to ensure</p>	<p>location of development at Core Strategy level, rather than in a Sustainable Design SPD.</p> <p>As above.</p> <p>As above.</p> <p>Comments noted.</p>	<p>Ensure the Development Management Team is aware of the consultation arrangements.</p> <p>Consider including the suggest web address, so that readers can understand when to consult the Environment Agency.</p>
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AGENDA ITEM 5 ANNEXE 2

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	<p>of the environmental issues that may affect a site. This ranges from how to reduce flood risk through to creating quality green space in a development. We give pointers for building sustainable, cost-effective homes, helping create an environment in which people will really want to live. We've also provided examples of sites where this good practice has already been applied.</p> <p>We have updated our advice for developers and it is now a joint agency document with advice from Environment Agency, Natural England and Forestry Commission, it's available to view on our website: https://www.gov.uk/government/publications/planning-a-guide-for-developers</p> <p>Planning and permitting Planning and permitting decisions are separate but complementary. Planning permission determines if land may be used for a particular development and focuses on land use issues, whereas permitting is about the control of processes and emissions to the environment. Early consideration of permitting issues reduces risk of material changes being needed during DCO process. Parallel tracking provides opportunity to resolve issues and aids faster decision making.</p> <p>We advise developers and planning authorities at the pre-planning application stage to allow early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle. We encourage developers to contact us as early as possible in the process.</p>		<p>Environment Agency.</p>
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	<p>We are also consulted when applicants request scoping opinions for Environmental Impact Assessments. We've developed guidelines to help Local Planning Authorities, the Planning Inspectorate and developers with planning and permitting issues. The guidelines should help to reduce costs and burdens on developers, operators, planning decision-makers and us by increasing certainty over planning and permitting decisions. For more guidance on this please refer to our guidelines on planning and permitting at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297009/LIT_7260_bba627.pdf</p> <p>Pre application enquiry form We continue to encourage early pre application discussions and request you ask developers and consultants to complete our pre application form and return to our team email address: https://www.gov.uk/government/publications/pre-planning-application-enquiry-form-preliminary-opinion</p> <p>Flood risk standing advice Please continue to use this tool to decide when to consult us, what the consultation should contain, and how to make a decision on lower risk sites. https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities</p> <p>Ensure flood maps and other environmental maps are up to date</p>		
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	<p>Use the link below to register for our environmental data http://www.geostore.com/environment-agency/WebStore?xml=environment-agency/xml/register.xml</p> <p>Our national planning WebPages link: www.gov.uk/environment-agency</p>		
Ms Margaret Hollins	<p><i>Are you satisfied that we achieved our objectives in revising this document?</i></p> <p>Yes, links are clearly made between national and local planning policy, the presumption in favour of sustainable development and relevant planning documents, including the Surrey Climate Change Strategy and Housing Standards Review.</p> <p>In paragraph 1.6 is it worth adding, “and underpinned by law” at the end of the first sentence to strengthen / reinforce the point. (Legal references (possibly as footnotes): S39 Planning and Compulsory Purchase Act 2004 on sustainable development – local planning authorities “must exercise the function with the objective of contributing to sustainable development.” ; and S183 Planning Act 2008 on good design – “ .. must in particular have regard to the desirability of achieving good design; and the Planning and Energy Act 2008 – requirements for energy use and energy efficiency in local plans.)</p> <ul style="list-style-type: none"> Recommend checking for consistent provision of links / references throughout this section, eg, in paragraph 2.4 	<p>Comments noted.</p> <p>Agreed. Additional text added as suggested.</p> <p>Comments noted.</p>	<p>Add suggested text and footnote to para 1.6.</p> <p>Add relevant link to text.</p>

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	<p>should there be a link to Building Regs?</p> <ul style="list-style-type: none"> Guidance re the sustainability statement needs to be consistently clear throughout as to whether the requirements relate only to the construction phase and /or throughout the life of the development. Some inconsistency / ambiguity in this respect. Inconsistency between para 2.4 and 2.8: re paragraph 2.4: “[I]nformation relating to energy is not included in the sustainability statement” - but the matrix (para 2.8, page 8) refers to energy in the context of the sustainability statement. Energy and water efficient white goods (p11) – should this be expanded to cover water efficiency more generally to ensure compatibility with chapter 6, eg to include recycling of grey water (para 6.31)? <p><i>Do you have any general comments on the Document?</i></p> <ul style="list-style-type: none"> Suggest inversion of waste pyramid to emphasise importance and priority of actions, colour coding remains the same, as does wording top-bottom (there are several examples available via Google Images, inc one from Scottish Planning/Env website Section 5 Air Quality, Noise and Light Pollution (pp18 – 20): only as regards ‘light’ is there a reference to S79 Environmental Protection Act 1990, yet S79 (statutory nuisance) can also apply to air quality and to noise. Suggest inclusion of S79 references in the light and noise sections also. The Energy Saving Trust: correct reference to it on p37, 	<p>Further detail on this is contained within the main body of the document. The table in section 2.8 is intended to be an overview of the requirements.</p> <p>Noted. The reference to energy in 2.8 relates to that used during the construction process, rather than how the development itself performs in energy terms.</p> <p>Comments noted. Greywater recycling is mentioned in the SuDS bullet point.</p> <p>Noted.</p> <p>Comments noted.</p>	<p>Add sentence to clarify requirements.</p> <p>Amend diagram to show inverted pyramid.</p> <p>Add references to relevant sections.</p> <p>Change text to ‘Saving’</p>
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	<p>but plural added on p39, ie 'Savings' – so return to singular.</p> <ul style="list-style-type: none"> • Page 40 bullet points do not all read consistently with 'Air source heat pumps could:' – bullet point 4 needs re-phrasing, eg 'dispense with fuel deliveries' or 'eliminate the need for fuel deliveries'. • Ensure links are provided for all case studies in the interest of consistency. • Generally this is a most useful, timely and comprehensive SPD, drawing on a wide variety of sources to encourage good practice in the delivery of sustainable development and provide clear guidance for developers as to address the challenges of climate change at the local level. 	<p>Noted.</p> <p>Noted.</p> <p>Noted. Links have been added where available.</p> <p>Comments noted.</p>	<p>Amend text to clarify</p>
Thames Water	<p>Thames Water supports the approach to sustainable drainage (SuDS) as set out in the e Planning Practice Guidance. SuDS provide opportunities to reduce the causes and impacts of flooding, remove pollutants and provide amenity, recreation and wildlife benefit. In particular developers should ensure that surface water run-off is managed as close to source as possible and should aim to achieve greenfield run-off rates.</p> <p>Thames Water supports the inclusion of details in relation to SuDS in Section 6 of the revised SPD. However, it is important to note that with regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground or watercourse. It is only</p>	<p>Comments noted.</p> <p>Comments noted. The Council promotes the use of SuDS in all developments where they are an appropriate measure.</p>	

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	<p>when all options have been exhausted and there is no practical reason for using sustainable drainage, that developers should seek connection to the public network. It is important to minimise the quantity of surface water entering the wastewater system in order to maximise the capacity for foul sewage conveyance and to reduce the risk of sewer flooding.</p> <p>We trust the above comments are helpful. If any clarifications are required on any of our response, please do not hesitate to contact me</p>		
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