

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 14 January 2021 at 7.30 pm

Place: Remote Meeting

**PLEASE NOTE:** this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/4746139109888192014>

Webinar ID: 438-119-595

**Telephone (listen-only): 020 3713 5012, Telephone Access code: 577-369-901**

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

Councillor Clive Woodbridge (Chair)  
Councillor Monica Coleman (Vice-Chair)  
Councillor Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads "K. Beldar".

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## Public information

### Information & Assistance:

#### **Please note that this meeting will be a 'virtual meeting'**

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

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

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

#### **Exclusion of the Press and the Public**

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

#### **Public speaking**

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

**Deadline for public speaking registration: Noon, 11 January.**

## **Guidance on Predetermination /Predisposition**

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

### **Predisposition**

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

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

### **Pre-determination / Bias**

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

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

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

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

### **2. MINUTES OF THE PREVIOUS MEETING**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 10 December 2020 (to follow) and authorise the Chairman to sign them.

### **3. 20/01383/CLP, 32 COURTLANDS DRIVE, EWELL (Pages 5 - 12)**

Certificate of Lawfulness for a proposed development comprising of a hip to gable loft conversion, rear dormer and roof lights.

### **4. MAJESTIC WINE WAREHOUSES LTD, 31 - 37 EAST STREET (Pages 13 - 30)**

Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use).

### **5. 57 SALISBURY ROAD WORCESTER PARK SURREY KT4 7DE (Pages 31 - 62)**

Redevelopment of the site for 17 apartments with carport, car parking, cycle store, bin store and associated external works.

### **6. MAPLINS, 42 HIGH STREET, EPSOM, SURREY, KT19 8AH (Pages 63 - 82)**

The conversion of first second and third floor of the building to eleven residential apartments.

### **7. MONTHLY APPEAL AND HOUSING FIGURE REPORTS (Pages 83 - 86)**

The Planning Service has received the following Appeal decisions from 19th November 2020 to 18th December 2020.

## 20/01383/CLP, 32 Courtlands Drive, Ewell

<b>Ward:</b>	<b>Ewell Court</b>
<b>Site:</b>	<b>32 Courtland Drive, Ewell</b>
<b>Application for:</b>	<b>Certificate of Lawfulness for a proposed development comprising of a hip to gable loft conversion, rear dormer and roof lights</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

### 1 Plans and Representations

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QHF2LXGYIUN00>

### 2 Summary

- 2.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a proposed development comprising of a hip to gable loft extension and conversion, with rear dormer and roof lights
- 2.2 Officers are satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.
- 2.3 The application is brought to Planning Committee as the Application is made by a Borough Councillor.

### 3 Site description

- 3.1 The Application Property is a two storey semi-detached dwelling located on the west side of Courtlands Drive in Ewell. The property is not listed, nor is it within a Conservation Area and it does benefit from permitted development rights for roof extensions.

#### **4 Proposal**

- 4.1 The applicant has submitted an “Application for a Lawful Development Certificate for a Proposed Development” comprising of a hip to gable loft extension and conversion, with rear dormer and roof lights.

#### **5 Comments from third parties**

- 5.1 Not relevant. This type of application is not required to be consulted on.

#### **6 Consultations**

- 6.1 Not relevant. This type of application is not required to be consulted on.

#### **7 Relevant planning history**

- 7.1 Not relevant.

#### **8 Planning Policy**

- 8.1 Not relevant.

#### **9 Planning considerations**

*The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*

- 9.1 This Application is assessed under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.2 The rules on Permitted Development set out in Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to the mean of enlargement, improvement or alteration. Part 2 is then sub-divided into Classes covering various types of development. Classes B and C are pertinent in this case as they cover the roof extension in dwellinghouses and other material changes to the roof extension.

**Permitted Development**

9.3 Class B additions etc. to the roof of a dwellinghouse

Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

**It was not**

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

**It does not exceed the height of the current roof**

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

**The dormer extension is formed at the rear**

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;

**It is a semi-detached house and does not result in greater than a 50 cubic metre increase in volume**

- (e) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform, or

**It does not. The dormer is proposed to be served by inward opening French doors which for the purposes of the general permitted Development Order is not considered to be a formal balcony**

- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

**It does not**

- (f) the dwellinghouse is on article 2(3) land.

**It is not located on article 2(3) land – it is neither within a Conservation Area, AONB or National Park**

The relevant conditions imposed by the General Permitted Development Order for Class B are added as informative notes as part of the recommendation

9.4 Class C Any other alteration to the roof of a dwellinghouse.

Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

**It was not**

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

**It would not**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

**It would not**

- (d) it would consist of or include—
  - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

**It does not**

- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

**It does not**

The relevant conditions imposed by the General Permitted Development Order for Class C are added as informative notes as part of the recommendation

**Community Infrastructure Levy**

- 9.5 Not relevant in this case



## 10 Conclusion

10.1 The proposed roof extensions and rooflights, fall within the parameters of permitted development as set out under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted development) Order 2015 (as amended). Officers are therefore satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

## 11 Recommendation

11.1 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

11.2 A Lawful Development Certificate should be granted.

### Informative(s):

**(1) A Certificate of Lawful Development is granted for the following reason:**

**The proposed development is Permitted Development under Schedule 2, Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**

**(2) This decision relates to the following drawings:**

**PL-00 – Location Plan – dated Sep 20**

**PI-01 – Site Plan – dated Sep 20**

**PL-02 – Existing Ground & First Plans – dated Sep 20**

**PL03 – Existing First & Loft Plans – dated Sep 20**

**PL-04 – Existing Elevations – dated Sep 20**

**PL-05 – Proposed Ground & First Floor Plan – dated Sep 20**

**PL-06 – Proposed loft & Roof Plan – dated Sep 20**

**PL-07 – Proposed Elevations – dated Sep 20**

**PL-08 – Existing & Proposed Sections – dated Sep 20**

- (3) Development is permitted by Class B subject to the following conditions —
- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) the enlargement must be constructed so that—
    - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
      - (aa) the eaves of the original roof are maintained or reinstated; and
      - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
    - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
  - (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —
    - (i) obscure-glazed, and
    - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above
- (4) Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be —
- (a) obscure-glazed; and
  - (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- (5) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of

**escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**

**If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or [contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk).**

- (6) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section**

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<b>Ward:</b>	<b>Town Ward;</b>
<b>Site:</b>	<b>Majestic Wine Warehouses Ltd, 31 - 37 East Street</b>
<b>Application for:</b>	<b>Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use).</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

## 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZXR36YGQCQ00>

## 2 Summary

- 2.1 The proposal relates to the variation of condition 1 of planning permission 05/00660/FUL to expand the A1 use of the site from the restricted sale of comparison goods and bulk sale of wine and beer, to an unrestricted A1 Use Class.
- 2.2 Condition one was originally imposed In order to sustain the vitality and viability of the Borough's shopping centres in accordance with Policies of the then Epsom and Ewell District Wide Local Plan (2000). This plan is now out of date and has been superseded by the current development plan and the National Planning Policy Framework
- 2.3 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable. A condition will be applied requiring a parking management plan to be submitted and approved by the Local Planning Authority.

- 2.4 The proposed development represents risks of increased intensification of the onsite retail use. The applicants have reached a satisfactory junction design which mitigates these concerns and the site is considered to have sufficient capacity to host a more significant retail presence. The condition has been appropriately worded to accommodate SCC's future plans for East Street.
- 2.5 Whilst The Council can control the use of this specific site due to this original condition, the introduction of Class E in September 2020 has resulted in significant challenges for The Council in regards to controlling Class A uses in the town centre as a whole. The result of the introduction of Class E means that any former A1 Use Class which is not protected by either condition or Article 4 Direction can now change between former Classes A1, A2 and A3 without planning consent. As such, due to the introduction of the new use class, Plan E Policy E3 is somewhat out of date in this regard and control over the number of former A1 units in the town centre is significantly reduced. As a result, the weight which can be applied to Policy E3 in decision making is minimal. Therefore, given the significantly reduced weight of policies protecting the former A1 use classes, and the lack of any other policy basis to resist the unrestricting of the use, officers consider that there are not any justifiable reasons to resist the proposal on a principle basis.
- 2.6 The proposal will be subject to a travel plan audit contribution of £6,150 to ensure that it remains appropriate and up to date.
- 2.7 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission.
- 2.8 The application is recommended for approval subject to the signing of an S106 agreement and the implementation of conditions.

### **3 Site description**

- 3.1 The application site currently consists of a restricted A1 use allowing the wholesale of wines and spirits and is located within the built up area. The surrounding area is primarily commercial in nature comprised of Retail and employment
- 3.2 The building is a large retail unit located in East Street, Epsom. It is currently used for the wholesale of alcohol products by Majestic Wine. The site presently has 48 car parking spaces located to the rear of the site and accessed from East Street.

- 3.3 Site is situated within the town centre boundary and is on an area of land designated as an area of archaeological significance, an Opportunity Site (utilities site), the gas holders major hazard site buffer, and is within a 500 metre buffer of a SSSI (Site of Special Scientific Interest).

#### **4 Proposal**

- 4.1 Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use)
- 4.2 The change would result in the applicant being able to use the site for all Class A1 purposes (Now Class E) and would not be limited to comparison good, and bulk sale of wine and beer.

#### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 25 neighbouring properties. To date (21.12.2020) 0 letters have been received in response to the proposal.

#### **6 Consultations**

- 6.1 Surrey County Council highways – No Objections subject to conditions which mitigate the impacts to the site access that may result due to the intensification of the use of the site.
- 6.2 EEBC Policy Officer – No objections subject to the original reason for the implementation of the condition no longer being relevant in line with current policy.

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
05/00660/FUL	07.09.2005	Variation of planning condition 5 of 79/119/0553, condition 4 of 80/0224/0131 and condition 1 of EPS/96/0288; to extend the range of goods that can be sold from the retail unit to include all types of comparison goods and; wine, spirits and beer (in bulk only)	Granted
96/00288/FUL	07.05.1996	Variation of condition 5 of permission 79/1119/0553 & condition 1 of permission 88/1460/0767 to include the bulk sales of wine,'0960288	Granted
95/00447/REM	18.07.1995	Variation of Condition 5 of permission ref: 79/1119/0553 and Condition 1 of permission ref: 88/1460/0767 to include the retail sale of office products, furniture, equipment & stationery.	Granted

**8 Planning Policy**

Plan E - Epsom Town Centre Area Action Plan (April 2011)

Policy E3 Town Centre retail capacity

Vision for East Street

National Planning Policy Framework 2019

Chapter 2 Achieving sustainable development

Chapter 6 Building a strong, competitive economy

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

Core Strategy (2007)

Policy CS1 Creating Sustainable Communities in the Borough



- Policy CS5      Conserving and Enhancing the Quality of the Built Environment
- Policy CS11     Employment land Economic Development
- Policy CS14     Epsom Town Centre

Development Management Policies Document (2015)

- Policy DM25     Development of Employment Premises

**9 Planning considerations**

**Principle of development**

Historic Context

- 10 The original permission was granted a restricted A1 Use in condition 5 of planning permission 79/119/055, restricting the site to the sale of DIY builder's products. The reason given for this condition was to protect the vibrancy of Epsom Town Centre in accordance with the Core Strategy of the time.
- 11 This condition was amended by planning application 05/00660/FUL to allow for an increased range of products which could be sold. This permission expanded the range of goods to include the sale of comparison goods as well as wholesale wine and beer sales. In this submission the Officer report makes reference to the fact that Planning Policy of the time aimed to encourage a new food supermarket within the town centre.
- 12 Nonetheless, since the two main permissions were granted and the Council has been through multiple iterations of Local and National planning policy and a town centre area action plan (Plan E) has been produced. As such, it is important to assess this application against the most up to date planning policies to ensure that the development meets the present day needs of the Borough. As a consequence of this officers will attribute little weight to the original reason for the imposition on this condition of the use restriction, and will assess whether the reason for the imposition (to protect the vitality of the town centre) still holds weight when assessed against up to date planning strategy.

Current Policy

- 13 Policy E3 of the Epsom Town Centre Action Plan –Plan E states that Epsom will maintain its position in the shopping hierarchy as a secondary regional centre. Its retail offer will reflect that of a quality market town. The amount of retail growth in the town centre will be guided by the following:

Convenience goods: there is capacity for an additional 2,466 sq m by 2026. This is broken down into:

- 1,448 sq m by 2013

- 1,767 sq m by 2018 and
- 2,466 sq m by 2026.

Comparison goods: there is capacity for an additional 7,730 sq m by 2026. This is broken down into:

- 1,676 sq m by 2018 and
- 7,730 sq m by 2026.

Prior to 2013 there was no capacity identified for additional comparison floorspace. Retail growth should be directed to the Primary Shopping Area in the first instance. All retail proposals must be subject to the sequential test, and those proposals above capacity in edge and out-of-centre locations must be tested robustly against the impact test (PPS4, 2009). The floorspace threshold must take account of the cumulative effect of recent permissions, development under construction and completed developments.

- 14 Officers note that this condition does allow The Council to control the use of the site. However since this Plan E was adopted in 2011 there have been various policy updates which have impacted the weight which can be afforded to the particulars set out in Policy E3. One main change is the change of the use classes order to remove Classes A1, A2 and A3 to form a single Class E which came into force on the 1<sup>st</sup> of September 2020. As a result of this use class change a greater number of existing retail offerings in the town centre can move freely between these former use classes without requiring planning permission. Therefore, making it almost challenging for the council to protect specific A use classes and much less difference of comparison and convenience goods. EEBC Planning Policy Officer has confirmed that given the change in the use classes order there is no reason to resist the relaxation of the restricted A1 Use in circumstances where there is no article 4 direction in place.
- 15 Furthermore, Plan E refers to the requirement to implement the sequential test for all new retail offerings in the town centre. The NPPF sets out in Paragraph 86 that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The use is situated inside the existing town centre boundary and given the Policy position that favouring comparison or convenience goods is out of date and superseded by more recent national policy changes, officers do not consider the proposal to be contrary to planning policy and the sequential test does not need to be applied in this case.
- 16 Plan E (Epsom own Centre Area Action Plan) states that the vision for East Street at street level is to see a mixture of small shops and other commercial uses that will draw pedestrians along its length. The existing site is currently occupied by majestic wines which has no active street frontage and the entrance is at the rear of the site although there is a small pedestrian entrance at the front of the building.

- 17 The existing use is a specialised retail offering. As it is a wholesale offering it is considered that customers would require a vehicle to transport goods away from the site and because of this it is unlikely that the site generates a great deal of passing trade from pedestrians coming to the site from town centre. As such it is considered that the existing use does not result in any significant contribution to footfall in the east street area.
- 18 The proposed development includes indicative drawings that show that minor physical alterations to the site to include an entrance opening onto East Street. Given that the site has an existing occupant and currently offers an A1 Use, officers do not consider that the creation of an active street frontage to be vital to the success of the property as a commercial entity. However it is recognised the indicative drawings do support the Council's vision for East Street to create an active frontage, and this would contribute towards drawing pedestrians to this area of the town centre. As such, due to the design changes not forming a part of the formal submission this cannot be attributed weight however, it would be welcomed by The Council.
- 19 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 20 Paragraph 85 of the NPPF states that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
  - a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
  - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
  - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
  - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site

availability, so town centre boundaries should be kept under review where necessary;

- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

21 Policy DM 25 Development of Employment Premises Planning permission for employment developments will be approved providing the following factors are met:

- a) the accommodation should be flexible & suitable to meet future needs especially to provide for the requirements of local businesses and small employers;
- b) the scale, bulk and appearance of the proposal should be compatible with the character of its surroundings
- c) the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area;
- d) the scale of development should be compatible with the level of existing or potential public transport accessibility, and the on-street parking situation. Where additional infrastructure is required due to the scale of the development, such a development will be required to fund the necessary infrastructure to support it; and
- e) the development should comply with the Council's transport, access, servicing, car and cycle parking standards and policies.

22 Policy DM29 states that *'major retail developments and retail warehousing will only be permitted within Epsom Town Centre shopping area, Where it has been demonstrated that there are no suitable sites, preference will be given to a site on the edge of Epsom Town Centre Primary Shopping Area'*

23 Policy DM25 and Paragraph 80 of the NPPF place significant weight towards adaptability for business and commercial uses. The proposed unrestricted A1 Use Class would allow the building to accommodate a more flexible range of occupants in the future, increasing the resilience to changing market trends. The vulnerability of A1 Use Classes within the Town Centre is supported within the recent Town Centre Retail Health Check. Officers consider that greater flexibility

to move within the A1 Use Class (Now Class E) would make the site more resilient to changes in market conditions.

### **Principle Conclusion**

- 24 The proposal would contribute towards realising Plan E's vision for East Street by helping create an active retail offer that draws pedestrians to the area as the current wholesale only use is a specialised market and does not result in significant amounts of footfall.
- 25 There is no requirement to apply the sequential test in the NPPF due to the sites location in the town centre boundary.
- 26 The physical changes do not form a part of this application and therefore this has a no weight in the planning balance.
- 27 Policy E3's requirement to provide specific comparison and convenience goods is superseded by more recent national policy changes in the use classes order and therefore policy E3 commands limited weight.
- 28 The proposal would be a benefit that offers flexibility for the site to adapt to changing market forces. On balance the increased flexibility in retail offer is a moderate benefit of the scheme.
- 29 The proposal is in accordance with relevant council and national planning policies and the vision for the future of the area. There are no policy objections to the unrestricting of the unit given changes to National Planning policy and therefore the proposed change to the wording of the condition is acceptable in this regard.

### Design

- 30 Principles of good design should be embedded within proposals from the outset, as stipulated within Local Policy. Policy CS5 sets out that development should create attractive, functional and safe environments and should reinforce local distinctiveness.
- 31 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. Officers would expect that this permission would likely lead to improvements in the future however as they do not form a part of this submission they can be applied no weight in the planning balance. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission

### Impact Upon Amenity

- 32 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

- 33 The proposal seeks to change use from a specific A1 type use an unrestricted A1 type use. It is unclear whether this will lead to an intensification of the use on site.
- 34 The site is not situated adjacent to any residential properties. All surrounding buildings and uses are mixed between commercial industrial and retail. On the opposite side of the road to the site there are first floor apartments above ground floor retail. These are separated from the site by a road.
- 35 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission.
- 36 The scheme shows some amendments to the fenestration of the building at ground floor level. The demonstrative changes would not include the creation of any additional bulk or massing nor would they result in the creation of any additional opening or vantages points above ground floor level. Nonetheless, any physical works would require a separate planning consent.

#### Amenity conclusion

- 37 The site is not in close proximity to any residential properties. Therefore the potential increased intensity of the use on this site does not present risks to nearby properties in terms of noise and disturbance.
- 38 The proposal does not include any physical works but does provide demonstrative drawings the represent potential future changes. The changes shown would be limited to cosmetic changes and would not include any additional bulk or massing or openings above ground floor level and would therefore not be considered to present a risk to the amenities of any neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 39 It is important to reiterate that this consent does not grant changes to the physical property.

#### Access, Parking and Cycle Parking

- 40 Policy CS16 encourages development proposals to foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals will be required to (inter alia) minimise the need for travel, be appropriate for the highways network, provide appropriate and effective parking provision (both on and off-site) and ensure that vehicular traffic generated does not create new or exacerbate existing on street parking problems, nor materially increase other traffic problems.
- 41 The application seeks to vary planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use)

at Majestic Wine Warehouses Ltd 31 - 37 East Street Epsom Surrey KT17 1BD. The site therefore has an existing A1 retail use which this application seeks to vary.

- 42 Officers note that the proposed change of use would allow the opportunity for the applicant to install an occupant from a variety of new uses that fall within the new Use Class E. The council will be unable to control which operators are able to use the site and it could lead to an intensification of the use of the site.
- 43 As such, SCC highways team have reviewed the proposal and have recommended conditions that should be implemented in the event that approval is granted.
- 44 The main concerns regarding the transport and highways impacts of this proposal relate to the existing access to the site.
- 45 The existing access is shared with the neighbouring performing arts school and currently serves the both sites. The current arrangement splits into two separate accesses within the private land, resulting in a particularly narrow access to the parking on site.
- 46 Officers recognise that this is the current arrangement however, the County Highway Authority has raised concerns that should the use of the application site intensify this arrangement would not be able to suitably accommodate an increase in vehicular traffic, particularly in terms of accommodating two-way vehicular traffic.
- 47 The applicant has sought to address these concerns and proposed amendments to the layout of the access, which have been subject to a Stage 1 Road Safety Audit, carried out by SCC.
- 48 SCC highways and the applicant were able to amend the application in order to reach a satisfactory layout. However, a condition that requires the access to be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority has been recommended. It is required that this scheme should be broadly in accordance with drawing P18-2443 003 Rev D.
- 49 The reason for the requirement to submit a scheme in writing to be discharged, is that it should be acknowledged that SCC are currently designing a cycle scheme for East Street and therefore when the applicant comes to implement their S278 works the existing highway layout may have changed, and for this reason a condition that requires a scheme to be submitted is recommended, as design of the access may change. It is likely that the pedestrian refuge island demonstrated on drawing P18-2443 003 Rev D will need to be removed from the scheme.
- 50 It is noted that the proposal provides the same size of car park as the existing property and has approximately 48 car parking spaces 2 parking spaces are dedicated to disabled parking which is in accordance with minimum standards. The existing car parking provision on site is already in situ and it is not considered

to be appropriate to request additional parking spaces given that the use class remains the same but would only be unrestricted. Nonetheless, SCC highways not raised an objection to the parking provision on highways safety grounds have required a car parking management plan to be submitted to and approved by the LPA. It is worth noting that the site is located within Epsom town centre and is considered to be a sustainable location with local parking restrictions.

- 51 SCC highways has requested an S106 contribution to include payment to audit the travel plan submitted with the scheme.

### **Transport conclusion**

- 52 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable. A condition will be applied requiring a parking management plan to be submitted and approved by the LPA.
- 53 The proposed development represents risks of increased intensification of the onsite use. The applicants have reached a satisfactory junction design which mitigates these concerns. However, the condition has been appropriately worded to accommodate SCC's future plans for East Street.
- 54 The proposal will be subject to a travel plan audit contribution of £6,150 to ensure that it remains appropriate and up to date.
- 55 The proposed development would not be considered to represent any unacceptable impacts highways safety or parking and is considered to be acceptable subject to conditions.

### **Contaminated land**

- 56 The proposal does not include any building works and as such, the proposed development although located within the gas works buffer zone would not be considered to result in any unacceptable risks to the health or safety of any occupants of the property.
- 57 Therefore this permission should it be granted would not include any building works. If any building or engineering operations are carried out a separate planning application should be submitted in which a full contaminated land response would be required as the application site is partly situated within a historic landfill site and within the gasholder site buffer zone.

### **58 Conclusion**

- 58.1 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable.



- 58.2 The proposal would not result in any physical works to the site. Therefore the proposal would not represent any unacceptable design impacts. Furthermore as the site would not result in physical works the proposal would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 58.3 There is no requirement to apply the sequential test in the NPPF due to the sites location in the town centre boundary.
- 58.4 Policy E3's requirement to provide specific comparison and convenience goods is superseded by more recent national policy changes in the use classes order to incorporate Use Class E and therefore Policy E3 commands limited weight.
- 58.5 The proposal would be a benefit that offers flexibility for the site to adapt to changing market forces. On balance the increased flexibility in retail offer is a moderate benefit of the scheme.
- 58.6 The proposal is in accordance with relevant council and national planning policies and the vision for the future of the area. There are no policy objections to the unrestricting of the unit given changes to National Planning policy and therefore the proposed change to the wording of the condition is acceptable in this regard.
- 58.7 Overall given that there is no basis in policy to resist the unrestricting of the A1 unit the proposed development is considered to be acceptable and is therefore recommended for approval subject conditions and to the signing of a S106 agreement.

## 59 Recommendation

- 59.1 Recommendation A) Approved subject to the below conditions upon the signing of an S106 agreement with the below heads of terms before 3 months from todays date (10.12.2020):

Heads of Terms:

*Payment of a travel plan audit fee of £6,150.*

Recommendation B) subject to the failure to sign an S106 Agreement of the aforementioned heads of terms the Planning Committee grants the Head of Planning permission to refuse the application.

### Condition(s):

- (1) **The premises shall be used as a Use Class A1 and for no other classes contained within the Town and Country Planning Use Classes Order 1987.**

**Reason: In order to sustain the vitality and viability of the boroughs shopping centres in accordance with Policies**

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

**EP\_19\_1409\_ TRANSPORT RESPONSE LETTER**

**P18-2443 003\_SK\_REV\_D**

**P18-2443 007\_SK\_SPA**

**P18-2443 008\_SK\_SPA**

**P18-2443\_DR\_JULY20**

**TP-P18-2443-Rev B**

**P18-2443 01 Site Location Plan**

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

- (3) **The food retail store use hereby permitted shall not operate other than between the hours of 08.00- 22.00 hours Mondays to Saturdays (inclusive) and 10.00-17.00 hours on Sundays.**

**Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.**

- (4) **No part of the development shall be first occupied unless and until the proposed modified access to East Street has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in general accordance with Drawing P18-2443 003 Rev D, and thereafter the access shall be kept permanently retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.**

- (5) **Prior to the occupation of the development a Car Park Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.**

**Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.**

- (6) Prior to the occupation of the development a Refuse, Deliveries and Servicing Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Refuse, Deliveries and Servicing Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.**

**Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.**

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

**Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.**

- (8) The development hereby approved shall not be first occupied unless and until a pedestrian access to the site has been provided to the development site from East Street in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, which shall always be available for use during store opening hours, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.**

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

**Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.**

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

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

and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

- (11) The approved Travel Plan (TP-P18-2443-Rev B) shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, and thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

**Informative(s):**

- (1) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).
- (2) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

- (3) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.**
- (4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage**
- (5) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.**
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).**
- (7) Please note this permission hereby granted does not include any physical works or advertisement works. To gain consent for physical works or advertisement works the applicant must apply for Full planning permission or Advertisement Consent respectively.**

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## 57 Salisbury Road Worcester Park Surrey KT4 7DE

<b>Ward:</b>	<b>Cuddington Ward</b>
<b>Site:</b>	<b>57 Salisbury Road Worcester Park Surrey KT47DE</b>
<b>Application for:</b>	<b>Redevelopment of the site for 17 apartments with carport, car parking, cycle store, bin store and associated external works.</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### 1 Plans and Representations

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QGRB3EGYIRA00>

### 2 Summary

- 2.1 The application is referred to Planning Committee as the proposal is classified as a "major planning application", in accordance with Epsom and Ewell Borough Council's Scheme of Delegation
- 2.2 The application proposes the demolition of the existing dwelling and the erection of 17 flats with carport, car parking, cycle store, bin store and associated external works.
- 2.3 A similar application for 15 apartments was recently granted permission by Committee in March 2020 (Reference 19/00893/FUL).
- 2.4 The proposed scheme is not able to viably provide a policy compliant provision of seven affordable units.
- 2.5 A policy compliant 17 car parking spaces would be provided on-site. In addition, there would be 17 cycling spaces.

- 2.6 The proposal is not considered to give rise to any adverse amenity impacts for neighbour given the scale/layout of buildings and separation distances to neighbouring properties
- 2.7 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11(d) (i) of the NPPF. Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.8 The application is therefore recommended for conditional permission subject to the completion of a S106 agreement to secure a clawback arrangement that is consistent with the viability appraisal and the previous and extant permission upon the site.

### **3 Site description**

- 3.1 The application site is located on the northern side of Salisbury Road, and is irregular in shape and currently comprises of a locally listed, two-storey detached dwelling with associated outbuildings, together with its residential curtilage. The site is relatively flat and has an area of approximately 0.273ha.
- 3.2 The existing boundaries of the site comprise dense tree and hedge screening along with close boarded fencing and access gates. Access to the site is currently taken from Salisbury Road, with the existing access leading to a driveway to the front of the dwelling.
- 3.3 To the east of the site is Ash Tree Cottage, which is a modern two storey detached dwelling with garage to the front. To the south of the site are a number of detached dwellings in varying styles and heights. On the northern side of Salisbury Road, the character is similarly one of detached dwellings.
- 3.4 The surrounding area is predominantly residential in character and comprises of both two and three storey dwellings, which vary in terms of their age, style and appearance. There is no particular uniformity in terms of the shape of the plots or the positioning of the dwellings within them.

### **4 Proposal**

- 4.1 This application seeks permission for the demolition of an existing dwelling and the erection of a two storey building (with roof accommodation) comprising 17 flat units (2 studio, 8 one-bed and 7 two- bed) and associated parking and external works.



- 4.2 The building would have a rectangular footprint, (32m in width, 15m in depth and 9.4m in overall height) and would be constructed broadly within the same envelope as the approved block, with the scale, massing and height in line with that previously approved. It would be set back from the highway and side boundaries, allowing dense boundary trees and hedge screening to be retained, and would respect the front building lines of the adjacent dwellings. The existing access to the site from Salisbury Road would be retained unchanged.
- 4.3 Spatial separation distances and the distance proposed between the proposed flats and neighbouring dwellings would be similar to the extant 15-bed scheme.
- 4.4 The proposed building would be of a traditional design; with part brick/part timber clad elevations, incorporating features such as front gables, window detailing, bay windows and an entrance porch providing covered access. The flank elevations would be clad in timber boarding.
- 4.5 Parking for 17 vehicles, including a bin store, would be provided in a permeably paved forecourt. Five of the spaces would be within an undercroft on the western flank elevation of the building. A cycle store would be provided in the rear garden area. Communal amenity space would be provided for all flats to the rear of the building.
- 4.6 It is proposed to remove a number of trees, from within the centre area of the site, to facilitate the proposals.

## 5 Consultation

### *Comments from third parties*

- 5.1 The application was advertised by means of a site and press notice, as well as letters of notification to 23 neighbouring properties. To date, (10.12.2020) 6 letters of objection have been received regarding:
  - Highway safety
  - Loss of locally listed dwelling
  - Parking provision inadequate
  - Out of keeping
  - Overlooking

### *Statutory Consultations*

- SCC Highways: No objection. Recommends conditions

- SCC Lead Local Flood Authority: Recommends conditions
- SCC Archaeology: No objection
- EEBC Conservation and Design Officer: No objection
- EEBC: Tree Officer: No objections
- EEBC: Ecologist: No objection
- EEBC Contaminated Land Officer: Recommends conditions

## 6 Relevant planning history

Application number	Decision date	Application detail	Decision
05/00353/FUL	20.09.2005	Demolition of existing house and erection of 14 no. apartments with associated parking (Drawing Nos.9492/PL01, 02, 03, 04A,05A, 06A and 07A)	REFUSED
07/00994/FUL	28.02.2008	Demolition of existing dwelling and outbuildings and erection of new building comprising 13 apartments with carport, car parking, cycle store, bin store and associated external works and access.(As amended by drawing Nos.SD:WOR:07:01 and 03A)	REFUSED Appeal GRANTED 25.09.2008
17/01760/FUL	23.10.2019	Redevelopment of the site for 13 apartments (6 x 1 bed, 6x2 bed , 1x3 bed) with car port, car parking, cycle store, bin store and associated external works	GRANTED
19/00893/FUL	17.07.2020	Redevelopment of the site for 15 apartments (1 x studio unit, 9 x 1 bed and 5 x 2 bed apartments) with car port, car parking, cycle store, bin store and associated external works.	GRANTED

## 7 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development  
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes  
Paragraphs 59- 61, 68

Chapter 11 Making effective use of land  
Paragraphs 118, 122, 123

Chapter 9 Promoting sustainable transport  
Paragraphs 105-106, 108-111

Chapter 12 Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 15 Conserving and enhancing the natural environment  
Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

## **8 Planning considerations**

8.1 The main considerations material to the determination of this report are:

- Previous Application History
- Principle of Development
- Impact on a Heritage Asset
- Design Layout and Appearance
- Residential Amenity
- Quality of Accommodation
- Affordable Housing
- Highways and Parking
- Trees and Landscaping

- Ecology/Biodiversity
- Sustainability
- Planning Obligations

## 9 Previous Application History

9.1 A similar residential scheme for development (19/00893/FUL) seeking detailed planning permission for the erection of 15 apartments was granted permission by Committee in March 2020. In addition a scheme for 13 flats was also approved under appeal in February 2008 (ref 07/00994/FUL). Both set the principle for a redevelopment of the site for a building akin to the proposal.

9.2 The current scheme differs from the extant scheme in the following ways:

- The number of units would be increased from 15 to 17 units and the housing mix would change from (1 studio, 9 one-bed and 5 two-bed units, to 2 studio, 8 one-bed and 7 two-bed units).
- An additional first floor and roof accommodation at the western end, above the approved carport, and the removal of the catslide extension at the eastern end

## 10 Principle of Development

### *Presumption in favour of Sustainable development*

10.1 The principle of demolishing the dwelling and the redevelopment of the site has been established through the extant permission (19/00893/FUL) and previously at appeal (07/00994/FUL) for the erection of erection of 13 flats in a two-storey building with associated parking spaces.

10.2 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

10.3 The Framework was re-published in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.

10.4 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.

- 10.5 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 10.6 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental objective is making efficient and effective use of land and improve the environment.
- 10.7 Development proposals that accord with an up-to-date Development Plans should be approved and where a planning application conflicts with an up to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.8 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework Paragraph 11d and Footnote 7).
- 10.9 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted in 2015, prior to the publication of the Framework and are not consistent with it.
- 10.10 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 10.11 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.12 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.

- 10.13 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply. The Council's Annual Monitoring Report for the period 1st April 2019 to 31st March 2020 indicates that there is less than a year's (0.98) supply of housing for the next five years.
- 10.14 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits when assessed against the Framework as a whole.

*Principle of residential development*

- 10.15 Paragraph 59 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay
- 10.16 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 10.17 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...
- 10.18 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 10.19 Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.

- 10.20 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough.
- 10.21 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

## **11 Impact on a Heritage Asset**

- 11.1 Paragraph 197 of the NPPF 201 states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 11.2 Development Management Policy DM8 seeks to resist the loss of heritage assets and notes that as part of any assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable
- 11.3 The existing house is included on the Council’s list of buildings of local architectural and historic interest but it is not statutorily protected.
- 11.4 The previous Inspector noted with regard to the appeal scheme (07/00994/FUL) that although the building had been added to the Council’s local list, it is screened from the adjacent roads by boundary fencing and planting and as a result makes little contribution to the street scene and does not enjoy the full protection of statutory listing.
- 11.5 The Inspector concluded that the demolition of the existing building was acceptable. She was not persuaded that the building is of such architectural or historic merit to warrant retention irrespective of the merits of any redevelopment proposal. She considered that the proposed scheme was well designed and would contribute to the character and appearance of the local environment.
- 11.6 The current scheme is considered to offer the additional benefits over the extant approved scheme. The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.



- 11.7 The proposed development would result in an overall net increase of 16 new dwelling units, which is a significant increase, given the Council's need for housing and the lack of provision in the borough, and represents a clear and tangible public benefit. In addition, other public benefits from economic and social facets are also considered to weight positively in this regard.
- 11.8 In accordance with the tests set out in paragraph 197 of the NPPF 2019, it is officers' judgement that the overall benefits of the scheme would outweigh the loss of this particular building and that the demolition of the existing building is justified having regard to its status as a non-designated heritage, and prevailing planning policies.
- 11.9 The proposal would therefore comply with the NPPF and Policy DM8, DM9 and DM10.

## **12 Design Layout and Appearance**

- 12.1 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 12.2 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 12.3 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 12.4 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

- 12.5 The proposed apartments would be constructed within the same general building envelope and same general bulk, mass and height as the recently approved scheme.
- 12.6 The current scheme would retain the same design approach as the approved scheme, being of traditional design, and articulated to minimise its perceived mass and scale. The proposed building would incorporate design features such as front gables, window detailing, bay windows and simple entrance porch providing covered access. The proposed building would be set back from the highway and side boundaries, allowing dense boundary trees and hedge screening to be retained, and would respect the front building lines of the adjacent dwellings.
- 12.7 It is therefore concluded that the proposed scheme in terms of its designs scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM8, DM9 and DM10 of the development plan.

*Density*

- 12.8 Policy DM11 refers to 40 dwellings/ha (dph) as a general maximum, however it allows higher densities in appropriate locations. It is evident that the proposal would be of a higher density in comparison to the existing built form.
- 12.9 The scheme would have a density of 63 dph. In accordance with Policy DM11 (Housing Density) a site of 0.27 hectares should, in most cases, accommodate no more than 11 dwellings. However, density with regard to multi-storey schemes is not the sole indicator as to the appropriateness or quality of a development. Scheme density is influenced by the relationship between site size and building form, and by other factors such as the size of dwellings alongside the basic metric of dwellings or (habitable or bed) rooms per area. The key to successful high(er) density buildings as places to live is in the quality of the internal design and the external space in which they sit.
- 12.10 It is acknowledged that the proposed 17 dwellings would exceed the recommended density. Officers consider that a higher density is appropriate in this particular location, particularly as the development does not give rise to any unacceptable adjacency issues in terms of impacts on neighbouring occupiers, provides adequate internal and amenity space and parking, and would optimise the use of the site.
- 12.11 The non-compliance with Policy DM11 is assigned minor negative weight in the planning balance

### 13 Residential Amenity

- 13.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 13.2 Concerns have been received from residents that the proposed building would adversely impact neighbouring amenity at properties surrounding the site. This has been taken into consideration by Officers, in the assessment of this application.

#### *Separation distances*

- 13.3 The siting of the proposed building has taken into account the positioning of adjacent dwellings and ensures that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 13.4 The additional first floor and roof accommodation at the western end, above the approved carport, would be set back about two metres from the main rear elevation to the building. The first and second floor rear windows in the proposed addition (both serving bedrooms) would face the nearest point on the boundary with Oak House, at an acute angle, at a distance of some 10m, with intervening existing retained trees and new tree planting. The windows would face the flank boundary directly at a distance of in excess of 13m. Whilst this would preclude any unacceptable overlooking of the affected property, it is recommended that an appropriate safeguarding condition (No 6) be imposed requiring the two respective windows to be obscurely glazed.
- 13.5 The building would retain a suitable separation distance (5m) to the flank boundary with No. 59 Salisbury Road. This would ensure that the proposed building would not encroach a 45 degree outlook angle subtended from the nearest rear facing window in the affected property, and would not result in any unacceptable overbearing effect on the amenities of the occupiers at No. 59 Salisbury Road.
- 13.6 The location of the bin store would not conflict with a 45 degree outlook angle taken from the nearest front facing window of the dwelling at No 59 Salisbury Road. The bin store would be fully enclosed, to prevent odours, and the entrance to the bin store would be well forward of the front elevation, which would mitigate any noise issues arising from the collection of bins.
- 13.7 In summary, the proposed scheme is considered to comply with Policy DM10

## 14 Quality of Accommodation

### *Unit sizes*

- 14.1 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 14.2 The application is proposing 17 units , comprising 2 Studio flats, 8 one-bed flats and 7 two-bedroom flats
- 14.3 The proposed studio (1 person) flats would have a Gross Internal Area of 43m<sup>2</sup>, the one- bed (2 person) flats an area between 50m<sup>2</sup> and 60m<sup>2</sup>, the two-bed (3 person) flats an area between 61m<sup>2</sup> and 67m<sup>2</sup>, and the two-bed (4 person) flats an area of 70m<sup>2</sup>
- 14.4 All 17 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- Studio (1 person): 39m<sup>2</sup>
- 1 bed (2 person): 50m<sup>2</sup>
- 2 bed (3 person) 61m<sup>2</sup>
- 2 bed (4 person):70m<sup>2</sup>
- 14.5 The proposal would therefore comply with Policy DM12

### *Private amenity space*

- 14.6 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5 m<sup>2</sup> of private amenity space for 1-2 person dwellings should be provided and an extra 1 m<sup>2</sup> should be provided for each additional occupant. A 3 person flat should have a 6m<sup>2</sup> balcony, and a 4 person flat should have a 7m<sup>2</sup> balcony
- 14.7 All flats would have access to around 200m<sup>2</sup> of communal amenity space to the rear of the building .Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments

## 15 Affordable Housing

- 15.1 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 15.2 Paragraph 64 of the Framework states that
- “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely Build to Rent homes;
  - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - c) is proposed to be developed by people who wish to build or commission their own homes; or
  - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”
- 15.3 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.
- 15.4 In this regard, to be fully compliant, the proposal would be required to provide 7 affordable units.
- 15.5 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

- 15.6 An Economic Viability Appraisal Report, by Andrew Golland Associates dated August 2020, was submitted with the application, which stated that there is insufficient value in the proposal to support an affordable housing contribution
- 15.7 The report was independently reviewed by viability consultants BPC, on behalf of the Local Planning Authority.
- 15.8 In their assessment dated 19 October 2020, BPC set out that the previous schemes for 13 and 15 units were unviable, and that the additional two units proposed in the current application were not sufficient to make it viable. (The existing use value of the dwelling continued to be higher than the Residual Land Value of the proposed scheme). BPC therefore concluded that the scheme is unable to support a fully policy compliant affordable housing provision.
- 15.9 Para 64 of The NPPF advises that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable homeownership. This lower threshold is a material consideration, on the basis of the extant scheme providing nil units and the Council's current significant shortfall in housing land supply, these factors along with all the other identified benefits outweigh the lack of affordable housing within a planning balance.
- 15.10 It is recommended that a viability review mechanism (similar to the extant legal agreement) be included in the S.106 agreement.

#### *Housing Mix*

- 15.11 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 15.12 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 17 units would be expected to provide 4 x 3 bedroom units.
- 15.13 The scheme proposes 42% two-bedroom units (7 flats), 47% one-bedroom units (8 flats), 2 Studio units (11%) and no three-bed units. However, four of the two-bed flats would be for 4 person occupancy, which officers have accepted as being for family accommodation. (A two bed 4 person flat would be able to accommodate a double bed or two single beds in each bedroom)

15.14 The mix whilst not policy compliant must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. The current scheme would also provide an additional 2, two-bed units compared to the extant scheme. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The lack of compliance with policy is not considered by Officers to be a robust reason for refusal in its own right. The proposed housing mix is therefore assigned minor negative weight in the planning balance.

## 16 Highways and Parking

16.1 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

16.2 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

16.3 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions

### *Proposed car parking provision*

16.4 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units. The scheme would be required to provide 17 spaces.

16.5 Within the site, 17 car parking spaces would be provided. With reference to the SPD standards, the car parking provision would be compliant

16.6 A condition requiring the submission of a Car Parking Management Plan setting out provisions for the management and use of the proposed parking is recommended, should permission be granted

*Cycling*

- 16.7 Provision for the storage of 17 cycles in a cycle store in the rear garden, is included within the proposal, a condition is recommended to secure the provision of this prior to occupation.
- 16.8 The Highways Officer has raised no objection to the proposed scheme.
- 16.9 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway and therefore complies with policies DM10 and DM37 of the Development Management Policies Document 2015

*Servicing and refuse*

- 16.10 A refuse store would be provided adjacent to the eastern flank boundary opposite the vehicular entrance to the site. The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

*Sustainability of the site*

- 16.11 The site is sustainably located within acceptable walking distance of bus services and convenience retail stores and community facilities along Kingston Road. Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

**17 Trees and Landscaping**

- 17.1 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

- 17.2 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):

Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and



Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

#### *Trees*

- 17.3 An Arboricultural Report & Method Statement has been submitted in support of the application and a detailed assessment of the existing trees within the site and on adjacent land has been undertaken to inform the design of the development. The Assessment classifies all trees and recommends which trees are to be retained and those, which are to be removed.
- 17.4 The proposed site layout allows for the retention of number large mature trees on the frontage of the site. The proposed permeable hard surfaces at the site would ensure that the adjacent trees can be protected both during and post development of the site in accordance with the requirements of BS 5837:2012
- 17.5 The Local Planning Authority's Tree Officer commented on this application on 23.12.2020, and raised no objection, subject to the submission of an updated Arboricultural Report and Tree Survey.
- 17.6 It is recommended that a landscaping condition to secure details of proposed landscaping and planting, is also imposed.
- 17.7 The proposal is therefore considered to comply with Policy DM5.

#### **18 Ecology/Biodiversity**

- 18.1 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 18.2 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 18.3 The application is supported by a Preliminary Ecological Appraisal and Bat Survey. The Bat Survey was undertaken in August and September 2019. The survey found that there was no evidence of bat activity/roosting or any protected species.

- 18.4 Various habitat enhancements were recommended, and It is recommended that a condition requiring the installation of bat and bird boxes, the planting of native trees and shrubs, and the provision of a stag beetle log pile be imposed, in order to enhance the value of the site for local wildlife with a net gain for biodiversity as encouraged by Policy DM4.
- 18.5 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4.

## **19 Sustainable Design**

- 19.1 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 19.2 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 19.3 A Surface Water Drainage Strategy has been submitted in support of this application. The report sets out that it has demonstrated compliance with Non-Statutory Technical Standards for sustainable drainage systems.
- 19.4 A formal response from SCC Local Lead Flood Authority was provided on 02.12.2020 raising no objections, subject to conditions should planning permission be granted.
- 19.5 Details of sustainability measures designed to reduce the use of energy, water and waste will be secured by a planning condition.
- 19.6 In summary, the proposed scheme has sought to integrate sustainability into the design of the proposal and it is considered to comply with Policy CS6.

## **20 Planning Obligations**

### *S106 Legal Agreement*

- 20.1 The developer has agreed to a Section 106 agreement to settle obligations relevant to the application. The agreed obligations are as follows:
- A mechanism to review the viability of the development,

*Community Infrastructure Levy*

20.2 The Scheme would be CIL liable

**21 Planning Balance and Conclusion**

21.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore, some of the policies (DM11 and DM13) that are important for the determination of this application are not consistent with the expectations outlined in the Framework.

21.2 The net provision of 16 units would provide a significant public benefit, which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

21.3 The provision of affordable housing in developments is afforded significant weight in the planning balance, but in the absence of on-site provision or a commuted sum in lieu thereof, no weight can be attributed in favour of the proposal in this regard.

21.4 In accordance with the tests set out in paragraph 197 of the NPPF 2019, it is officers' judgement that the demolition of the existing building is justified having regard to its status as a non-designated heritage, and prevailing planning policies. The loss of the existing dwelling is therefore assigned minor negative weight in the planning balance

21.5 The conflict with Policy DM11 in terms of maintaining a density of 40 dwellings per hectare is given minor negative weight as this policy is considered to be inconsistent with the expectations reflected in para 123 (a)(b) of the Framework.

21.6 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

21.7 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

## 22 Recommendation

### Part A

22.1 Subject to a legal agreement being completed and signed by the 16<sup>th</sup> April 2021 to secure the following heads of terms:

#### *Viability Review*

- Implementation of a review mechanism for the submission of a revised viability statement
- S106 monitoring fee, to monitor and sign off compliance of the s106 obligation

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below.

### Part B

22.2 In the event that the section 106 Agreement referred to in Part A is not completed by 16<sup>th</sup> April 2021, the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of 6 on site affordable housing units

### **Condition(s):**

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

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005.**

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

- 2019 - P0043 - LP (Site Location Plan) (1:1250)**
- 2019 - P0043 – 200 (Coloured Site Layout) (1:250)**
- 2019 - P0043 - 201 (Proposed Site Information Plan) (1:250)**
- 2019 - P0043 - 202 (Proposed Floor Plans) (1:100)**
- 2019 - P0043 - 203 (Proposed Elevations) (1:100)**

- 2019 - P0043 - 204 (Proposed Street Scene) (1:250)
- 2019 - P0043 - 205 (Proposed Bin Store) (1:100)
- 2019 - P0043 - 206 (Proposed Cycle Store) (1:100)

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

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

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

- (4) **No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The landscaping shall incorporate the planting of native species of trees and shrubs. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

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

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

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

- (6) The first and second floor rear bedroom windows to Flat 7 and 13, of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.

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

- (7) No demolition, site clearance or building operations shall commence until an updated site specific Arboricultural Method Statement has been submitted to, and approved in writing by the local planning authority, and until the protective fencing and other protection measures as shown in the approved Arboricultural Method Statement have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

**Reason:** To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (8) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

- (9) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment has been made and evidence of the construction contract has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that premature demolition does not take place before development works start in order to safeguard the visual amenities of the area Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015

- (10) The development hereby permitted shall not commence until details of hard surfaced areas have been submitted to and approved in writing by the local planning authority. Such details shall show that the hard surface will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site. The development shall be carried out fully in accordance with the approved details and so maintained.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (11) Notwithstanding the submitted plans, no part of the development shall be first occupied unless and until a vehicular bell-mouth access, with tactile paving and dropped kerbs at the pedestrian crossing point, has been constructed in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter all shall be permanently retained.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (13) Notwithstanding the proposed Construction Transport Management Plan, no development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones

**(f) measures to prevent the deposit of materials on the highway**

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

- (14) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 17 cars and a minimum of 17 cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.**

**Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.**

- (15) No part of the development shall be first occupied unless and until the proposed vehicular access to Salisbury Road has been constructed and provided with visibility zones in general accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high**

**Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.**

- (16) Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.**

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

- (17) The development shall not be occupied until the bat and bird boxes and wildlife log pile have been installed in accordance with the Biodiversity Enhancement Measures contained in the Bat Survey and Biodiversity Report - September 2020.**



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

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

**a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.**

**b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.0 l/s.**

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

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

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

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

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

- (19) **Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to**

and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

**(20) Ground contamination and ground gas assessment**

Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

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

**(21) Remediation**

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 19 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

**(22) Unexpected contamination**

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

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

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

**Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom & Ewell Borough Council Development Management Policies Document September2015.**

**(24) The development shall not be occupied until a Car Parking Management Plan setting out provisions for the management and use of the proposed parking has been submitted to and agreed in**

writing by the Local Planning Authority. These details shall be submitted for approval by the Local Planning Authority and only the approved details shall be implemented and retained as approved unless otherwise agreed.

**Reason:** To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018.
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online:

<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays
- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried

out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

- (5) The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

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<b>Ward:</b>	<b>Town Ward;</b>
<b>Site:</b>	<b>Maplins, 42 High Street, Epsom, Surrey, KT19 8AH</b>
<b>Application for:</b>	<b>The conversion of first second and third floor of the building to eleven residential apartments.</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QB14UGGYHWZ00>

## 2 Summary

- 2.1 This application follows a previous approval at this site for nine residential units and the conversion of the ground floor A1 use class into an A3 use class (19/01317/FUL). The previous scheme was presented to planning committee on the 12<sup>th</sup> of march 2020
- 2.2 The key difference between this proposal and the approved scheme is that the proposal seeks to split the third floor three bedroom unit into three one bedroom units, resulting in a total of eleven flats being proposed.
- 2.3 The proposed upper floors were comprised of disused and vacant offices that were no longer fit for purpose, the floorspace is presently under refurbishment in line with the earlier consent. The proposed development proposes to create eleven one bedroom flats (one studio).
- 2.4 Car parking is not provided for the residential properties due to the highly sustainable location of the property within the Epsom Town Centre and immediate access to public transport. A legal agreement will be attached to the scheme which restricts the rights of residents to apply for parking permits in the surrounding area.

- 2.5 The proposed apartments will have access to shared amenity space in the form of a roof terrace comprising of approximately 40 sqm. It is noted that this does not meet the minimum requirements for external amenity space for eleven units. However as they would be one bedroom units they will be for either be a single person or dual occupants and not for family units. Officers also considered that the addition of balconies would undoubtedly be unacceptable as it would result in a harm to the Epsom Town Centre Conservation Area. Given that the proposal would not be designed for family units and balconies are considered in appropriate in terms of heritage impacts, it is considered that no private amenity space in this case is acceptable. Having no private amenity space was previously approved for units 1-8 in planning permission 19/01317/FUL in this case the roof terrace will be opened up to these units and as such, this is considered to be an improvement in terms of the quality of the living accommodation.
- 2.6 The proposal includes a policy compliant level of affordable housing providing two affordable rented units and a commuted sum worth 0.2 of a unit. This is considered to be a significant benefit of the scheme. This is particularly true when compared to the previous approval which fell below the affordable housing threshold and as such did not provide any affordable units.

### **3 Site description**

- 3.1 The application site is pleasant interwar building which forms part of Epsom High Street located in a corner plot at the entrance to Derby Square. The site is located in a primary frontage area, an archaeological site (Epsom - Historic Town Core), and the Epsom Town Centre Conservation Area. The site is not listed however it is considered to be of a high architectural standard and contributes positively to the conservation area.
- 3.2 The upper levels of the site comprises offices that are currently unused and have been for a number of years. The ground floor of the site comprises an A1 use class retail unit which is referred to as Maplin's (Previous occupier). Since Maplin's as a business reverted to an entirely online business format and vacated the site (in Autumn 2018) the building has remained vacant.

### **4 Proposal**

- 4.1 The applicant is seeking planning consent for the conversion of first, second and third floor of the building to eleven residential apartments.

### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to thirty four neighbouring properties, site notice and media advertisement. To date (02.12.2020) no representations have been received.



## 6 Consultations

6.1 SCC Highway Authority – No objections on subject to conditions

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
20/01106/FUL	04.11.2020	Subdivision of existing A3 unit to form 2 No units, 1 x A3 & 1 X A3 / A5 and any subsequent E use class	PER
20/00938/FUL	26.08.2020	Subdivision of existing A3 unit to form 2 No. units along with replacement shopfront.	PER
20/00937/FUL	06.07.2020	Replacement of existing shopfront	PER
19/01317/FUL	21.05.2020	Change of use at ground floor from retail to A3 Restaurant use and the conversion of first second and third floor of the building to nine residential apartments.	PER
08/01418/ADV	21.04.2009	New internally illuminated fascia sign and projecting sign, 4 no. non -illuminated poster frames. (Amended drawing received 03.04.2009)	PER

## 8 Planning Policy

### NPPF 2019

Chapter 5 Delivering a sufficient supply of homes

Chapter 7 Ensuring the vitality of town centres

Chapter 9 Promoting sustainable transport

Chapter 11 Making Effective use of land

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

**Local Development Framework – Core Strategy 2007**

Policy CS5	The Built Environment
Policy CS6	Sustainable Environment
Policy CS11	Employment provision
Policy CS14	Epsom Town Centre
Policy CS15	Role of Local Centres
Policy CS7	Housing Provision
Policy CS8	Broad location of housing development
Policy CS11	Employment provision

Policy CS16 Managing transport and travel

**Development Management Policies Document 2015**

Policy DM8 Heritage Assets

Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new developments

Policy DM11 Housing Density

Policy DM12 Housing standards

Policy DM37 Parking standards

**Plan E (Epsom Town Centre Area Action Plan 2011)**

Policy E1 Town Centre Boundary

Policy E12 Town Centre Parking

**9 Planning considerations**

**Conversion of upper floor to residential**

Principle of the Change of Use to residential

- 9.1 For context the conversion of the upper floors of this property were approved in planning permission 19/01317/FUL which consisted of the conversion of the upper floors into 9 flats and the ground floor into an A3 (Restaurant) Use Class. This was seen by planning committee in March 2020 and approved on 21.05.2020. This scheme has since been commenced and refurbishment has started.
- 9.2 Paragraph 85 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It states that planning policies should define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.
- 9.3 Paragraph 85 (d) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

- 9.4 Core Strategy policy CS1 requires new development to be sustainable through positively contributing to social, economic and environmental improvements. Policy E1 of the Adopted Plan E states that within the town centre high density residential housing is in principle acceptable. Therefore officers consider that residential development the town centre is acceptable in principle.
- 9.5 The Governments standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 695 under the housing delivery test as published on 13th February 2020.
- 9.6 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the Borough's urban area will be supported in principle.
- 9.7 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.8 Policy E5 of Plan E states the following Proposals that seek to redevelop aging upper floor office floorspace for retail, other commercial A class uses or non-commercial uses will be considered providing the following are demonstrated:
- That there is a sufficient supply of high density employment floorspace within the Town Centre to meet the needs generated by future population growth
  - That the proposal site is no longer fit for purpose as Town Centre office stock
  - That the existing office use has been subject to an active marketing exercise lasting at least twelve months, prior to alternative uses being considered.
- 9.9 The upper floors of the property (above ground floor) are currently vacant and have fallen into disrepair. These floors would not represent a high standard of office stock. Precedent exists in the vicinity of the property for a change of use, as the neighbouring property at No. 44 High Street (Creams) recently gained planning consent for a similar conversion of the upper floors to a residential use in planning application 19/00271/FUL.

- 9.10 Furthermore, given that upper floor is currently unoccupied and is in a poor state of repair it would not be considered fit for purpose as a viable commercial use. The site would therefore comply with Policy E5 of Plan E's requirements for changing use and would be a suitable candidate for a change of use away from commercial office stock.
- 9.11 Given the site's highly sustainable location and the significant housing need in the borough, it is considered that the proposed redevelopment of this site for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

#### **Impact on Visual Amenity**

- 9.12 This proposal represents no physical changes to the exterior of the building from that which was approved in 19/01317/FUL. The changes relating to the residential element of the property consisted of an extension to the roof of the property on the boundary with The Derby Square and the addition of front rooflights.
- 9.13 The building occupies a prominent corner location on the northern side of High Street, in the Epsom Town Centre Conservation Area. The exterior alterations are located at the front, rear and the side of the property, consisting of two small dormer windows, a roof extension and seven rooflights. Epsom & Ewell's Conservation Officer has raised reservations regarding the four street facing rooflights.
- 9.14 The proposed roof extension would continue and extend the existing roof profile. Matching materials would be needed to assimilate the extension to the host to conserve the appearance of the conservation area. Matching materials are secured by planning condition. Epsom & Ewell's Conservation Officer has raised the point that a hipped end roof form would be more complimentary to the character of the property, but the proposed gable ended roof form would not cause undue harm and would therefore be acceptable.
- 9.15 The rooflights would be set below the parapet of the property and their visual prominence from the streetscene and any attributable harm to the character and appearance of the conservation area would not be considered severe. Upon inspection the site and the surrounding area, it is clear that that there are areas of the high street roof scape where these types of window would be clearly unacceptable. However due to their lack of visual prominence in this location they would not be considered unduly harmful and acceptable in this case.

- 9.16 The limited and traditionally scaled dormers are common within the streetscene particularly on the south side of the high street and similar dormer windows are featured on No. 44 High Street. The proposed dormer would match those at No. 44 High Street and as such, they would be acceptable in terms of design. Epsom & Ewell's Conservation Officer has not raised objections to this element of the scheme.
- 9.17 Although glimpsed views of the physical additions will occur from the adjacent side of the road and selected areas of the streetscene they would not be considered to be significant and given the public benefits of the provision of additional housing, these minor impacts would be acceptable in terms of design and conservation.
- 9.18 Officers note that, the size scale and massing of the proposal including the locations of windows and other opening are all the same as which was approved in 19/01317/FUL and represents no change from the previously approved scheme.
- 9.19 The proposed scheme would therefore comply with Policy DM8, DM9 and DM10.

#### **Residential Amenity**

- 9.20 Officers note that the size scale and massing of the proposal including the locations of windows and other opening are all the same as that which was approved in 19/01317/FUL and represents no change from the previously approved scheme.
- 9.21 The proposed development would not result in any material impacts to neighbouring residential amenity. The scale and massing of the proposed extensions is considered to be minor in its scale as the proposed roof extension would be located on the roof of the property and would not exceed the existing footprint. This increase in bulk and massing is not considered to be significant and it would not be of a location that would be considered to result in an increase in overbearing, overshadowing or impacts to the daylight/sun light provision of any nearby residential properties that would warrant the refusal of the application.
- 9.22 The proposed development includes the provision of a balcony/terrace area for the top floor flat. This would not be considered to result in any overlooking towards the western facing side of the property as it faces no habitable room windows on the side elevations of any neighbouring properties and looks towards Derby Square. It is acknowledged that from the eastern side of the balcony it may be possible to view the rear windows of residential units on the upper floors of high street Epsom. As such, a condition would be placed ensuring that there would be adequate screening along this boundary to ensure that the occupants of the top floor flat would not be able to have direct views into the rear windows of flats at high street.

### **Affordable Housing**

- 9.23 The Council's Core strategy Policy CS9 states that the councils has an overall target that 35% of new dwellings should be affordable.
- 9.24 However, Policy CS9 goes on to state that residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.
- 9.25 In this case this equates to 2.2 affordable units.
- 9.26 The applicant has agreed to provide two affordable rented units as part of the scheme. Which leaves a surplus of 0.2 units.
- 9.27 In cases such as this the council seeks to achieve the additional affordable units through the provision of a commuted sum.
- 9.28 Officers have assessed the viability assessment accompanying the submission and in co-operation with the applicant and The Councils own viability surveyors have used the councils standard commuted sum calculator to identify the commuted sum required to pay the surplus of 0.2 affordable units.
- 9.29 The figure reached is a commuted sum of £19,527 to cover the 0.2 affordable units.
- 9.30 Therefore, officers are satisfied that the proposed development achieve as policy complaint level of affordable housing and is acceptable in this regard subject to the completion of an S106 Agreement.

### **Affordable Housing Conclusion**

- 9.31 The provision of a policy complaint level of affordable housing (2 affordable rented units and £19,527 commuted sum) is considered to be a significant benefit in favour of the proposal which will be given significant positive weight in the planning balance.

### **Internal Space Standards/Amenity Space**

- 9.32 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m<sup>2</sup> for single bedroom and 11.5 m<sup>2</sup> for a double bedroom. All new units should be designed in accordance with the National Space Standards.
- 9.33 The application proposes the erection of eleven new one bedroom dwellings. The minimum space standards for a single storey one bedroom property is 39 m<sup>2</sup> of internal floor space.

Property	Bedroom 1 (m2)	Total Internal Floorspace (m2)	Private Amenity Space (m2)
Flat 1	17.6	61	Shared roof terrace (40 m2)
Flat 2	13.9	51	
Flat 3	12.8	43	
Flat 4	11.1	51	
Flat 5	17.9	60	
Flat 6	13.8	51	
Flat 7	12.9	43	
Flat 8	11.1	51	
Flat 9	(STUDIO)	41	
Flat 10	11.9	51	
Flat 11	14.1	42	

9.34 The proposed properties meet the minimum internal floor space standards as set out in the National Space Standards in all but two bedrooms which fall slightly short of meeting the 11.5 m<sup>2</sup> of internal floor space. However, these rooms would fall short by 0.4 m<sup>2</sup> and the size and scale of these units would be considered to provide a good standard of accommodation and meet the minimum internal space standards. Therefore the quality of accommodation would be acceptable in this regard.

9.35 The proposal would provide shared communal amenity space for the one bedroom units it is noted that the amount of amenity space is limited, but officers do note that this is an improvement upon the previous approved scheme (19/01317/FUL) which offered no amenity space for the one bedroom units. The amenity space is considered to be acceptable as these units will not be occupied by families and are more likely to be occupied by single or dual occupants. The proposal provides a communal terrace area for the proposed flats and which in unison with the fact that the proposal would not serve family units and that the addition of balconies would fundamentally harm the conservation area, would be acceptable in this case. Officer note that there are a number of parks in walking distance to the site which is considered to be a benefit to the occupants however, this alone does not justify the lack of amenity space and it is only considered to be acceptable given the context of the location and size of the flats.

### **Housing mix**

9.36 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

9.37 Policy DM22 Housing Mix states that the council considers that schemes must provide a minimum of 25% three bedroom units however, exceptions will be accepted dependent on location and viability. The proposed scheme of nine units would be expected to provide two three bedroom units.



- 9.38 The scheme proposes 100% one bedroom units. The mix of units is not policy compliant.
- 9.39 It is worth noting that the neighbouring property known as creams was granted planning permission for a 100% one bedroom unit scheme in planning permission 19/00271/FUL owing to the central location and the restrictions of the site being in Epsom Town Centre Conservation Area that limits extension of the site to accommodate larger units. It is therefore considered that there is precedent for one bedroom schemes in close proximity to the site due to the constraints of the site and that the only realistic opportunity for development is one bedroom units.
- 9.40 However given the location of the site and the fact that design limitations make it not possible to accommodate more than one unit above one bedroom in size (because of the requirement for outdoor amenity space). The family sized unit approved in 19/01317/FUL have been removed in favour of creating three one bedroom units. Nonetheless the proposal would not be policy compliant and does not provide any family sized units which will be weighted negatively in the planning balance.

#### **Parking /Access**

- 9.41 At the heart of the NPPF is a presumption in favour of sustainable development and states that all future developments that generate significant amounts of movement should be supported by a Transport Assessment or Transport Statement so that the likely impacts of the proposal can be assessed.
- 9.42 Paragraph 108 of the NPPF states that: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.43 Paragraph 109 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.44 Paragraph 110 of the NPPF states that: Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.45 Policy DM37 Parking Standards, states that: Developments, redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. Applicants will be required to demonstrate how their proposals will meet the objectives of the Epsom & Ewell Borough Parking Strategy.
- 9.46 The Council's Parking Standards for Residential Development SPD 2015 states that the parking standard for one - two bedroom flats within Epsom Town Centre is a minimum 0.75 spaces per unit. However, due to the site's physical constraints, no car parking provision would be provided on-site
- 9.47 The application is supported by a Transport Statement to justify the provision of a car free scheme.

9.48 The statement assesses trip generation as follows:

- *There is a good level of pedestrian and cycling infrastructure linking the site to the various town centre destinations and public transport connections. For journeys further afield public transport services facilitate links to the wider Epsom area, Guildford and south and central London. Future residents will be able to avail of the numerous sustainable travel connections and the proposed car-free development discourages single occupancy vehicle journeys. Furthermore, the development proposal complements EEBC policy objectives to encourage sustainable travel choices and reduce carbon emissions from transport.*
- *The predicted travel demand for the development proposal (residential and retail) has been compared to the existing uses (retail and office) and shown to result in a significant reduction in the number of trips. Furthermore, anticipated trips for the 9 proposed residential units has been shown to be negligible (5 twoway trips in AM peak and 7 two-way trips in the PM peak).*

9.49 The Site is also providing a secure cycle parking facility for sixteen cycles on-site which will further encourage trips from the Site being made by active travel modes. This will be secured by condition.

9.50 The proposed transport statement assesses the scheme and determines that it is considered that the proposed development will not result in any material increase to the number of multi-modal trips which the Site generates. Furthermore, the number of vehicular trips is likely to be negligible due to the proposed development being car free with no parking.

9.51 The proposed development is an appropriate use of the application site (in transport terms) in regard to policy aims to promote sustainable travel choices and a transition to a low carbon environment. This car-free development is in a highly accessible location, close to local amenities and facilities, provides on-site cycle parking and no car parking provision.

9.52 The proposed development is within walking distance of a range of public transport links, including Epsom Station and several frequent bus routes. The Site is therefore located within a highly sustainable area and on primary retail frontage, with secure cycle parking being provided on Site.

9.53 Given the small scale of development, the sustainable location of the Site, the lack of opportunities for providing parking on site and in the local area, it is considered that there is sufficient justification for the proposed development providing no parking spaces, and that this will have a negligible impact on parking levels in the local area.

- 9.54 The proposed development is unlikely to have any significant impact on on-street parking as there is extremely limited opportunity to park in the local area for free which is likely to be a major disincentive to owning a car. This is due to the double yellow line parking restrictions present on High Street, CPZs (which residents of the proposed development will not be eligible to obtain permits for), pay and display parking and private parking areas.
- 9.55 Officers concur with the conclusions reached in the Transport Statement and it is considered that the proposed scheme would not result in any material increase to the number of multi-modal trips which the site presently generates. In addition, the number of vehicular trips would likely to be negligible due to the proposed scheme being car free with no parking.
- 9.56 Surrey County Council Highways Officers has raised no objection to the scheme subject to securing the cycle parking spaces. They Made the following observations:
- ‘The CHA note that the site is situated in a highly sustainable location and it is not considered that car ownership is a necessity for future occupiers of the site.*
- The site is located within close proximity to local shops and amenities and is well connected with public transport links (such as train and bus). The CHA therefore raise no objection to this proposal on highway safety or capacity grounds.’*
- 9.57 A total of sixteen cycle parking spaces would be provided on-site which is in accordance with and exceeds policy requirements.
- 9.58 A communal bin store would be provided at the rear of the property. The refuse arrangement would be per the existing servicing arrangement (bins wheeled via the rear service access road)
- 9.59 It is considered that the applicant has provided sufficient and robust information/ evidence to justify a car free scheme (notwithstanding the site’s highly sustainable location), and therefore the scheme would comply with Policy CS16 and DM37

### **Community Infrastructure Levy**

- 9.60 The proposed apartments would be CIL liable

### **Legal Agreements**

- 9.61 The proposal will be subject to the signing of a Section 106 agreement in order to secure parking restrictions and affordable housing contributions. The heads of terms for such an agreement will be the following:
- The provision of units 10 and 11 as affordable rented units.

- The provision of £19,527 as a commuted sum to cover the 0.2 affordable units surplus.
- The applicant has agreed to the implementation of a legal agreement that restricts the residents of the site from applying for on street residential parking permits in order to mitigate pressures on local on street parking.

9.62 Subject to the signing of a legal agreement including all the above terms the application is acceptable.

## 10 Conclusion

- 10.1 The upper floors are considered to be redundant and not of an acceptable standard of office accommodation and therefore the proposed change of use would be acceptable in principle and has previously been granted permission for 9 residential units.
- 10.2 The proposal would not result in any changes to the design or appearance of the property from that which was approved in 19/01317/FUL. The proposal would result in very minor changes to the design and appearance of the property which are considered to be acceptable by EEBC's Design and Conservation Officer. As this would not represent any unacceptable impacts however due to the relatively little change it would not be considered to enhance the building either. Therefore, this would carry neutral weight in the planning balance.
- 10.3 This proposal represents a net increase in 2 dwellings from the previous approval. Which given the scale of the Council's housing demand is considered to be a benefit of the scheme which will be given moderate weight in the planning balance.
- 10.4 The proposal offers policy compliant level of affordable housing offering 2 affordable rented properties and a commuted sum worth 0.2 of a unit. Given policy compliance this is considered to be a benefit of the scheme which will be given significant weight in the planning balance.
- 10.5 The proposal would not offer any family sized units and this proposal represents one less family sized unit from the previous approval. Given that The Council's requirement for family sized units is 25% this is a significant shortfall and would ordinarily command moderate negative weight in the planning balance. However given the context of the constraints of the site due to it being in the Epsom Town Centre Conservation Area this is considered to command a lesser weight as it is not considered possible to reach policy compliance in regards to unit mix. This will therefore be attributed minor weight against the scheme

- 10.6 The proposed residential development would be a parking free scheme which would be acceptable in this case given the site location in the centre of the town and would therefore be given negligible weight in the planning balance. This position is supported by SCC highways who have raised no objections to the scheme. Nonetheless, in order to ensure that no unacceptable highway impacts result from the proposal a legal agreement will be used to ensure that residents of the flats do not have a right to apply for a parking permit.
- 10.7 All of the proposed units would be one bedroom dwellings and would have access to a shared roof terrace. This proposal represents an improvement in this respect, as in the previous approval 19/01317/FUL as eight of the nine dwellings would not have had access to private amenity space.
- 10.8 The amenity space is considered to be adequate given that the application proposes one bedroom dwellings and is therefore not intended for families. Given that the proposal improves access to amenity space for the eight flats on the first and second floor that previously had no access to outdoor amenity space, this is considered to be a benefit. However, as the amenity space is a relatively small space this is considered to be only a minor benefit of the scheme.
- 10.9 Officers consider that this proposal in comparison to the previously approved scheme 19/01317/FUL offers increased public benefits as this proposal offers policy compliant affordable housing (two affordable rented units and a commuted sum), whereas the previous scheme offered no affordable housing.
- 10.10 Overall on balance the positives of this proposal such as the additional units, the improved access to communal amenity space and the provision of policy compliant affordable housing would significantly outweigh the negatives such as the fact that the scheme does not have a policy compliant housing mix. The proposal is therefore considered to be acceptable and is recommended for approval subject to the signing of a legal agreement.

## 11 Recommendation

- 11.1 Recommendation A) Approved subject to the below conditions upon the signing of an S106 agreement with the below heads of terms before three months from today's date (14.01.2021):

### Heads of Terms:

- Agreement restricting the future owners/occupiers from applying for parking permits
- The provision of units 10 and 11 as affordable rented units
- The provision of a commuted sum of £19,527.00

- 11.2 Recommendation B) subject to the failure to sign an S106 Agreement of the aforementioned heads of terms the Planning Committee grants the Head of Planning permission to refuse the application.

**Condition(s):**

**General Conditions**

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

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

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

**19.3166.120 Rev.P1 - Proposed Floor Plans**

**19.3166.121 Rev.P1 - Proposed Floor Plans**

**19.3166.122 Rev.P1 - Elevations**

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

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

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

- (4) **The rooflight window(s) hereby approved shall be of a 'conservation style' and shall not project beyond the plane of the roof.**

**Reason: To safeguard the special architectural and historic interest of the listed building / In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

- (5) **The development shall not be occupied until details of all boundary treatment on the eastern side of the terrace to apartment 9 have**

been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

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

- (7) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses or buildings shall be erected within the curtilage.

**Reason:** To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (8) The residential unit hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies (2015).

- (9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 16 cycles to be parked, in a secure and covered



location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and DM 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

[conditions from original permission to be removed below. Leaving them here just in case we need to retain them

**Informative(s):**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**
- (3) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.**

- (4) **The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:**

**carry out work to an existing party wall;**

**build on the boundary with a neighbouring property;**

**in some circumstances, carry out groundwork's within 6 metres of an adjoining building.**

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

- (5) **The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from un-cleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).**
- (6) **Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.**

## Monthly Appeal and Housing Figure Reports

<b>Ward</b>	<b>(All Wards)</b>
<b>Contact officer</b>	<b>Steven Lewis</b>

Report by Steven Lewis, Planning Development Manager/Viv Evans Head of Planning

The Planning Service has received the following Appeal decisions from 19<sup>th</sup> November 2020 to 18<sup>th</sup> December 2020.

<b>Site Address</b>	<b>Planning reference</b>	<b>Description of development</b>	<b>Decision and Costs</b>
39A Alexandra Road Epsom KT17 4DA	20/00605/FLH  APP/P3610/D/20/3256573	Erection of car port, boundary fence and entrance gates.	<b>Dismissed</b> – No Costs
245 London Road Ewell Surrey KT17 2BU	20/00524/FLH  APP/P3610/D/20/3256056	Ground, first floor, and loft extensions	<b>Dismissed</b> – No Costs
42 Briarwood Road Stoneleigh KT17 2LY	19/01532/FLH  APP/P3610/D/20/3250445	1st floor side extension with single storey rear extension including loft conversion with new front and rear roof dormers with skylights to the front roof slope	<b>Dismissed</b> – No Costs

### Summary of Appeal Decisions:

#### **39A Alexandra Road, Epsom**

The main issues were the effects of the development (a car port, gates and fencing) on the street scene and the protected tree within the grounds of 39 Alexandra Road.

The car port has held to be prominent from the south-east where it is seen with the new gates and fencing in the foreground. Although of contemporary design and lightweight construction, the canopy was held to be incongruous due to its siting forward of the dwelling; this being at odds with the prevailing character of Alexandra

Road. The adverse impacts were held to be exacerbated by the visually harsh front boundary treatment and the lack of any vegetation along the frontage.

Individually and cumulatively, the gates, fencing and car port are materially harmful to the street scene of Alexandra Road.

The car port falls within the root protection area of a mature beech tree in the grounds of No 39. This large specimen has a tree preservation order (TPO) in recognition of its significant contribution to the amenity of the area.

In the absence of information about method of construction it was commented that it is impossible to draw any conclusions on the lasting effects on the tree. That development has already taken place was not adequate reason to ignore the issue, since it is conceivable that removal of the car port could limit any harm and allow the root system time to recover. Retention of the TPO tree was considered important to the street scene of Alexandra Road. The appellant's failure to properly demonstrate that permanent harm will not result from retention of the car port leads to conflict with Policy.

#### **245 London Road, Ewell**

The height, depth and position of the extension on the boundary was felt to combine to make it an oppressive feature which detrimentally increases the sense of enclosure in the neighbours' garden. These impacts were held to be much greater in comparison with the fallback of the permitted scheme with fencing or vegetation along the boundary and resulting in an unacceptable adverse impact.

#### **42 Briarwood Road, Stoneleigh**

The Inspector commented that the main issue was the effect of the development on the character and appearance of the host property and the street scene.

In combination with the gable, the dormer was felt to result in a scale and bulk of extension that would appear an unduly prominent and incongruous addition to the host house and unbalance the appearance of the semi-detached pair and would upset the rhythm of development in the area.

The Inspector noted similar example of extension drawn to his attention in Waverley Road and Briarwood Road and that these pre-dated the development plan. As consequence of the harm identified and being contrary to the local plan, the appeal was dismissed.

**Net No. of dwellings for which planning permission has been granted**

<b>Month</b>	<b>Committee</b>	<b>Delegated</b>	<b>Appeal</b>
April	0	2	1
May	55	2	0
June	0	3	0
July	14	7	0
August	0	18	0
September	0	1	0
October	0	14	0
November	8	11	0
<b>Total</b>		<b>136</b>	

**Annual target 695 dwellings**

It should be noted that the above table and figures only count decisions which have been formally issued and also exclude decisions where there is an extant planning permission to avoid double counting.

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