

12 March 2020

Maplins, 42 High Street, Epsom, Surrey, KT19 8AH

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.

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| Ward: | Town Ward; |
| Contact Officer: | Tom Bagshaw |

1 Plans and Representations

- 1.1 This application is before planning committee today as it was called in by Town Ward Councillor Neil Dallen.
- 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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZ44EBGYG8600>

2 Summary

- 2.1 This application features two separate elements. The changes of use of the upper floors to use class C3 (Residential) and the change of use of the ground floor to A3 use Class (restaurant)
- 2.2 The proposed upper floors are comprised of disused and vacant offices that are no longer fit for purpose. The proposed development proposes to create nine residential units, comprising eight 1 bedroom flats and one 3 bedroom flat.
- 2.3 Car parking is not provided for the residential properties due to the highly sustainable location of the property within the Epsom Town Centre.
- 2.4 Apartments 1-8 will not have any amenity space as they would be one bedroom units and it is not considered that amenity space is necessary as the occupants will either be a single person or dual occupants and the units would not be suited to family accommodation. The three bedroom unit on the third floor will be served with a large terrace. All units comply with internal space standards.
- 2.5 The residential element of his scheme is therefore acceptable.

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- 2.6 The proposed changes of use of the ground floor to A3 would be contrary to Plan E Policy E4 which states that there should be a proliferation of A1 units and this should not fall below 66%. The proposed change of use would result in a fall of A1 unit percentage from 68% to 64% along this section of the High Street.
- 2.7 The applicant has supplied 21 months' of marketing evidence to show that there is little realistic demand for an A1 occupier in this site. However there has been significant interest from A3 operators.
- 2.8 Although the proposed change of use would be contrary to Policy E4 of Plan E, from a spatial context this unit is uniquely suited for a change of use towards a restaurant type occupier due to its location adjacent to the Derby Square (a centre for leisure uses). This was referenced in Epsom's recent draft retail needs assessment recommendation EP3.
- 2.9 Officers consider that although this change of use does not strictly conform to Plan E, Policy E4, the applicant has demonstrated that this site has little demand for an A1 occupier over a significant period of time and that this is a site uniquely suited to a change of use because of its location, whereas other units in the area might not be so well suited. Officers consider that this proposed change of use when considered with the benefits of additional housing would be acceptable in this specific case.

3 Site description

- 3.1 The application site is pleasant interwar terrace 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 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 comprised of eight one bedroom units and one three bedroom unit.

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5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties, site notice and media advertisement. The initial round of public consultation commenced on 19.11.2019 and following amendments a secondary round of public consultation commenced on 29.01.2020. To date (19.02.2020) 1 letter of objection have been received regarding:

- Appearance of the ground floor retail frontage should be extended to face both the Derby Square and the high street.

6 Consultations

6.1 EEBC Ecology Officer – No objection and no further surveys required

6.2 SCC Highway Authority – No objections on subject to conditions

7 Relevant planning history

| Application number | Decision date | Application detail | Decision |
|--------------------|---------------|---|----------|
| 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

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| 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

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|--------------------|--|
| 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)

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|-------------------|---|
| Policy E1 | Town Centre Boundary |
| Policy E4 | Town Centre Primary Shopping Area and Primary and Secondary Retail Frontages |
| Policy E12 | Town Centre Parking |

9 Planning considerations

- 9.1 For purposes of this application the change of use of the ground floor and the upper floor will be assessed separately and their cumulative impact will be assessed in the planning balance.

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Conversion of upper floor to residential

Principle of the Change of Use to residential

- 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.
- 9.5 Policy CS14 supports the development of Epsom as a lively, vibrant and viable town centre. Developments within this area should contribute to five key objectives:
- Creating a diversity, richness and balance of uses which will contribute to a flourishing day-time and night-time economy, help satisfy community needs and enhance environmental quality and sustainability;
 - Ensuring that physical and land use changes recognise and build on the distinctive character different parts of Epsom town centre already have, and contribute to conserving and developing a “sense of place”;
 - Improving the pedestrian and cyclist environments by creating new links and developing a street network which is designed with their needs in mind, and which reduces the adverse impact roads and traffic have on the town;
 - Ensuring the town has a clear spatial structure for future growth and change and that development can be used to protect and enhance that pattern;
 - Developing a greater sense of safety and security for users, both during the day and at night, and improving the perception of the town as active, inclusive and safe.

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- 9.6 The Government's 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.
- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.

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Impact on Visual Amenity

- 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 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 The proposed scheme would therefore comply with Policy DM8, DM9 and DM10.

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Residential Amenity

- 9.19 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.
- 9.20 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.

Internal Space Standards/Amenity Space

- 9.21 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 m² for single bedroom and 11.5 m² for a double bedroom. All new units should be designed in accordance with the National Space Standards.
- 9.22 The application proposes the erection of nine new dwellings. Eight dwellings would have one bedrooms and one would have three bedrooms. The minimum space standards for a single storey one bedroom property is 39 m² of internal floor space. The minimum standards for a single storey three bedroom property is 95 m² of internal floor space.

| Property | Bedroom 1 (m2) | Bedroom 2 (m2) | Bedroom 3 (m2) | Total Internal Floorspace (m2) | Private Amenity Space (m2) |
|----------|----------------|----------------|----------------|--------------------------------|----------------------------|
| Flat 1 | 17.6 | | | 61 | |
| 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 | |

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|------|--------|------|------|-------|-----|----|
| 9.23 | Flat 8 | 11.1 | | | 51 | |
| | Flat 9 | 32.9 | 18.1 | 12.95 | 136 | 48 |

he proposed properties meet the minimum internal floor space standards as set out in the National Space Standards in all but 2 bedrooms which fall slightly short of meeting the 11.5 m² of internal floor space. However, these rooms would fall short by 0.4 m² 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.

9.24 The private amenity space required for a family size unit (3+ Bedrooms) is 70 m² and for a 1-2 bedroom dwelling house it is 40 m². The amenity space require for a flat is 5 m² plus an additional 1 m² per intended occupant. The proposed external amenity space would meet the minimum square footage of external amenity space as shown in the table above and would therefore result in an acceptable quality of accommodation in this regard.

9.25 The proposal would not provide private or communal amenity space for the one bedroom units. As these units will not be occupied by families and are more likely to be occupied by single or dual occupants. Given the urban, town centre location, and the proximity of public open space at Rosebery Park, the lack of amenity space provision for the one bed flats is acceptable and therefore on balance the scheme would meet requirements of Policy DM12. The proposal include a large terrace balcony for the three bedroom property which would provide ample amenity space for this unit and would be acceptable in this regard.

Housing mix

9.26 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.

9.27 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. The proposed scheme of nine units would be expected to provide two 3 bedroom units.

9.28 The scheme proposes 11% three bedroom units (three bed flats), 89% one bedroom units. The mix of units is not policy compliant.

9.29 However given the location of the site and the fact that design limitations make it not possible to accommodate more than one unit above 1 bedrooms in size (because of the requirement for outdoor amenity space) the unit mix is considered appropriate for a scheme in this location.

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Parking /Access

- 9.30 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.
- 9.31 Paragraph 108 of the NPPF 2019 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.
- 9.32 Paragraph 109 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.
- 9.33 Paragraph 110 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

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e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 9.34 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.
- 9.35 The Council's Parking Standards for Residential Development SPD 2015 states that the parking standard for 1 - 2 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
- 9.36 The application is supported by a Transport Statement to justify the provision of a car free scheme.
- 9.37 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).*
- 9.38 The Site is also providing a secure cycle parking facility for 16 cycles on-site which will further encourage trips from the Site being made by active travel modes. This will be secured by condition.
- 9.39 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.

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- 9.40 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.
- 9.41 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.
- 9.42 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.
- 9.43 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.
- 9.44 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.
- 9.45 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.’*
- 9.46 Officers are of the opinion that a legal agreement would not be necessary in this instance as the scheme is not within reasonable distance of a Controlled Parking Zone and therefore would be unlikely to apply for a permit.

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- 9.47 A total of 16 cycle parking spaces would be provided on-site which is in accordance with and exceeds policy requirements.
- 9.48 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)
- 9.49 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

- 9.50 The proposed apartments would be CIL liable

Change of use of the ground floor unit

- 9.51 Policy E4 of Plan E (Epsom Town Centre Area Action Plan, 2011) states the following:

Primary Shopping Area

- 9.52 This area, as defined on the Proposals Map, will serve as the Town Centre's core shopping area. The area incorporates the Primary and Secondary Retail Frontages. Retail uses will form the dominant use within this area. The Council will actively encourage new retail to locate within this area.

Primary Retail Frontages

- 9.53 Within these frontages, as defined on the Proposals Map, the percentage of A1 units will not fall below 66%. The Council will actively encourage a higher proportion of A1 uses within these frontages. Uses other than the A1, A2 or A3 uses, as identified by Use Classes Order, will not be permitted.
- 9.54 The proposed development site is situated within a primary retail frontage. As such, the high street would be expected to retain a minimum of 66% retail units along this frontage. During a site visit it was noted that of the shops along the high street 25 units were A1 Use class and 17 were other use classes (A2, A3, A4, A5). The existing A1 uses therefore comprise 68% of the high street.
- 9.55 Permitted development rights for change of use from Use Class A1 to other Use Classes along primary retail frontages within the Epsom Town centre conservation area have been removed. The Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, the development would not have permitted development rights and would therefore require planning permission to move between use classes.

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- 9.56 Application 18/00086/FUL at 17 High Street Epsom was refused on 06.06.2018 for loss of and A1 units resulting in the number of A1 use class units falling below 66%.
- 9.57 A recent Retail and Commercial Leisure Needs Assessment commissioned by the Council and undertaken by study by Urban Shape Planning Consultants was released to the public in draft form at Licensing and Planning Policy Committee on the 23rd of January. This draft document states that the north side of the High street has an A1 use percentage of 68%. If this change of use were to be approved it would reduce this percentage to 64% and would therefore not comply with Policy E4.
- 9.58 However, the same report makes specific recommendations regarding the Maplin's site (Recommendation EP3 - page 65) and states that in a spatial context this site could possibly benefit from a change of use to family sit down dining because of its relationship with the Derby Square, which is a centre for leisure activities in the area, with various A3 operators and has recently been granted planning permission to operate as a cinema. Officers do recognise that this is only a draft and not the final document and as such should not be given the full weight of adopted policies however, this is a published document and will be given moderate weight as an aide to making a reasoned judgement on this application.
- 9.59 The applicant has supplied detailed marketing information regarding this site which shows that it has been advertised for a minimum of 21 months and that no reasonable offers have been made by A1 retailers for this site. The marketing report goes on to show that there have been offers from 4 different A3 operators.
- 9.60 Given that the applicant has been able to demonstrate that they have taken significant efforts to market the site for A1 Use with little interest and that the site has remained vacant for nearly 2 years, this gives a strong indication for the lack of demand for the unit within a retail use. The change in use of his site would strictly be contrary to Policy E4, but cannot be considered in isolation of the policy. Weight must also be given to the additional residential units created by the application and also to its spatial location at the corner entrance to Derby Square which is uniquely situated in a location where a change of use to A3 could lead to enhancement and which was noted in the retail study by Urban Shape Planning Consultants.

Design Context

- 9.61 This site is located at the corner of Derby Square, an area dedicated to leisure uses. The current use has a frontage that directly faces onto the high street and does not interact with the Derby Square.

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- 9.62 The proposed use is well suited to an active frontage facing onto Derby Square. The applicant has provided no details of the proposed internal layout however from a design and spatial context this application site would be a positive addition to the square and would help to draw people into this area of the town.

Planning Balance

- 9.63 Given the extent of the housing demand, the provision of an additional 9 units is considered to be a significant benefit. The mix of units does not meet policy compliant levels however due to the circumstances regarding the design and location of the building it is not considered possible to provide a policy compliant level of 3 bedroom units. The provision of the additional units is considered to be a significant benefit in favour of this application and as such this is something to which significant weight is attributed.
- 9.64 The upper floors of the property are a poor standard of commercial floor space and are not considered fit for purpose as a modern office space. The loss of the upper floors of the site as employment floor space would be attributed minimal weight against the proposal, because although there is demand for office space in the town centre this offer would not be considered adequate to accommodate the needs of a modern business.
- 9.65 The design changes to the property are small. The rooflights are considered to be visible and although they would represent a negative impact to the proposal their scale, design and the presence of similar extensions nearby would result in the changes being attributed minor weight against the proposed development.
- 9.66 The loss of the A1 unit ordinarily along the high street would be attributed significant weight against the proposal due to it falling below policy compliant levels of A1 units along the High Street (66% of units should be A1). However spatial circumstances support the change of use of this unit due to its relationship with the Derby Square, as this is a leisure orientated area of the town centre and an A3 use would fit in with this character. This would therefore dampen the degree of harm resulting in this loss of an A1 unit due to its specific circumstances. Therefore to this I attribute minor weight against the proposal.
- 9.67 Officers consider that the benefits of the proposal referring to the creation of 9 new units represent a significant benefit resulting from the development. The harm caused by the loss of the offices, the loss of the A1 unit and the minor design issues created by the proposal be considered to be minor given the location of the site. On balance the proposed benefits would be considered to demonstrably outweigh the negatives of the proposal and therefore the resulting scheme is considered to be acceptable.

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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
- 10.2 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.
- 10.3 8 of the residential units do not have any amenity space however these would be 1 bed room units which as they are not family sized units and are close to various local amenities would be an acceptable standard of living for single or dual occupancy. The 3 bedroom unit would have a large terrace on the third floor.
- 10.4 The ground floor change of use would result in this section of the high street falling below policy compliant levels of A1 uses which require 66% of A1 uses (the change would be from 68% falling to 64%).
- 10.5 This site is uniquely placed to accommodate an A3 use due to its location adjacent to the Derby Square and as such this site could support a change of use.
- 10.6 The applicant has supplied detailed marketing information to show that the site has not received credible interest as an A1 use in the past 21 months however has received interest as an A3 use.
- 10.7 The change of use due to the location of the site and the lack of interest as an A1 use would therefore be acceptable.
- 10.8 Overall the harm caused by the loss of the A1 unit, the lack of private amenity space and the unit mix is outweighed by the facts that the proposed development helps address the Borough's housing need and it creates an A3 unit in a suitable location which relates well to the Derby Square.

11 Recommendation

- 11.1 Planning permission be granted subject to conditions.

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.

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

19.3166.110 Rev.P1 – Proposed Site / Ground Floor

19.3166.111 Rev.P1 – Proposed Floor Plans

19.3166.112 Rev.P1 – Proposed Floor Plans

19.3166.113 Rev.P1 – Proposed 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.

Upper Floors Conditions

- (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.

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- (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.

Restaurant specific conditions

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- (10) **The application notwithstanding the Town and Country Planning (General Permitted Development) order (England) 2015 (as amended) or any future iterations of permitted development rights this site shall remain as an A3 Use Class and any change of use shall require consent from the local planning authority in the form of planning consent.**

Reason: To ensure the vitality of the Primary Retail frontage in accordance with Plan E - Epsom Town Centre Area Action Plan (2011), and the development management policies document (2015)

- (11) **No development shall take place until a scheme detailing the noise and vibration attenuation measures to be adopted between the ground Floor A3 use and the first floor and above residential C3 use is submitted and approved in writing by the local planning authority. Such a scheme must achieve an airborne noise design target of at least 55 dB DnTw + Ctr. Thereafter the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.**

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

- (12) **No occupation of the residential units shall take place until pre completion testing has been submitted to the local planning authority demonstrating the above design target has been achieved or exceeded.**

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

- (13) **The proposed use shall not operate outside of the hours of 07:30:and 23:30**

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

- (14) **No occupation shall take place until a schematic plan and design specification for the fitting of suitable ventilation and filtration equipment has been submitted to and approved in writing by the local planning authority. Such a scheme and details must include equipment to suppress and disperse all fumes/smoke/grease/steam/odour/gases and proposals to treat the**

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plant and machinery against the transmission of sound and/or vibration. The approved equipment shall be installed before the use commences and thereafter must be operated and maintained in full working order in accordance with manufacturer's instructions throughout the proposed use.

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

- (15) No occupation shall take place until details for the storage of waste on the premises, including the design and position of storage facilities for bins and recycling have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.**

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**

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(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.