

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

- 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 12th 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 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.
- 9.33 The application proposes the erection of eleven new one bedroom dwellings. The minimum space standards for a single storey one bedroom property is 39 m² 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 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.
- 9.35 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 complaint 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 highways 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 for 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.