

## DELEGATED REPORT

**Application Number:** 22/00082/PDCOU

**Application Site:** 17 High Street, Epsom, Surrey,  
KT19, 8DD



**Proposal:** Change of use at second and third floor level from Ancillary Retail (Use Class E) to Dwellinghouses (Use Class C3) to create 1 x 3 bedroom, 4 person residential flat

**Target Date:** 23/03/2022

### PREVIOUS RELEVANT HISTORY

18/00086/FUL	Change of use of ground floor and first floor from retail (Use Class A1) use to a mixed restaurant and hot food take-away use (mixed A3/A5 use), incorporating a replacement shopfront, plant, new rear external staircase at first floor level.	Application Refused 12/06/2018; Appeal Allowed 29/03/2019
--------------	--	---

### CONSULTATIONS

A planning site notice was displayed on 22/02/2022.

#### Statutory, Non-Statutory and Internal Consultees

**Epsom and Ewell Borough Council Environmental Health Officer:** No response received.

**Surrey County Council Highway Authority (CHA):** Is there any scope to provide bicycle parking within the site? Bicycle parking provision on site has not been provided with sufficient detail and should be provided to accommodate a minimum of 2 bicycles and should be secure and covered, to encourage future residents to choose this mode of travel. Storage space should ideally be provided at ground level, to facilitate ease of use for heavier bicycles such as electric.

**Epsom and Ewell Borough Council Conservation and Design Officer:** No objections.

### SITE AND SURROUNDINGS

1. The site comprises a three storey mid terrace building located on the south side of High Street, Epsom. This application relates solely to the second and third floors.
2. The surrounding area is mixed in character and appearance.
3. The site does not contain a Listed Building, however it is located within the Epsom Town Centre Conservation Area.

### PROPOSAL

4. The application seeks a change of use at second and third floor level from Ancillary Retail (Use Class E) to Dwellinghouses (Use Class C3) to create 1 x 3 bedroom, 4 person residential flat.

## ASSESSMENT

### **5. Class MA – commercial, business and services uses to dwellinghouses**

6. MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

7. MA.1—(1) Development is not permitted by Class MA –

a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (iv) is or forms part of a military explosives storage area

(e) if the building is within—

- (i) an area of outstanding beauty;
- (ii) an area specified by the Secretary of State for the purposes of Section 41(3) of the Wildlife and Countryside Act 1981;
- iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions –medical or health services);
- (vi) Class D1(b) (non-residential institutions –crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure –indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

## Conditions

(1) Before beginning the development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development, particularly to ensure safe site access;

The application site is located within sustainable location, accessible by non-car modes of transport and in an area with on-street parking restrictions, therefore there is not considered to be a material impact on the safety and operation of the surrounding highway network. Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 2 cycle spaces per 3+ bedroom unit. There are no details provided in relation to cycle parking, however it is considered that this aspect could be secured via a planning condition.

(b) contamination risks in relation to the building;

The proposal would not comprise of any excavation works, therefore there is not considered to be any contamination risks.

(c) flooding risks in relation to the building;

The rear of the site is not located within EA Flood Zones 2, 3 or 3A, therefore there is not considered to be any significant risk from flooding.

- (d) impacts of noise from commercial premises on the intended occupiers of the development;

The existing commercial premises are not considered to give rise to any significant noise and disturbance, over and above what would be expected within a built up environment.

- (e) where—

- (i) the building is located in a Conservation Area, and
- (ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character and sustainability of the Conservation Area;

The site is located within the Epsom Town Centre Conservation Area and within a Primary Retail Frontage. The ground and first floor levels would remain in commercial use (KFC), therefore continuing to contribute to the vitality and viability of Epsom Town Centre. A number of surrounding buildings have had their upper floors converted to residential use.

- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The proposed bedrooms and living/kitchen area would all be served by windows, therefore there is considered to be adequate natural light to all habitable rooms.

- (f) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

N/A.

- (g) where the development involves the loss of services provided by—

- (i) a registered nursery, or
- (ii) a health centre maintained under Section 2 or 3 of the National Health Service Act 2006

the impact on the local provision of the type of services lost.

N/A.

#### Technical Housing Standards – Nationally Described Space Standards

The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. A two storey, 3 bedroom, 4 person unit should have a minimum Gross Internal Area (GIA) of 84sqm. It further states that

in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.

The proposed flat would have a GIA of 84.3sqm, just exceeding the minimum internal space standards and therefore providing adequate internal living arrangements.

**RECOMMENDATION:**

**Prior Approval is Required and Permitted** subject to the following condition(s):

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Condition 5 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

EPA21 20 B As Existing & Proposed (Received 20/01/2022)  
Site Location Plan (Received 20/01/2022)

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

3. The development hereby approved shall not be first occupied unless and until the facilities for the secure, covered parking of two bicycles within the development site has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2019) and to accord with Policies DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

**INFORMATIVES:**

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

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
  
3. 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. This development may be liable to a charge under the Community Infrastructure Levy (CIL). A completed Notice of Chargeable Development (Form 5) must be submitted to the local planning authority prior to the commencement of development in order to determine liability for the Levy. If the development is CIL liable, failure to comply with this will result in surcharges and, where relevant, the potential to pay in instalments. Form 5 should be sent directly to [CIL@epsom-ewell.gov.uk](mailto:CIL@epsom-ewell.gov.uk).
  
6. You are advised that any changes to the front elevation, such as replacement windows, is likely to require separate planning permission.

<b>Signature of Case Officer:</b>	EC
<b>Date:</b>	21/03/2022

