

Former Epsom Post Office 74 High Street Epsom KT19 8BE

Change of use of former post office (A1) to restaurant / drinking establishment (A3 / A4) including internal and external demolition, refurbishment and extension as well as the associated infrastructure.

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| Ward: | Town Ward; |
| Contact Officer: | John Robinson |

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P672LDGYJIT00>

2 Summary

- 2.1 This application seeks permission for the proposed change of use and internal alterations to the building to enable it to be used for A3 restaurant and A4 drinking establishment use. The unit is at ground floor level and will accommodate the trading area, toilet facilities, kitchen, cellar, storage and back of house office and staff accommodation.
- 2.2 The application has been submitted to Committee at the request of Cllr Neil Dallen.
- 2.3 **The proposal is recommended for APPROVAL subject to conditions.**

3 Site description

- 3.1 The application site comprises part of a three-storey Grade II Listed Building located on the northern side of High Street, and within Epsom Town Centre Conservation Area. Nos. 74-76 High Street contain two commercial units at ground floor level with three residential flats above at first and second floor level, single-storey ancillary buildings to the rear and an area of hardstanding. This application relates to the rear ground floor commercial unit which was previously occupied by The Post Office.

- 3.2 The site extends to 777m² and has a narrow street frontage measuring approximately 5m in width, incorporating a large entrance door and small window. A short entrance hall leads through to a large open plan room, from which a number of smaller rooms are accessed. The yard to the rear is enclosed on all sides, bordered by adjacent development and close boarded fencing.
- 3.3 To the rear of the application site (to the north) is a 6/7 storey block of flats "Hudson House". To the west of the site is the flank wall of a large retail store "Wilkinsons", and to the east are rear extensions and car parking areas of buildings fronting Waterloo Road, which are used for a variety of purposes. There is an access way from Waterloo Road at the rear of Hudson House, which gives access to rear parking and service areas.
- 3.4 The site falls within the defined Epsom Town Centre Boundary, the Primary Shopping Area and the Primary Retail Frontage.

4 Proposal

- 4.1 This application seeks permission for the proposed change of use and internal alterations to the ground floor commercial unit, previously occupied by the Post Office, to enable it to be used for A3 restaurant and A4 drinking establishment use.
- 4.2 The proposed restaurant/pub would accommodate 56 covers in the bar area, 110 covers in the dining area, 40 covers in the covered terrace and 24 covers in the garden area (Total: 230 covers)
- 4.3 No external changes are proposed to the listed building facing the High Street, but some internal and external alterations would be necessary to facilitate the change of use. These would include the removal of the stud walling at the front of the unit to provide a larger entrance lobby, the replacement of the existing double entrance doors to the same design and proportions, addition of conservation roof lights and glazed roof lantern light over the proposed dining area and refurbishment of the interior including removal and relocation of some existing partitions and masonry walls to create kitchen and toilet facilities, the formation of garden enclosure, extension to create a new dining area (with a retractable fabric roof), and new fencing. As a result of the proposals, the floorspace would increase marginally from 588 to 621m².
- 4.4 There would be no change to the current servicing and access arrangements which would continue to be from the rear of the site.
- 4.5 The following opening hours are proposed:
- 08.00 -23.00 Monday – Thursday and Sunday, and
 - 08.00 – 24.00 Friday and Saturday

5 Comments from third parties

5.1 The application was advertised by means of a press and site notice, as well as letters of notification to 107 neighbouring properties. To date (15.05.2019) 47 letters of objection have been received, and are summarised as follows:

- My comments relate to the revised Noise Impact Assessment (dated March 2019). In summary: The conclusion that there will be 'a minimal effect to the local residents' is rather a complacent summary of the impact assessment in our view. Criteria are exceeded at most floors with windows open and at the podium (Table 6.3) and with peak trading and raised voices. This effect could be higher at the 7th floor when the screening calculations are corrected. The criteria are intended for general environmental noise and after 23:00 hours, lower criteria are required, as described in our previous letter of December 2018. We consider that the development will introduce a new noise source with an entirely different character from the present noise climate, which is reasonably steady and bland, which does not attract attention from the listener and can be 'blanked out'. Voices, particularly raised voices, are naturally distracting as is the impulsiveness and tonality of bottles and glasses clinking. The development will change the acoustic environment of Hudson House, introducing distracting noises during evenings and weekends, when residents are likely to be at home and especially when wishing to enjoy summer months on their terraces or with windows open to the Juliet balconies provided for that very purpose. The revised report confirms our view that the development as proposed will be deleterious to the residents of Hudson House with a negative impact that will cause significant harm.
- The fact that the premises has a rather limited frontage should not weigh in favour of granting this application. There is considerable scope to make the premises and the entrance more attractive and possibly somewhat wider, albeit with the need for good design and listed planning consent. It is clear from the application that the premises has been altered many times in its history, including the provision of alternative entrances. The current entrance is not original and a sympathetic redesign could improve the entrance significantly
- The potential loss of A1 units within the most important Primary Retail Frontages of Epsom Town is of such concern to the Council that the Epsom Town Centre Primary Retail Frontages Article 4 Direction 2015 was implemented
- There would be significant adverse impact and harm on the health, quality of life and amenity of the residents of Hudson House as a result of noise from the outside areas, if this application were to be granted. I would also reiterate that the large podium that is on the southern boundary of Hudson House at first floor level close to the premises, is the only outside space for use and recreation of all the residents in the

111 flats comprising Hudson House and their families. The constant noise generated from the outside space of the premises, particularly during the summer months, would have a significant adverse impact on the use of such outside space, whether users have flats overlooking the premises or otherwise and would be an unreasonable intrusion. The noise report submitted by the applicant gives no assurances that this will not be the case, but rather it is based on the conjecture of low level use seemingly as a restaurant, with customers speaking in conversational voices and with high use being a rarity.

- The generation of noise will affect our quality of life here at Hudson House tremendously. Fumes of smoke from cigarettes and food will further affect this. It is clear that for a great deal of the time the noise will still be present. To limit the timing such that from 8pm the outdoor area is closed does nothing to limit the noise for the rest of the time. For residents to enjoy their outdoor space there needs to be minimal noise from local businesses at all times. The smoking area will clearly have to be open still at all times so where is the noise mitigation for this?
- I am concerned that noise from customers using smoker's shelter outside behind the bar will have an impact on my tenant, who lives at my property in Hudson House.

6 Consultations

- 6.1 Highways: No objection: Has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.
- 6.2 Design and Conservation Officer: No objection
- 6.3 Environmental Health Officer: No objection

7 Relevant planning history

| Application number | Decision date | Application detail | Decision |
|---------------------------|----------------------|--|-----------------|
| 07/00332/FUL | 12.09.2007 | Demolition of single-storey ancillary buildings to rear of post office and erection of 4 storey building to form 4No. 2 bed flats and new post office accommodation with new service access. | REFUSED |
| 07/01139/CAC | 23.04.2008 | Demolition of existing outbuildings in association with application reference 07/01141/FUL for erection of 4 storey block of 4 no. 2 bed flats with associated parking and rear access for Post Office | GRANTED |
| 07/01141/FUL | 29.05.2008 | Demolition of single-storey ancillary buildings to rear of post office and erection of 4 storey building to form 4No. 2 bed flats. | GRANTED |
| 07/01337/LBA | 21.02.2008 | Demolition of existing ancillary outbuildings to listed Post Office and erection of 4 storey block of 4 no. 2 bed flats with associated parking and rear access for Post Office | GRANTED |
| 17/00770/FUL | 01.11.2017 | Fenestration changes to rear elevation, erection of brick refuse store and 2.85m high security walls with access doors to rear yard area. | GRANTED |
| 17/00873/LBA | 01.11.2017 | Internal alterations comprising removal of walk-in safes and some internal walls together with fenestration changes to rear elevation | GRANTED |

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

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| Chapter 7 para 85 | Ensuring the vitality of town centres |
| Chapter 12 para 130 | Achieving well designed places |
| Chapter 16 para 192 | Conserving and enhancing the historic environment |

Core Strategy 2007

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|-------------|-------------------------------|
| Policy CS5 | The Built Environment |
| Policy CS11 | Employment provision |
| Policy CS14 | Epsom Town Centre |
| Policy CS16 | Managing transport and Travel |

Development Management Policies Submission Document 2015

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|-------------|--|
| Policy DM8 | Heritage Assets |
| Policy DM9 | Townscape Character and Local Distinctiveness |
| Policy DM10 | Design Requirements |
| Policy DM14 | Shopfront Design |
| Policy DM32 | Parking and Servicing at Existing Retail Centres |
| 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 |

9 Planning considerations

Principle of the Change of Use

- 9.1 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
- 9.2 Paragraph 192 of The NPPF states that In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

9.3 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.

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

Primary Shopping Area

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

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.

- 9.5 A recent survey of the High Street (West) northern frontage found that only 50% of the units along this stretch of frontage were in A1 use. While it is acknowledged that the frontage of the application unit is narrow, which could be argued that its loss would have a negligible impact on the proportion of A1 units frontage wise, it still does not detract from the fact that the percentage of A1 units in this area is low.
- 9.6 It is however noted that in upholding a recent appeal (Ref: 3205266, 18/00086/COU: 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) at 17 High Street Epsom, the Inspector stated that *“I observed that the policy does not distinguish between units with different floor areas or frontage width. Consequently, the large national chain stores in the pedestrianised Ashley centre are afforded the same weighting as the appeal site which has a comparatively narrow frontage and limited floor space. Moreover, although I recognise that this is not the policy wording, if the width of A1 frontages and floor space was taken into account, it seems that the A1 frontages would be significantly above 66 per cent for the town centre as a whole”*.
- 9.7 It is also recognised that a narrow frontage (5m) could deter potential A1 uses, as evidenced by the marketing statement submitted in support of the application which indicates that since September 2016 when marketing of the unit commenced, no viable retail tenant has come forward.
- 9.8 It is acknowledged that the permitted use of the premises is A1 and for many years it was the General Post Office for Epsom Town and then a Cost Cutter retail supermarket, with Post Office retail counters located at the rear. However whilst the former occupant (the Post Office) was an A1 use, it was not heavily reliant on a shop frontage, and without the regular footfall provided by the post office function, it is evident that a retail use has proved to be unattractive to the retail market.
- 9.9 The applicants submit that that the proposal would represent a diversification of the town centre in response to the changing retail environment while maintaining activity in the town centre to help ensure its long term viability in accordance with paragraph 85(a) of the NPPF. However officers consider that the proposal would not represent a significant diversification of the town centre as within the town centre there is already a wide choice of licensed restaurants, cafes and pub restaurants, in proximity to the application site.

- 9.10 It is not the Council's intention for units to remain vacant in the long term as this detracts from the vitality and viability of the Town Centre. Therefore, whilst an A1 use is the most desirable, an A3/A4 use may also be appropriate in this particular unit to ensure its long-term future. The applicants contention that pedestrian footfall in Class A3/A4 uses can attract as many, and in some cases more, comings and goings than retail premises, and that the proposed late opening hours of the pub/restaurant would contribute to a flourishing day-time and night-time economy in support of Policy CS14 is supported.
- 9.11 On balance it is considered that an A3/A4 use could be appropriate in this location. The proposal would comply with Policy E4 as it would be making a positive contribution to the vitality and viability of Epsom Town Centre.

Visual impact

- 9.12 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.13 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 9.14 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.15 Policy CS5 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.16 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced.

- 9.17 The proposed external alterations to the front elevation (High Street) street scene would be minimal and would include the refurbishing of the front door and some revised signage, which Officers consider would be sympathetic to the location and historic nature of the building. (The necessary advertisement consent application would require a separate application).
- 9.18 The majority of the proposed work would be located within the later pitched and flat roofed extensions at the rear of the building and would not be visible in the streetscene. The works would comprise the following:
- Existing doors, and windows in the rear elevation would be replaced by full height "Crittall" style metal fenestration.
 - A 6.7m deep x 8.8m wide, aluminium framed conservatory extension would extend the seating accommodation to the rear and would have a retractable, acoustic fabric roof. The conservatory seating area would open onto a 6m deep outdoor garden/seating area, which would be enclosed by a new 3.2m high, rendered blockwork wall. A 1.5m deep x 8m long x 2m high, open timber enclosure directly to the rear of the courtyard would provide a bin store and general storage area.
 - There would be an external smoking area immediately adjacent to the present buildings, leading onto a passageway running northwards to the rear access way from Waterloo Road.
- 9.19 The design, details and scale of the proposed additions to the building are acceptable and would not detract from the appearance and character of the original building, or have a harmful impact on the streetscene.

Residential Amenity

- 9.20 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances
- 9.21 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances
- 9.22 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.23 The current proposal would have a typical public house and restaurant design internally, with an external seating area, as well as a covered smoking area. A “conservatory” dining area with a retractable fabric roof (incorporating acoustic material), would adjoin the outside dining/seating area. Roof mounted plant is also proposed which would consist of a series of ductwork, in line attenuators and supply/extract fans. All ductwork would be acoustically lagged.
- 9.24 Concerns have been raised regarding the impact on the residential amenity of the occupants of the flats in Hudson House with regard to noise and disturbance generated by the proposed use. A resident of Hudson House, who would be affected by the proposed use, commissioned a Noise Impact Assessment Report (NIAR) to refute the conclusions contained in the applicants original (NIAR). In response the applicant has submitted an updated noise report, which has been further updated in response to further comments received from the objector.
- 9.25 The updated Noise Impact assessment Report (Rev E) and addendum dated 9 May 2019 states the following:
- 9.26 *The proposed trading hours would be 08:00h to 23:00h Monday through to Thursday and Sunday and Bank Holidays and 08:00h to 24:00h on Friday and Saturday. The retractable roof would be closed at 20:00h or dusk, with the external element of the garden being closed to the public for the same hours.*
- 9.27 *The nearest noise sensitive properties are the apartments referred to as Hudson House above and next to the Co-operative Food Store directly North of the rear of the site, at an approximate distance of 30m. To the east of Hudson House, there are two properties with rooftop terraces on the southern aspect, at an approximate distance of 30m. These are on the 6th and 7th storeys and have glass balustrading around the perimeter of the balcony.*
- 9.28 *There are two flats on the second storey above the Toni & Guy hair salon, with Flat 2/1 having two windows from the kitchen/dining area overlooking the proposed external seating area to the rear of the proposed development.*

- 9.29 *The proposed roof mounted plant would consist of a series of ductwork, in line attenuators and supply/extract fans. All ductwork would be acoustically lagged.*
- 9.30 The report states that the following have been considered:
- Sound levels from patrons within the beer garden
 - Sound levels from impacting glasses and bottles within the beer garden
 - Sound levels of bottle disposal in the bin store (at the rear of the garden)
 - Sound levels of all associated plant and ductwork.
- 9.31 *Two sound level meters were deployed at locations representative of noise sensitive receptors (NSR) at the site. MP1 was on the balcony of Hudson House Flat no111, which overlooks the proposed development. MP2 was positioned on the podium floor of Hudson House, which is an external amenity area for the entire building. The sound level meters measured the sound levels continuously through until the 19th February 2019.*
- 9.32 *Trading hours are reported to be 8am to 11pm Sunday – Thursday & 8am to 12am Friday - Saturday. A further 1hr has been allotted in the subsequent calculations to allow time for patrons to leave the establishment. To account for a 'worst-case scenario', another 1hr has been allocated during Friday and Saturday trading hours (assumed peak trading days) to allow staff to finish and leave the premises.*
- 9.33 *Further analysis of the data has been carried out for representative time periods during normal operational hours. They are as follows:*
- 10am – 12pm: Morning Period;*
- 12pm – 3pm: Lunch Time;*
- 3pm – 5pm: Mid-Afternoon;*
- 5pm – 8pm: Dinner Time; &*
- 8pm – 2am (Friday - Saturday) & 8pm – 12am (Sunday - Thursday): Evening Trading Time.*
- 9.34 *The lowest recorded ambient and background levels are:*
- Balcony: 54.6 dB LAeq,T and 48 dB LA90,T; &*
- Podium: 49.6 dB LAeq,T and 44.5 dB LA90,T*
- 9.35 *These measured levels have been deemed to be representative and have been used in all subsequent calculations.*

Prediction of Sound Levels from Proposed Garden

- 9.36 *The approach used to assess the future sound level from the garden area considers the layout with the retractable roof open and two trading level scenarios. These trading level scenarios are;*
1. *Normal trading where half of the external customer area is occupied and people are talking in normal relaxed voices. This has been considered to be the typical situation and, for the majority of the time, occupation and activity in outdoor areas would be at or below these levels (N.B. no pre-recorded or amplified live music will be played in any outdoor areas).*
 2. *Peak trading where all of the external customer area is occupied (64 patrons) and people are mostly talking in raised voices. This is considered a worst case scenario which would occur less frequently.*
- 9.37 *It was also requested through the Environmental Health team that other LAmax noise sources should be considered, including the clinking of bottles and glasses as well as the disposal of empty glass bottles.*
- 9.38 *In order to predict the propagation of noise to the nearest noise sensitive receptors, the calculated area sources were fed into a computerised noise model which meets the requirements of ISO 9613 Part 2:1996.*
- 9.39 *The receivers were set at the front of the Hudson House building at the respective heights, at a distance of 1m from the façade of the building. We have also assessed for three external areas for amenity spaces, namely the roof terrace on the 6th and 7th floors as well as the flat roofed section, which appears to be an external amenity space for recreational purposes, reported to be locally referred to as "The Podium".*
- 9.40 *The predicted patron noise levels under normal trading conditions were below the measured ambient and background sound levels at both MP1 and MP2 during the evening trading times. This period of measurement was recorded to be the quietest or the proposed opening hours.*
- 9.41 *The predicted patron noise levels With Full Capacity Trading and Normal Voices would be below the measured existing ambient level background sound level at both MP1 and MP2, however there was a predicted 1dB increase over the quietest period, Sunday evening, although it has been anticipated that Sunday evenings would not be peak trading conditions.*
- 9.42 *The predicted patron noise levels with Normal Trading and Raised Voices would be below the measured existing ambient level and below the background sound level for the opening hours at MP1. There would be a 3dB increase above the quietest evening period at MP2, the Podium.*

- 9.43 *The predicted patron noise levels with Full Capacity Trading And Raised Voices would be below the measured existing ambient sound level for MP1 and 1dB above the ambient sound level at MP2, The Podium. The predicted sound levels from this scenario would also be below the lowest measured representative background sound level at MP1, but 6dB above the lowest measured background sound level at MP2, however, this was measured on Sunday evenings, when it is anticipated that the establishment would be less likely to be at full trading capacity.*
- 9.44 The report concludes the following:
- 9.45 *The sound consultants attended the site and measured the existing ambient and background sound levels at two locations, as well as undertaking a variety of near field measurements around existing noise sources from other premises.*
- 9.46 *This investigation has benefitted from the inclusion of a 3D sound propagation model for the sound from patrons in the rear garden of the proposed public house as well as the main sources of sound from short duration peak events. Through the restriction of the garden opening hours, it has been shown that the sound level from the patrons would be acceptable.*
- 9.47 *We have performed the required breakout calculations for all roof top mounted plant and have assessed the sound levels in line with BS4142:2014, which was shown to be acceptable with BS4142:2014.*
- 9.48 *We have shown through calculations and acoustic modelling that the change of use to A3/A4 should result in minimal effect to the local residents in Hudson House, Flat 2/1 and the external amenity spaces and therefore should be acceptable from an acoustics perspective.*
- 9.49 In response to the Council's Environmental Health Manager concerns regarding the effectiveness of the canopy area, the applicant's noise consultant submitted an addendum dated 9 May 2019, to the Noise Report.
- 9.50 The addendum states the following:
- 9.51 *In order to provide a fully robust acoustic assessment, the previous report had not calculated the anticipated sound reduction from the proposed canopy area, as all calculations were conducted on a worst case scenario. The following pages of this technical note include the calculations for the canopy, assuming that all patrons are to be within the covered conservatory space.*

- 9.52 *The drawing shown in Figure 2.5 of the most recent acoustic assessment shows the retractable acoustic roof on a powder coated aluminium conservatory structure with glazing and doors to the vertical sections of the conservatory. It has therefore been assumed that the retractable roof would be set in a sealed runner system, which would provide a good level of sealing around the acoustic material, therefore acting as an imperforate barrier.*
- 9.53 *The insertion loss for the canopy has been added to the following table, assuming a good seal around the perimeter of the canopy, and then adjusted for the distance to the closest noise sensitive receptor, which was taken to be 30m*
- 9.54 *The bottles being thrown have not been considered in these calculations as the discarding of the bottles would be undertaken during “normal” operating hours and not during the quietest part of the evening. Additionally, this operation would happen in the bin store, which has been proposed to have a more solid roof.*
- 9.55 The Council’s Environmental Health Officer commented as follows:
- *Noise from activities in the rear outside space is likely to be audible, not necessarily because it exceeds the background by a material margin, but by it being significantly different in character to noise generated by air handling plant and road traffic.*
 - *Noise from activities inside the canopy area would likely not to be audible or if it is, it would be at a level which would result in little loss of amenity. This only holds however if the detailing of the installation of the canopy is adequate. An assumption has been made by the acoustician of a perfect fit between canopy and structure. On this basis, a condition requiring the submission of details of the roof assembly, installation and future maintenance would address this concern.*
- 9.56 Officers concur with this assessment and recommend that a further condition requiring the roof to be retracted at 20.00 as well as the use of the external garden area to cease at the same time would address noise concerns. Regarding bottle disposal, there would also need to be a planning condition that bottles should only be cleared into disposal bins in normal working hours
- 9.57 In summary, Officers are satisfied that the proposed change of use would have a materially harmful impact on neighbour amenity, in terms of noise and disturbance, to justify the refusal of this application. The application would therefore comply with Policy DM10.

Access, Parking and Servicing Arrangements

- 9.58 Paragraph 108 of the NPPF sets out 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.
- 9.59 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.
- 9.60 Policy DM32 relates to parking and servicing at existing retail centres.
- 9.61 As with the former Post Office use, there would be no on-site parking provision however the site is located in a central and highly accessible location on the main High Street where there are many options for customers to use alternative sustainable means of travel.
- 9.62 In relation to servicing arrangements, these would continue to be to the rear of the site. The applicant has provided an estimated schedule of deliveries based on an existing comparable operation. Officers consider that deliveries would be broadly comparable with the former Post Office number and pattern of heavy vehicle movements. The Highway's Officer has raised no objection to the proposed scheme.
- 9.63 The scheme would therefore comply with Policy CS16

Planning Balance

- 9.64 The proposal is for a change of use from A1 Post Office to A3/A4 Restaurant and Drinking Establishment and associated works
- 9.65 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

9.68 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.

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

Primary Shopping Area

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

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.

9.70 As part of the application process it is necessary to consider the benefits arising from the proposal and the weight to which they are considered. These then need to be balanced against any identified harm.

9.71 Of significant weight in the approval of this application is that it would result in the conversion of the vacant building to a long-term and viable use with no particular harm to the vitality and viability of the town centre. There would also be public benefit in returning this vacant Grade II Listed building to active commercial use, helping to preserve it for future generations.

9.72 In terms of identifiable harm, whilst the loss of the A1 unit would decrease the percentage of A1 units along this stretch of the High Street, the resultant overall level of A1 units in the town centre would not fall below the policy threshold.

Community Infrastructure Levy

9.73 The proposed development would not be CIL liable

10 Conclusion

10.1 It is considered that there are no significant impacts arising from the development that cannot be mitigated. Having considered all consultation responses and the views of neighbouring residents, it is considered that the proposal would meet local and national planning policy objectives and accordingly the application is recommended for APPROVAL

11 Recommendation

11.1 Planning permission is permitted subject to the following conditions:

Conditions:

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

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

3722.03(07) Proposed External Elevations

3722.03(08) Proposed and Existing Sections

3722.03(01) Proposed General Arrangements

3722.03(03) Proposed Demolitions and Alterations

3722.03(04) Proposed Demolitions and Alterations

3722.03(05) Proposed Roof Plan Sheet 1 of 2

3722.03(06) Proposed Roof Plan Sheet 2 of 2

3722.03(09) Site Location and Block Plan

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Reason: 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 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 DM8, DM9 and DM10 of the Development Management Policies 2015.

- (4) The premises shall only be open for customers between the following hours:

08:00 hrs – 23:00hrs Mondays – Thursday and Sunday and Bank Holidays and 08:00 hrs – 24:00 hrs Fridays and Saturdays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) The retractable roof to the rear conservatory extension shall not be opened between 20:00hrs – 08:00hrs Monday-Sunday.**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (6) The outdoor garden area shall not be utilised by patrons or members of the public after 20:00 hrs Monday – Sunday**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (7) Empty bottles should only be cleared into disposal bins between the following hours;**

08:00hrs – 17:00hrs Monday - Sunday

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (8) The measures submitted as part of the planning application for noise control shall be implemented prior to the occupation of the development and thereafter retained as such. The plant and equipment shall be maintained in accordance with manufacturer's instructions throughout the proposed use.**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (9) Prior to commencement of the development hereby approved, details of the roof to the bin store shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (10) No development shall commence until a Construction Transport Management Plan has been submitted to and approved by the Local Planning Authority, to include details of:**
- (a) parking for vehicles of site personnel, operatives and visitors**
 - (b) loading and unloading of plant and materials**
 - (c) storage of plant and materials**
 - (d) programme of works (including measures for traffic management)**
 - (e) provision of boundary hoarding behind any visibility zones**
 - (f) HGV deliveries and hours of operation (see restricted vehicle movement hours below);**
 - (g) vehicle routing**
 - (h) measures to prevent the deposit of materials on the highway**
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused (j) HGV movements to or from the site shall not take place between the hours of 8.00 to 9.15 am and 4.45 to 6.00 pm only**
 - (i) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.**

Only the approved details shall be implemented during the construction of the development.

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

- (11) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) No sound-amplifying equipment, loudspeakers or public address system shall be installed or operated in any outdoor areas (including the covered terrace area) on the premises hereby approved.**

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

Informative:

- (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.**