

Former Epsom Post Office 74 High Street Epsom KT19 8BE

Variation of Condition 2 (Approved drawings) 3 (External materials) 9 (Roof Details) 10 (CTMP) of planning permission 17/01868/FUL.

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=PZVWE4GYGC600>

2 Summary

- 2.1 This application seeks to vary Condition 2 (approved drawings). Condition 3 (External materials), Condition 9 (Roof Details) and Condition 10 (CTMP) of the approved application (Ref 17/01868/FUL).
- 2.2 An associated application for Listed Building Consent for internal and external demolition, refurbishment and extension to building (19/01667/LBA) is also being reported for Committee decision.
- 2.3 The proposal would accord with the residential, environmental and highway policies contained in the Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.4 The application is therefore recommended for APPROVAL.
- 2.5 This application has been submitted to committee at the request of the Ward Councillor Neal Dallen.

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. Numbers 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 to vary Condition 2 (Approved Drawings) Condition 3 (External Materials), Condition 9 (Roof Details) and Condition 10 (CTMP) of the approved application (Ref 17/01868/FUL).
- 4.2 The variation of Condition 2 would permit amendments to the design comprising a revised roof to the conservatory extension, new timber roof to bin store, two additional polycarbonate roof lights, and a revised rooftop plant layout.
- 4.3 Condition 3 (External Materials) was originally worded as follows:

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.

- 4.4 It is proposed to amend the wording as follows:

The external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) A Proposed External Finishes and the samples submitted on 24 October 2019.

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.

- 4.5 Condition 9 (Roof Details) was originally worded as follows:

Prior to commencement of the development hereby approved, details of the roof to the bin store, as well as details of the retractable roof assembly, installation and future maintenance, 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.

- 4.6 It is proposed to amend the wording as follows:

The roof to the bin store, as well as the retractable roof assembly, installation and future maintenance, shall be completed in accordance with the approved details on drawings 3722.03(10) Conservatory Detail and 3722.03(14) Bin Store Detail.

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

- 4.7 Condition 10 (Construction Transport Management Plan) was originally worded as follows:

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.

4.8 It is proposed to amend the words as follows:

The development shall be undertaken in accordance with the Construction Transport Management Plan submitted to the Local Planning Authority on 24 October 2019.

Reason: Required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 132 neighbouring properties, a site and press notice. To date (30 March 2020) 4 letters of objection have been received regarding:

- Noise and disruption
- The submitted Technical Note does not give any assurance that noise arising from the HVAC plant will not be an issue to local residents, with suggested mitigating measures only partially assessed and not fully quantified.
- The new proposal now provides larger door openings than those currently approved and hence an increased area to allow noise breakout.
- Conditions applied to the planning consent should be clarified to explicitly state that the conservatory gable end doors must also be closed (and remain closed) in conjunction with closing of the roof.

- The conservatory roof and gable end are proposed to be of clear glass. This is unacceptable and will cause considerable light pollution to break out and cause nuisance to residents. Mitigation is required in the roof and gable end to prevent this.
- To further reduce light pollution adversely affecting local residents, all lights in the garden area and smoking area should be turned off when these areas are not permitted to be in use
- Roof lights and lanterns should be fitted with blinds, which are closed during the hours of darkness/low light to ensure light pollution does not break out.
- The gable end doors, conservatory walls, doors and roof should be similarly fitted with blinds which are closed during the hours of darkness to prevent light pollution break out adversely affecting local residents,

6 Consultations

6.1 Highways: No objection.

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
17/01868/FUL	06.06.2019	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 (Amended drawings received 18.09.2019)	GRANTED
17/01869/LBA	06.06.2019	Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 17/01868/FUL	GRANTED
19/01682/LBA	05.03.2020	Works to the main public facade of 74-76 High Street, Epsom, including the installation of replacement non-illuminated and illuminated signage, painting of the existing timber windows behind tracery, works to make good existing ashlar, reinstate and re-glaze existing boarded up fanlight, making good of existing door ready to receive gloss paint finish and antique brass ironmongery.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 7 Paragraph 85

Ensuring the Vitality of Town Centres

Chapter 12 Paragraph 130

Achieving Well Designed Places

Chapter 16 Paragraph 192
Environment

Conserving and Enhancing the Historic

Core Strategy 2007

Policy CS5

The Built Environment

Policy CS11	Employment Provision
Policy CS14	Epsom Town Centre
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
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

Policy E1	Town Centre Boundary
Policy E4	Town Centre Primary Shopping Area and Primary and Secondary Retail Frontages

9 Planning considerations

Principle of Development

- 9.1 The principle of the change of use of the former Post Office (A1) to a restaurant / drinking establishment (A3 / A4) including internal and external demolition has been established by way of the previously approved planning application (17/01868/FUL) granted in June 2019.

Visual Impact

- 9.2 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.
- 9.3 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.

- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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 has been granted under delegated authority under application 19/01683/ADV).
- 9.8 The proposed amendments to the design of the conservatory extension and the revised arrangement of the rooftop plant would be located at the rear of the building and would not be visible in the streetscene. The works would comprise the following:
- The retractable fabric roof of the conservatory extension would be replaced by a retractable glazed roof
 - The re-arranged rooftop plant (comprising extract ducts and attenuators, condenser units) would be partly enclosed by timber, 1.55m high acoustic fencing.
 - . 2 additional 600mm x 600mm polycarbonate rooflights to the proposed kitchen area
 - . New timber roof to bin store
- 9.9 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.
- 9.10 The amended scheme would therefore comply with Policy DM10

Proposed amendment to Condition 3 (External materials)

- 9.11 The extant Condition 3 is a pre-commencement condition requiring the submission of details and samples of the external materials to be used for the development.
- 9.12 The applicant proposes that the condition be reworded as a compliance condition, and in support of this application, has submitted the required details and material samples.
- 9.13 Officers are satisfied with the submitted details/materials and no objections are raised with regard to imposition of an appropriate compliance condition.
- 9.14 The amended scheme would therefore comply with Policy DM8 and DM9

Proposed Amendment to Condition 9 (Roof Details)

- 9.15 The extant Condition 9 is a pre-commencement condition requiring the submission of details of the roof to the bin store, as well as details of the retractable roof assembly, installation and future maintenance.
- 9.16 The applicant proposes that the condition be reworded as a compliance condition, and in support of this application, has submitted the required details and information.
- 9.17 Officers are satisfied with the submitted details and no objections are raised with regard to imposition of an appropriate compliance condition.

Residential Amenity

- 9.18 Policy CS5 of the Core Strategy and Development Management PolicyDM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances
- 9.19 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.
- 9.20 A retractable glazed roof would replace the retractable fabric roof to the “conservatory” dining area, and the layout of the roof-mounted plant would be amended. All ductwork would be acoustically lagged and in addition the plant would be enclosed by noise reduction fencing.
- 9.21 Concerns have been raised regarding the impact on the residential amenity of the occupants of the flats in Hudson House with regard to noise, disturbance and light pollution generated by the proposed use.
- 9.22 A Noise Impact Assessment Report has been submitted, supported by a (revised) “Technical Note” Ref: BD/CC/P18-1472/06TN, which states that in comparison to the extant plant layout *“the predicted resultant sound pressure level at the nearest noise sensitive receptor is 4 dB lower than the lowest recorded background sound level*
- 9.23 The report concludes that the proposed rooftop plant, subject to mitigation measures comprising the use of lagging material “muftilag®” wrapped around the fan casings and the erection of a timber acoustic fence, would suitably reduce the rated sound pressure level to below the background sound levels.
- 9.24 The submitted “Technical Note” (Ref: BD/JEB/P18-1660/05TN) concludes that the noise levels emanating from the glazed roofed conservatory would be no greater than that emanating from a fabric roof.
- 9.25 Within the report it states that “A PVC-coated, high tenacity polyester yarn fabric cover (as identified in the original noise impact assessment ‘NIA’) would need be substantially thicker to achieve the same rating as the glazed pane”, it is therefore contended that the glazing is likely to have a better acoustic performance.
- 9.26 Officers concur with this assessment and recommend that as previously imposed, a further condition requiring the roof to be retracted at 20h.00, the conservatory rear sliding doors to be closed, as well as the use of the external garden area to cease at the same time, would address noise concerns.
- 9.27 Concerns have been raised regarding light pollution and its impact on the residents of Hudson House. It is considered that a condition requiring that roof lights, lanterns, gable end doors, conservatory walls, doors and roof be fitted with blinds which are closed during the hours of darkness/low light would be unreasonable and difficult to enforce. (The site is within the town centre where ambient light levels are relatively high and the light pollution from the proposal would not be unacceptable in this context)

- 9.28 In summary, Officers are satisfied that the proposed amendments would not have a materially harmful impact on neighbour amenity, in terms of noise, disturbance and light pollution, to justify the refusal of this application. The replacement of the roof is considered to at least match if not improve upon the acoustic performance of a fabric roof covering, and due to the relatively high levels of ambient light in this town centre location, the impact on the residents of Hudson Court in terms of a material increase in light pollution, is not considered to be significant. The application would therefore comply with Policy DM10.

Proposed Amendment to Condition 10 (Construction Transport Management Plan)

- 9.29 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.
- 9.30 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.
- 9.31 Policy DM32 relates to parking and servicing at existing retail centres.
- 9.32 The applicant seeks to vary condition 10 (Construction Transport Management Plan) which states that no development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.
- 9.33 In support of this application, the applicant has submitted a CTMP. The Highways Officer has raised no objections to the CTMP and therefore the rewording of Condition 10 to an appropriate compliance condition is supported.
- 9.34 The scheme would therefore comply with Policy CS16.

10 Conclusion

- 10.1 It is considered that there are no significant impacts arising from the amended scheme 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 APPROVAL subject to conditions

Condition(s):

- (1) The development hereby permitted shall be commenced within 3 years from the 6 June 2019, the date of the originally approved application 17/01868/FUL that is subject to this application to variation.

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 (08) A Proposed Sections

3722 03 (03) B Proposed Demolitions & Alterations Sheet 1 of 2

3722 03 (04) B Proposed Demolitions & Alterations Sheet 2 of 2

3722 03 (7) C Proposed Elevations

3722 03 (01) D Proposed floor plan

3722.03(10) Conservatory Detail

3722.03(11) A Proposed HVAC Roof Plan Sheet 1 of 2

3722.03(12) A Proposed HVAC Roof Plan Sheet 2 of 2

3722 (03) 13A Proposed External Elevations (HVAC)

3722 03 (14) Bin Store Detail

3722 03 (15) A Proposed External Finishes

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

- (3) The external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) A Proposed External Finishes and the samples submitted on 24.10.19.

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 and rear sliding doors 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) The roof to the bin store, as well as the retractable roof assembly, installation and future maintenance, shall be completed in accordance with the approved details on drawings 3722.03(10) Conservatory Detail and 3722.03(14) Bin Store Detail.

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) The development shall be undertaken in accordance with the Construction Transport Management Plan submitted to the Local Planning Authority on 24.10.19

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007

- (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(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.