

## 5 The Derby Square, High Street, Epsom, Surrey, KT19 8AG

Change of use to D2 (Cinema). Proposed roof extension for auditoria and plant enclosure

<b>Ward:</b>	<b>Town Ward</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

### 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=PM581OGYM2W00>

### 2 Summary

- 2.1 This application seeks to extend, refurbish and change the use of the Application Site ('Site'), to allow for a six screen cinema (Use Class D2). This proposed cinema will be occupied by Picturehouse, which offers a unique cinema experience. Typically, Picturehouse cinemas offer a café as part of the customer offering and this application seeks a café at Ground Floor Level.
- 2.2 The proposed cinema would alter the exterior of the building at roof level only. The existing building envelope at Ground, First and Second Floors will be retained. The proposed roof extension, positioned above the existing brick parapet, is proposed to be clad in reflective metal shingles. The proposed extension is considered to incorporate principles of good design, complementing the existing building and respecting the surrounding local character, including nearby Conservation Areas.
- 2.3 This application provides an opportunity to bring the whole building into viable use and diversify the mix of uses within Derby Square and the wider Town Centre. The proposed cinema and café will contribute towards both the day-time and evening economy and increase dwell-times within the Town Centre. In turn, it will enhance Derby Square as an active, inclusive and valued part of the Town Centre.
- 2.4 This application is brought to Planning Committee as a result of a call-in request from a Councillor. It is considered favourably by Officers and is recommended for approval, subject to Planning Conditions.

### 3 Site description

- 3.1 The Site is located to the East of The Derby Square in Epsom Town Centre. It comprises a four storey building with a recessed plant area on the roof. A restaurant, Use Class A4, is currently operating at Ground Floor Level, the First Floor is occupied by a children's crèche, Use Class D1, and it comprises a conference room. Both the second and third floors are currently vacant.

#### *Immediate Surroundings*

- 3.2 Derby Square is a piazza, located to the North of Epsom High Street. Immediately to the North and North-East of the Site are railway tracks, to the South of the Site is the rear of 42 High Street and to the West of the Site is Epsom Square Library and an open public courtyard.

#### *Wider Surrounding Area*

- 3.3 Adelphi Road is located beyond the railway lines, to the North of the Site. This road comprises two storey semi-detached dwellings with rear gardens. To the East and South of the Site is Epsom High Street, which comprises three storey terraced buildings, typically with retail uses at Ground Floor Level and a mix of office and residential uses above.
- 3.4 To the West of the Site is The Oaks. This is a four storey building with a restaurant and bar at Ground Floor Level and residential flats above. Beyond this development is Waterloo Road and Station Approach. The buildings lining Waterloo Road range from two to four storeys in height and typically comprise a mix of retail, restaurant, hot food takeaway and commercial uses at Ground Floor level.
- 3.5 Station Approach is to the far West of the Site. Hudson House is to the South of Station Approach, which is a Ground plus six storey building, providing retail and residential uses. A Travelodge, Epsom Railway Station and residential uses are located to the North of Station Approach. Buildings are typically Ground plus five storeys in height, with retail uses positioned at Ground Floor Level.
- 3.6 The Site is very well connected. Epsom Railway Station is located approximately 0.15 miles to the West of the Site, or approximately a three minute walk. There are a number of bus stops located along Epsom high Street, with regular services to Tadworth to the South-East, Crawley to the South-East, Kingston to the North-West and Morden to the North-East.
- 3.7 The Site is currently accessed by pedestrians from Waterloo Road to the West and from Epsom High Street to the South. These accesses will remain as part of this proposal.

- 3.8 The Site is designated within the Town Centre, within a Primary Shopping Area, within a Higher Building Area, an Archaeological Site and a Built Up Area. To the South of the Site is the Epsom Town Centre Conservation Area and to the North of the Site is Aldephi Road Conservation Area. The Site is located within Flood Zone 1 (Low Probability of Flooding).

#### 4 Proposal

- 4.1 This application seeks to extend, refurbish and change the use of the Site, to allow for a six screen cinema (Use Class D2). The formal description of development is as follows:

*“Change of use to D2 (Cinema). Proposed roof extension for auditoria and plant enclosure”*

- 4.2 This proposed cinema will be occupied by Picturehouse, which the applicant states *“offers a unique cinema experience”*. The proposed cinema would screen a range of independent, art-house, classic, documentary, world cinema films and Hollywood blockbusters. Typically, Picturehouse cinemas offer a café as part of the customer offering. This application seeks a café at Ground Floor Level which would face out onto Epsom Square. The café would be available for people attending the cinema, and people who are not specifically attending the cinema.
- 4.3 The proposed cinema would alter the exterior of the building at roof level only. The existing building envelope at Ground, First and Second Floors will be retained. The proposed roof extension, positioned above the existing brick parapet, is proposed to be clad in reflective metal shingles.
- 4.4 At Ground Floor Level, the proposal seeks a foyer/café area. The current restaurant at Ground Floor Level (El Patio) has been offered an alternative location, within Epsom Square. An informal external seating area is also proposed, mimicking the current offering of El Patio.
- 4.5 The proposed composition of all floors are summarised below:
- Ground Floor Level: a kiosk/cafe area, a preparation area, Screen 5, a store area, a WC, baby change area, lift 1 and stairs
  - First Floor Level: Screen 2, Screen 3 and Screen 4, office, landlords core, Female and Male WC, stairs, lift 1 and 2
  - Second Floor Level: Screen 3, Screen 4, Screen 6, party room, cleaner’s store, store rooms, lift 2, stairs, bar area
  - Third Floor Level: Screen 1, stairs, lift 2
  - Roof Level: roof of Screen 1 and plant enclosure.
- 4.6 The proposal seeks one public entrance, opening into the foyer area. There are three additional exits for emergency use only.

- 4.7 The below table sets out the proposed sizes of each screen, and the seats proposed. In total, 657 cinema seats with 9 permanent spaces for wheelchairs are proposed across the 6 screens. An additional 20 wheelchair available spaces can be created by removable seats. The proposal seeks level wheelchair access across all the floors.

Screen 1	Seats: 261 +3 Screen: 13 x 7.3m
Screen 2	Seats: 127 +2 Screen: 8.2 x 3.4m
Screen 3	Seats: 81 + 1 Screen: 6.5 x 3.5m
Screen 4	Seats: 60 + 1 Screen: 6.6 x 3.6m
Screen 5	Seats: 56 +1 Screen: 5.5 x 2.3m
Screen 6	Seats: 261 + 3 Screen: 13 x 7.3m

## 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 302 neighbouring properties. To date (13.05.2019) 1 comment, 9 letters of support and 4 letters of objection have been received.
- 5.2 The letters of support are summarised below:
- Creation of additional jobs
  - New amenity asset that will offer a diversity of facilities within Derby Square and Epsom Town Centre
  - Contribution to daytime and evening economy.

The letters of objection are summarised below:

- Height, Scale and Mass
- Overbearing
- Traffic/Parking Implications
- Proposed opening hours and noise implications

## 6 Consultations

- Surrey County Council (Highways): No objection as it is considered that the application would not have a material impact on the safety and operation of the adjoining public highway.

## 7 Relevant planning history

- 7.1 There is no recent or relevant available planning history relating to the Application Site.

## 8 Planning Policy

### National Policy Planning Framework (NPPF) (2018)

Chapter 7	Ensuring the vitality of town centres
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

### Core Strategy (2007)

CS5	Conserving and Enhancing the Quality of the Built Environment
CS6	Sustainability in New Developments
CS14	Supporting Epsom Town Centre and Local Centres
CS16	Managing Transport and Travel

### Development Management Policies Document (2015)

DM4	Biodiversity and New Development
DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)
DM36	Sustainable Transport for New Development

### Plan E (2011)

E4	Town Centre Primary Shopping Area and Primary & Secondary Retail Frontages
E5	Town Centre employment floorspace provision
E6	Leisure, cultural and community facilities provision

### Principle of Development

- 8.1 The key principles to consider for this application are:
- Loss of current uses; and
  - Development within the Town Centre.
- 8.2 Chapter 7 of the NPPF relates to the vitality of Town Centres. Paragraph 85 sets out that planning 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.

- 8.3 Chapter 8 of the NPPF relates to promoting healthy and safe communities. Paragraph 92 sets out that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should (inter alia) plan positively for the provision of community facilities and local services to enhance the sustainability of communities and residential environments, guard against the unnecessary loss of valued facilities and services and ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 8.4 Policy CS14 sets out that measures to improve Epsom Town Centre, including new development, will be encouraged, especially where they help it to adapt and reinforce its role in meeting the needs of the local community and acting as a focus for a range of activities (including retail, cultural, business, leisure and residential) and where they recognise and build on the distinctive character of the place. Development should contribute to the following key objectives for the Town Centre:
- 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.
- 8.5 Policy E4 sets out that the Town Centre’s Primary Shopping Areas 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.
- 8.6 Policy E5 of the Epsom Town Centre Area Action Plan sets out that within the Town Centre Boundary, the loss of existing employment floor space will be resisted.

- 8.7 Policy E6 of the Epsom Town Centre Area Action Plan sets out that the overall level of leisure provision within the Town Centre will be maintained and in specific locations enhanced. Suitable locations for enhancement include Derby Square. Leisure and cultural facilities, and other family friendly uses that contribute to the evening economy will be supported.
- 8.8 Supporting paragraph 4.36 recognises that Epsom has a good range of leisure, community and cultural uses spread across the Town Centre, including the Epsom Playhouse, Library and the Odeon Cinema. The Council has not identified any obvious gaps in provision. Retaining the existing facilities in the Town Centre will ensure that these uses remain accessible and encourage linked journeys, and increased dwell times, to the Town Centre.
- 8.9 Supporting paragraph 4.37 sets out that a thriving evening economy helps encourage longer dwell-times in the Town Centre. Epsom is keen to promote itself as a safe destination for families and as such, family orientated developments will be welcomed, while an over concentration of late night venues which could lead to an increase in noise, disturbance and antisocial behaviour will be avoided.

*Loss of Current Uses*

- 8.10 This application seeks to extend, refurbish and change the use of the Site, to allow for a six screen cinema (use Class D2). To enable the proposal, the restaurant that currently occupies the Ground Floor Level has been offered an alternative location, within Epsom Square. A new café area is proposed at Ground Floor Level as part of this proposal. The re-provision of a café at Ground Floor Level, which is ancillary to the primary offer of a cinema, is considered appropriate in this Town Centre Location, contributing to the pedestrian footfall and vibrancy of Derby Square.
- 8.11 The First Floor of the Site is currently occupied by a children's crèche and a conference room. The children's crèche will be located within Derby Square, over the Library, with the exact location to be agreed. The conference room will not be relocated, however, the area outside of Screen 6 shall be available for meeting use, by arrangement with the cinema.
- 8.12 The Second and Third floors of the Site are currently vacant. This application provides an opportunity to bring the whole building into viable use and diversify the mix of uses within Derby Square and the wider Town Centre. The proposed cinema and café will contribute towards both the day-time and evening economy and increase dwell-times within the Town Centre, in accordance with the objectives of Policy E6.

*Development within the Town Centre*

- 8.13 A number of supportive comments have been received from neighbouring residents. These comments include the benefit of a new amenity asset within Epsom Town Centre, the increase in diversity of uses, the contribution towards both the daytime and evening economy and the provision of employment opportunities.
- 8.14 Local Planning Policy recognises that Epsom has a good range of leisure, community and cultural uses across the Town Centre and that there are no obvious gaps in provision. A new cinema and café is considered appropriate for this Town Centre Site. It will utilise and optimise the whole building and bring this into viable use. The cinema will be occupied by Picturehouse, which provides a unique cinema offering for its customers. The proposed cinema will enhance the overall offering of leisure, community and cultural uses within Epsom Town Centre and embrace the concept of sustainability by providing a long-term asset for the community.
- 8.15 The proposed cinema will help to diversify the mix of uses offered within Derby Square and the wider Town Centre, in conformity with the objectives of Policy CS14. It will contribute to dwell-times and enhance both the daytime and evening economy, whilst also providing additional employment opportunities. The proposed cinema is not considered to create an overconcentration of late night venues within the Town Centre, nor is it considered to contribute to an increase in noise, disturbance or antisocial behaviour. Instead, the proposal will enhance Derby Square as an active, inclusive and valued part of the Town Centre.
- 8.16 As the current El Patio unit does, the proposal would make use of its access to Derby Square with outdoor tables, chairs and awnings. This creates an informal external seating area, bringing people into Derby Square and providing an increase in the passive surveillance of the area.
- 8.17 The proposal is considered to comply with paragraphs 85 and 92 of the NPPF, Policy CS14 and Policies E5 and E6.

Design and Heritage

- 8.18 Chapter 12 of the NPPF relates to the achievement of well-designed places. Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities
- 8.19 Paragraph 127 of the NPPF 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, are sympathetic to local character and history and establish or maintain a strong sense of place.



- 8.20 Paragraph 131 of the NPPF sets out that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.21 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 192 sets out that in determining applications, Local Planning Authorities should take account of (inter alia) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.22 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. Development should:
- Create attractive, functional and safe public and private environments;
  - Reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
  - Make efficient use of land and have regard to the need to develop land in comprehensive way.
- 8.23 Policy DM9 sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 8.24 Policy DM8 sets out that the Council will resist the loss of Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 8.25 The Application Building has a maximum height of 18.4 metres from Ground Floor Level. It lies adjacent to The Library, which has a maximum height of 19.5 metres. 42 High Street is located at a lower site level, measuring 15.1 metres in height.
- 8.26 This proposal seeks a roof extension, retaining the existing building envelope at Ground, First and Second Floors. As a result of the proposed extension, the total height of the Application Building will measure 23.1 metres. The height and massing of the proposed extension was determined by the size of screen 1, which is the largest screen by means of height and width (13 x 7.3m). This screen is vital for the commercial sustainability of the proposal.
- 8.27 The Site is not Listed, nor does it fall within a Conservation Area. The Site is within close proximity to two Conservation Areas. Aldephi Road Conservation Area is to the North of the Site and Epsom Town Centre Conservation Area is to the South of the Site.

- 8.28 Nearby residents have raised concerns with regards to the mass and bulk of the proposed roof extension. The building is considered too dominant, out of keeping with its surroundings and will adversely impact on nearby Conservation Areas. Officers have considered these objections in the planning assessment below.
- 8.29 Achieving a balance between the proposed height and massing of the proposed roof extension and safeguarding local character is an important consideration. The applicant engaged proactively with Officers at pre-application stage and undertook visibility studies to determine the potential visual impact of the roof extension from surrounding areas, including from the residential dwellings located at Aldelphi Road. The visibility studies concluded that the roof extension would be most visible from the High Street through the entrance to Derby Square, although it will be observable from Aldelphi Road.
- 8.30 The proposed roof extension would result in the Site becoming a prominent building within Derby Square. Policy DM13 (Building Heights) was formally set aside in May 2018 as it was restricting growth in the Borough. A tall building at this Site is considered appropriate, subject to high quality design and ensuring that it is compatible with its surroundings.
- 8.31 The Council's Design and Conservation Officer has been involved with the Case Officer through the pre-application and assessment processes of this application. The areas of the proposal which the applicant had been asked to address throughout the assessment included the massing, so that it could be further broken down, and the reduction in parallel lines to alleviate the boxy form of the proposal. The scheme's architects took on board those comments and made amendments to address the concerns, leading to the proposal that is now before the Planning Committee.
- 8.32 The roof formation is expressed as a series of disjointed masses, which reduce the perceived bulk of the roof extension. It also has variations in its height and scale, which limit its bulky form. It seeks chamfered edges, so that the extension is not read as a singular box. Officers recognise that practically, the roof extension's design is dictated by the height and width of screen 1, but are satisfied that careful design successfully limits its bulk from all views.
- 8.33 The Design and Conservation Officer commented that the proposed extension is to a rather ordinary and contemporary building, which has limited architectural interest. Therefore, to extend it with a similar design language would be impractical. It is also considered that it would be impractical to respond with any pastiche architecture or details of the more historic streetscape of the adjacent Conservation Area. Instead, a distinctive contemporary treatment of the extension is considered appropriate.

- 8.34 Officers have considered the above comments provided by the Design and Conservation Officer. The roof extension will be clad in reflective brass metal shingles, which is considered a significant improvement from the existing grey cladding at Roof Level. The architect presented many potential external cladding options all with their own design merit, with the proposed metal shingles approach being the option preferred by Officers. The metal shingles are appropriate and are considered to complement the existing building, whilst creating an interesting architectural finish. Metal shingles have high corrosion resistance and are highly durable. Officers consider that the metal shingles will complement the building, but also fit well within its surroundings. Officers consider that it would not adversely impact the significance of the adjacent Conservation Areas.
- 8.35 The Design and Conservation Officer considers the proposal acceptable on Design and Conservation Grounds, subject to a samples Condition being part of any Planning Permission granted. Please see Condition 3.
- 8.36 In summary, the proposed extension is considered to incorporate principles of good design with an appropriate materials palette to ensure that it integrates well with the application building and is sympathetic to local character. Careful design reduces the perception of a bulky finish and metal shingles respect the significance of the adjacent Conservation Area.
- 8.37 The proposal is considered to conform with Paragraphs 127 and 131 of the NPPF, Policy CS5 and Policy DM9.

#### Visual Impact

- 8.38 Chapter 12 of the NPPF relates to the achievement of well-deigned places. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are (inter alia) visually attractive as a result of good architecture and layout and are sympathetic to local character, including the surrounding built environment and landscape setting.
- 8.39 Policy DM9 sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
  - the surrounding historic and natural environment;
  - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

- 8.40 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:
- prevailing development typology, including housing types and sizes;
  - prevailing density of the surrounding area;
  - scale, layout, height, form (including roof forms), massing;
  - plot width and format which includes spaces between buildings;
  - building line; and
  - typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 8.41 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM13 (Building Heights). This was on the basis of the policy restricting opportunities for growth in the Borough.
- 8.42 Achieving a balance between the proposed height and massing of the proposed roof extension and its visual impact is an important consideration. The visibility studies found that the roof extension would be most visible from the High Street through the entrance to Derby Square, however the proposal will be observable from Adelphi Road.
- 8.43 The perceived bulk of the roof extension is reduced as it has been expressed as a series of disjointed masses. Variations in its height and scale also break up this extension, so that it isn't read as a singular box. It shall be clad in brass metal shingles, which is considered a significant improvement from the existing grey cladding at Roof Level. The proposal enhances the appearance of the building, which is considered to integrate into its surroundings. It is acknowledged that the extension will be visible from within the street scene, however Officers are satisfied that its design and material palette is appropriate and will not adversely impact visual amenity.
- 8.44 The proposal is considered to comply with Policies DM9 and DM10.

#### Neighbouring Amenity

- 8.45 Policy DM9 sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
  - the surrounding historic and natural environment;
  - the setting of the proposal site and its connection to its surroundings; and
  - the inclusion of locally distinctive features and use of appropriate materials.

- 8.46 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited to, the following:
- prevailing development typology, including housing types and sizes;
  - prevailing density of the surrounding area;
  - scale, layout, height, form (including roof forms), massing;
  - plot width and format which includes spaces between buildings;
  - building line; and
  - typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 8.47 The Site is surrounded by residential flats and houses. To the North of the Site, beyond the railway line, is Adelphi Road, which is typically lined with two storey residential dwellings, with rear gardens. To the South of the Site is Epsom High Street, lined with terraces, typically comprising A1 and A3 uses at Ground Floor Level, with a mix of office and residential uses above. The Oaks is to the West of the Site, which comprises a four storey building comprising A3 uses at Ground Floor Level and residential uses above.
- 8.48 The visibility studies undertaken determine the potential visual impact of the roof extension from surrounding areas, including Adelphi Road. These studies concluded that the roof extension would be most visible from the High Street through the entrance to Derby Square, however the proposal will be observable from Adelphi Road, to the North of the railway tracks.
- 8.49 This proposal is not considered to adversely impact the residential amenity enjoyed by surrounding properties by means of its height and massing, as it incorporates principles of good design, with an appropriate materials palette. The proposed reflective brass metal shingles is considered a significant improvement from the existing grey cladding at Roof Level. The proposal creates an interesting and sustainable architectural finish that not only compliments the existing building, but which is appropriate for a building within the Town Centre.
- 8.50 Concerns have been raised by nearby residents the proposed opening times of the cinema and the impact on neighbouring amenity. This is considered in the noise section below. However, it should be recognised that the Site is located within the Town Centre, where developments that contribute to both the day-time and evening economy are encouraged. Specifically, Policy E6 encourages the enhancement of leisure, cultural facilities and family friendly uses within Derby Square that contribute to the evening economy.

- 8.51 By means of its design and material palette, the proposal is not considered to adversely harm residential amenity by means of its height, mass and bulk and is considered to accord with Policies DM9 and DM10.

Transport

- 8.52 Chapter 9 of the NPPF relates to the promotion of sustainable transport.
- 8.53 Paragraph 108 of the NPPF sets out that in assessing applications for development, it should be ensured that (inter alia) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and safe and suitable access to the Site can be achieved for all users.
- 8.54 Paragraph 109 of the NPPF sets out 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.
- 8.55 Paragraph 110 of the NPPF sets out that within (the above) context, applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
- 8.56 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 8.57 Policy DM36 sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 8.58 Concerns have been raised by nearby residents that the proposal will result in parking in neighbouring streets and that generally, public transport will not be available from approximately 00.15am. This may adversely impact neighbouring amenity as cinema customers may disperse into the Waterloo Road to meet a taxi or walk to other late night licensed premises in Waterloo Road, or Spread Eagle Walk. Officers have taken this into consideration within the Planning Assessment below.

- 8.59 The Site is located within the Town Centre, which is the most accessible and sustainable location within the Borough. Epsom Railway Station is located approximately 0.15 miles to the West of the Site, or approximately a three minute walk. There are a number of bus stops located along Epsom High Street, with regular services to Tadworth to the South-East, Crawley to the South-East, Kingston to the North-West and Morden to the North-East. A public car park is also located within walking distance of the Site.
- 8.60 The Site is not proposing any car parking or cycle parking given that it is located within the Town Centre and benefits from excellent public transport links. Pedestrians will access the Site as existing, from the High Street and Waterloo Road, both of which have level access. In line with the objectives of Paragraph 108 of the NPPF, Policy CS16 and Policy DM36, a car-free development at this Site is appropriate. It is not considered that the proposal will result in acceptable levels of on-street parking in neighbouring streets, given that the majority of these have parking restrictions.
- 8.61 The Site is located within the Town Centre, where development that contributes towards a mix of uses and a flourishing day-time and evening economy is supported by Local Planning Policy. In turn this enhances Derby Square as an active, inclusive and valued part of the Town Centre. Customers leaving the cinema at night to potentially meet taxis is not considered to adversely impact neighbouring amenity.
- 8.62 Surrey County Council (Highways) formally commented on the Application. It sets out that the proposal will not amount to a significant increase in trip rates to and from the Site. The proposed development is in a sustainable location, accessible by non-car modes of transport. Furthermore, there are parking restrictions on the streets surrounding the Site and public car parks nearby. This proposal does not raise a concern that it will impact the highway on safety or capacity grounds and therefore, there is no objection.
- 8.63 In summary, the Site is located within the Town Centre, which is the most accessible and sustainable location within the Borough. The proposal is not considered to impact the highway on safety or capacity grounds and is considered to comply with paragraphs 108 and 109 of the NPPF, Policy CS16 and Policy DM36.

#### Ecology

- 8.64 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

8.65 Policy DM4 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity. It sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:

- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
- There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
- There are imperative reasons of overriding public interest for the development.

8.66 Elsewhere in the Borough, development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

8.67 A Bat Roost Assessment, dated April 2019, accompanies this Application. This sets out that there are no internal voids or external features at the Site, which are considered suitable for bats to utilise as a roost. During the survey of the Site, there was no evidence of bats recorded. There are no constraints to the proposed development.

8.68 The proposal is considered to comply with Paragraph 175 of the NPPF and Policy DM4.

#### Noise

8.69 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the environment by (inter alia) preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

8.70 Policy CS6 sets out that in order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) minimises the emission of pollutants, including noise, into the wider environment.

8.71 Policy DM10 sets out that development proposals should have regard to the amenities of occupants and neighbours, including in terms of noise and disturbance.



- 8.72 An Environmental Noise Survey is submitted with this application. It is a technical note to record the results of an environmental noise survey taken at Ebbisham Centre to establish existing background noise levels against which noise emissions from the proposed cinema operations can be set. The Environmental Noise Survey sets out that at this stage, no details are known of plant that will be used, as this will be designed at a later date.
- 8.73 The Local Planning Authority's Environmental Health Officer reviewed the submitted Environmental Noise Survey. For the purposes of this Application, robust Conditions are recommended, should Planning Permission be granted, to ensure that the proposed development does not present unacceptable levels of noise and disturbance.
- 8.74 Proposed Condition 4 limits the sound level of the development to 5 decibels below the prevailing background noise level at any time.
- 8.75 Condition 5 is a pre-commencement Condition, which requires formal discharge prior to development commencing. It requires a further background assessment of noise levels, at identified locations, at a time considered acceptable to the Local Planning Authority. A report is required, to provide detail of the plant and any mitigation required.
- 8.76 Condition 6 is recommended, limiting hours of construction 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.
- 8.77 The above Conditions ensure the protection of the occupants of nearby residential properties from noise and disturbance, in accordance with Policy DM10. It should be noted that development will not begin until the above pre-commencement Condition is formally discharged by the Local Planning Authority, ensuring that a further background assessment is carried out and that the noise levels referred to in Condition 4 is met.
- 8.78 The proposal is considered to comply with Policy CS6 and DM10.

#### Community Infrastructure Levy (CIL)

- 8.79 The application is not CIL liable. D2 uses are CIL exempt. The ancillary café is also CIL exempt.

## **9 Conclusion**

- 9.1 This application seeks to extend, refurbish and change the use of the Site, to allow for a six screen cinema (Use Class D2). This proposed cinema will be occupied by Picturehouse, which offers a unique cinema experience, differing from typical cinemas.

- 9.2 The proposed cinema would alter the exterior of the building at roof level only. The existing building envelope at Ground, First and Second Floors will be retained. The proposed extension is considered to incorporate principles of good design, complementing the existing building and respecting local character, including nearby Conservation Areas.
- 9.3 This application provides an opportunity to bring the whole building into viable use and diversify the mix of uses within Derby Square and the wider Town Centre. The proposed cinema and café will contribute towards both the day-time and evening economy and increase dwell-times within the Town Centre. In turn, it will enhance Derby Square as an active, inclusive and valued part of the Town Centre.
- 9.4 The proposal is considered favourably by Officers and is recommended for approval, subject to Planning Conditions.

## **10 Recommendation**

- 10.1 Grant Planning Permission, subject to Conditions.

### **Conditions:**

- (1) **1. The development hereby permitted shall be commenced within 3 years from the date of this decision.**  
**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 accordance with the following approved plans:**
- SP/01 - Site Location Plan – dated 28/01/2019**
- SP/02 - Site Plan – received 30.01.2019**
- SP/02 – Block Plan – dated 28/01/2019**
- DE/01 - Demolition Plan Existing Ground Floor – dated 28/1/19**
- DE/02 - Demolition Plan Existing First Floor – dated 28/1/19**
- DE/03 - Demolition Plan Existing Second Floor – dated 28/1/19**
- DE/04 - Demolition Plan Existing Third Floor – dated 28/1/19**
- DE/05 - Demolition Plan Existing Roof – dated 28/1/19**
- DE/20 - Demolition Section A – dated 28/1/19**
- DE/21 - Demolition Section B – dated 28/1/19**
- EX/01 - Existing Ground Floor Plan – dated 28/1/19**

- EX/02 - Existing First Floor Plan – dated 28/1/19**
- EX/03 - Existing Second Floor Plan – dated 28/1/19**
- EX/04 - Existing Third Floor Plan – dated 28/1/19**
- EX/05 - Existing Roof Plan – dated 28/1/19**
- EX/10 - Existing South West Elevation from Derby Square – dated 25/1/19**
- EX/11 - Existing South East Elevation Library Entrance – dated 25/1/19**
- EX/12 - Existing North Elevation Library Entrance – dated 25/1/19**
- EX/13 - Existing East Elevation Library Entrance – date 25/1/19**
- EX/20 - Existing Section A – dated 28/1/19**
- EX/21 - Existing Section B – dated 28/1/19**
- P/01 - Proposed Ground Floor Plan – dated 28/1/19**
- P/02 - Proposed First Floor Plan – dated 28/1/19**
- P/03 - Proposed Second Floor Plan – dated 28/1/19**
- P/04 - Proposed Third Floor Plan – dated 28/1/19**
- P/05 - Proposed Roof Plan – dated 28/1/19**
- P/10 - Proposed South West Elevation – dated 25/1/19**
- P/11 - Proposed South East Elevation – dated 25/1/19**
- P/12 - Proposed North Elevation – dated 25/1/19**
- P/13 - Proposed East Elevation – dated 25/1/19**
- P/20 - Proposed Section A – dated 28/1/19**
- P/21 - Proposed Section B – dated 28/1/19**
- P / 30 - Proposed Materials – dated 28 / 01 / 19**

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

- (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 DM9 and DM10 of the Development Management Policies 2015.

- (4) The rating level of any sound as part of this development (as defined within BS4142:2014), shall not exceed 5 decibels below the prevailing background noise level at any time, when measured or calculated at the boundary of any noise sensitive dwelling. The assessment method used shall be in accordance with BS4142:2014- "Methods for rating and assessing industrial and commercial sound.

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

- (5) Prior to commencement of the development, the applicant shall conduct a further background assessment of noise levels at a time acceptable to the local planning authority and submit a report showing by calculation the noise levels referred to in condition {above} will be met. This report shall detail the proposed plant and any mitigation required to achieve these levels. The assessment shall be made at a range of noise sensitive dwellings including, as a minimum, at the elevated rear facades of 22-28 High Street, 32 High Street, 34 High Street and at the rear façade of 16 Adelphi Road.

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

- (6) 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:** To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 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.**