

**Odeon Cinema, 16 - 18 Upper High Street, Epsom, KT17 4QJ**

<b>Ward:</b>	<b>Town Ward;</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</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=PW9T2XGYFU000>

**2 Summary**

- 2.1 The applicant is seeking the variation of the current cinemas opening hours to allow the cinema to trade from 08:00 on every day of the week. The permitted and current closing times remain unaffected by the proposal.
- 2.2 The proposal would not result in any unacceptable impacts upon the highway network, it is in a sustainable location with adequate parking provision already in place for the existing use.
- 2.3 The site is located within the town centre and in an area with other business trading at 08:00. The hours are not considered to be unsociable and would not unacceptably impact the amenity of any nearby properties.
- 2.4 The proposed variation of Condition 7 is considered to be acceptable subject to regulatory conditions attached to the original planning permission.

**3 Site description**

- 3.1 The applicant property comprises The Odeon Cinema, which is located on the southern side of Upper High Street. It falls within the defined Primary Shopping area of the town centre.
- 3.2 The property is bounded to the west by a parade of shops, and to the east by mixed use development comprising ground floor retail, with residential flats above. To the rear (south) the building backs onto Depot Road, which provides access to the Depot Road car park.

- 3.3 The cinema currently benefits from the following opening times: 09:30 – 24:00 Monday to Wednesdays, 09:30 – 01:00 Thursdays, 09:30 – 02:00 Friday to Saturday, and 11:00 – 24:00 Sundays

#### **4 Proposal**

- 4.1 The applicant is seeking the variation of Condition 7 of planning consent EPS/97/0462 to amend opening hours to be able to open at 08:00am.

- 4.2 For the purposes of clarity the proposed opening hours are:

Monday 08:00 hours – 24:00 hours.

Tuesday 08:00 hours – 24:00 hours.

Wednesday 08:00 hours – 24:00 hours.

Thursday 08:00 hours – 01:00 hours (Friday).

Friday 08:00 hours – 02:00 hours (Saturday).

Saturday 08:00 hours – 02:00 hours (Sunday).

Sunday 08:00 hours – 24:00 hours.

#### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 34 neighbouring properties. To date (04.11.2019) 0 letters of objection have been received.

#### **6 Consultations**

- 6.1 Environmental Health – No Objection

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
97/00462/FUL	19/02/1998	14b-18 UPPER HIGH STREET, EPSOM - Demolition of existing buildings. Erection of 8 screen multiplex cinema of approximately 4830m2 floor area:	GRANTED
12/00992/REM	21/02/2013	Variation of Condition 7 (Opening Hours) of planning permission EPS/97/0462 to allow for extended opening hours on Monday to Saturdays until 02h30 and until 01h30 on Sundays.	REF - Refuse

**8 Planning Policy**

National Policy Planning Framework (NPPF) (2019)

Chapter 7	Ensuring the vitality of town centres
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport

Core Strategy (2007)

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

Development Management Policies Document (2015)

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

## **9 Planning considerations**

### Opening hours

- 9.1 Variation of Condition 7 of planning consent 97/00462/FUL to amend opening hours to be able to open at 08:00am.
- 9.2 The proposal will enable the premises to operate for an extra 1.5 hours a day Monday to Saturday, and 3 hours on Sunday.
- 9.3 The cinema would be able to open and offer café services earlier in the morning and also be able to open for screenings at earlier times. This would be benefit for people who may need more flexibility regarding when they can visit the cinema.

### Amenity Impact

- 9.4 The site is situated within the heart of the Town Centre, and within the designated Shopping Area, where there is significant activity throughout the day.
- 9.5 The scope of the proposals is very marginal by comparison to the current opening hours, and the proposed extension will bring the hours in line with the commercial activity elsewhere in the vicinity.
- 9.6 The nature of the premises and the related ancillary activities is such that the proposal would not result in any harmful impacts on residential amenity by reason of noise or disturbance.
- 9.7 The proposed extension to operating hours of the cinema complex is not considered to result in any unacceptable impacts on the existing levels of amenity.

### Transport Matters

- 9.8 The modest extension of the morning opening hours will not place any additional strain on the local highway network, nor will the proposal increase vehicular traffic or noise associated with any servicing.
- 9.9 The site's location benefits from excellent public transport accessibility, and furthermore there is significant public car parking facilities within the local and adjacent car parks.

### Community Infrastructure Levy

- 9.10 This proposed amendment would not be CIL liable

## **10 Conclusion**

- 10.1 This application seeks permission for the extended operation of the restaurant, to enable trading from 8:00am seven days a week.

- 10.2 The increased hours would allow the site to operate during increased hours and would not be during unsociable times of day.
- 10.3 The proposals will not have an adverse impact on the amenity afforded to local residents, the local highway network.
- 10.4 The proposed Section 73 amendment to Condition 7 of planning permission 97/00462/FUL is therefore considered to be acceptable in this regard.

## **11 Recommendation**

- 11.1 APPROVAL Subject to Conditions

### **97/00462/FUL Conditions:**

- (1) **Details of materials used for the external surfaces of the development shall be those which were submitted to and approved by the Borough Council in planning application 97/00462/FUL. No variation of approved materials shall take place without consent in writing of the Borough Council**

**Reason: To enable the Borough Council to exercise control over the type and colour of the materials so as to secure the satisfactory appearance in the interests of the visual amenities and character of the locality**

- (2) **No trenches, pipe runs for services and drains shall be sited within 4.5 metres of the trunk of any tree retained on the site**

**Reason: To enable the Borough Council to ensure the retention of trees on the site, protected from damage in the interests of visual amenity.**

- (3) **The premises shall be used for cinema purposed (D2) only, and no other purpose (including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes Order 2015).**

**Reason: to ensure a satisfactory form of use of the premises.**

- (4) **The premises hereby permitted shall only be open to members of the of the public between the hours of:**

**Monday 08:00 hours – 24:00 hours.**

**Tuesday 08:00 hours – 24:00 hours.**

**Wednesday 08:00 hours – 24:00 hours.**

**Thursday 08:00 hours – 01:00 hours. Friday**

**Friday 08:00 hours – 02:00 hours. Saturday**

**Saturday 08:00 hours – 02:00 hours. Sunday**

**Sunday 08:00 hours – 24:00 hours.**

**Reason: In order to safeguard the amenities of the locality**

- (5) The footway link identified in the original permission (97/00462/FUL) from upper High Street to Depot Road shall be constructed to an adoptable standard and shall be maintained to that standard thereafter and shall remain open for the use of all members of the public at all times.**

**Reason: To ensure a satisfactory means of pedestrian access to the development and for all members of the public**

- (6) There shall be no means of access from Upper High Street**

**Reason: the above condition is required in order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users**

- (7) In the event that a pedestrian link between the Upper High Street and Depot Road car park is not provided by the cinema operator must prevent pedestrians from exiting the cinema via any other exit than the Upper High Street except in exception or emergency situations.**

**Reason: in the interest if pedestrian safety**

- (8) The illumination of the site shall be carried out in accordance with the details submitted in application 97/00462/FUL**

**Reason: To preserve the amenities of the area.**

- (9) The odour control of the site shall be carried out in accordance with those details as submitted within application 97/00462/FUL.**

**Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties**

- (10) The noise and vibration control of the site shall be carried out in accordance with those details as submitted within application 97/00462/FUL.**

**Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties**

- (11) No deliveries or servicing of the premises shall take place from Upper High Street or Depot Road between the hours of 07:30 and 09:30 and between 16:30 and 18:30 Mon-Fri, and between the hours of 08:30 and 17:30 on Saturday.**

**Reason: To ensure that the development does not prejudice the free flow of traffic on condition of safety on the highway or cause inconvenience to other highway users**

**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**