

39 The Oaks Square Waterloo Road Epsom Surrey KT19 8AS

Variation of condition 15 of planning permission ref: 98/00104 dated 31/03/99 to allow an extension of opening hours of food and drink premises for an extra hour on Friday & Saturday evenings from 23:00 until 24:00, on Christmas Eve (evening) 23:00 until 01:00 on Christmas Day, New Year's Eve (evening) 23.00 until 01:30 on New Year's Day, St George's Day 23:00 until 24.00, St Patrick's Day 23:00 until 24:00, and Halloween 23:00 until 24:00.

Ward:	Town
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=OR7VJLG YGYX00>

2 Summary

- 2.1 The application site comprises a ground floor bar premises located in The Oaks Square, which forms part of the overall Epsom and Oaks Square development. This application seeks permission for the variation of a condition restricting operating hours attached to the original planning permission for the redevelopment of the wider site when the formerly named Oaks and Derby Squares were developed, in order to extend the present operating hours.
- 2.2 The application is recommended for (temporary) APPROVAL.

3 Site description

- 3.1 The application site comprises modern bar premises located in The Oaks Square, which forms part of the overall development Epsom Square (formerly known as Derby Square) and Oaks Square, which is a mixed commercial, community and residential development.
- 3.2 The entrance to the premises is via the smaller of the two squares, Oaks Square, which comprises 39 residential flats. There are flats located immediately above the application premises, on the first, second floor and third floors.
- 3.3 Oaks Square is also used by pedestrians and cyclists as a short cut between the station and the High Street.

4 Proposal

4.1 This application seeks permission to for the variation of condition 15 of planning permission 98/00104 dated 31/03/99 to allow an extension of opening hours of food and drink premises for an extra hour on Friday & Saturday evening from 23:00 until 24:00, Christmas Eve (evening) 23:00 until 01:00 on Christmas Day, New Year's Eve (evening) 23.00 until 01:30 on New Year's Day, St George's Day 23:00 until 24.00, St Patrick's Day 23:00 until 24:00, and Halloween 23:00 until 24:00.

Comments from third parties

4.2 The application was advertised by means of letters of notification to 41 neighbouring properties. To date (17.08.2017) one letter of objection has been received regarding;

- I oppose the request to extend licence hours due to the already constant noise, foot traffic, social impacts and general quality of life that is caused by other premises in the area. This predominantly residential area does not need more bars open late to attract more foot traffic and people lingering drunk after midnight.

5 Consultations

5.1 Highways Officer: No comments.

5.2 Environmental Health Officer: No objections. I can confirm this applicant has worked closely with this team in connection with his recent premises licence application for identical opening times to those contained in this planning application. This has resulted in improvements to the building so as to offer increased noise insulation. Also included as conditions were:

- No customers to use outside seating area after 22.00 hours and all furniture to be removed by 22.30 hours.
- No customers will be allowed to take drinks to the outside area after 22.00 hours.
- All furniture removed by 22.30 hours.
- The use of the outside designated smoking area will be monitored during licensing hours, and the numbers of smokers permitted in the outside area will be limited to 10 at any one time from 21.00 hours Sunday to Thursday 22.00 hours Friday and Saturday and on non-standard timings. No liquid refreshment to be taken into this area.
- There shall be no new admittance to the premises after 23.00 hours on Friday and Saturday and non-standard timings.
- A double door entrance lobby shall be installed, with doors closed from 22.00 hours, except for egress and access to the premises.

5.3 Surrey Police Crime Reduction Advisor: No objection received.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
98/00104/FUL	31.03.1999	Mixed Use Development comprising health club, GP surgery, public library, community facilities, 39 2-bed residential units, retail units (Mix of A1, A2 and A3.	GRANTED
06/01091/FUL	01.02.2007	Variation of condition No. 15 of 98/00104 to extend opening hours until midnight Fridays and Saturdays and 2am on Christmas Eve and New Years Eve.	GRANTED

7 Planning Policy

The National Planning Policy Framework (NPPF) 2012

Core Strategy 2007

Policy CS1 Sustainable Development
Policy CS5 Built environment
Policy CS6 Sustainability in New Developments
Policy CS13 Community, Cultural and Built Sports Facilities
Policy CS14 Epsom Town Centre

Plan E Epsom Town Centre Area Action Plan 2011

Policy E6 Leisure, cultural and community facilities provision

Development Management Policies 2015

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for new development
Policy DM34 New Social Infrastructure

8 Planning considerations

Residential Amenity

8.1 The National Planning Policy Framework (NPPF) states that there are three dimensions to sustainable development, including economic, social and environmental and that their roles are mutually dependent. It advocates a proactive approach towards meeting the needs of local businesses and the promotion of healthy communities. Paragraph 123 of the NPPF states that planning decisions should recognise that development will often create some noise. At the same time, planning decisions should seek to avoid noise from giving rise to significant adverse impacts on health and quality of life.

- 8.2 Consistent with this, Policy CS6 of the Core Strategy (2007) seeks to ensure that development results in a sustainable environment, which includes minimising the emission of pollutants such as noise. Policy DM10 of the Development Management Policies 2015 states that new development should have regard to the living conditions of existing residents with regard to noise and disturbance.
- 8.3 The application premises are located directly below residential flats with habitable windows and open balconies, at first, second and third floor level. The application site faces the bar “Slug and Lettuce” on the opposite side of the square, above which are three floors of residential accommodation which similarly include flats with open balconies. Within the immediate vicinity, there are in excess of one hundred residential flats at Hudson House next to Epsom Station.
- 8.4 Condition 15 of planning permission ref: 98/00104/FUL was imposed to safeguard the amenities of nearby residents by restricting the hours when local residents would be exposed to noise and disturbance. Clearly customers entering, leaving and standing outside the premises late at night and early in the morning have the potential to disturb local residents, including their sleep patterns, which could impact on both their health and quality of life.
- 8.5 Policy E6 of the Epsom Town Centre Area Action Plan 2011 seeks to promote a thriving evening economy but the supporting text in paragraph 4.37 makes it clear that an over concentration of late night venues could lead to an increase in noise, disturbance and anti-social behaviour. It is considered that great care must be taken to ensure the right balance is struck between promoting a vibrant evening and night-time economy and protecting residential occupiers from undue noise and disturbance, particularly at unsociable hours.
- 8.6 However it is noted however that the “Slug and Lettuce”, opposite the application premises, benefits from similar operating hours as that proposed by this application. The restrictive conditions attached to the premises licence are also noted and would mitigate any potential increase in noise, disturbance and anti-social behaviour.
- 8.7 The proposal to further extend the opening hours would therefore, strike the appropriate balance required by Policy CS14 and Policy DM10 to enhance environmental quality, sustainability and protect residential amenities whilst supporting a flourishing night-time economy.
- 8.8 However, notwithstanding the above, it is recommended that temporary permission for a period of three years be granted to allow the Council to monitor the impact of the extended opening hours.

Visual Impact

- 8.9 The application does not propose any external alterations and accordingly there would be no impact on the visual amenities arising from the development.

Community Infrastructure Levy

8.10 The scheme is not CIL liable.

9 Conclusion

9.1 The scheme is therefore recommended for APPROVAL.

10 Recommendation

10.1 Planning permission is **granted** subject to the following conditions:

Conditions:

- (1) The extended operating hours hereby permitted shall be terminated on or before 7 September 2020 when this permission expires.

Reason: To ensure that the circumstances are reviewed at the expiration of the period permitted to ensure the development complies with Policy DM10, of the Development Management Policies Document 2015 and Policy CS14 of the Core Strategy 2007.

- (2) The operating hours of the premises shall be as follows:

Sunday –Thursday 08:00-23:00, Friday & Saturdays 08:00-24:00, Christmas Eve (evening) 08:00- 01:00 on Christmas Day, New Year’s Eve 08:00- 01:30 on New Year’s Day, St George’s Day 08:00- 24:00, St Patrick’s Day 08:00-24:00, and Halloween 08:00- 24:00.

Reason: To restrict the proposed use to daily periods which are acceptable having regard to the proposed location and to ensure that they proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015

Informatives

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.