

Epsom Grill, 3 Waterloo Road, Epsom KT19 8AY

Application Number	26/00057/REM
Application Type	Minor Material Amendment
Address	Epsom Grill, 2 Waterloo Road, Epsom KT19 8AY
Ward	Town
Proposal	Variation of Condition 2 (Opening Hours) of planning permission 05/00330/FUL to allow extended opening hours Monday to Thursday until 02:00am, Friday and Saturday until 03:00am and Sunday until midnight.
Expiry Date	29 May 2026
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	10 in support
Reason for Committee	Called in by Member of the Council
Case Officer	Katie Smyth
Contact Officer	Simon Taylor, Head of Development Management and Planning Enforcement
Plans, Documents and Submissions	Available here
Glossary of Terms	Available here
Licensing Details	Available here



SUMMARY

1. Summary and Recommendation

- 1.1. Epsom Grill is a hot food takeaway on Waterloo Road, equidistant between the High Street and Epsom Train Station. The premises operates under a change of use permitted in planning permission 05/00330/FUL with Condition 2 allowing trading until 11pm, all days of the week.
- 1.2. This proposal seeks the variation of Condition 2 to allow an extension of the trading hours until 2am Monday to Thursday, 3am on Friday and Saturday, and midnight on Sunday.
- 1.3. The application was called to Planning Committee by Cllr McCormick due to “adverse impact to neighbouring amenity”. There are no resident objections to the proposal but there is an ongoing objection from Surrey Police, raising issue with the potential for anti-social behaviour within the broader night time activity in Epsom Town Centre.
- 1.4. The current licence, which operates outside of planning legislation, is for service until 2am and closure at 2:30am. An extension to these hours to allow service and closure until 4am on Friday and Saturday (with all other days remaining unchanged) was considered by the Licensing Committee on 7 January 2026. Upon deliberation, a revised licence for 3am on Friday and Saturday was allowed, subject to a condition requiring security door staff until 3:30am.
- 1.5. The subject variation application largely reflects the licence application but also includes bringing the hours for Sunday to Thursday in line with the licence. The Epsom Grill website currently specifies trading hours until 1am on Monday to Thursday, 2am on Friday and Saturday and midnight on Sunday. This conflicts with the planning permission but accords with the licence.
- 1.6. There have been several previous applications for extension of trading hours, some of which have been refused but with two temporary permissions. Planning permission 05/00732/FUL granted a two-year temporary extension to the trading hours opening hours to 1am Thursday to Saturday and midnight, Sunday to Wednesday. Planning permission 06/01340/REM granted a two-year temporary permission for trading until 1am on Monday to Thursday, 2am Friday and Saturday and midnight on Sundays and Bank Holidays.
- 1.7. The extension of hours in this application is appropriate, having regard to the potential for antisocial behaviour and neighbour amenity, alongside other operating hours in Epsom Town Centre. Approval is recommended, to bring it in line with the licensing arrangements. However, it is still

prudent to apply a two-year temporary permission, to allow the Council to gauge any potential for future harm.

PROPOSAL

2. Description of Proposal

- 2.1. The variation application seeks to bring trading hours in line with the licence under the Licensing Act 2003.
- 2.2. The premises operates under planning permission 05/00330/FUL with Condition 2 allowing trading from 7am to 11pm, all days of the week. The proposal seeks the variation of condition 2 of planning permission 05/00330/FUL to allow extending opening hours as follows:
- Monday to Thursday: until 02:00am
 - Friday to Saturday: until 03:00am
 - Sunday: until midnight
- 2.3. The following table outlines the trading/licensed hours as currently allowed and as proposed:

Trading until	Mon	Tues	Wed	Thur	Fri	Sat	Sun
2005 permission	11pm	11pm	11pm	11pm	11pm	11pm	11pm
1 st temp permission	Midnight	Midnight	Midnight	Midnight	2am	2am	Midnight
2 nd temp permission	1am	1am	1am	1am	2am	2am	Midnight
This application	2am	2am	2am	2am	3am	3am	Midnight
Previous licence	2am-2:30am	2am-2:30am	2am-2:30am	2am-2:30am	2am-2:30am	2am-2:30am	2am-2:30am
Current licence	2am-2:30am	2am-2:30am	2am-2:30am	2am-2:30am	3am-3:30am	3am-3:30am	2am-2:30am
Specified on website	1am	1am	1am	1am	2am	2am	Midnight

SITE

3. Description

- 3.1. The site comprises a two-storey terraced building, subdivided into retail use at ground floor and commercial use at first floor level with ancillary storage. It forms a row of retail shops. The application site is currently occupied by Epsom Grill, a takeaway kebab food premises with planning permission granted for its current use in 2005. It operates as a hot food takeaway although there are some tables and chairs.

- 3.2. The surrounding area is mixed in character and appearance, comprising of retail, commercial and residential use, predominantly at first floor level. The site falls within the Epsom Town Centre Conservation Area.

4. Constraints

- Built Up Area
- Epsom Town Centre
- Primary Retail Frontage
- Primary Shopping Area
- Epsom Town Centre Conservation Area
- Article 4 Direction
- Archaeological Site – Area of High Archaeological Potential
- Site of Special Scientific Interest Risk Area

5. History

- 5.1. There are several planning records relating to the application site and application unit of the site history.

App No.	Description	Status
13/00040/REF	Appeal against refusal of 13/00522/REM	Dismissed 9 April 2014
13/00522/REM	Variation of Condition 2 (opening hours) of 05/00330/FUL to allow extended opening hours Monday to Thursday until 2am; Friday and Saturday until 3 am; Sunday until midnight.	Refused 16 September 2013
11/01424/REM	Variation of condition 2 of permission 05/00330/FUL which granted consent for a hot food takeaway (Within Use Class A5) to allow for extended opening hours on Monday to Thursdays until 2am, Friday and Saturdays until 3am and until midnight on Sundays. Existing hours are Monday to Sunday 0700 to 2300 hours.	Refused 11 June 2012
11/00221/REM	Variation of Condition 2 of 05/00330/FUL to allow extension of opening hours on Monday to Thursday mornings until 02:00am and Friday, Saturday and Sunday mornings until 03:00am.	Refused 3 August 2011
07/00061/REF	Appeal against refusal of 07/00411/REM	Dismissed 25 January 2008
07/00411/REM	Variation of 06/01340/REM to allow extended opening hours, Monday-Thursday until 2AM the following morning and Friday-Saturday until 3AM the following morning.	Refused 21 August 2007
06/01340/REM	Variation of condition 2 of 05/00330/FUL to allow extended opening hours, Monday -	Approved 16 April 2007

App No.	Description	Status
	Thursday until 1am the following morning and Friday - Saturday until 2am the following morning and Sundays until midnight.	(temporary for 2 years)
06/00963/REM	Variation of condition 2 of 05/00330/FUL to allow extended opening hours on Sunday until midnight, Monday -Thursday until 1am the following morning, and Friday - Saturday until 3am the following morning. (Amended description 24.11.06)	Refused 1 March 2007
06/00130/REM	Variation of Condition 2 of 05/00330/FUL to allow extension of opening hours on Monday to Thursday mornings until 02:00am and Friday, Saturday and Sunday mornings until 03:00am.	Refused 31 July 2006
05/00732/FUL	Variation of condition 2 of 05/00330/FUL to allow extension to opening hours from 07.00 - Midnight, Sunday - Wednesday, and 07.00 - 01.00, Thursday - Saturday, for a temporary period of two years.	Approved 21 November 2005 (temporary for 2 years)
05/00330/FUL	Change of use from amusement arcade (Sui generis use) to hot food takeaway (A5 use).	Approved 12 August 2005

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Highway Authority	No objection.
Conservation	No objection.
Environmental Heath	No objection noted during the course of the licensing process.
External Consultees	
Surrey Police	<p>Objection was raised in relation to the licence application (for 4am closing) and the objection remains valid for the planning application. However, for clarity, Surrey Police also advised that if the Licensing Committee were minded to approve, the licensable activities should cease at 3am.</p> <p>The objection, outlined below, is maintained in relation to this application. Specifically:</p> <p><i>“The hours are very likely to exacerbate current crime and disorder in the immediately vicinity. Epsom Town Centre continues to suffer from increased levels of violence associated</i></p>

Consultee	Comments
	<p><i>with the nighttime economy. There have been serious assaults in the near vicinity resulting in severe injury being cause. Other crime and anti-social behaviour continue to give cause for concern, including sexual assaults, and drug dealing.</i></p> <p><i>Waterloo Road is one of the most reported roads in Epsom town centre for crimes. In the past year (November 2024 – November 2025) 91 crimes were recorded involving Waterloo Road, of the 91 recorded crimes 40 were made after 23:00. Although only 5 of these crimes are directly associated to the premises, it shows the volume of crime within the vicinity of the premises.</i></p> <p><i>The concern is that opening the premises for longer then allows persons to congregate in the area for longer. With persons lingering in the area, this opens the opportunity for more violence and anti-social behaviour. Epsom nighttime economy cannot sustain later opening of what already exists in the town centre. Now the latest LNR premises is 02:00 close with Labyrinth being the latest alcohol premises at 03:00.</i></p> <p><i>We have experienced a town centre that struggles with the current infrastructure to cope with people in the early hours. No trains or buses at that time has meant people have to catch taxis to leave. Uber is cheaper after 04:00 so people will linger around town waiting for the cheaper times. The police would rather not give people the option to loiter and potentially cause issues by giving them a place to hang out. It is aware that some premises will look after their customers and help facilitate taxis or rides home with family/friends but a premises that actively keeps people in town when they should be heading away does concern the police.</i></p> <p><i>Police currently have a government initiative called Clear Hold Build which focuses and targets crime in Epsom. A large part of this surrounds the Town Centre. The initiative investigates factors influencing crimes such as ASB, VAWG (Violence Against Women and Girls) and Drugs. One of these factors is the NTE and premises open in these hours. Epsom is a small town, not Guildford sized or London style. This is a premises that will attract persons to the area and congregate. It will cause persons to make noise, commit crimes and prevent Epsom from being a safe Town Centre. The concern is that Epsom Grill will become a flash point for crime.</i></p> <p><i>Increasing the hours that persons can congregate in the area for and extend the time where intoxicated violence can take place does not uphold the Licensing Objectives of Prevention and Crime and Disorder, Public Safety or Public Nuisance.</i></p>

Consultee	Comments
	<p><i>Therefore, Surrey Police request that the Committee do not grant the extended hours of the licence. Should the subcommittee be minded to grant the application, the below be considered:</i></p> <p><i>Keep all existing conditions as per the current licence with the below added:</i></p> <ol style="list-style-type: none"> <i>1. The licensable activities cease at 03:00</i> <i>2. Deliveries ONLY after 02:00 made to a home or business address with a valid postcode and not made to places such as parks, roadsides or landmarks</i> <i>3. The management and staff will make all reasonable attempts to ensure that the premises is not open to members of public after 02:00</i> <i>4. All deliveries will be made from the rear of the premises</i> <i>5. At least one SIA door staff employed every Friday and Saturday night from 23:00 till 03:00</i> <i>6. The SIA security staff employed at the premises shall be responsible for maintaining order and minimising noise and anti-social behaviour to the front of the premises</i> <i>7. Door staff will proactively encourage customers to leave the area after being served</i> <i>8. Management and staff will be responsible for ensuring that a noise nuisance is not created to the rear of the premises, from either people or vehicle noise during home delivery operations</i>
Public Consultation	
Neighbours	The application was advertised by means of a site notice, press notice, and notification to 11 neighbouring properties, concluding on 13 February 2026. Ten submissions were received in support of the planning application.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
- 6.2. Environment Act 2021
- 6.3. Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.4. Community Infrastructure Levy Regulations 2010

7. Planning Policy

7.1. National Planning Policy Framework 2024 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy

- Section 7: Ensuring the Vitality of Town Centres
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: The Built Environment
- Policy CS14: Epsom Town Centre

7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments

7.4. Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E4: Town Centre Primary Shopping Area and Primary and Secondary Retail Frontages

8. Supporting Guidance

8.1. National Planning Policy Guidance (NPPG)

- Historic Environment
- Noise
- Town Centres and Retail

8.2. Revised Developer Contributions Supplementary Planning Document 2014

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

8.3. Other Documentation

- Epsom Town Centre Character Appraisal
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

9. Principle of Development

9.1. Variation to the Original Permission

- 9.2. The principle of the development as a hot food takeaway was established in the original 2005 permission and nothing in this application alters this conclusion. The scope of the amendments is material insofar as it involves a variation of a condition that was imposed on the original approval and this is appropriate within the scope of the s73 application.

9.3. Licensing Details

- 9.4. Late night refreshment for the purposes of the Licensing Act 2003 is the provision of hot food or hot drink to members of the public between the hours of 11pm and 5am. The provision of late-night refreshment is a licensable activity under the Licensing Act 2003 and authorisation is required from the Council.
- 9.5. The original licence for Epsom Grill is from 2007. An application for a variation to the licence to allow refreshment and opening until 4am on Friday and Saturday nights was heard at the Licensing Sub-Committee on 7 January 2026. The licence (EEBC/11/00232/LAPRE, dated 18 December 2024) initially allowed for "late night refreshment" until 2am and "opening hours" until 2:30am. This, in effect, allows for service until 2am but the premises can remain open until 2:30am.
- 9.6. This conflicts with the current planning permission, which is to 11pm.
- 9.7. There have been several Temporary Events Notices (TENS) applied for in the past years to extend opening hours at the application site. The licensing officer highlighted that 10 applications had been made for Christmas Day, Boxing Day and New Year's Eve in 2025 which had no incidents and received no negative complaints from authorities. This supported that the business acted responsibly and safely.
- 9.8. Surrey Police raised concerns and objections relating to crime rates in the town centre, though only a small number of incidences were directly linked to Epsom Grill.
- 9.9. The Licensing Committee deliberated and noted that considering the local nightclub closed at 3am and the management of several TENS, concerns were raised in relation to trading and service until 4am. However, an extension of opening hours was granted, subject to the following conditions:
- The licensable activities will cease at 03:00 on Fridays and Saturdays.
 - The management and staff will ensure that the premises are vacated by the public by 03:00.
 - At least one Security Industry Authority (SIA) door staff employed every Friday and Saturday night from 23:30 to 03:30.
 - The SIA staff employed at the premises shall be responsible for maintaining order and minimising noise and antisocial behaviour to the front of the premises.
 - Door staff will proactively encourage customers to leave the immediate area after being served.
- 9.10. The above conditions, including the licensable hours and employment of door staff, are consistent with the recommendations of Surrey Police in their response if the Licensing Committee were minded to approve.

- 9.11. Whilst planning and licensing are separate regimes; the associated impacts – neighbour amenity and anti-social behaviour – are the same and these measures can be intended to mitigate noise and any potential anti-social behaviour.
- 9.12. There is case law that deals with duplication between the licensing and planning regimes. In *R (Jaks Bars and Restaurants Limited) v (1) Secretary of State for Housing, Communities and Local Government and (2) Royal Borough of Kensington and Chelsea*, dated 24 April 2026, the judgement states that the licensing regime is a material consideration and for the avoidance of duplication between planning and licensing where the issues overlap.
- 9.13. Notwithstanding, section 14.65 of the Revised Guidance issued under section 182 of the Licensing Act 2003 (revised 12 February 2026) states that “Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”
- 9.14. Based on the above, the current licence, which allows service until 3am is still material to the consideration of this application.
- 9.15. Town and Local Centres**
- 9.16. Policy CS14 of the CS aims to improve and allow adaptation of Epsom Town Centre by creating a diversity, richness, and balance of uses, a sense of place, Improvements to pedestrian and cyclist environments, ensuring the town has a clear spatial structure for future growth and change and principles of safety, security, activation, and inclusivity.
- 9.17. Plan E also states that “the Town Centre contains a varied mix of uses, which support day, evening and night time activities. It is important that this mix is maintained and that new proposals positively contribute to the town centre’s vitality and viability.” This is to be balanced against a policy direction that aims for 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.”
- 9.18. The proposed development will remain in the same use class but seeks to increase the authorised opening hours, when measured against the current planning permission, by a further three hours on Monday to Thursday, four hours on Friday and Saturday, and one hour on Sunday (originally permitted until 23:00, 7-days a week).

- 9.19. Nearby to the application site are two nightclub venues - Rhythm and Labyrinth. Rhythm is licensed to remain open until 02:30 Monday to Saturday and until 01:30 on Sunday. The nightclub, Labyrinth has licenced opening hours is until 03:00 Thursday to Saturday (including bank holidays and public holidays) and 02:30 Sunday to Wednesday.
- 9.20. The extension of operating hours to the original planning permission would allow for an increased operational window for customers, especially those leaving the local nightlife venues in the town centre, allowing for improved choice in the nighttime and this has flow on effects for street activation and surveillance and business viability for the premises. On these grounds, the variation is supported, though it is weighed against other material considerations including anti-social behaviour and neighbour amenity (noise), as discussed in Section 11.

10. Design and Character/Heritage and Conservation

- 10.1. As the proposal involves changes to the operating hours and there is no change to built form, the proposal would be limited to additional light spill and movement of people within the street. This level of activation is appropriate and acceptable, and the proposal would not have any undue or additional impact upon the street scene or Epsom Town Centre Conservation Area.

11. Neighbour Amenity

- 11.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of and noise whilst Paragraph 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 11.2. The extension in trading hours from 11pm nightly to 2am on Monday to Thursday, 3am on Friday and Saturday and midday on Sunday will inherently raise the potential for increased noise to residential receptors and anti-social behaviour through additional pedestrian traffic.
- 11.3. However, the planning regime should still consider what is allowed under the licensing regime. On that aspect, Epsom Grill currently advertises and operates the takeaway shop (in line with the licence but contrary to the planning permission) with the following hours¹:
- Monday to Thursday: 14:00 – 01:00
 - Friday to Saturday: 14:00 – 02:00
 - Sunday: 15:00 – 00:00
- 11.4. Furthermore, evidence² shows that Epsom Grill has been operating at these hours as set out under paragraph 9.10 for at least eight years. The

¹ <https://www.epsomgrill.co.uk/>

² <http://web.archive.org/web/20180902210243/https://www.epsomgrill.co.uk/>

operating hours is approaching 10 years of continuous operation at these hours, thus nearing the threshold for being immune from enforcement action.

- 11.5. In the eight years that Epsom Grill has been operating longer than the approved opening hours, the Council's Environmental Health Team have received no direct complaints regarding noise or food odour arising from the premises and therefore the Environmental Health team have raised no objection.
- 11.6. Separately, Surrey Police have referred to the premises being involved in 5 of 93 recorded crimes in the period between November 2024 and November 2025 but more broadly that there is anti-social behaviour in the area during the early hours of the morning and that Epsom Town Centre cannot sustain later opening. However, they were not explicitly opposed to trading until 3am.
- 11.7. Since the original 2005 approval, there have been six previous refusals and two dismissed appeals, alongside two temporary permissions, all relating to extended trading hours. These are also material considerations, though each vary depending on the circumstances of what was being sought, the surrounding night time economy and the time since the decision. In the most recent appeal decision for the same hours being applied for under this application (APP/P3610/A/13/2208493, dated 9 April 2014), the Inspector noted that:

"...there is a significant number of residential units located in the immediate locality of Waterloo Road. These include more than 100 flats at Hudson House and a similar number of units and a hotel in the vicinity of Epsom Station. The Council is particularly concerned that extending the hours of use as proposed would lead to increased noise and disturbance at unsociable hours, which would adversely affect the living conditions at these nearby residential units.

I share this concern, given the close proximity of the appeal property to these dwelling units. Moreover, it is clear that recent development has increased the number of residential occupiers in and around Waterloo Road, such 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.

Overall, I acknowledge that the existing hours of use may be somewhat restrictive. This is reflected in the planning history of the site, including a recent enforcement report whereby the Council indicated that a more limited extension to the hours of use would not be unacceptable. However, given the significant number of residential units in the locality of Waterloo Road, the proposal before me would not strike the appropriate balance, as it would increase the potential for noise and disturbance late into the evening and early morning Monday to Saturday."

- 11.8. The surrounding area is in mixed use, as such the surrounding area remains unchanged in site context and therefore the increase in operational hours. The number of residential properties in the immediate area will not have decreased since 2014, and so the same need to strike the right balance exists.
- 11.9. When compared with the planning permission (to 11pm), the extension of opening hours is for an additional 3-4 hours on each day of the week other than Sunday.
- 11.10. The balance is that the proposed operating hours are broadly reasonable on account of it being unlikely that extension would not result in noise complaints over and above the current situation for the following reasons:
- The extension is one additional hour on two days per week, when measured against the current advertised and licensable hours at the application site
 - The noise levels associated with the additional movements would not be unreasonable when measured against the background noise within High Street and Waterloo Road
 - Papa Johns at 42A High Street has permission to trade until 3am on weekends. Many other premises have allowance to trade until 1am and 2am
 - The expectation is that the additional opening hours will attract passing trade into the early morning but provide some benefit in dispersal.
 - The licensing conditions require the appointment of door staff, which allows for greater mitigation of noise and management of patrons outside the premises
- 11.11. On the basis, the proposed is deemed to have a satisfactory impact on neighbouring residential properties. Condition 2 is amended accordingly.

12. Parking and Access

- 12.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 12.2. Paragraph 115 of the NPPF 2024 requires safe and suitable access, paragraph 116 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 117 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.

- 12.3. The County Highway Authority has undertaken an assessment of the proposed extension to operating hours of Epsom Grill's premises and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Therefore, the County Highway Authority has no highway requirements.

13. Accessibility and Equality

- 13.1. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

14. Planning Obligations and Community Infrastructure Levy

- 14.1. The application proposal would not require or attract any form of contribution or levy.

CONCLUSION

15. Planning Balance

- 15.1. The premises are within a mixed-use location with many residential properties. However, they have operated in a manner that is favourable to the surrounding mixed-use area of Waterloo Road. The proposed trading hours involves three additional hours on four nights per week, four additional hours on two nights per week and one additional hour on one night per week (original permission allowed for opening hours until 23:00).
- 15.2. The site has been operating beyond the original permission for at least eight years (but within the limitations of the licence) and therefore the increase of one additional hour on Friday and Saturday is unlikely to result in significant harm to the surrounding areas amenities, sufficient to warrant refusal.
- 15.3. Both of the above circumstances attract moderate weight.
- 15.4. The Council's Environmental Health Officer has reviewed the scheme and raised no objection. Officers recognise the concerns around potential increase in crime and anti-social behaviour by Surrey Police, but they have also noted that 3am closing could be a suitable compromise. This attracts moderate weight.
- 15.5. There is a need to maintain economic activity and commercial viability and growth of the business, both of which weigh in favour of the proposal.

- 15.6. Case law and guidance is clear in seeking consistency across the planning and licensing regimes. This tempered somewhat by the fact that the Council must still take account of past planning and appeal decisions, though weight has lessened substantially in the 12 years since the last consideration.
- 15.7. Weighing all factors, approval is recommended, but it remains prudent to recommend approval subject to Condition 2 for a temporary period of two years. This is fourfold:
- There still remains a need to comply with the licensing and planning permission, and the provision of a temporary permission allows for a review of conditions over the following two years as well as consideration of any broader changes to Epsom Town Centre or to legislation
 - Whilst not outright opposed to 3am trading, Surrey Police have raised issue with the current night time activity in Epsom Town Centre and it would be reasonable to conclude that a premises open until 3am is part of the night time activity
 - The planning history for the site includes refusal of extended trading hours, albeit under a different licence, and there needs to be a degree of consistency in decision making
 - Policy direction remains to make Epsom Town Centre a thriving night time economy but in a family friendly manner. As part of this, there is an expectation that there is likely to be an increase in residential properties in the town centre

- 15.8. Paragraph 014 of the PPG for Use of Planning Conditions states that

“Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.”

- 15.9. The application of a temporary permission is consistent with the guidance.

RECOMMENDATION

To grant planning permission, subject to the variation of Conditions 1 and 2 and addition of Condition 3 to the original permission (05/00330/FUL), as follows:

1) Timescale

(deleted)

2) Opening Hours

The premises shall only be open for customers between the hours of 07:00 hours and 02:00 hours (on the following day) Monday to Thursday, 07:00 hours and 03:00 hours (on the following day) Friday and Saturday; and 07:00 hours and 00:00 hours on Sunday.

Reason: To enable the Local Planning Authority to assess the impact of the increase opening hours on the surrounding amenities and to ensure the development does not result in a permanent and unacceptable form of development, in accordance with the NPPF 2024 and Policy DM10 of the Development Management Policies Document 2025.

3) Temporary use

The trading hours in Condition 2 hereby permitted shall cease on or before two years from the date of this planning permission.

Reason: To allow the local planning authority an opportunity to assess the effect of the use hereby permitted on the amenities of the occupiers of the surrounding area in accordance with Section 15 of the National Planning Policy Framework 2024 and Policy DM10 of the Development Management Policies Document 2015.

INFORMATIVES

1) Variation to the Conditions

Condition 1 is amended as the original permission has been commenced. Condition 2 has been amended to reflect the changes sought in this application.

2) Positive and Proactive Discussion

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 information 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.