

26/00572/FUL Epsom Playhouse, Ashley Avenue, Epsom KT18 5AL

Application Number	26/00572/FUL
Application Type	Full Planning Permission (Minor)
Address	Epsom Playhouse, Ashley Avenue, Epsom, Surrey, KT18 5AL
Ward	Town Ward
Proposal	Replacement of air handling condensers with six heat pumps and four condenser units housed within acoustic panelling
Expiry Date	04 August 2026
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	None
Reason for Committee	Council is the Applicant
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Head of Development Management and Planning Enforcement
Plans, Documents and Submissions	Available at Epsom Playhouse
Glossary of Terms	Found here Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The Council is the applicant and as such the application is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegations.
- 1.2. The proposal involves the removal and replacement of existing air handling condensers on the roof of Epsom Playhouse with six air source heat pumps and four condenser units, to be housed within 1.8 metre high acoustic panelling.
- 1.3. The proposal would modernise the existing building services infrastructure and improve the Playhouse's energy efficiency, thereby contributing to the long-term operation of an important community facility. The proposal would also contribute towards the Council's Net Zero objectives and reduce the building's reliance on fossil fuels.
- 1.4. The site is attached to a Grade II listed building and lies adjacent to the Epsom Town Conservation Area and the proposed development would cause less than substantial harm to the setting and significance of surrounding heritage assets. Notwithstanding this, although great weight has been given to the conservation of the affected designated heritage asset, this limited harm is outweighed by the public benefits of the scheme.
- 1.5. The Environmental Health Officer supports the proposal in principle but recommends a condition requiring details of attenuation prior to first use to confirm that the proposed acoustic screening is sufficient to protect nearby properties from unacceptable levels of noise and disturbance.
- 1.6. The proposal would accord with national and local policies in relation to archaeology, ecology and environmental sustainability.
- 1.7. Officers recommend that the application be granted, subject to conditions and informatives.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - Removal of existing redundant for five roof mounted air conditioning condensers, associated pipework and gas-fired boiler plant
 - Installation of six roof-mounted Therma V 51kW monobloc air source heat pumps (ASHP)

- Installation of four roof-mounted condenser units serving the theatre and air handling systems
- Installation of 1.8m high acoustic screening surrounding the proposed equipment
- Installation of associated pipework, ductwork and ancillary plant

SITE

3. Description

3.1. The site is Epsom Playhouse, a public entertainment venue located on a corner junction with South Street and Ashely Avenue. Access to the building is gained via Ashley Avenue. The site is located within Epsom Town Centre and surrounded by a mix of commercial and residential premises.

4. Constraints

- Built Up Area
- Town Centre
- Attached to Grade II Listed Building (47-51 South Street)
- Adjacent to Epsom Town Conservation Area
- Archaeological Site
- Bat Survey Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Source Protection Area (Inner)

5. History

5.1. Whilst there is planning history associated with the Epsom Playhouse, there is no planning history material to this current application.

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Conservation Officer	No objection
Environmental Health Officer	No objection subject to condition
Public Consultation	
Neighbours	The application was advertised by means of a site notice displayed on 10.06.2026, a press notice printed in the local paper, and notification to 46 neighbouring properties, concluding on 02 July 2026. No submissions were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Planning Policy

6.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 7: Ensuring the Vitality of Town Centres
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

6.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS13: Community, Cultural and Built Sports Facilities
- Policy CS14: Epsom Town Centre

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

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments

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

- Policy E1: Town Centre Boundary
- Policy E6: Leisure, Cultural and Community Facilities Provision
- Policy E8: Town Centre Energy Generation

6.5. Epsom Town Masterplan 2024

- Principle 7: Ensure buildings are constructed to a standard that can be easily adapted to meet the requirements of zero carbon.

6.6. Supplementary Planning Documents and Guidance

- Sustainable Design Supplementary Planning Document 2016

6.7. Other Documentation

- Epsom Town Conservation Area Appraisal

PLANNING ASSESSMENT

7. Presumption in Favour of Sustainable Development

- 7.1. Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Although the Council does not have an up-to-date development plan due to expiration, whether the policies contained within are out of date is a matter of planning judgment.
- 7.2. Officers are satisfied that the Council's policies which are most important for determining this application, which are set out in Core Strategy 2007, the Development Management Policy Document 2015 and Epsom Town Centre Area Action Plan 2011 (Plan E) are consistent with those set out in the NPPF.

8. Principle of Development

- 8.1. The site is located within the built-up area of Epsom Town Centre and the principle of development is acceptable, subject to according with the objectives and policies in the CS, the DMPD, Plan E and supporting guidance and documents.

9. Heritage Assets and Design and Character

- 9.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.
- 9.2. The application of the statutory duties within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 9.3. Paragraphs 210-215 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 213 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 9.4. Significance can be harmed through development within a heritage asset's setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 213 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.

- 9.5. This is further supported by paragraph 219 of the NPPF which states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 9.6. Appendix 2 Glossary of the NPPF defines setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
- 9.7. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 9.8. Significance can be harmed through development within a heritage asset's setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 207 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 9.9. Paragraphs 130, 135 and 139 of the NPPF 2024 refer to the need for functional and visually attractive development that is sympathetic to local character and history.
- 9.10. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting. Policy CS5 of the CS also requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area, whilst Policy DM10 requires good design that respects, maintains or enhances the prevailing character.
- 9.11. The proposed ASHP's would be installed on a flat roof section of the Playhouse, in the same location as the existing four condenser units, which would be removed as part of the scheme. Although the number of ASHP's proposed is greater than the four existing condenser units, owing to the design of the existing roof structure and the elevated position above the street scene, the ASHP units would not be visible from the street, as they would be screened by the intervening hipped roof elements.
- 9.12. The proposed condenser units would be positioned on a section of parapet roof that is currently free of any plant or equipment. While the units themselves would be effectively screened from street-level views by a proposed 1.8m high acoustic fence, approximately 1.3m of the fence would remain visible above the parapet wall.
- 9.13. Although a visible feature, due to its elevated position above the streetscene, the acoustic fencing would appear as a relatively modest rooftop addition, rather than a dominant or intrusive feature. The

associated pipework, ductwork and ancillary plant would lie low to the main roof and would not be visible from the roofscape.

9.14. Setting of Listed Building

- 9.15. The site is attached to 47- 51 South Street, as a Grade II Listed Building with its significance found within its survival as a two storey 18th Century building with original sash windows and roughcast finish.
- 9.16. The special interest of this listed building is primarily experienced from the South Street streetscene and the proposed developments would not be visible from this view. Whilst limited public views of the proposed development in context with the roof of the Listed Building may be achievable from the top of the Ashley Centre Car Park, the harm to the setting and significance/special interest of 47- 51 South Street from the increase in plant and machinery on the roof would be negligible.

9.17. Setting of the Conservation Area

- 9.18. Whilst the site is not within a Conservation Area, it shares a boundary with Epsom Town Conservation Area and the proposed development has the potential to affect its setting. The significance of the Epsom Town Conservation Area lies within its retained historic market town character and rich historic interest as a spa town.
- 9.19. Due to their elevated siting, minor scale and the presence of existing plant/machinery on the building, the proposed development would not cause harm to the character and appearance of the Conservation Area and Officers do not attribute any harm from the proposal upon the significance of the setting of this designated heritage asset.

9.20. Harm to the Significance of the Designated Heritage Asset

- 9.21. Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF.
- 9.22. This negligible harm caused to the setting and significance of the Grade II Listed Building would be less than substantial. In accordance with paragraph 215 of the NPPF, this harm must be weighed against any public benefits associated with the proposal. Great weight should be given to the heritage asset's conservation, irrespective of the scale of harm identified.
- 9.23. The NPPF identifies that public benefits could be anything that delivers economic, social, or environmental progress, as described in paragraph 8.
- 9.24. The PPG further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.

- 9.25. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID:18a-020-2019072).
- 9.26. The public benefits of the amended scheme put forward by the applicant are:
- The scheme would contribute towards the Council's Net Zero objectives and reduce the building's reliance on fossil fuels.
 - The scheme would modernise the existing building services infrastructure and improve the buildings energy efficiency, thereby contributing to the long-term operation of an important community facility.
- 9.27. There are clearly public benefits in moving away from the use of carbon fuels, and paragraph 167 of the NPPF requires local planning authorities to give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic, subject to their impact on designated heritage assets.
- 9.28. Officers give considerable importance and weight to the desirability of preserving the features of special architectural and historic interest of the heritage asset.
- 9.29. However, notwithstanding the considerable importance that the harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal.

9.30. Archaeology

- 9.31. The site falls within an Archaeological Site. However, due to the siting of the proposed development above ground level, there is no potential for the it to affect assets of archaeological significance.

10. Neighbour Amenity

- 10.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 198 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 10.2. The proposed development would not have an unreasonable impact on the existing neighbouring amenities of any neighbouring dwellings within proximity of the application site concerning light, visual privacy and outlook.
- 10.3. The Council's Environmental Health Officer has reviewed the application and supporting documents and recommends the imposition of a condition to ensure that the sound pressure level emitting from the permitted fixed plant does not exceed 37 dB LAeq.

- 10.4. The Council's Environmental Health Officer has also recommended a condition to secure a report that outlines expected noise levels of the proposed plant and the performance of the mitigations deployed to comply with the recommended noise restriction.
- 10.5. Whilst the Environmental Health Officer is satisfied that noise impacts arising from the proposed development can be adequately mitigated in principle, the attenuation details are necessary to demonstrate that the proposed level of acoustic screening will effectively mitigate noise impacts on surrounding properties, particularly No. 39 South Street, which has a habitable window in closest proximity to the site.
- 10.6. Subject to the recommended condition, Officers are satisfied that the proposal can be mitigated to comply with relevant policies CS1 and CS5 of the CS and Policy DM9 and DM10 of the DMPD.

11. Ecology and Biodiversity

11.1. Ecological Impact

- 11.2. Paragraphs 180 and 186 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures.
- 11.3. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 11.4. The site is within a SSSI Impact Risk Zone Area. However, due to the minor nature of the proposal and as the site is in built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised. An informative is included to cease works if protected species are encountered during construction.

11.5. Biodiversity Net Gain

- 11.6. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.
- 11.7. In this instance, development that does not does not impact a priority habitat and impacts less than 25 square metres of onsite habitat, or 5 metres of linear habitats can be subject to the de minimis exemption. The development would therefore be exempted from biodiversity net gain by the de minimis exemption.

12. Environmental Sustainability

- 12.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 12.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 12.3. The proposed development would represent a low-carbon, energy efficient technologies that reduces CO₂ emissions, supports the integration of renewable energy, and contributes to sustainable building design, thereby helping to mitigate climate change in line with the objectives of Policy CS6 of the CS.

13. 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 Community Infrastructure Levy Charging Schedule 2014 indicates that the application is not chargeable.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives:

Conditions

1) **Timescale**

The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the following plans:

Location Plan at 1:500

Drawing Number PHSE-01-01 Block Plan

Drawing Number 4941-M2 P1 Proposed Layout at Roof Level

Drawing Number 4941-M4 P1 Boiler Replacement Heat Pumps at Roof Level

Drawing Number 4941-M5 P1 Theatre Cooling Condensers Roof Level

Drawing Number 4949-M8 P1 Proposed Heath Pump Location on South East Elevation

Drawing Number 4949-M9 P1 Proposed Condenser Location on North (Rear) Elevation

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

3) Noise Restriction

The sound pressure level emitted from the permitted fixed plant will not exceed 37 dB LAeq,15min free-field equivalent, 1 m in front of the window or door to a habitable room of any residential dwelling. Assessments should be made under normal operating conditions in the temperature range 7 – 25°C.

Reason: To protect neighbouring amenities from noise disturbance in accordance with Section 15 of the National Planning Policy Framework 2024, Policy CS6 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.

4) Acoustic Report

Prior to first use, an Acoustic Report shall be submitted and approved in writing by the Local Planning Authority outlining expected noise levels and the performance of the mitigations deployed to comply with condition 3.

Reason: To protect neighbouring amenities from noise disturbance in accordance with Section 15 of the National Planning Policy Framework 2024, Policy CS6 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.

5) Removal

The heats pumps, condenser units and acoustic panelling shall be removed within one month of any cessation of use.

Reason: To maintain the character of the area and the setting of the adjacent listed building, in accordance with Section 16 of the National Planning Policy

Framework 2024, Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

Informatives

1) 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 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) Building Control

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 <https://ebcsltd.co.uk/> 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.

3) Working Hours

When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4) Protected Species

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

5) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.