

## PLANNING COMMITTEE

Thursday 4 September 2025 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,**  
**<https://www.youtube.com/@epsomandewellBC/playlists>**

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Steven McCormick (Chair)  
Councillor Clive Woodbridge (Vice-Chair)  
Councillor Kate Chinn  
Councillor Neil Dallen  
Councillor Alison Kelly

Councillor Jan Mason  
Councillor Phil Neale  
Councillor Kieran Persand  
Councillor Humphrey Reynolds  
Councillor Chris Watson

Yours sincerely



Chief Executive

For further information, please contact [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

### **EMERGENCY EVACUATION PROCEDURE**

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

**Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.**

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

### **Public speaking**

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

**The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.**

### **Exclusion of the Press and the Public**

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

### **Filming and recording of meetings**

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: [communications@epsom-ewell.gov.uk](mailto:communications@epsom-ewell.gov.uk)

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

## **Guidance on Predetermination /Predisposition**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### **Predisposition**

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### **Pre-determination / Bias**

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

### **2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 18)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 10 July 2025 (attached) and to authorise the Chair to sign them.

### **3. THE ELDERS, EPSOM ROAD, EWELL, SURREY, KT17 1JT (Pages 19 - 50)**

Change of use of vacant care home to Hotel/HMO

### **4. UPCOMING APPLICATIONS (Pages 51 - 52)**

Summary of Likely Applications to be Heard at Planning Committee

**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 10 July 2025**

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**PRESENT -**

Councillor Steven McCormick (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman (for agenda items 2-8) (as nominated substitute for Councillor Alison Kelly), Jan Mason, Phil Neale, Kieran Persand and Humphrey Reynolds

In Attendance: Councillor Liz Frost

Absent: Councillor Alison Kelly and Councillor Chris Watson

Officers present: Justin Turvey (Head of Place Development), Gemma Paterson (Planning Development Team Leader), Michael Elford (Principal Lawyer) and Phoebe Batchelor (Democratic Services Officer)

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**1 DECLARATIONS OF INTEREST**

The Chair stated that all Members of the Committee had received correspondence from the applicant for Bucknills Close on Tuesday the 8<sup>th</sup> of July. The Chair stated that he remained unbiased and maintained an open mind.

No declarations of any disclosable pecuniary interests were made by Members with respect to any items of business to be considered at the meeting.

**2 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 24 April 2025 and authorised the Chair to sign them.

**3 6A BUCKNILLS CLOSE, 11A AND 13 WHITEHORSE DRIVE,**

**Description:**

Demolition of residential dwelling at 6A Bucknills Close and office building at 13 Whitehorse Drive and the construction of nine residential units (3 x 2-bed and 6 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements.

**Officer Recommendation:**

Approval, subject to conditions, informatives and S106 legal agreement.

**Officer Presentation:**

The Committee received a presentation on the application from the Planning Officer.

**Public Speaking:**

The Ward Councillor who called in the application spoke.

The Applicant spoke in support of the application.

**Decision:**

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reason:

**Reason:**

**Highway Safety**

Given there is inadequate space available within the site to accommodate both pedestrian and vehicular movements in a safe manner, the proposal would result in the risk of collision between vehicles and pedestrians using the access road, causing danger and inconvenience to pedestrians and other highway users and interfere with the free flow of traffic on the adjoining highway. This would be contrary to Section 9 of the National Planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007, criterion 3 of Policy DM16 and Policies DM36 and DM37 of the Management Policies 2015, and objective 3 of the Surrey Transport Plan (LTP4) 2022-2032.

The proposal was seconded by Councillor Humphrey Reynolds.

The Committee resolved (2 for, 3 against, and 3 abstaining) and the motion was lost.

Following further consideration, Councillor Kate Chinn proposed a motion to agree the Officer recommendation as set out in the report. The motion was seconded by Councillor Clive Woodbridge.

Subsequently, the Committee resolved (5 for and 4 against) to:

**GRANT planning permission subject to a S106 Legal Agreement with the following Heads of Terms:**

- a) Public Transport Improvements to bus stops on Dorking Road (Westlands Court and Epsom Hospital) to provide RTPI (Real Time Passenger Information)
- b) BNG delivery and monitoring
- c) Securing a Private Waste Collection Company in perpetuity

**and the following conditions and informatives:**

**1. Time Limit**

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

**2. Approved Details**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 2025/P0296 LP Rev A Site Location Plan Drawing

Drawing Number 2025/P0296 CP Rev A Site Context Plan Drawing

Drawing Number 2025/P0296 001 Rev C Proposed Site Plan

Drawing Number 2025/P0296 C001 Rev C Proposed Site Plan in Colour

Drawing Number 2025/P0296 010 Plot 01 Proposed Plans and Elevations

Drawing Number 2025/P0296 011 Plots 02 & 03 Proposed Plans and Elevations

Drawing Number 2025/P0296 012 Plots 04 & 05 Rev A Proposed Plans and Elevations

Drawing Number 2025/P0296 013 Plots 06, 07 & 08 Rev B Proposed Plans and Elevations

Drawing Number 2025/P0296 014 Plot 09 Rev A Proposed Plans and Elevations

Drawing Number CWLD-NH-BC-2485-01 Rev A Proposed Landscaping Arrangements

Drawing Number CWLD-NH-BC-2485-01 Indicative Tree Pit with Tree Guard

Drawing Number CWLD-NH-BC-2485-04 Indicative Tree Planting Detail

**Reason:** For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.

**Pre-Commencement Conditions**

**3. Materials**

No development shall commence unless and until details 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 Policy DM10 of the Development Management Policies 2015.

#### 4. Construction Transport Management Plan

No development shall commence unless and until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (e) measures to prevent the deposit of materials on the highway
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (g) no HGV movements to or from the site shall take place between the hours of 08:00 and 9.00 am and 3.00 pm and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up or waiting on Whitehorse Drive, Dorking Road or Ebbisham Road during these times
- (h) on-site turning for construction vehicles (or measures for traffic management)

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reason:** In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

#### 5. SuDS Scheme

The development hereby permitted shall not commence until details of the



design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the National Planning Policy Framework 2024 and the accompanying PPG. The approved scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

## 6. Ground Contamination

No development shall commence unless and until a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos and hydrocarbons) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site and verification report shall incorporate the approved additional measures.

**Reason:** To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

## 7. Enhanced Arboricultural Method Statement/Tree Protection Plan

No development shall commence unless and until an enhanced Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed

or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

**Reason:** To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

## 8. Hard and Soft Landscaping

No development shall commence unless and until full details of both hard and soft landscape proposals, including tree planting pit design and a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the Local Planning Authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

## Pre Occupation Conditions

## 9. Transport Mitigation

The development hereby approved shall not be first occupied unless and until a scheme to improve highway/transportation matters in the following areas:

- Access surfacing materials (including a footway painted onto the carriage surface) and location, external lighting and provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible, and that the access road is shared use.
- Retention of the passing place located on the private access road on the eastern side of the site, adjacent to No. 13b.

shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation.

**Reason:** In recognition of Section 9 'Promoting Sustainable Transport' of the National Planning Policy Framework 2024 and in meeting its objectives,

as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

### **10. Parking/Turning**

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

**Reason:** In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

### **11. Electric Vehicle Charging Points**

The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** In recognition of Section 9 'Promoting Sustainable Transport' of the National Planning Policy Framework 2024 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

### **12. Cycle Store Details**

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles within the development have been submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

### **13. Solar Panels Details**

The development hereby approved shall not be first occupied unless and until details of the provision of solar panels within the development have been submitted to and approved in writing by the Local Planning

Authority, and thereafter the said approved panels shall be provided prior to first occupation and retained, maintained and replaced where necessary.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007.

#### **14. Compliance with Ecological Mitigation**

The development shall be carried out in strict accordance with the recommendations set out in Section 4.0 Preliminary Ecological Appraisal prepared by Ecology Partnership and dated March 2023, Table 5 of Section 4.0 of the Preliminary Roost Assessment, prepared by Arbtech and dated June 2023, Section 5 of the Bat Roost Survey for 6a Bucknills Close, prepared by Environmental Business Solutions, rev 02 dated July 2024, Section 5 of the Bat Roost Survey for 13 Whitehorse Drive, prepared by Environmental Business Solutions dated October 2024 and the suggested biodiversity enhancements set out in the Preliminary Ecological Appraisal prepared by Arbtech and dated February 2025.

The approved details shall be implemented in full prior to the first occupation of any of the dwellings and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

#### **15. Compliance with Sustainable Design Measures**

The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by Twenty 20 Architecture Ltd, rev B, dated February 2025, prior to the first occupation and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007

#### **During and Post Development Conditions**

#### **16. Hours of Work**

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:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

### **17. Removal of Permitted Development Rights**

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this order) development under Classes A-C and E-F shall be carried out on the site.

**Reason:** To safeguard the privacy and amenity of the adjoining occupiers, maintain adequate amenity space, protect the future health and wellbeing of replacement tree planting and to safeguard the cohesive appearance of the development in accordance with Policy DM10 of the Development Managements Policies Document 2015.

### **18. No Additional Windows/Openings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed in the development hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 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 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. Party Wall Agreement**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall.
- build on the boundary with a neighbouring property.
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

### **4. Damage to the Highway**

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).

### **5. Highways Act**

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant or organisation responsible for the damage.

### **6. Construction Traffic**

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting,

parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme"

Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

## **7. Highway Improvements**

The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

## **8. Highway Signage**

Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

## **9. EV Charging Points**

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2024.

## **10. Ordinary Watercourse**

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.

## **11. Surface Water**

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

## **12. Subground Structures**

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

**13. Listed Wall**

This permission does not grant any works of alteration to, or demolition of the existing Grade II wall, as such works require Listed Building Consent.

Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

**14. Asbestos**

The site should be assessed for any asbestos containing materials prior to any works of demolition or conversion. Any work with asbestos must be carried out in accordance with the Control of Asbestos Regulations (2012) and relevant Approved Code of Practice <http://www.hse.gov.uk/pubns/books/l143.htm>.

**15. Pre Commencement Conditions**

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

**16. Biodiversity Net Gain**

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

**17. Bird Boxes**

Due to the extent of the works to the roof, the Council recommends that a bird box is installed. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

**18. 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.

## **19. Naming and Numbering**

The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development. Refer to 01372 732000 or <https://www.epsom-ewell.gov.uk/street-naming-and-numbering> for further information.

## **20. CIL Liable Development**

This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100m<sup>2</sup> or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100m<sup>2</sup>. The levy is charged at £125/m<sup>2</sup>, index linked and is charged on the net additional floorspace generated by a development.

The Liability Notice issued by Epsom and Ewell Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner.

A Commencement Notice must be submitted to the local planning authority prior to the commencement of development in order to ensure compliance with the Community Infrastructure Levy Regulations.

## **21. Section 106 Agreement**

This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated #, the obligations in which relate to this development.

### **PART B**

**If the Section 106 Agreement referred to in Part A is not completed by 19 January 2026, the Head of Place Development is authorised to refuse the application for the following reason:**

**“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”**

## 4 UPCOMING APPLICATIONS

The Committee received and noted a report providing a summary of likely applications to be heard at Planning Committee.

The following matters were considered:

- a) **Swail House.** A Member of the Committee requested a site visit for the upcoming application, Swail House. The Chair confirmed that there would be a site visit. The Chair explained that once it has been scheduled it will be communicated to Members.

## 5 PLANNING PERFORMANCE REPORT

The Committee received and noted a report providing a summary of Planning Performance by quarter.

The following matters were considered:

- a) **Positive Report.** The Chair expressed thanks to the Planning Team for their hard work in processing planning applications. The Chair acknowledged the significant work done by officers to meet the targets.

## 6 APPEALS PERFORMANCE REPORT

The Committee received and noted a report providing a summary of all planning appeal decisions and current appeals.

The following matters were considered:

- a) **Material Considerations.** A Member of the Committee highlighted the importance of Planning Committee Members only raising material considerations and being informed when they speak on applications at Committee. The Chair noted the comments.

## 7 ENFORCEMENT PERFORMANCE REPORT

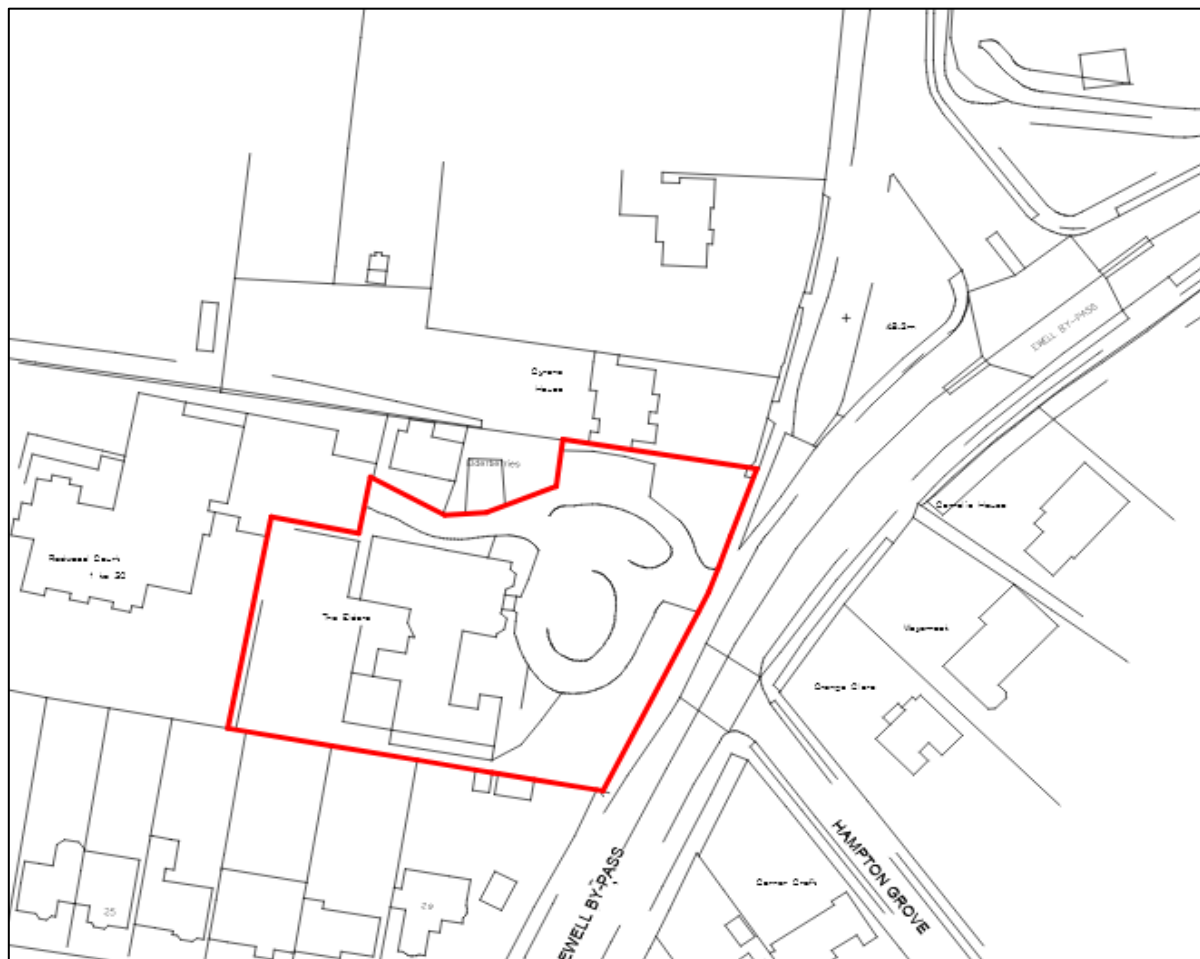
The Committee received a report providing a summary of incoming and closed enforcement cases by month.

*The meeting began at 7.30 pm and ended at 8.57 pm*

COUNCILLOR STEVEN MCCORMICK (CHAIR)

**The Elders, Epsom Road, Ewell, Surrey, KT17 1JT**

<b>Application Number</b>	25/00504/FUL
<b>Application Type</b>	Full Planning Permission (Minor)
<b>Address</b>	The Elders, Epsom Road, Ewell KT17 1JT
<b>Ward</b>	Ewell Village
<b>Proposal</b>	Change of use of vacant care home to Hotel/HMO
<b>Expiry Date</b>	08 September 2025
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	40
<b>Reason for Committee</b>	Called in by Member of the Council
<b>Case Officer</b>	Gemma Paterson
<b>Contact Officer</b>	Simon Taylor, Head of Development Management and Planning Enforcement
<b>Plans, Documents and Submissions</b>	Available at <a href="#">The Elders</a>
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. The application has been called to the Planning Committee by the Ward Councillor, Councillor Clive Woodbridge for reasons relating to:
  - Loss of care home capacity and housing supply in the Borough
  - Car parking implications, namely failure to justify a shortfall in car parking;
- 1.2. A planning application identical to this currently under consideration was refused under delegated authority in July 2024 (23/01158/FUL - change of use of vacant care home to hotel/HMO) for reasons relating to insufficient justification for the loss of the existing care home; the depletion of the Council's housing stock and failing to demonstrate that the existing levels of onsite parking provision would not have a harmful impact on the surrounding area in terms of streetscene or the availability of on-street parking.
- 1.3. In addressing the reason for the refusal relating to the loss of the care home under 23/01158/FUL, this current application has sufficiently demonstrated through a suitable marketing campaign that the existing building is no longer suitable for its purpose and that there is no need for the existing Class C2 care home use.
- 1.4. Although the proposal would continue to result in the loss of Council housing stock as a result of the proposed change of use, exceptional circumstances now exist to justify the loss. Notwithstanding this, this loss is an adverse effect that needs to be weighed in the planning balance.
- 1.5. The proposal would provide a type of accommodation that meets an identified need in the Borough, which is a benefit of the scheme to be weighed in the planning balance.
- 1.6. No external changes are proposed to facilitate the change of use and therefore the proposal would not cause harm to the significance of the Ewell Village Conservation Area or the character and appearance of the area.
- 1.7. The proposal would meet local requirements for internal floor area and would therefore provide an acceptable level of internal amenity for future occupiers.
- 1.8. The site is located within a main settlement that is near to public transport and within walking distance of Ewell Village, which offers a mode of transport other than the private car. The site is therefore in a good suitable location in sustainable transport terms for residential and tourism uses.

- 1.9. Subject to conditions in the event that planning permission is granted, the County Highway Authority has raised no objection to the scheme in respect of additional traffic generation.
- 1.10. The parking associated with the hotel use under the previous application had been incorrectly assessed as a minimum parking requirement under the Surrey County Parking Guidance, the guidance actually has a maximum parking requirement. In light of this, the proposal would be fully compliant with the Council's Residential Parking Standards and Policy DM37 of the DMPD, including the maximum parking requirements set out in the Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance 2023.
- 1.11. It has been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a significant harmful impact on neighbouring residential amenity
- 1.12. The proposal would accord with the Council's policies in relation to trees, waste management, ecology and accessibility.
- 1.13. The Council currently does not have a 5-year housing land supply. This means that the presumption in favour of sustainable development (paragraph 11 of the NPPF, also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 1.14. Overall, this Agenda Report will demonstrate that whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves the following works:
  - The change of use of the existing Class C2 Care Home to a mixed-use development comprising an 8-bedroom HMO and 12 bedrooms associated with bed and breakfast accommodation
  - The proposal would also accommodate a night porter's bedroom. For the purposes of this assessment, the night porter's bedroom is not a residential use.

- The proposal would also accommodate a one-bedroom Manager's flat.

2.2. Following reports of the use of the site as a hotel without the benefit of planning permission an enforcement investigation took place (23/00038/BOC) which was closed following the submission of planning application 23/01158/FUL. As the unlawful use of the site had not ceased following the refusal of that planning application, a further enforcement investigation took place (23/00055/DEV), in which an Enforcement Notice was prepared, although this was subsequently closed on the submission of this current application.

### 3. Key Information

	Existing	Proposed
Site Area	0.3 Hectares	
Floorspace	990m <sup>2</sup>	
Number of Storeys	2.5 storeys	
Car Parking Spaces	20	
Cycle Parking Spaces	0	22

### SITE

### 4. Description

- 4.1. The site is located to the west of Epsom Road and comprises a two-storey detached building with frontage vehicle parking area
- 4.2. The site lies in a built-up residential area. To the rear of the site lies a retirement development.

### 5. Constraints

- Built Up Area
- Ewell Village Conservation Area (Article 3)
- Tree Preservation Orders
- SSSI Impact Risk Inner Zone
- Source Protection Zone

### 6. History

App No.	Description	Status
89/00612/FUL	Two storey extension to provide chapel & three additional bedrooms.	Refused 11.01.1990

App No.	Description	Status
98/00588/FUL	Erection of a three storey building to provide 30 no. sheltered apartments for the elderly, including communal facilities, '0980588 off Epsom Road.	Approved 07.01.1999
99/00337/ADV	Erection of 2 no. 5.8m high temporary sign boards.	Approved 08.06.1999
99/00770/FUL	Provision of new external fire escape.	Approved 16.11.1999
00/00566/FUL	Erection of two storey rear extension.	Refused 11.01.2001
01/00052/ADV	Retention of existing sales signs for a further period of 6 months.	Approved 12.03.2001
23/01158/FUL	Change of use of vacant care home to hotel/HMO	Refused 18.07.2024

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Highway Authority	No objections subject to conditions
Council's Waste Manager	No objection
Council's Tree Officer	No comment. Notwithstanding this, the Council's Tree Officer raised no objection to the previous scheme.
Surrey Fire Service	Further information required before making a formal response to the Licensing Authority.
Strategic Housing Manager	Support. Although there is no requirement to provide affordable housing on this site, the proposed redevelopment will provide much needed accommodation in the borough and thereby reduce the pressure on housing which is accessible for people on a lower income.
<b>Public Consultation</b>	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 41 neighbouring properties, concluding on 13 June 2025.</p> <p>40 letters of objection to the scheme have been received, 6 of which are from the same addresses, objecting to the scheme on the following grounds (summarised):</p> <p><u>Principle</u></p> <ul style="list-style-type: none"> <li>Residential care homes needed over leisure.</li> </ul>

Consultee	Comments
	<ul style="list-style-type: none"> <li>• There is no clear justification for the loss of a registered category 2 care facility, breaching NPPF Section 5 and Policy CS7.</li> <li>• This change removes badly needed care home beds.</li> <li>• Other care related or social housing options have not been considered.</li> <li>• No attempt has been made to repurpose the site for alternative community-focused uses</li> <li>• Losing up to 12 houses is not in line with the NPPF housing goals.</li> </ul> <p><u>Officer Comments:</u> Whilst the principle to the loss of the existing care home and loss of dwellings to the Council's housing stock are discussed in Section 10 of this agenda report, Officers would like to provide some clarity on some of the concerns raised.</p> <p>The Council acknowledge that there is an identified need for Class C2 care homes in the Borough. However, the existing building does not meet the modern requirements for a care home and the marketing campaign carried out demonstrates that there is no longer a need for the building in a Class C2 use.</p> <p>The site was marketed sufficiently in both material and time frame to attract other community uses. It is noted that a children's nurse initially showed interest in the building, but no offer was made.</p> <p><u>Highways</u></p> <ul style="list-style-type: none"> <li>• Students at Glyn Secondary School are at risk due to the increased volume of traffic on the A24 during rush hour and school time (within 100m)</li> <li>• Emergency vehicle access road to redwood Redwood Court blocked by parked vehicles.</li> <li>• Vehicles blocking the roadway from the front driveway.</li> <li>• No parking stress survey or robust transport evidence has been submitted.</li> <li>• Cars leaving the carpark have no view of oncoming vehicles due to the large fence.</li> <li>• Cars exiting at speed from the car park can pose an extreme threat to both the pedestrians and the vehicles that are traveling on the road.</li> </ul>



Consultee	Comments
	<p><u>Vehicle parking</u></p> <ul style="list-style-type: none"> <li>• Application is not supported by any parking analyses or modal shift data</li> <li>• Development underdelivers parking facilities breaching DM37 standards.</li> <li>• Cars parked on double yellow lines due to the overflowing of the current car park limit.</li> <li>• Emergency vehicle access road to redwood court congested by disrespectfully parked vehicles.</li> <li>• Disability access restricted due to vehicles blocking the path.</li> <li>• The need for parking could potentially breach the private road restrictions.</li> <li>• The Elders currently sits on a conservation area, which could limit the future expansion of parking or even the building.</li> </ul> <p><u>Officer Comments:</u> Whilst the highway and parking requirements are discussed in Section 19 of this agenda report, Officers would like to provide some clarity on some of the concerns raised.</p> <p>The levels of traffic generation associated with the proposed use would not be as significant as to result in an unacceptable impact on highway safety or conflict with the operation of the surrounding highway network, the County Highway Authority have raised no objection to the scheme in this regard</p> <p>Conditions to manage onsite parking and deliveries are recommended.</p> <ul style="list-style-type: none"> <li>• Expansion of parking areas requires the significant removal of trees and shrubbery.</li> </ul> <p><u>Officer Comments:</u> The impact of the proposal on the existing TPO trees are discussed in Section 13 of this agenda report.</p> <p><u>Character</u></p> <ul style="list-style-type: none"> <li>• 19 en-suite rooms in a hybrid hotel/HMO form a severe over-intensification of the site.</li> </ul> <p><u>Officer Comments:</u> The impact of the proposal on the character of the area are discussed in Sections 21 and 15 of this agenda report.</p>

Consultee	Comments
	<p><u>Neighbouring Amenity</u></p> <ul style="list-style-type: none"> <li>• Excess of noise being produced by events both day and night</li> <li>• Quiet residential area becoming more active.</li> <li>• Late night casino style events and use of recreational drugs on site.</li> <li>• Increased footfall in the area which can create a louder and more active environment.</li> <li>• Recycling and refuse storage has not been considered in the application,</li> <li>• Potential buildup of refuse</li> </ul> <p><u>Officer Comments:</u> The impact of the proposal on neighbouring amenity is discussed in Section 16 of this agenda report. Conditions to reduce impact on external noise and disturbance area proposed.</p> <p>The Council's Waste and Transport Officer is satisfied with the refuse and recycling provision, details of which are set out in paragraph 5.7 of the supporting Planning Statement, prepared by Peter Pendleton Associates, dated April 2025.</p> <p><u>Other</u></p> <ul style="list-style-type: none"> <li>• Discrepancies with inconsistencies to HMO/Hotel/Staff rooms</li> <li>• Discrepancies with the display of the site notice</li> <li>• There should be two applications for the separate uses</li> <li>• Large container on site</li> <li>• Conservation area with development rights revoked.</li> <li>• Fire safety issues due to the over intensification of both the building as well as the parking site located around the area.</li> <li>• Epsom is already well served by accommodation for students and visitors to the area</li> </ul> <p><u>Officer Comments:</u></p> <p>Officers are satisfied that the plans supporting this application clearly show the details required to make a comprehensive assessment of the proposed scheme.</p> <p>The site notice was displayed in close proximity to the site on 23 May 2025, in accordance with the requirements Section 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>

Consultee	Comments
	<p>Planning Legislation allows for the consideration of a mix of land uses under a single planning application.</p> <p>The existing container on the site does not form part of this application and has been installed temporarily under Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (Temporary Buildings and Structure) without the need for planning permission.</p> <p>The Article 4 on Ewell Village Conservation Area relates to the removal of relevant householder permitted development rights and prevents the change of use of existing retail units without the benefit of planning permission. The Article 4 is not relevant to this planning application.</p> <p>The application has been reviewed by the Surrey Fire and Rescue Authority who have requested further information in respect to fire safety. However, this relates to the licensing of the building and would not prevent planning permission from being granted, as fire safety for licensable premises is secured under separate legislation. It is reasonable to recommend an informative to remind the applicant of their duty to satisfy this relevant legislation.</p> <p>There is an identified need for student and HMO accommodation which is set out in the Councils Housing and Economic Development Needs Assessment.</p>
Ewell Village Residents Association	<p>For the property to become a hotel/HMO there would be quite a different use and feel about it with more coming and going with movements at later evening times with disruption to nearby residents. Redwood Court was granted because it was in an appropriate location with a use akin to the Elders and therefore appropriate to that extent with imposition of an age restriction requirement placed on the occupation of the development</p> <p>Given that this current application is an exact repeat, apart from being described as retrospective, this being an admittance by the applicant that the use is in being, of application 23/01158/FUL which was decided as a REFUSAL under a year ago there seems no reason for a planning U-turn to now approve this application.</p> <p><u>Officer Comment:</u> Whilst the description of the application as submitted may be identical to that pursued under 23/01158/FUL, as can be seen from the submitted documentation, this current application is not an exact repeat,</p>

Consultee	Comments
	<p>as it has been submitted with new information that did not support the previously refused application.</p> <p>The original planning permission for Redwood Court (98/00588/FUL) does not place any age restrictions upon occupancy, nor does it prevent any permitted changes within the C2 use class order, which means that this neighbouring building can change use to a hospital, boarding school, residential college or residential training centre without the benefit of planning permission.</p>

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Planning Policy

#### 7.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- 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 CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM21: Meeting Local Housing Needs
- Policy DM33: Visitor Accommodation
- Policy DM36: Sustainable Transport for New Development

- Policy DM37: Parking Standards

**7.4. Supplementary Planning Documents and Guidance**

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Sustainable Design Supplementary Planning Document 2016

**7.5. Other Documentation**

- Planning Practice Guidance 2024
- The Surrey County Council Accommodation with care, residential and nursing care for older people Epsom and Ewell Borough April 2024
- Council's Housing and Economic Development Needs Assessment 2022
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance 2023
- Surrey Transport Plan 2022–2032
- Advisory Standards for Houses in Multiple Occupation 2018
- Ewell Village Conservation Area Appraisal 2009

## PLANNING ASSESSMENT

### 8. Background

- 8.1. Planning application 23/01158/FUL for the change of use of the existing Class C2 Care Home to a mixed-use development comprising a 9-bedroom HMO and 12-bedroom bed and breakfast accommodation was refused on 18 July 2024 for the following reasons:

1) Loss of Care Home Use

In the absence of sufficient justification for the loss of the existing Class C2 Care Home, which contributes towards an identified housing need in the Borough for older people and people with disabilities, the proposal would be contrary to Section 5 of the National Planning Policy Framework 2023 and Policy CS7 of the Core Strategy 2007

2) Loss of Housing

The proposed development would result in an unacceptable depletion in the Borough's housing stock, contrary to the aims of the National Planning Policy Framework 2023 (specifically Section 5) and Policy CS7 of the Core Strategy 2007.

3) Parking Provision

It has not been robustly demonstrated that the level of parking provision would not have a harmful impact on the surround area in terms of street scene or the availability of on-street parking.

As such, it has not been demonstrated that the proposed development can be considered an exception to policy. The proposal fails to comply with Policy DM37 of the Development Management Policies Document 2015.

- 8.2. This current application seeks to address the previous reasons for the refusal of planning application 23/01158/FUL.

## **9. Presumption in Favour of Sustainable Development**

- 9.1. Paragraph 11 of the NPPF 2023 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 9.2. Paragraph 11(d) of the NPPF 2023 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

## **10. Principle of Development**

### **10.1. Location of Development**

- 10.2. The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

### **10.3. Loss of Existing Use**

- 10.4. Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.5. Paragraph 63 of the NPPF states that the housing needed for different groups in the community should be assessed and reflected in planning policies, including the needs of older people and people with disabilities.

- 10.6. National Planning Practice Guidance (NPPG) states that the need to provide housing for older people is critical and that the proportion of older people in the population is increasing. The NPPG goes on to say that giving older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.
- 10.7. Policy CS7 of the CS seeks to ensure sufficient housing to meet the Borough's housing requirements.
- 10.8. The proposal would result in the loss of the existing Class C2 Care Home, which can accommodate up to a maximum of 24 residents (calculated by the bedrooms set out in the supporting Marketing Report, prepared by SHW, dated 23 July 2024), as well as providing dementia care.
- 10.9. The Surrey County Council Commissioning Statement 'Accommodation with care, residential and nursing care for older people Epsom and Ewell Borough April 2024 onwards' supports the increase in bed demand for Epsom and Ewell, identifying a need for 170 residential care home beds and 134 nursing care beds by 2030 and 185 residential care home beds and 149 nursing care beds by 2035.
- 10.10. The Council's Housing and Economic Development Needs Assessment 2023 identifies that there is a current shortfall of 313 residential/nursing bedspaces in the Borough. Paragraph 16.72 identifies that there will be a total additional demand for 732 residential/nursing bedspaces in the Borough by 2040, a figure that includes the current 313 spaces shortfall.
- 10.11. Given the identified need for care home bedspaces in the Borough, Officers would seek to safeguard existing provision, unless it can be clearly demonstrated that there is no longer a needs for the facility in its current use or there is appropriate alternative means of providing an equivalent facility.
- 10.12. The application is supported by a Marketing Report, prepared by SHW, dated 23 July 2024 which demonstrates that the site was first put up for auction in September 2020 and then marketed from 06 April 2021. The property was marketed appropriately as a care home, along with other potential community uses (i.e. medical, nursery, educational, etc..) and the marketing was targeted at care home operators including elderly and mental health.
- 10.13. The marketing included an appropriate mailing list, the display of a V Board on site (which is evidenced by photographs taken on August 2021 and October 2022 via Google Map Street View), as well as advertising the property on main industry websites. The site was also available for viewing, with arranged appointments.

10.14. The Marketing Report identifies that nine expressions of interest from Care Homes were made, but did not make an offer. Further community uses, such as a nursery and medical use also made expressions of interest, but no offers were forthcoming. The site was finally sold to the current occupier on 28 December 2022.

10.15. The Marketing Reports advises that the site was considered surplus to requirement and unsuitable for continued use as a nursing home by the operator (Abbeyfield Care Home) due to the rooms being too small, most without en-suites and also in need of major refurbishment. The Marketing Report attributes these deficiencies to the low level of interest in the building being an ongoing care home concern.

10.16. Officers are satisfied that it has been sufficiently demonstrated that the Class C2 use has been thoroughly tested on the market as a care home for more than 18 months without any tangible interest for the facility in its current use.

**10.17. Proposed Uses**

**10.18. HMO Need and Overprovision Assessment**

10.19. Policy DM21 of the DMPD supports specialised forms of residential accommodation where there is clear and robust evidence to demonstrate the need for the new accommodation; the delivery of the new accommodation does not result in an over-provision and the design is sufficiently flexible to readily accommodate to other uses.

10.20. The HEDNA notes that HMOs offer low-cost private rented housing, particularly for younger households and individuals on low or moderate incomes.

10.21. Paragraph 14.60 of the HEDNA provides census data relating to the distribution of shared dwellings, likely to be HMOs, which shows that Epsom & Ewell has a very small proportion of shared dwellings, which are generally located in the south and south east of Epsom town centre.

10.22. The HEDNA also identifies that 23% of students attending UCA live in student households in private rented accommodation (HMOs), a higher percentage than those living with parents (22%) or in halls of residents (18%).

10.23. HMO rents are low in comparison to other rents in the market, therefore assisting the needs of residents on low income. Given current market conditions, whereby rents have increased due to interest rate increases and many people are unable to get a mortgage.

10.24. In considering the existing HMO housing stock, the Council's Licenced HMO register identifies 98 HMOs in the Borough, providing a permitted



occupancy for 1,182 residents. This is considered to be a low provision of accommodation for a Borough of 80,900 residents (2021 Census).

10.25. Having regard to the conclusions of the HEDNA, Officers are satisfied that there is an identified need for this type of accommodation in the Borough.

10.26. In terms of overprovision, the Borough Profile 2018 – 2019 identifies that there are approximately 32,240 residential properties in the Borough, with 91% in private ownership. As the existing HMO provision in the Borough equates to 98 residential properties, Officers are satisfied that the proposal would not result in an overprovision of this type of accommodation in the Borough. In respect to the location of the site, given that the majority of the Borough's HMO provision is with the Town Centre and to the north of the Borough, the proposal is in an area where HMO accommodation is not prevalent.

#### **10.27. Visitor Accommodation**

10.28. Policy DM33 of the DMPD sets out that proposals for smaller-scale tourist accommodation is required to be in built up areas, meet the needs of an existing tourist facility or attraction or within suitable existing buildings in the countryside.

10.29. The proposed bed and breakfast accommodation element of the scheme would comprise 12 bedrooms. As the site lies within the existing built up area of the Borough, the principle of bed and breakfast accommodation in this location is acceptable.

#### **10.30. 10.19. Reuse of Brownfield Land**

10.31. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 125 (c) of the NPPF indicating that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

10.32. Meeting any increase in the annual housing building target for the Council is challenging, as the Borough is mostly comprised of existing built-up areas, strategic open spaces, or Green Belt, resulting in the supply of available development sites being extremely limited.

10.33. Given the Borough's high need for all forms of new homes, it is essential that development proposals make the most efficient use of land and that any new homes proposed meet the identified need.

10.34. In line with paragraph 125 of the NPPF, substantial weight is attributed to the principle of further developing existing suitable brownfield land within settlements for an identified housing need, subject to the scheme meeting the objectives and policies in the CS, the DMPD and supporting guidance and documents.

## 11. Housing Delivery

- 11.1. Paragraph 61 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements of at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 11.2. The Council has calculated its five-year housing land supply position as being 1.49 – 1.53 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 11.3. Paragraph 11 of the Housing Delivery Test Measurement Rule Book provides a nationally prescribed formula for converting communal accommodation (such as nursing homes) into the equivalent number of net homes delivered. The existing Class C2 use can accommodate up to 24 residents, which equates to 13 net dwellings to the Borough's housing stock.
- 11.4. However, the Government House Flow Reconciliation user guide, at page 15, identifies that an HMO can only be counted as a single net additional dwelling, and only then if it was not a house before.
- 11.5. Therefore, whilst the proposed HMO and Managers Flat would be counted as two net dwellings that contribute towards the Borough's housing stock, the loss of the existing Class C2 use would result in the loss of 11 net dwellings to the Borough's housing stock.
- 11.6. Whilst Officers acknowledge that there are currently no local policies to prevent the loss of existing housing, the NPPF is clear in its support for boosting the supply of homes and the Borough's existing housing stock needs to be protected, given the constraints of land supply.
- 11.7. However, it has been robustly demonstrated through the Market Report that there is no longer a need for the care home on the site or any other form of community use.
- 11.8. Whilst the lawful use of the site does contribute towards Council's housing stock, this is not justification to retain a use where it has been demonstrated that it is not fit for purpose and for which there is no longer a need.
- 11.9. Whilst emerging policy seeks to prevent the loss of housing (Policy DM3 - Proposed Submission Epsom and Ewell Local Plan (2022-2040), this policy recognises that there may be exceptional circumstances where the loss may be justified, one of which is demonstration that the proposal would result in alternative types of residential provision, that meet an identified need in the Borough.

- 11.10. It has been demonstrated that there is a need for HMOs in the Borough and consequently, Policy DM3 of the Proposed Submission Local Plan protects the loss of HMO's where possible.
- 11.11. Paragraph 49 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF.
- 11.12. No objections had been received to Policy DM3 of the Proposed Submission Local Plan during the Regulation 19 consultation and Officers are satisfied that this policy within the emerging Local Plan can be afforded some weight at the time of the assessment of this application.
- 11.13. Whilst it is recognised that there may be exceptional circumstances to justify the loss of housing as a result of proposal, the loss of 11 net dwellings from the Councils housing stock is an adverse effect that needs to be weighed in the planning balance.

## **12. Heritage and Conservation**

- 12.1. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 12.2. Paragraphs 210-215 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset.
- 12.3. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 12.4. The site lies within the Ewell Village Conservation Area, the significance of which lies in its historic interest from its Saxon origins to its close links to Epsom Spa. It also has significant architectural interest, with its notable collection of listed buildings at its historic core. There are many open green spaces nestled with water courses and ponds that provide peace and tranquillity.
- 12.5. Whilst the site makes a positive contribution to the Conservation Area, the proposal would not involve any external charges to the existing building.
- 12.6. Although the existing and proposed use of the site falls within specialist residential use, whilst the previous Care Home use would have had restrictions on traffic movements and noise and disturbance, the proposed uses would be unfettered. This is likely to create slightly more traffic movements and pedestrian movements, including those outside of any

previous visiting hours associated with the previous operation on site, as well as a more intense use of the curtilage surrounding the site.

- 12.7. However, the Ewell Conservation Area contains a number of dense, urban residential areas, flatted developments as well as a busy commercial village high street. It is therefore difficult to define the Conservation Area as 'quiet' or 'sedate'. Whilst there are pockets of open spaces that contrast with the urban qualities of the area, these are not the predominate characteristic of the Conservation Area.
- 12.8. Therefore, the more intensive use of the site, within its context of an urban residential area would not harm the significance of the Conservation Area.
- 12.9. In light of the above, the Council's Conservation Officer is satisfied that the proposal would not cause harm to the significance of this designated heritage asset. As no harm to the designated heritage asset has been attributed, it is not necessary to weigh up the public benefits against any identified harm, as per paragraph 212 and 215 of the NPPF.
- 12.10. Officers have given great weight to the assets conservation and concluded that the proposal would not have a material impact on the on the character and appearance of the Conservation Area. Officers have assessed the proposal in accordance with paragraphs 206 and 210 of the NPPF and found it to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM8, DM9 and DM10 of the DMDP.

### **13. Trees and Landscaping**

- 13.1. Paragraph 136 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.
- 13.2. The site contains a number of trees that benefit from the protection of a Tree Preservation Order. The majority of these protected trees lie to the front of the site, within in the existing vehicle parking area.
- 13.3. The application is not supported by an Arboricultural Impact Appraisal or a Tree Protection Plan, and whilst the proposal does not involve any physical works of the existing buildings or the terrain of the site itself, the HMO use it is likely to result in vehicles being parked for longer periods within the existing vehicle parking area.
- 13.4. However, under planning application 23/01158/FUL, the Council's Tree Officer was satisfied that the more intensive use of the existing vehicle parking area would not cause harm to the health or any future pressure for the removal of TPO trees. Given the consistency of the current scheme in relation to that previously refused, Officers are satisfied that the

proposal would not cause harm to the future health and wellbeing of trees existing on the site, in accordance with Policy DM5 of the DMPD and paragraph 136 of the NPPF.

#### **14. Quality of Accommodation**

##### **14.1. Internal Amenity**

- 14.2. Paragraph 135 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD advises that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 14.3. Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 14.4. Whilst HMOs are not subject to the Nationally Described Space Standards 2015, the Council has Advisory Standards for Houses in Multiple Occupation 2018.
- 14.5. Paragraph 5.3 of the Design and Access Statement, prepared by PPA and dated April 2025 confirms that the HMO bedrooms are over 10m<sup>2</sup>. For the purposes of the Council's Advisory Standards for Houses in Multiple Occupation 2018, en-suites and built in cupboards are not counted in habitable room numbers consideration or space calculations.
- 14.6. The proposed scheme comprises eight rooms as HMO accommodation, three at ground floor level and five at first floor level.
- 14.7. At ground floor level, the three HMO rooms proposed would meet the standards for washing and shared kitchen facilities and the bed spaces would meet the 10m<sup>2</sup> space standards for a co-habiting couple, and a separate shared kitchen is provided.
- 14.8. At first floor level, two HMO rooms proposed would meet the 10m<sup>2</sup> space and wash standards for a for a co-habiting couple. The remaining three rooms would meet the space standards for single occupancy, which is 6.51m<sup>2</sup> with no other facilities.
- 14.9. The three single occupancy rooms would share a bathroom at the same level, which would have a fixed bath and a toilet. Whilst the toilet would become inaccessible to three sharing residents when the bathroom is in use, one of the single occupancy rooms has a toilet and there are also two separate toilets at ground floor level, considered to be suitably located (no more than one floor distant from living and sleeping accommodation).

- 14.10. All HMO rooms would be served by a kitchen at the same level. Furthermore, there is a larger kitchen at ground floor level that meets the requirement of being suitably located to the living accommodation' (no more than one floor distant from living and sleeping accommodation).
- 14.11. Officers are satisfied that each HMO room would be provided with an existing window that would allow for light and air to circulate into the primary living areas.
- 14.12. The shared facilities within the proposed layout would provide an adequate standard of internal amenity for future occupiers, in accordance with Policy C6 of the CS and Policies DM10 and DM12 of the DMPD 2015 and the Council's Advisory Standards for Houses in Multiple Occupation 2018.
- 14.13. The Managers Flat would exceed the Technical Housing Standards for a one bedroom/two person flat. Officers are also satisfied that existing windows would allow light and air to circulate into the primary living areas. Officers are satisfied that the flat would provide a good standard of internal amenity for occupiers, in accordance with the Technical housing Standards, Policy C6 of the CS and Policies DM10 and DM12 of the Development Management Policies Document 2016.

**14.14. External Amenity**

- 14.15. There are no standards for appropriate external communal amenity space for HMO's or hotel accommodation. There is a large garden to the rear measuring approximately 508m<sup>2</sup> that would provide satisfactory external communal amenity space for future occupiers and guests.

**15. Design and Character**

- 15.1. Paragraphs 129, 135 and 139 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 15.2. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 15.3. The proposal would not result in any external changes to the building. Given that the former use of the building was for a Care Home, the proposal would be unlikely to significantly increase the active frontage of the site, as the Care Home use would also have attracted staff and visitor movements.

- 15.4. In light of the above, the proposal would not cause any visual harm to the character and appearance of the local or wider area, in accordance with Policy CS5 Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

## **16. Neighbour Amenity**

- 16.1. 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 187 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 16.2. The neighbouring properties most likely to have their amenities impacted upon by the proposed development are Elderberries to the north, Cyrene House to the north east, 26-29 Hesse Grove to the south and flatted development Redwood Court to the west.
- 16.3. With respect to opportunities for overlooking, the proposal does not involve the creation of any new openings within the external walls of the existing built form. These existing windows all served primary accommodation for the existing care home use that allowed for views into the curtilage of the neighbouring properties. The proposed use of the building would not significantly exacerbate the levels of overlooking into neighbouring properties beyond that could be achieved by the existing use.
- 16.4. The existing Care Home use, which accommodated up to 23 residents, would have created noise and disturbance issues from staff and visitor movements, although these would have been managed by the operation to prevent any significant disturbance (i.e., visitor hours, employee movements, controlled deliveries etc).
- 16.5. Whilst it is not feasible to control movements associated with the proposed residential use, any additional noise and disturbance created by future occupiers would not be to a level considered atypical for an urban residential area, as the use of curtilage by future occupiers of the HMO element would be no different to the use of curtilage associated with neighbouring properties.
- 16.6. It is reasonable to prevent the use of the gardens for outdoor events associated with the hotel use after 22:00. Similarly, it is reasonable to recommend a condition to prevent the use of amplification and/or music within the garden for outdoor events associated with the hotel use, in order to protect the amenities of the surrounding occupiers from excessive noise and disturbance. These restrictions would be enforceable and are reasonable.
- 16.7. In light of the above, it is considered that the proposal would comply with Policy DM10 of the Development Management Policies Document 2015.

## **17. Parking and Access**

### **17.1. Site Sustainability**

- 17.2. Paragraphs 112, 118 and 120 of the NPPF 2023 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 17.3. The application is supported by a Transport Statement (TS), prepared by Paul Mew Associates and dated April 2025. The TS gives an account of the existing public transport network and accessibility benefits of the site, highlighting the sustainable nature of the site.
- 17.4. The site is within close proximity (within 450 metres) to Ewell High Street, which contains a number of medical, community and retail facilities. There are also a number of schools in close proximity to the site.
- 17.5. In terms of public transport, the nearest bus stop is situated within 100 metres of the site and benefits from regular bus services. Ewell East Station is located 950 metres to the east of the site and Ewell West is located about 1.1km to the north of the site. These provide regular services to London, Guilford and Dorking.
- 17.6. As the site has access to several public transport links, as well as being with walking and cycling distance of key local facilities, the site is in a sustainable location.

### **17.7. Traffic Generation**

- 17.8. Policy DM35 of the DMPD requires consideration of the impact of new development upon the local transport network.
- 17.9. The County Highway Authority are satisfied that the proposed mix use would not generate a level of traffic that would be significant as to result in an unacceptable impact on highway safety or conflict with the operation of the surrounding highway network

### **17.10. Pedestrian and Vehicle Access and Manoeuvrability**

- 17.11. 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.
- 17.12. The proposal would not result in any changes to the existing vehicular access to the front of the site.



**17.13. Car Parking**

- 17.14. Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 17.15. To meet the Council's Residential Parking Standards, the site would be expected to accommodate 8.0 off street vehicle parking spaces to serve the HMO (1.0 spaces per bedroom). A further 1.0 off street vehicle parking space is expected to be provided within the site to serve the one-bedroom Managers Flat (1.0 space per bedroom).
- 17.16. As existing, the site has 20 vehicle parking spaces, which would accommodate the parking standard for the HMO and Managers Flat and result in an overprovision of 11 vehicle spaces.
- 17.17. The Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance 2023 provides guidance on maximum vehicle parking levels for a Class C1 (Hotel) use, which is 1.5 car spaces per bedroom. The Council's draft Local Plan, which carries some weight, also specifies a maximum parking requirement for residential uses. In the case of the proposed 12-bedroom Class C1 (Hotel) use, the maximum vehicle parking level required on site would be 18 vehicle spaces.
- 17.18. Planning application 23/01158/FUL was refused (inter alia), as it had not been demonstrated to the satisfaction of Officers that the site could accommodate vehicle parking, in accordance with the relevant standard and guidance, for both the HMO and the proposed Class C1 (Hotel) use, without resulting in the dispersal of vehicles into the surrounding unrestricted highway network. This is primarily because the County parking guidance had been applied as a minimum requirement.
- 17.19. However, as the TS sets out, the County parking guidance for a Class C1 (Hotel) use is a maximum parking requirement and the 11 spaces surplus to the HMO use would not create an overprovision of parking for the Class C1 (Hotel) use and would accord with the County parking guidance.
- 17.20. Furthermore, the site would be well served by public transport and local amenities within walking distance that would encourage more sustainable forms of transport and less reliance upon the private car.
- 17.21. Officers are therefore satisfied that the proposal would not have a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking, in accordance with Policy DM37 of the Development Management Policies Document 2015 and the Council's Parking Standards for Residential Development SPD 2015.

17.22. To ensure that the parking provision on site is managed without creating any obstruction to the shared access road to Redwood Court, it is reasonable to recommend that the Car Parking Management Plan is secured. This must also include parking for delivery vehicles to the site.

**17.23. Disabled Parking**

17.24. The proposal would provide 1 accessible parking spaces, which is the equivalent of 5% of the total parking provision proposed on site, which meets the County requirement to provide 5% of total parking spaces for disabled users.

**17.25. Cycle Parking**

17.26. Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

17.27. To meet the County guidance, the proposed mixed-use development would be expected to provide at least 8.0 cycle storage spaces for the HMO use, and it would not be unreasonable to expect each bed and breakfast rooms and the Managers Flat to be served by a space each. This would equate to 22 cycle parking spaces.

17.28. The TS advises that the 22 cycle spaces would be accommodated through the provision of 11 secure and sheltered Sheffield stands, which would meet both the County and the Council's policy expectations. In the event permission is granted, a condition is recommended to secure details of the proposed cycle storage.

**18. Refuse and Recycling Facilities**

18.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling.

18.2. The Council's Waste and Transport Manager is satisfied that the proposal would provide adequate storage to serve the proposed development which would be in an inconspicuous position and conveniently located for collection.

18.3. As such, Officers are satisfied that the proposed development would meet Policy CS6 of the CS and the requirements of Annex 2 of the Council's Sustainable Design SPD.

**19. Ecology and Biodiversity**

**19.1. Ecological Impact**

19.2. Paragraphs 180 and 186 of the NPPF 2023, 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. 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.

- 19.3. The site is within a SSSI Impact Risk Zone Area. However, due to the 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, should permission be granted, to cease works if protected species are encountered during construction.

#### **19.4. Biodiversity Net Gain**

- 19.5. 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.
- 19.6. Although conversion schemes are mandatorily required to achieve at least a 10% gain in biodiversity value and subject to the biodiversity gain condition, certain exemptions means that certain permissions are not subject to biodiversity net gain.
- 19.7. 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. Although the red line boundary extends the full site, which is greater than 25 square meters, the change of use would not result in any loss or degradation of existing onsite habitat and the provision of cycle parking and other ancillary equipment would not do likewise. The development would therefore be exempted from biodiversity net gain by the de minimis exemption.

#### **20. Accessibility and Equality**

- 20.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development.
- 20.2. 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.

- 20.3. The existing building is fully accessible, due to its lawful use is a care home and the proposal does not involve any changes to the internal layout. The existing lift and existing stair lift are to be retained.
- 20.4. The proposed change of use would be served by an accessible parking space that accords with the guidance set out in the Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance 2023
- 20.5. The proposed development would have not result in any adverse impacts on inclusivity or equality.

## **21. Community Infrastructure Levy**

- 21.1. Paragraphs 55 and 57 of the NPPF 2023 requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 21.2. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 21.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments.

## **CONCLUSION**

## **22. Planning Balance**

- 22.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 22.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 22.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving

sustainable development whilst protecting and enhancing the natural and built environment.

#### **22.4. Social Benefits**

22.5. The provision of HMO accommodation would meet a need identified in the Council's Housing and Economic Development Needs Assessment 2023 and would provide housing needed for different groups within the community. Significant weight is afforded to this social benefit.

22.6. The proposal would reuse a brownfield site with a lawful use that is no longer needed, for an identified housing need. Given the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.

#### **22.7. Economic Benefits**

22.8. The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this benefit is given minor weight in the planning balance.

22.9. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers and visitors to the development would create additional expenditure to the Brough and therefore this benefit is given minor weight in the planning balance.

#### **22.10. Social Adverse Effects**

22.11. The proposal would result in a reduction in the Borough's overall housing stock as a result of the loss of the existing Class C2 Care Home use. However, exceptional circumstances exist through the demonstration that the building is no longer fit for purpose and that there is no longer a need for the use. Limited weight is therefore afforded to this adverse social impact.

#### **22.12. Conclusion**

22.13. Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval

## RECOMMENDATION

Approval, 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:

PR-ELD-06 Site Location Plan  
PR-ELD-05 Block Plan and Parking Layout  
PR-ELD-01 Existing and Proposed Grnd and Bsmnt  
PR-ELD-02 Existing and Proposed 1st and 2<sup>nd</sup> FI Plans  
PR-ELD-03 Existing and Proposed Front and Rear Elevations  
PR-ELD-04 Existing and Proposed Side Elevations

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) Car Parking Management Plan

Within one month of the date of this of this decision a Car Park Management Plan must be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following measures:

- Details of separate parking allocation for the HMO use and the Hotel use
- Details for the parking of delivery vehicles
- Details of the management and enforcement measures to prevent misuse/indiscriminate parking

The measures shall be implemented in full within one month of the agreed details and be retained as such thereafter.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

#### **4) Parking and Turning**

Within three months of the date of this decision parking shall be laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

#### **5) Cycle Store Details**

Within one month of the date of this decision facilities for high quality, secure, lit and covered parking for a minimum of 22 bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided within three months of the date of the approved scheme and retained and maintained in accordance with the approved details to the satisfaction of the Local Planning Authority. Where communal storage areas are provided, 20% of all bikes (including disabled and adaptive cycles) should be able to be charged at any one time. 5% of communal cycle storage spaces should cater for disabled/adaptive cycles.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the National Planning Policy Framework 2024 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

#### **6) Electric Vehicle Charging Points**

Within one month of the date of this decision each of the proposed parking spaces shall be provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector- 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided within three months of the date of the approved scheme and retained and maintained in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the National Planning Policy Framework 2024 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

#### **7) Outdoor Event Restrictions (Hotel Use)**

Outdoor events associated with the hotel use hereby permitted shall not take place between the hours of 22:00 – 08:00 Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

### **8) No Outdoor Music/Amplification (Hotel Use)**

No outdoor music (amplified or otherwise) or outdoor amplification associated the hotel use hereby permitted shall take place unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of the adjoining residential properties in accordance with Policy 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) 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.

### **3) CIL Liable Development**

This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of a new dwelling.

The Liability Notice issued by Epsom and Ewell Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner.



A Commencement Notice must be submitted to the Local Planning Authority prior to the commencement of development in order to ensure compliance with the Community Infrastructure Levy Regulations.

#### **4) Licensing**

The applicant is reminded of their duty to satisfy all required legislation relating to a licensed HMO/Hotel premises.

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## Upcoming applications

### UPCOMING APPLICATIONS

<b>Report</b>	Summary of Likely Applications to be Heard at Planning Committee
<b>Period</b>	September 2025 onwards
<b>Author</b>	Simon Taylor, Head of Development Management and Planning Enforcement
<b>Date of Report</b>	25/08/2025

### SUMMARY

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Reason</b>	<b>Likely Meeting</b>
25/00368 /FUL	Swail House, Ashley Road, Epsom	Flat buildings for 48 dwellings	Major Development	October
25/00846 /OUT	North of Langleys Bottom Farm, Epsom	110 dwellings (outline)	Major Development	November

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