

# Public Document Pack

Democratic Services



## PLANNING COMMITTEE

Thursday 9 July 2026 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 Clive Woodbridge (Chair)	Councillor Robert Leach
Councillor Phil Neale (Vice-Chair)	Councillor Jan Mason
Councillor Neil Dallen	Councillor Kieran Persand
Councillor Alison Kelly	Councillor Humphrey Reynolds
Councillor James Lawrence	Councillor Chris Watson

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sing'.

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 - 22)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 18 June 2026 (attached) and to authorise the Chair to sign them.

### **3. 26/00572/FUL EPSOM PLAYHOUSE, ASHLEY AVENUE, EPSOM, SURREY, KT18 5AL (Pages 23 - 36)**

Replacement of air handling condensers with six heats pumps and four condenser units housed within acoustic panelling.

### **4. 25/01132/TPO DRUMMOND GARDENS, CHRIST CHURCH MOUNT, EPSOM KT19 8RP (Pages 37 - 58)**

Felling of 4 Pedunculate Oaks marked 5, 6, 9 and 12 (within A6 of TPO 126) at Drummond Gardens and felling of 6 Lombardy Poplars marked 20, 21, 22, 23, 24 and 25 (T99-T103 and T105 of TPO) 284 at Long Grove Park.

### **5. UPCOMING APPLICATIONS (Pages 59 - 60)**

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 18 June 2026**

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**PRESENT -**

Councillor Clive Woodbridge (Chair); Councillor Phil Neale (Vice-Chair); Councillors Neil Dallen, Alison Kelly, James Lawrence, Robert Leach, Kieran Persand, Humphrey Reynolds and Kate Chinn (as nominated substitute for Councillor Chris Watson)

Absent: Councillor Jan Mason and Councillor Chris Watson

Officers present: Simon Taylor (Head of Development Management and Planning Enforcement), James Tong (Solicitor), Jack Summers (Planning Officer) and Phoebe Batchelor (Democratic Services Officer)

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**9 DECLARATIONS OF INTEREST**

No declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests were made by Members in respect of any items considered at the meeting.

**10 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 28 May 2026 and authorised the Chair to sign them.

**11 25/01483/FUL WOODCOTE STUD, WILMERHATCH LANE, EPSOM, KT18 7UE**

**Description:**

Demolition of all existing buildings and structures (excluding Woodcote House) and the construction of a new supported living building (Class C2), as an expansion to the retained Class C2 use at Woodcote House, and 14no residential dwellings (including 7no affordable dwellings) together with associated access, car parking and garages, landscaping and shared open space.

**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 agent spoke on the application.

**Decision:**

Following consideration, Councillor Dallen proposed a motion that the Officer recommendation be agreed.

The proposal was seconded by Councillor Kelly.

The Committee resolved (7 for, 1 against, and the Chair not voting) to:

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

- a) Public Transport Improvements to provide a new bus stop and pedestrian crossing on Wilmerhatch Lane
- b) BNG delivery and monitoring
- c) Delivery of Affordable Housing

**and the following conditions and informatives****PART B**

**If the Section 106 Agreement referred to in Part A is not completed by 18 September 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 Policies CS6, CS9, CS12 & CS16 of the Core Strategy 2007 and DM4, DM7, DM10, DM36 & DM37 of the Development Management Policies Document 2015.”**

**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**

The development is to be carried out in accordance with the following plans and documents:

Location Plan	E100 A	Received: 15/12/2025
Proposed Block Plan	P102 F	Received: 20/03/2026
Proposed Site Plan	P103 F	Received: 20/03/2026
Proposed Drawings (Plots 1-3)	P112 A	Received: 21/05/2026
Proposed Drawings (Plots 4 & 5)	P113 A	Received: 15/12/2025
Proposed Drawings (Plots 6-9)	P114 C	Received: 15/12/2025
Proposed Drawings (Plots 10-11)	P116 A	Received: 15/12/2025
Proposed Drawings (Plot 12)	P118 A	Received: 15/12/2025
Proposed Drawings (Plot 13)	P119 A	Received: 15/12/2025
Proposed Drawings (Plot 14)	P120 A	Received: 15/12/2025
Proposed Drawings (Double Garage)	P121	Received: 15/12/2025
Proposed Drawings (Double Garage)	P122	Received: 15/12/2025
Proposed Drawings (Garden Shed)	P123	Received: 15/12/2025
Statutory Biodiversity Metric		Received: 15/12/2025
Sustainability & Energy Statement		Received: 15/12/2025
Arboricultural Method Statement & Tree Protection Plan		Received: 15/12/2025
Drainage Strategy (Parts 2 & 2)		Received: 20/03/2026
Phase 2 Bat Emergence Survey Report		Received:
07/05/2026		
Flood Risk Assessment	8865-WCS-RGP-XX-XX-RP-D-0500 P2	
		Received: 15/12/2025

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.

*Pre-Commencement Conditions:*

### 3) Site Levels

Prior to the commencement of the development hereby permitted, surveyed site level details shall be submitted to and approved in writing by the local planning authority. Details shall include existing and proposed site levels (in relation to a fixed datum point), finished floor, eaves and ridge levels of the buildings to be erected and finished external surface levels. Drawings shall be to scale of not less than 1:500.

The development shall thereafter be constructed in accordance with the approved details prior to the occupation/first use of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the visual amenities of the area and occupiers of neighbouring properties in accordance with Section 12 of the National Planning Policy Framework 2024, Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

#### **4) Ground Contamination and Ground Gas Assessment**

Prior to the commencement of the development hereby permitted (notwithstanding demolition), the following shall be undertaken in accordance with current best practice guidance:

- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) 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 submitted to and approved in writing by the Local Planning Authority. The development must thereafter be carried out in accordance with the approved details.
- (iii) prior to occupation of the development hereby permitted, and if required by part (ii) of this condition, a verification report demonstrating the effectiveness of the details approved under part (ii) of this condition, detailing any minor variations, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

#### **5) Habitat Management and Monitoring Plan**

Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the

approved statutory biodiversity gain plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) A non-technical summary;
- b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved statutory biodiversity gain plan;
- d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Prior to the occupation of the development hereby permitted, the habitat creation and enhancement work set out in the approved HMMP shall be completed, and a completion report, evidencing the completed habitat enhancements, shall be submitted to and approved in writing by the Local Planning Authority.

Notice in writing shall be given to the Council when the HMMP works have started. The created and/or enhanced habitat specified in the approved HMPP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure that the development results in a biodiversity net gain which meets national standards, in accordance with Schedule 7A of the Town and Country Planning Act 1990, Section 180 of the National Planning Policy Framework 2024 and Policy DM4 of the Development Management Policies Document 2015.

## **6) Surface Water Drainage Scheme**

Prior to the commencement of the development hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The design must be compliant with the National standards for sustainable drainage systems and the NPPF, and include:

- a) Evidence that the receiving watercourse has onward connectivity and capacity to receive flows from the site.
- b) Evidence that the surface water drainage system meets the management of everyday rainfall (interception) requirements of the National Standards.
- c) Hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100

(+45% allowance for climate change) storm events and 10% allowance for urban creep. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 0.5 l/s for the bioswale, 1l/s from the geo-cellular tank/rain garden for the East Catchment, for the West catchment post attenuating tree pits and bioswales 6.5l and outflow from cascading detention to watercourse 5.5 l/s.

d) Detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan.

e) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.

f) Evidence that the surface water drainage system meets the water quality requirements of the National standards.

g) Evidence that the surface water drainage system meets the amenity requirements of the National standards.

h) Evidence that the surface water drainage system meets the biodiversity requirements of the National standards.

i) Details of drainage management responsibilities and maintenance regimes for all drainage elements.

j) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational. Including details of how existing watercourse on and adjacent to the site will be protected.

The development will thereafter be carried out in accordance with the approved surface water drainage scheme.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

### **7) Construction Transport Management Plan**

Prior to the commencement of the development hereby permitted, a Construction Transport Management Plan shall be submitted to and approved in writing by the local planning authority. The statement shall include:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)

- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- (i) hours of operation.

The development shall be carried out in accordance with the approved statement.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

*Pre-Works Above Ground Floor Slab Level Conditions:*

### **8) Materials**

Prior to any works taking place above ground floor slab level of the dwellings hereby permitted, a schedule of the materials to be used in the construction of the external surfaces of said dwellings shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the schedule of materials.

Reason: To ensure a satisfactory external appearance in accordance with policies CS5 of the Core Strategy 2007 and DM9 & DM10 of the Development Management Policies Document 2015.

### **9) Supported Accommodation Elevations & Materials**

Prior to any works taking place above ground floor slab level of the supported accommodation block hereby permitted, and notwithstanding the approved drawings, floor plans and elevations (at a scale of no less than 1:100), and a schedule of all external materials to be used in its construction, shall be submitted to and approved in writing by the Local Planning Authority.

The supported accommodation block shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with policies CS5 of the Core Strategy 2007 and DM9 & DM10 of the Development Management Policies Document 2015.

### **10) Accessible Dwellings**

Prior to the commencement of the dwellings hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority to confirm the following:

- a) That all new dwellings, except for the upper floor flat within Plots 4 & 5, will be built at minimum to meet Building Regulations Part M4(2).
- b) One or more of the market dwellings will be built to meet Building Regulations wheelchair adaptable dwellings standard (M4(3)(a)).
- c) Two or more of the affordable dwellings will be built to meet Building Regulations accessible compliance standard (M4(3)(b)).

If the above criteria cannot be met, details shall be submitted to and approved in writing to the Local Planning Authority demonstrating where barriers to meeting each standard exist and what measures will be taken to minimise/mitigate the disbenefits to future residents.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the needs of the general population are met, and to comply with policies CS16 of the Epsom & Ewell Core Strategy (2007), DM12 of the Epsom & Ewell Development Management Policies Document (2015), and DM1 of the (emerging) Local Plan.

*Pre-Occupation Conditions:*

### **11) Landscaping Scheme**

Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:

- a) Hard surface materials and details of provision for drainage.
- b) Soft landscaping details including schedule of trees and plants, noting species, planting sizes and proposed numbers/densities.
- c) Boundary treatments noting materials and heights, and opening method of gates, doors etc.

Planting shall be carried out in accordance with the approved details no later than the first planting and seeding seasons following the occupation of the dwellings.

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

The approved hard-surfacing and boundary treatments shall be maintained in perpetuity.

Reason: In the interest of visual and residential amenity, sustainable drainage and biodiversity/ecology, and to comply with policies CS1, CS3 & CS4 of the Epsom & Ewell Core Strategy (2007), and DM4, DM5, DM9, DM10, DM12, DM16 & DM19 of the Epsom & Ewell Development Management Policies Document (2015).

### **12) Surface Water Drainage Scheme Verification**

Prior to occupation of the development hereby permitted, a verification report must be submitted to and approved by the Local Planning Authority, demonstrating that the surface water drainage system (as approved under Condition 6) has been implemented as per the agreed details (or detail any minor variations); confirming any defects have been rectified; the contact details of any management company; and providing an 'as-built' drainage layout stating the national grid reference of key drainage elements.

Reason: To ensure the Drainage System is constructed to the National standards for Sustainable drainage systems, in the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

### **13) Cycle Parking**

Prior to the occupation of the development hereby permitted, details of secure, lit, at-grade and covered bicycle storage/parking facilities, and the provision of charging points with timers for e-bikes, for the occupants of and visitors to the development shall be submitted to and approved in writing by the local planning authority.

The approved cycle storage/parking shall be implemented prior to the occupation of the dwellings hereby permitted and shall be permanently retained in the approved form for the parking of bicycles.

Reason: To encourage sustainable travel to/from the site and comply with policies CS16 of the Epsom & Ewell Core Strategy (2007), and DM36 and DM37 of the Epsom & Ewell Development Management Policies Document (2015).

### **14) Provision of Car Parking**

Prior to the occupation of the development hereby permitted, the car parking and turning spaces shall be provided in accordance with the approved plans. The car parking shall thereafter be used for no purpose other than the parking of vehicles and turning.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Section 9 of the National Planning Policy Framework 2024, Policy CS16 of the Core Strategy

2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

### **15) Provision of Access**

Prior to the occupation of the development hereby permitted, the accessway from Wilmerhatch Lane shall be constructed and provided with visibility zones in accordance with the approved details. The access shall thereafter be permanently maintained and the visibility zones kept permanently clear of any obstruction.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

### **16) Offsite Highways Improvements**

Prior to occupation of the development hereby permitted, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the following off-site works:

- a) A new footway within Highway land on the western side of Wilmerhatch Lane leading from the existing access to the site in a southern direction for approximately 20 metres.
- b) A new uncontrolled pedestrian crossing within the footway to allow for safe pedestrian access to the eastern side of Wilmerhatch Lane.
- c) The bus stop currently located outside “Heron Island” on the western side of Wilmerhatch Lane to be relocated within the new footway.
- d) The bus stop currently located outside “Flintstones” on the western side of Wilmerhatch Lane to be removed.

The approved works shall thereafter be implemented and made available for use prior to occupation of the development hereby permitted.

Reason: To encourage sustainable travel to/from the site and comply with policies CS6, CS12 & CS16 of the Epsom & Ewell Core Strategy (2007), and DM7, DM10 & DM36 of the Epsom & Ewell Development Management Policies Document (2015).

### **17) Electric Vehicle Charging Points**

Prior to occupation of the development hereby permitted, details of Electric Vehicle charging points for occupants of and visitors to the development site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include each of the proposed dwellings being provided with a fully operational 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).

The approved works shall thereafter be implemented and made available for use prior to occupation of the development hereby permitted.

Reason: In recognition of Section 9 of the NPPF 2024 and in meeting its objectives as well as and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015.

### **18) Refuse & Recycling Bins**

Prior to the occupation of the development hereby permitted, details of refuse & recycling storage facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority.

The approved refuse & recycling storage facilities shall be implemented prior to the occupation of the dwellings hereby permitted and shall be permanently retained in the approved form f 19or the parking of bicycles and used for no other purpose.

Reason: To encourage sustainable waste management and comply with policies CS1 & CS6 of the Epsom & Ewell Core Strategy (2007), and DM9 & DM10 of the Epsom & Ewell Development Management Policies Document (2015).

*Compliance Conditions:*

### **19) Obscure Glazing**

The side window serving the staircase of the dwelling within Plot 6 shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut unless the parts of the window/rooflight which can be opened are more than 1.7m above the floor of the room in which the window is installed and shall thereafter be permanently retained as such:

Reason: To safeguard the privacy of the occupants of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

### **20) Tree Protection**

The development hereby permitted shall be carried out in accordance with the measures within the approved Tree Protection Plan prepared by ROAVR Group (ref: 25\_5837\_09\_08) unless otherwise agreed in writing by the Local Planning Authority.

No service runs shall be provided within the root protection area of any tree to be retained at the site or on adjacent land unless details are submitted to and approved by the local planning authority.

Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be

removed, lopped, topped, felled, or uprooted during the construction of the development hereby approved.

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.

### **21) Unexpected Contamination**

In the event that unexpected contamination is found during the delivery and construction period, it must be reported in writing to the Local Planning Authority immediately.

An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Development must then be carried out in accordance with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM17 of the Development Management Policies 2015.

### **22) Compliance with Ecology Survey**

The development hereby permitted shall be carried out in accordance with the 'Mitigation Recommendations' within the approved Phase II Bat Emergency Survey Report prepared by Phillips Ecology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the ecological significance of the site in accordance with Section of the National Planning Policy Framework 2024, Policy CS3 of the Core Strategy and Policy DM4 of the Development Management Policies Document 2015.

### **23) Biodiversity Net Gain Plan**

The statutory Biodiversity Net Gain Plan shall be prepared in accordance with the details set out in the Biodiversity Metric prepared by Phillips Ecology, dated December 2025.

Reason: To ensure that the development results in a biodiversity net gain which meets national standards, in accordance with Schedule 7A of the Town and Country Planning Act 1990, Section 180 of the National Planning Policy

Framework 2024 and Policy DM4 of the Development Management Policies Document 2015.

#### **24) Monitoring of Habitat Management and Monitoring Plan (HMMP)**

HMMP monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP in Condition 5.

Reason: To ensure that the development results in a biodiversity net gain which meets national standards, in accordance with Schedule 7A of the Town and Country Planning Act 1990, Section 180 of the National Planning Policy Framework 2024 and Policy DM4 of the Development Management Policies Document 2015.

#### **25) Sustainable Construction**

The development shall be constructed in accordance with the measures outlined in the Sustainability & Energy Statement prepared by BlueSky Unlimited, dated 9<sup>th</sup> December 2025.

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.

#### **26) Removal of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), express planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C, D, E & F, and Schedule 2, Part 2, Class A of that Order.

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice visual or residential amenity, nor have a detrimental impact on the character of the Green Belt, in accordance with policies CS2 & CS5 of the Core Strategy 2007 and DM3, DM10 & DM12 of the Development Management Policies Document 2015.

### **Informatives**

#### **(1) Positive and Proactive Discussion**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given

every opportunity to submit an application which is likely to be considered favourably.

### **(2) Building Control**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at <https://ebcsltd.co.uk/> at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

### **(3) Working Hours**

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

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

### **(4) Burning of Material**

No burning of materials obtained by site clearance shall be carried out on the site.

### **(5) Control of Dust**

During demolition or construction phases, adequate control precautions should be taken to control the spread of dust on the site, so as to prevent a nuisance to residents in the locality. This may involve the use of dust screens and importing a water supply to wet areas of the site to inhibit dust.

### **(6) 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>.

### **(7) 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.

### **(8) Protected Species**

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

This includes bats and Great Crested Newts, which are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

### **(9) 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.

### **(10) Archaeological Artifacts**

In the event of any archaeological artifacts are found on site during the construction phase, the applicant is advised to stop work and contact the SCC Archaeology Team for further advice on 0345 600 9009.

### **(11) 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.

### **(12) 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.

### **(13) 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.

### **(14) Works to the Highway**

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course.

The applicant is advised that a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

The developer's attention is drawn to the fact that this permission does not authorise the physical construction of the proposed off-site highway works and site access connections to the public highway. A separate legal agreement made with the Council under s.278 of the Highways Act 1980 is required. No work within or affecting the public highway shall commence until the agreement has been completed and the Council, as local highway authority, has approved all construction and installation details together with a programme of works.

### **(15) Wheel Washing**

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. 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 (Sections 131, 148 and 149 of the Highways Act 1980).

**(16) Damage to Highway**

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/organisation responsible for the damage.

**(17) Scaffolding and Hoardings**

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus over the highway. For any such obstruction, a licence must be sought from the Highway Authority Local Highways Service under Section 177/178 of the Highways Act 1980 prior to commencement of the development.

**(18) Section 38 Adoption**

If it is the developer's intention to request the Council, as local highway authority, to adopt the proposed access roads etc. as highway maintainable at public expense, then full engineering details must be agreed with the Highway Authority at Surrey County Council. The developer is strongly advised not to commence development until such details have been approved in writing and a legal agreement is made with the Council under Section 38 of the Highways Act 1980.

**(19) Tree Works**

The applicant should inform the Council's Tree Officer on 01372 732000 or [planningsupport@epsom-ewell.gov.uk](mailto:planningsupport@epsom-ewell.gov.uk) at least three working days in advance of the intention to commence the works which have been agreed.

All works must accord with British Standard 5837:2012 Recommendations for Works to Trees. Reduction cuts will be made to a substantial growth point, and co-dominant or secondary leader (drop-crotch pruning). Reduction cuts must not be made to a bud, leaving a stub.

Tree pruning shall be carried out at the appropriate time of the year to avoid bird nesting season.

**(20) 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.

**(21) Thames Water**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**12 UPCOMING APPLICATIONS**

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

The following matters were discussed:

- a) **Thanks.** A Member of the Committee thanked the Planning Officer for a well written report. This comment was echoed by other members.
- b) **Langley Bottom Farm.** A Member of the Committee queried why the upcoming applications report in May, listed the Langley Bottom Farm Variation to affordable housing obligations reason as 'Called in with discretion of Head of Planning', but the June iteration of the report just stated, 'Called in'. The Head Development Management and Planning Enforcement explained that the application is subject to ongoing legal advice which officers are still waiting on to come through. He clarified that there has not been a change in reasoning as to why the application would be coming to Planning Committee.
- c) **Swail House Site Visit.** A Member of the Committee asked for a site visit for Swail House before the application comes to Planning Committee. The Head of Development Management and Planning Enforcement confirmed that a site visit would be arranged and communicated to Members of the Planning committee.
- d) **TPO application.** A Member of the Committee asked why the removal of a TPO would come to Planning Committee instead of being determined by officers. The Head of Development Management and Planning Enforcement informed the Committee that the scheme of delegation requires planning applications involving staff members to be put in front of the Committee. He explained there is an ongoing debate as to whether this specific application meets that threshold. He also explained that the application involves the potential removal of 11 trees and could pose a significant financial implication for the Council and therefore, used his discretion to bring that application in front of Committee Members for decision.

*The meeting began at 7.30 pm and ended at 8.06 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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

<b>Application Number</b>	26/00572/FUL
<b>Application Type</b>	Full Planning Permission (Minor)
<b>Address</b>	Epsom Playhouse, Ashley Avenue, Epsom, Surrey, KT18 5AL
<b>Ward</b>	Town Ward
<b>Proposal</b>	Replacement of air handling condensers with six heat pumps and four condenser units housed within acoustic panelling
<b>Expiry Date</b>	04 August 2026
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	None
<b>Reason for Committee</b>	Council is the Applicant
<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="#">Epsom Playhouse</a>
<b>Glossary of Terms</b>	Found here <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

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

## PROPOSAL

### 2. Description of Proposal

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

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

## SITE

### 3. Description

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

### 4. Constraints

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

### 5. History

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

## CONSULTATIONS

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

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 6. Planning Policy

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

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

#### 6.2. Epsom and Ewell Core Strategy 2007 (CS)

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

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

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

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

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

#### 6.5. Epsom Town Masterplan 2024

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

#### 6.6. Supplementary Planning Documents and Guidance

- Sustainable Design Supplementary Planning Document 2016

#### 6.7. Other Documentation

- Epsom Town Conservation Area Appraisal

## PLANNING ASSESSMENT

### 7. Presumption in Favour of Sustainable Development

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

### 8. Principle of Development

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

### 9. Heritage Assets and Design and Character

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

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

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

#### **9.14. Setting of Listed Building**

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

#### **9.17. Setting of the Conservation Area**

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

#### **9.20. Harm to the Significance of the Designated Heritage Asset**

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

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

### **9.30. Archaeology**

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

### **10. Neighbour Amenity**

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

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

## **11. Ecology and Biodiversity**

### **11.1. Ecological Impact**

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

### **11.5. Biodiversity Net Gain**

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

## 12. Environmental Sustainability

- 12.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 12.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 12.3. The proposed development would represent a low-carbon, energy efficient technologies that reduces CO<sub>2</sub> emissions, supports the integration of renewable energy, and contributes to sustainable building design, thereby helping to mitigate climate change in line with the objectives of Policy CS6 of the CS.

## 13. Equality

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

## 14. Planning Obligations and Community Infrastructure Levy

- 14.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is not chargeable.

## RECOMMENDATION

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

### Conditions

#### 1) **Timescale**

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

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

**2) Approved Plans**

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

Location Plan at 1:500

Drawing Number PHSE-01-01 Block Plan

Drawing Number 4941-M2 P1 Proposed Layout at Roof Level

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

Drawing Number 4941-M5 P1 Theatre Cooling Condensers Roof Level

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

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

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

**3) Noise Restriction**

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

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

**4) Acoustic Report**

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

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

**5) Removal**

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

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

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

### **Informatives**

#### **1) Positive and Proactive Discussion**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

#### **2) Building Control**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at <https://ebcsltd.co.uk/> at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

#### **3) Working Hours**

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

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

#### **4) Protected Species**

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

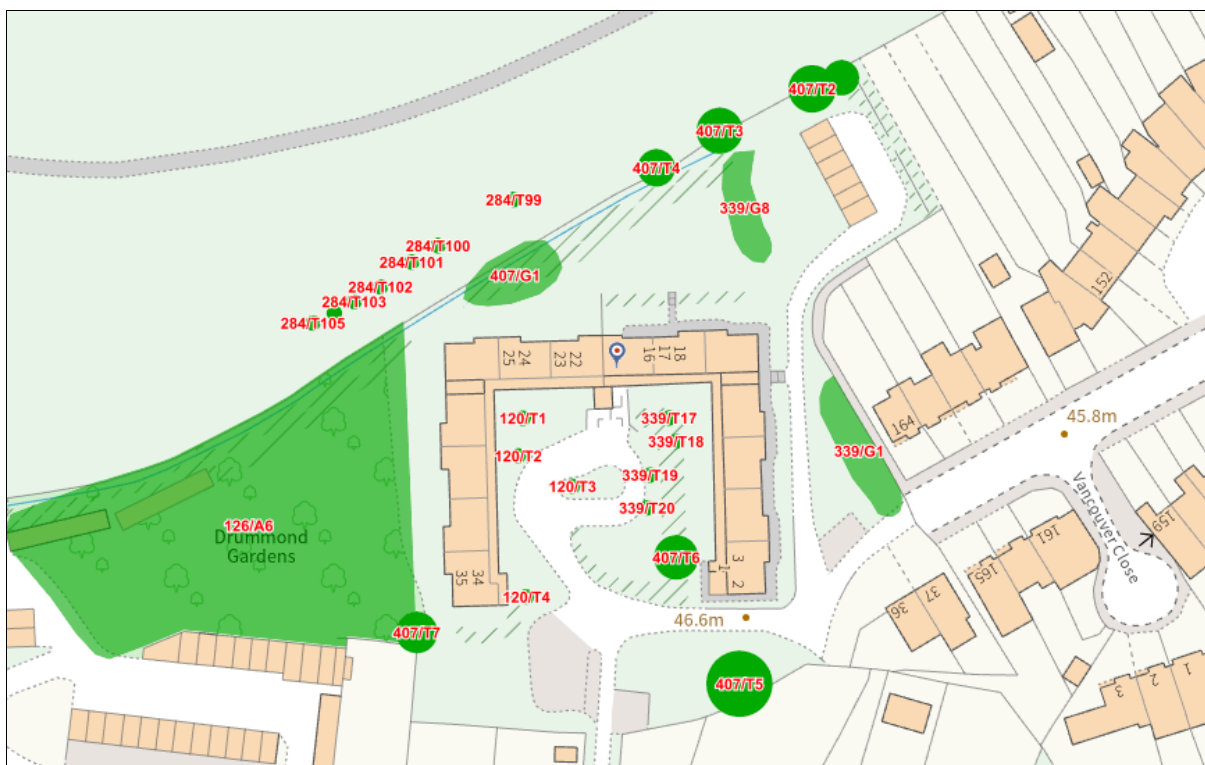
**5) Changes to the Approved Plans**

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

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**25/01132/TPO Drummond Gardens, Christ Church Mount, Epsom  
KT19 8RP**

<b>Application Number</b>	25/01132/TPO
<b>Application Type</b>	Consent for Works to Preserved Tree
<b>Address</b>	Drummond Gardens, Christ Church Mount, Epsom KT19 8RP
<b>Ward</b>	Stamford and Horton
<b>Proposal</b>	Felling of 4 Pedunculate Oaks marked 5, 6, 9 and 12 (within A6 of TPO 126) at Drummond Gardens and felling of 6 Lombardy Poplars marked 20, 21, 22, 23, 24 and 25 (T99-T103 and T105 of TPO) 284 at Long Grove Park
<b>Expiry Date</b>	25 November 2025
<b>Recommendation</b>	Part approval/part refusal (permitting lesser works)
<b>Number of Submissions</b>	None
<b>Reason for Committee</b>	Called in at the discretion of the Head of Development Management and Planning Enforcement
<b>Case Officer</b>	Jeremy Young – Tree Officer
<b>Contact Officer</b>	Simon Taylor - Head of Development Management and Planning Enforcement
<b>Plans, Documents and Submissions</b>	<a href="#">Plans and Documents</a>
<b>Glossary of Terms</b>	<a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. This application is brought before the Planning Committee at the discretion of the Head of Development Management and Planning Enforcement for the following reasons:
  - It proposes the removal of six protected Lombardy Poplar trees within a Council maintained park (Long Grove Park)
  - The application relates to a subsidence insurance claim and there are financial implications for the Council depending upon the resolution
  - A member of staff is an interested party in Drummond Gardens
- 1.2. The proposal is for the felling of four Pedunculate Oaks marked 5, 6, 9 and 12 (within A6 of TPO 126) at Drummond Gardens and felling of six Lombardy Poplars marked 20, 21, 22, 23, 24 and 25 (T99 -T103 and T105 of TPO 284) at Long Grove Park.
- 1.3. Felling is proposed as the trees are alleged to be implicated in subsidence damage to the building, and the works are required to prevent ongoing damage to the property. The application seeking consent for the proposed tree work has been submitted by Easton's, as the Property Block Management Company for Drummond Gardens.
- 1.4. Drummond Gardens suffered subsidence damage in the 1990s and probably long before that. Partial underpinning of the foundation to depths of 2-3m were completed on 1 August 1995. It is understood that the property foundations were underpinned below flats 32 and 33 and 34 and 35 located towards the south west corner of the building. It appears a root barrier along the west side of the building that was considered at the time was not implemented.
- 1.5. Further widespread crack damage occurred since 2013, and it is reported that there are historical cracks from perceived local episodes of building movement spanning back for many years. The most pronounced area of more recent damage where downward movement has occurred (focal point of damage) is to the walls of Flats 26/27, 28/29 and 30/31.
- 1.6. A notification of a potential claim was made to the Council for root encroachment damage in the summer of 2020 against the six Poplar trees. This was deferred by the Insurance team as the trees were protected by a Tree Preservation Order and that consent was required under the Town and Country Planning Act before any tree work mitigation plan could be agreed. Additionally, the claimant was advised there were insufficient site investigation details submitted to comply with evidential standards (no structural engineers report, or level monitoring).

- 1.7. The same shortfall in the investigation detail also meant that an application for tree work would lack sufficient details to determine in respect of the proposed removal of high-quality protected trees. Moreover, consideration of alternative remediation measures such as root barriers plus a more measured evaluation of heave potential was deemed necessary. Consequently, 19/01711/TPO was withdrawn but the Council approved an amended application to remove two Cypress and one Oak implicated in damage under application 20/00839/TPO.
- 1.8. Further site investigations have been undertaken, including building level monitoring and a structural engineers report has been submitted.
- 1.9. Officers have considered all the submitted investigation details and have concluded that two of the Oaks - 5 and 6 - pose the greatest risk of ongoing damage to the property due to their capacity for growth and the fact they are closest to the focal point of greatest building movement and damage.
- 1.10. No objection is raised to the removal of Oak 12 as this is a suppressed tree of lower quality and its loss will not be unduly detrimental to amenity. Removal of Lombardy Poplars 22, 23 and 24 is recommended by Officers as the trees have advancing decay at the pollard points which has reduced their overall safe life expectancy. Any inference of these trees being implicated in the cause of building subsidence is incidental to the main thrust behind the management recommendation for these particular Poplar trees. However, Poplars 22, 23 and 24 are also the Council managed trees closest to the damage on the western side of the building.
- 1.11. Refusal is recommended to removal Oak T9 and Lombardy Poplars T20, T21 and T25. The Oak is a transitional veteran tree of considerable environmental value with additional positive heritage virtues. Indicators are that removal of this tree is unlikely to offer a solution to the damage because of the risk that building damage could occur from ground heave should the tree be removed. Sensitive cyclical containment pruning, together with basal mulching is recommended as the preferred form of management for this Oak tree, potentially in the short to medium term.
- 1.12. Lesser tree work to crown reduce Oak 9 is recommended. Lombardy Poplar 20 has better structural form as it is a more open grown tree of individual character. It is more remote from the focal point of damage to the building and drains. Felling of this Poplar tree cannot be justified due to its higher quality but crown reduction is recommended for approval.
- 1.13. Poplar trees 21 and 25 are also further from the damage. Removal of these trees would seem to be a scorched earth approach which is also deemed unjustified when balancing evidence of their causation against loss of amenity. These two Poplars are also recommended for crown reduction.

## PROPOSAL

### 2. Description of Proposal

2.1. The proposal is for the following works:

- Felling of 4 Pedunculate Oaks marked 5, 6, 9 and 12 on the submitted plans (within A6 of TPO 126) at Drummond Gardens
- Felling of 6 Lombardy Poplars marked 20, 21, 22, 23, 24 and 25 (T99 -T103 and T105 of TPO 284) at Long Grove Park.

2.2. The following information has been provided by SJA trees Arboricultural Planning Consultants, to support the application:

- Report on impact of existing trees on the property at Drummond Gardens, by SJA trees dated September 2025
- Tree removals plan prepared by SJA trees dated July 2025
- Site investigation report, by Land Science dated 13 June 2019
- Level Monitoring and crack monitoring surveys undertaken by Gryphon Surveys between 25/3/2021 and 10 May 2022.
- Drainage Survey Report by ASL, dated 27 June 2024.
- Root identifications undertaken by Richardsons Botanical Identifications on 3 June 2019.

## SITE

### 3. Site Description

3.1. Drummond Gardens is a residential development comprising of 35 self-contained apartments in a part two/part three storey block, which was built in the early 1930s. The site is on the north side of Christ Church Mount to the rear of the detached dwelling houses along this road. Access is via a private drive running between 75 and 79 Christ Church Mount.

3.2. The villa style complex of apartments is set in communal grounds. The grounds have a high density of forest tree cover. In places, the trees appear a little overgrown. The villa architecture and wooded character have a pleasant charm about it. Within the grounds are some notable trees including aged Oaks and Limes. Interspersed between the older trees are Yews, Ash and there are the occasional decorative conifers. Some of the Oaks are transitional veterans and the site has a backcloth of an impressive row of Lombardy Poplars in the adjacent park (Long Grove Park).

3.3. Before the site was developed, it was farmland on the boundary of the two manorial estates of Horton Manor and Epsom Court. There is what looks like a surviving old ditch line on the north west boundary of the site which corresponds with the boundary in the 1867 1<sup>st</sup> County Series Map. Some

of the tree symbols on the old map align with the older Oaks surviving today meaning they originated as field boundary trees and are likely to be over 160 years old. Oak 9, in this proposal for removal, is one of these transitional veteran Oaks.

- 3.4. The Lombardy Poplars in Long Grove Park date back to Horton Hospital which was built in 1902. Older maps show an orchard on the hospital land adjoining Drummond Gardens in the years after the establishment of Horton Hospital. The Poplars were probably planted as a treescape scheme but also as a screen and shelter belt to the orchard. They are estimated to be about 90 years old and are likely to be a similar age to Drummond Gardens.

#### **4. Tree details**

- 4.1. The mensuration details and condition assessment of the trees which are subject to this application are set out below (Numbering corresponds with the numeric designation given in the report produced by SJA trees Arboricultural Planning Consultants. Some details from the SJA Arboricultural Survey have been amended in the table below following the Tree Officers Inspection on 16 June 2026).

Tree	Species	Height	Crown Spread	Age (approx)	Stem diameter at 1.5m	Condition	Distance to focal point of damage
<b>Trees within Long Grove Park</b>							
T5	Pedunculate Oak	19m	N 3.7m S 8.7m E 10.3m W 5.7m	90 years	866mm	Reasonable structural condition and good vitality. Slightly leaning stem, deadwood within the crown.	16.4m
T6	Pedunculate Oak	17.5m	N 1m S 4m E 6m W 3m	75 years	420mm	Reasonable structural Condition and good vitality. Drawn up and mutually suppressed; prominent buttress roots to N, NW and W, longest buttress root to N measures up to 700mm in length above ground level; no buttress or surface roots on E side facing building. trunk forms a dog-leg kink at 1.8m from ground level and self-corrects at 2m.	16m
T9	Pedunculate Oak	19m	N 7.8m S 8.9m E 9.6m W 3.5m	160 years	1082mm	Reasonable structural condition low to moderate vitality - Multiple historic pruning wounds on trunk between ground level and 4.5m crown break union; twin-stemmed from 4.5m with a strong, tensile union and no visible defects from ground level; bulge/canker at 8m on N stem, indicative of mechanical pressure; historically reduced quite heavily at 13m, with previously responsive regrowth from that point; Crown suppressed against the crown of the adjacent Poplar with notable branch dieback on this side of the crown. Branch tip dieback elsewhere in the crown periphery – the tree displays signs of crown retrenchment.	16.8m (closest distance to the building 14.5m)
T12	Pedunculate Oak	18m	N 1.5m S 6m E 3.5m W 1.5m	75 years	550mm	Poor structural condition, poor vitality. Bark cracking and flaking away from trunk, multiple minor wounds visible on trunk between ground level and 3m, none of which appear detrimental; good recovery wound wood has pushed bark loose	Approximately 24m

Tree	Species	Height	Crown Spread	Age (approx)	Stem diameter at 1.5m	Condition	Distance to focal point of damage
						in places; when tapped with acoustic hammer, variations in tone noted, highly likely due to loose bark beneath; leans to the S; multiple woodpecker holes at 11m on S suggesting potential habitat for either birds or bats; evidence to suggest historical top failure at 12m with the crown above this point appearing to be regrowth measuring 8m to 9m in length and 100mm in diameter; almost no canopy on N or W as suppressed by adjacent horse chestnut; large amounts of dead wood visible in crown; inessential component of group in which it stands	
<b>Trees within Long Grove Park</b>							
T20	Lombardy Poplar	26.5m	N 3m S 5m E 6m W 3m	90 years	1207 mm	Reasonable structural condition and good vitality. On sounding trunk with acoustic hammer, variations in tones noted on the south and east quadrants of the stem which was explained by slender buttress root flutes. Historically reduced to 16m in height with 10m of regrowth from these points at 120mm diameter; multiple woodpecker holes in large dead wood at 15m, potential habitat for birds or bats; some woodpecker holes on S side of canopy on undersides of historic pruning points which could be detrimental to regrowth; dead wood in canopy. significant component of group in which it stands, slightly leaning stem.	Approximately 27m
T21	Lombardy Poplar	25m	N 4m S 2.5m	90 years	790mm	Reasonable structural condition and good vitality; base of trunk tapped with acoustic hammer, variations in tone noted, notably on	Approximately 18m

Tree	Species	Height	Crown Spread	Age (approx)	Stem diameter at 1.5m	Condition	Distance to focal point of damage
			E 5.2m W 1.5m			SE buttress root; historically topped at 16m with 10m of regrowth 120mm in diameter; epicormic growth around base; dead wood in canopy; fungal bracket visible on dead wood at 16m on S, unable to identify from ground; significant component of group in which it stands. Reasonable structural condition and good vitality.	
T22	Lombardy Poplar	25m	N 3.7m S 4.7m E 2m W 3m	90 years	780 mm	Reasonable structural condition and good vitality. on sounding base with acoustic hammer minor variations in tone on S base; small cavity on S can be probed to 120mm; historically topped at 16m with 10m of regrowth at 120mm diameter; dead wood in crown; significant component of group in which it stands.	Approximately 16.5m
T23	Lombardy Poplar	25m	N 3m S 4m E 3m W 1m	90 years	885mm	Reasonable structural condition and good vitality. On sounding base with acoustic hammer, no variations of tone noted; epicormic growth at base; historically topped at 16m with 10m of regrowth at 120mm diameter; dead wood in crown; significant component of group in which it stands. Twin stem, slightly leaning stem, deadwood within the crown.	Approximately 15.3m
T24	Lombardy Poplar	25m	N 2m S 3.7m E 1m W 1m	90 years	789mm	Reasonable structural condition and good vitality. Prominent buttress roots; epicormic growth at base and on stem; sounding base with acoustic hammer gives solid resonance;	Approximately 16m

Tree	Species	Height	Crown Spread	Age (approx)	Stem diameter at 1.5m	Condition	Distance to focal point of damage
						historically topped at 16m with 10m regrowth at 120mm diameter; dead wood in crown; slightly suppressed to E by adjacent T23; significant component of group in which it stands.	
T25	Lombardy Poplar	25m	N 4m S 3.5m E 3m W 5m	90 years	875mm	Reasonable structural condition and good vitality prominent buttress roots; sounding base with acoustic hammer produces no significant changes in tone; epicormic growth at base; historically topped at 16m with 10m of regrowth at 120mm diameter; dead wood in crown; significant component of group in which it stands.	Approximately 21m

## 5. Constraints

- Built Up Area
- Council owned land
- Strategic Open Space
- Tree Preservation Order
- Veteran Tree
- Priority habitat

## 6. History

App No.	Description	Status
95/00127/BN	Underpinning	Unknown
91/00460/ZTP	Surgery to 8 No. Lime & 1 No. Poplar trees, (G.1 - Horton Hill & Manor Green Road Area TPO).	Refused
91/00723/ZTP	Surgery to 8 No. Lime trees and 1 No. Poplar (G.1 - Manor Green Road/Horton Hill Area TPO).	Permitted
95/00127/BN	Underpinning	Unknown
96/00710/TPO	Felling of Myrobalam Plum under Order (T2)	Granted
96/00760/TPO	Surgery to 2 Yew trees under Order & felling of Prunus tree under Order.	Permitted
99/00399/TPO	Surgery to group of 9 limes (G1)	Permitted
02/01133/TPO	Surgery to several Lime, Oak, Pine, Chestnut, Cypress, Maple, Yew and Thorn within A6	Permitted
13/01278/TPO	Pollarding of 8 Limes and 1 Poplar within G1 TPO 339 situated on the boundary adjacent to 164 Horton Hill. T1 Crown reduction to Oak by 1.5m and crown lifting for 4m ground clearance. T2 Oak Thin the crown by 20% and reduce lower lateral branches towards the Poplar by 2m. T1 and T2 are located within A6 TPO 126 situated to the west side of the building.	Part Permitted
14/00297/TPO	Crown reduction of an Ash located in the garden on the left side of the driveway in front of flats 1-3 (within A1). Crown thinning and lifting of 1 Ash and 1 Oak located behind the garages at the north end of the site on the boundary with Drummond Gardens (Within A6 TPO 126).	13/01692/TPO
19/00373/TPO	Re-pollard, remove deadwood, and sever ivy to 8 No Lime trees within G1 TPO 339 located at the side of 164 Horton Hill.	Part Permit
19/01711/TPO	Fell four trees (Lawson cypress nos. 2 and 3 and English oaks nos. 4 and 9) within area A6. Reasons: subsidence related damage - full details and reasoning contained within attached reports.	Withdrawn as invalid

App No.	Description	Status
20/00839/TPO	Subsidence mitigation tree works in the grounds Fell Lawson cypress T2 (TPO No. 126/A6 1984) Fell Lawson cypress T3 (TPO No. 126/A6 1984) Fell English oak T4 (TPO No. 126/A6 1984)	Permitted
24/00532/TPO	TPO 407/T1: Oak - Remove snapped section of the twin stemmed oak that failed and removal of remaining half due to the disturbed root plate and heavily unbalanced crown	Refused

## CONSULTATIONS

No consultation occurred and no comments were received.

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.4. Planning and Compensation Act 1991

### 8. Planning Policy

#### 8.1. National Planning Policy Framework 2024 (NPPF)

- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

#### 8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development

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

- Policy DM5: Trees and Landscape

#### 8.4. National Planning Policy Guidance (NPPG)

- Natural Environment

#### 8.5. Other Documentation

- Landscape Character Appraisal

### PLANNING ASSESSMENT

#### 9. Policy Basis

- 9.1. Paragraph 136 of the NPPF 2024, 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.
- 9.2. The basis for making decisions in Tree Preservation Order applications is set out in paragraph 6.45 of Tree Preservation Orders - A Guide to the Law and Good Practice DETR, 2000. The approach is firstly to assess the trees amenity value and the impact of the proposed works on the amenity of the area; and then, in light of that assessment to consider whether or not the proposed works are justified, having regard to the reasons put forward in support of the application. Authorities are also advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions and if works will impact on protected species. The considerations are set out in this sequence.

#### 10. Amenity Considerations

- 10.1. The purpose of the legislation is that trees which are judged to have significant amenity value should be protected for public benefit. It follows that even where indirect damage to property is involved trees should only be felled as a last resort. It has been recognised that authorities could not reasonably contemplate the desertification of an area by wholesale tree felling simply to avoid the risk of damage.
- 10.2. In evaluating the asset and amenity value of the Poplar and Oak trees Officers have used the Capital Asset Value for Amenity Trees (CAVAT). CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. The system has been peer reviewed and is endorsed for use by London Tree Officers Association as detailed in their guide on Risk Management Strategies for Tree Related Subsidence Claims and as part of the adoption of the Joint Mitigation Protocol agreed with Insurers to standardise claim processes.
- 10.3. Set out below is the CAVAT value of the trees subject to this application:

Tree	Species	CAVAT Value
T5	Oak	£140,206
T6	Oak	£35,554
T9	Oak	£191,356
T12	Oak	£33,503
T20	Lombardy Poplar	£209,019
T21	Lombardy Poplar	£84,124
T22	Lombardy Poplar	£57,835
T23	Lombardy Poplar	£82,163
T24	Lombardy Poplar	£38,557
T25	Lombardy Poplar	£82,163

Note Calculated using the CAVAT quick method project

- 10.4. Oaks T5, and T9 are stronger components of the mature treescape when viewed from the adjoining public open space. Oak T9 and T5 are also more dominant trees in the landscape within the environs of the communal gardens. All the Lombardy Poplars are a significant treescape feature and an eye-catching tree group when viewed across Long Grove Park, although some have reduced value because of their poorer biomechanical structure and reduced life expectancy. Additionally, the Poplars make a significant leafy backdrop to the setting of Drummond Gardens.
- 10.5. It should be noted that 779 new trees were planted in Long Grove Park during the winter of 2024/25 under the Local Authority Treescape Fund. Within the last two years of dry weather mortality rate has been high and a second replanting of failures is planned. It will take two decades before these newly planted trees start to make a significant sylvan contribution.
- 10.6. The collective felling of the ten predominantly mature trees detailed in this application will undoubtedly have an immediate adverse impact on the sylvan character of the area.
- 10.7. For all the reasons it appears that these subject trees make an important contribution to the area and they would be missed if removed.
- 10.8. From an amenity standpoint, Officers conclude that the loss of the trees T5, T9, T20-25 will cause significant harm to the visual amenity and character of the landscape. Removal of the trees therefore needs to be well reasoned to justify the environmental harm.

## 11. Observations

- 11.1. The following key points are set out below in relation to the site investigations:
- 11.2. The engineers report on the assessment of damage is dated 19 October 2023

- 11.3. The damage to the property is widespread but it is noted by the engineer that crack damage is particularly notable in the following locations on the west facing wall:
- Both sides of the window to flat 31
  - Below right side of window of flat 31
  - Right hand side of the window to flat 24 continuing up at junction of flat 22 and 24
  - On right hand side of flat 25 up into the timber cladding at junction of 23 and 25
  - There is also crack damage in the wall of the covered area on the internal court yard side of the building adjacent to Flat 28. This crack is not thought to be distortion due to seasonal movement but more general wall weakness. There is no classification of the degree of damage as referenced by table 1 of the Building Research Establishment - Digest 251 which is normally provided in structural damage assessment of buildings.
- 11.4. Site investigations were undertaken on behalf of Land Science on 13 May 2019
- 11.5. Three trial pits excavated along the west flank of the building have recorded foundation depth of 0.68m (TP1) 0.65m (TP1A) and 0.45m TP2
- 11.6. The soil below the foundations is sand and gravel reaching clay at a depth of 1.65m (BH1) and mainly clay (BH2) and clay with gravel layers becoming London Clay at a depth of 1.9m (BH3). Only the samples of soil from boreholes 2 and 3 appear to have been laboratory tested and these have a shrinkage potential (plasticity index) of 42.9 (BH2) to 52.9% (TP2). Plasticity index is modified, as not all the samples had clay particle size, but the overall result is a classification that the soil has a high shrinkage potential below the foundations (as classified under BRE Digest 240).
- 11.7. Roots were recovered during the site investigations and were identified by Richardsons Botanical Identifications on 3 June 2019. The following roots were recovered:
- From trial pit TP1a – 8 Oak roots and 3 Poplar roots
  - From BH1 - 7 Poplar roots
  - From TP2 - 7 Oak roots
  - From BH2 9 Oak roots
- 11.8. No starch test appears to have been undertaken to confirm if the roots recovered were recently alive. Rootlets were observed to 2.5m depth, but only root samples were identified to a maximum depth of 0.8m in TP1A, 1m in BH1 0.75m in TP2 and 0.4m in BH2. Most records of abundant roots appeared to in layers closer to the surface.

11.9. Soil testing was undertaken on 5 September 2019. Moisture content shows lower moisture content in bore hole 2 at 1m depth and in trial pit 1 at 0.5m depth which could indicate desiccation. Shear Vane and Penetrometer tests indicate possible desiccation in bore hole 2 at 1m depth (150kPa) and 2-2.5m depth (225kpa).

11.10. These are the points where the soil descriptive term is “very stiff” where it exceeds a shear strength of 150 Kpa. It should be noted that no roots were positively identified at this depth. Roots were generally recovered at shallower depth where the soil has a shear strength of 40-75 Kpa with a descriptive term of “Firm”.

11.11. The greater the shear strength (soil particle friction) the more likely it becomes that the soil is desiccated as indicated in the table below:

Shear Strength (kPa)	Descriptive Term	Likely desiccation
<20	Very Soft	
20-40	Soft	
40-75	Firm	
75-150	Stiff	
150-300	Very stiff	↓
>300	Hard	

11.12. Soil suction tests can also indicate desiccation, but it appears these filter paper tests were not commissioned from the laboratory.

11.13. Level monitoring recordings were taken between 25 March 2021 and 29 July 2024 but there is a long gap in the readings between 10 May 2022 and 31 May 2024.

11.14. Level monitoring shows a distinct seasonal pattern of movement at points 7, 8, 9, 10, 11, 12, 13 14 and 15 during the period of 9 July 2021 and 8 October 2021. 2021 was an average year for rainfall. The greatest amplitude of movement is at points 8, 9 and 10 (between flats 28/29 and 30/31). Points 8 and 9 subsided by circa 9mm during this period but returned to the original reading level by the spring of 2022. Points 10, 11-15 recovered to a higher point than the original recording. This could be indicative of historic persistent moisture deficit that is reversing on the north-west corner of the building.

11.15. Crack monitoring results are difficult to interpret with the widest crack width recorded for cracks 1H and 2H on 25 March 2021 and narrowest crack width on 29 July 2024. The widest crack width of crack 3H was on 10 May 2022 and narrowest on 31 May 2024. The widest crack with of crack 4H was on 31 May 24 and the narrowest on 9 July 2021. These results do not correlate with the normal water uptake of trees which tends to peak towards the end of the summer. Over the monitoring period the cracks by flat 25 have reduced in width but adjacent to flat 30 they have increased in width.

11.16. Drains were surveyed by ASL on 27 June 2024. The main area of interest in relation to the subject trees is the foul run on the west side of the building between FW5 and FM6. Depth of the drains at inspection pit FW6 is approximately 1.5m. This drain run was found to be in a poor condition with numerous cracks, and displaced joints.

11.17. No cost details are given to demonstrate any cost implications for remedial works that might arise through a compensation claim should the Council refuse the tree felling proposals under the Town and Country Planning Act.

## 12. Officer Assessment

12.1. In assessing the trees implication in the damage to the property, Officers have taken into consideration the guidance in the Guide to Risk Management Strategies for Tree Related Subsidence Claims (2024) produced by the London Tree Officers. The flowchart for investigation of tree related subsidence has been applied by Officers to this case and is attached to this report at appendix 2.

12.2. There is no doubt that there is a causal link between selected trees surrounding this property and damage to its structure over a long period. Part of the reason for this is the fact that the foundations are shallow (only 45cm below parts of the western flank). The trees are species, in the main, that have a high capacity to dry the soil, they are within influencing range and will have transpired more moisture as the climate has warmed. The question arises as to whether the scale of the felling proposal is reasonable and prudent given the evidence submitted to condemn the trees and given the harm this will cause to the environment.

12.3. Unfortunately, there has been no starch testing or DNA testing of root samples recovered below the building to help confirm which trees, specifically, may be causing the damage. (DNA testing of the Poplar roots would not be conclusive as the Lombardy Poplar is a clone).

12.4. Level monitoring indicates that the greatest amplitude of building subsidence recently has been below flats 30/31. This appears to be next to the point where there is a transition of foundation depth between underpinned foundation of 3m depth and the original shallow foundations of 45cm depth. This is the point where differential movement is more likely to occur beyond building tolerance, where the foundation steps.

12.5. **Oak T5**, which is directly opposite this point, is a large specimen but crucially it is still only middle-aged, vigorous and has a high capacity for further growth. This means it is more likely to be actively extending its rhizosphere and progressively drying the soil. It appears logical that **Oak 5** and to a lesser extent **Oak 6**, which are closest to this vulnerable point of the building, are more likely the cause of damage. These trees stand out as a causal link because subsidence damage is still occurring parallel with them despite a 55-year-old Oak being removed in 2020 which stood

adjacent but closer to the building. **Officers recommend that removal of T5 and T6 is justified.**

- 12.6. **Oak T9** is an aged tree estimated to be 160 years old as calculated using the Woodland Trust Oak tree age estimator, based on its stem diameter. At this age the tree is a transitional veteran and more valuable because of its ecological potential. The tree is slightly further from the focal point of damage at flat 30 but closer to the corner of flat 26. The foundation below 26 are deeper at 65cm. It is possible that this tree may have been implicated in building damage in the more distant past, but this end of the building has subsided less and to a level more within the building tolerance according to the level monitoring.
- 12.7. What is of note is that over the monitoring period this corner of the property has moved upwards overall. This would seem to indicate a potential reversal of what has been a historic persistent soil moisture deficit, possibly caused when the tree was younger and more vigorous. A logical explanation for this is that Oak T9, because it is old and lacks vitality now, is retrenching in both root and crown growth. Given that the tree would have been well established before the property was built (around 60 years old), Officers believe there could be more of a threat to the building from removing this tree than retaining it. If the building was constructed on the already subsided ground caused by moisture extraction by the tree, after removing the tree the soil could gradually expand to a higher level than the original building level resulting in heave damage. **Officers recommend that removing this Oak is not justified or prudent, whilst it remains reasonably healthy. Sensitive crown reduction pruning is favourable.**
- 12.8. **Poplars 20 – 25** are in the last quarter of their normal useful life span and therefore will have a less vigorous physiology. However, collectively these trees have a huge expanse of crown. Level monitoring and soil testing does not pinpoint the greatest amplitude of movement at the corner of flat 26. It was noted that roots from the Poplars were identified from relatively shallow depth (for Poplars) by this corner. Roots may well have proliferated in surface layers due to gutter leaks and leaking drains in this area. There is a risk that the closest Poplar trees may cause a surge of damage if drains are repaired and an available moisture source ceases.
- 12.9. Poplars 22-24 have more significant decay in the old pollard points. As the Poplars are a similar age to Drummond Gardens it is unlikely that heave damage would result from selective removal. Officers do not consider that it is justified to remove all the Poplars having regard to their amenity value.
- 12.10. The closest trees may be responsible for some seasonal influence, but the evidence of causation is not as compelling as it is with Oaks T5 and T6. **There are biomechanical reasons which tip the balance in favour of removing Poplars 22-24 (Poplar 23 also creaks repetitively where branches are rubbing). Poplars 20,21 and 25 should have a crown**

**height reduction to reduce the loading weight on the branch unions and pockets of topping point decay.**

- 12.11. Areas of potential wildlife habitat have been identified including small cavities and nesting holes. It will be necessary to stipulate that any agreed tree works must conform with the Wildlife and Countryside Act to prevent disturbance to protected species.

**13. Entitlement to Compensation**

- 13.1. Section 202E of the Town and Country Planning Act 1990 provides that tree preservation regulations may make provision for the payment of compensation in certain circumstances. The current regulations are the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 13.2. Regulation 24 makes provision about the payment of compensation. In summary, a person will be entitled to compensation for loss or damage incurred in consequence of a decision to refuse consent. A claim would need to be made within 12 months of the Council's decision.
- 13.3. No compensation will be payable for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused. Nor will compensation be payable for loss or damage which was reasonably foreseeable and which is attributable to the failure on the part of the claimant to take reasonable steps to avert the loss or damage or to mitigate its extent.
- 13.4. No claim will arise after a refusal until either further damage occurs or preventative works are undertaken. In the latter case, the test of causation (that is, whether the costs are incurred in consequence of the Council's decision) will be whether it was reasonable for the applicant to carry out the works, having regard to the degree of risk of future damage, and the appropriateness of the works as a response to that risk.
- 13.5. Should the Council refuse this application there is a risk that the applicant may seek compensation.
- 13.6. The Council has no budget in respect of such compensation claims, which would need to be met from existing resources. As this relates to a statutory entitlement to compensation it would not be covered by insurance arrangements. However, it is considered that there are reasonable grounds to refuse part of this application as set out below:
- 1) There is no indication of the costs that might become liable
  - 2) There appears to be a risk of heave damage if one of the Oaks is removed in any case that may necessitate measures to stabilise the building.

- 3) At least part of the property has particularly shallow foundations to protect the building.
- 4) It appears that alternative remediation measures such as root barriers have not been fully explored and costed to discount viability (such costs can be compared against the monetary value of the trees).
- 5) The applicants have been unable to pinpoint precisely which trees are implicated.
- 6) The Council is proposing to approve the proportionate elements of tree work proposed and only refusing the seemingly disproportionate elements of tree work.
- 7) The applicant would have the right to appeal the decision and conditions imposed.

## CONCLUSION

### 14. Balance

- 14.1. Best practice advice on three decisions that might expose the Council to claims of compensation suggests that if an authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the tree and the justification for the proposed works, before reaching its final decision.
- 14.2. Collectively the loss of public amenity from the removal of all 10 trees would be significantly detrimental to amenity and would equate to an amenity capital asset loss evaluated at £954,480. Part refusal of this application as recommended in the body of this report reduces this loss to £387,818.
- 14.3. There are costs and amenity implications for ongoing tree works and it would cost the Council and the applicant to remove the trees recommended for removal, but it appears to be in the public interest to resist the felling of the trees where this is unsupported in the report.
- 14.4. The loss of trees has a negative impact on amenity, habitat provision and climate change adaptation.
- 14.5. Given the trees collective high amenity value, the reason for their removal needs to be compelling. Despite the trees value there is a strong need for the residents to obtain a workable solution that can stabilize the building. Disrepair, crack damage and a historic lack of maintenance has been a feature of the site for a long time and spoils the otherwise pleasant residential ambience.
- 14.6. The recommendation made in this report to refuse felling of four of the 10 trees, but to approve the removal of six and allow crown reduction pruning to the remaining four, does appear to be a proportionate decision based

on the full evaluation of the evidence and the right solution to both preserve amenity and protect the property. Thereby allowing the residents a route forward.

## RECOMMENDATION

### PART A

**To REFUSE the felling of Oak T9 and Poplars T20, T21 and T25 for the following reasons:**

**1) Insufficient Evidence**

It is considered that there is insufficient evidence to establish a direct causal link between these trees and the current episodes of subsidence related damage at the property

**2) Harm to Environmental Quality**

Removal of these trees will have an adverse impact on the environmental quality and sylvan character that provides amenity by denuding too much of the canopy cover and wildlife habitat, contrary to Policies CS1 and CS5 of the Core Strategy 2007, Policies DM5 and DM9 of the Development Management Policies Document 2015 and Section 15 of the National Planning Policy Framework 2024.

### PART B

**To APPROVE:**

- **Felling of Oaks T5, T6, T12 and Lombardy Poplars T22, T23 and T24**
- **Crown reduction of Oak T9 and Poplars T20, T21 and T25**

**subject to the following conditions and informatives:**

#### Conditions

**1) Approved works**

All tree works shall be carried out to British Standard 3998 in accordance with the following specification:

- Oak T9 Reduce the crown by up to 2.5m. Remove dead wood.
- Crown reduce Poplars T20, T21, and T25 by 8m to a height approximately 2m above the historical pollard points. Remove dead branches. Retain the deadwood habitat of topping stubs but reduce their weight as necessary to ensure stability.

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies

CS1 and CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

### **Informatives**

#### **1) Completion**

The work in this notification must be completed within two years from the date of this notification. If this is not the case, a new notification must be made to the local planning authority.

#### **2) Protection of Plants and Wildlife**

Anyone carrying out work to a tree, even under an exemption, should ensure they do not contravene laws protecting plants and wildlife. If in doubt, you are advised to seek advice from us or Natural England on how to proceed.

#### **3) Continuation of Level Monitoring**

It is recommended that level monitoring should continue a year after the felling of the trees to check the effectiveness of this measure in restoring property stability.

## **APPENDICES**

- 1) Guide to Risk Management Strategies for Tree Related Subsidence Claims (2024) Flow Chart
- 2) Photographs

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**UPCOMING APPLICATIONS**

<b>Report</b>	Summary of Likely Applications to be Heard at Planning Committee
<b>Period</b>	September 2026
<b>Author</b>	Simon Taylor, Interim Manager, Development Management
<b>Date of Report</b>	24/06/2026

**SUMMARY**

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Reason</b>	<b>Likely Meeting</b>
26/00287/ S106A	Langley Bottom Farm, Langley Vale Road, Epsom	Variation to affordable housing obligations	Called in	10 Sept
26/00002/ FUL	South of Oak Glade, Epsom	Residential care home	Major	
25/00368/ FUL	Swail House, Ashley Road, Epsom	48 dwellings across two flat buildings	Major	

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