

PLANNING COMMITTEE

Thursday 10 September 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 Phil Neale (Vice-Chair)
Councillor Neil Dallen
Councillor Alison Kelly
Councillor James Lawrence

Councillor Robert Leach
Councillor Jan Mason
Councillor Kieran Persand
Councillor Humphrey Reynolds
Councillor Chris Watson

Yours sincerely



Chief Executive

For further information, please contact 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, 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.

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, 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

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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

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 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the **9 July 2026** (attached) and to authorise the Chair to sign them.

3. SWAIL HOUSE, ASHLEY ROAD, EPSOM, SURREY KT18 5AZ (Pages 11 - 78)

Demolition of the existing community rooms and caretakers cottage and construction of two new apartment buildings comprising of 48 units together with access and parking, cycle and bin store, hard and soft landscaping.

4. APPEALS PERFORMANCE (Pages 79 - 88)

Summary of all Planning Appeal Decisions and Current Appeals.

5. ENFORCEMENT PERFORMANCE (Pages 89 - 90)

Summary of Incoming and Closed Enforcement Cases by Month.

6. PLANNING PERFORMANCE (Pages 91 - 92)

Summary of Planning Performance by Quarter.

7. UPCOMING APPLICATIONS (Pages 93 - 94)

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 9 July 2026

PRESENT -

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

Absent: Councillor Jan Mason

Officers present: Simon Taylor (Head of Development Management and Planning Enforcement), Gemma Paterson (Planning Development Team Leader), Jeremy Young (Tree Officer), James Tong (Solicitor) and Dan Clackson (Democratic Services Officer)

13 DECLARATIONS OF INTEREST

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

Councillor Clive Woodbridge, Other Interest: Councillor Clive Woodbridge declared that he and other Members of the Committee had received correspondence from the Drummond Gardens property group. He wished to state on behalf of the Committee that he and the other Members maintained an open mind, to which there was no disagreement from Members.

14 MINUTES OF THE PREVIOUS MEETING

The Committee confirm as a true record the Minutes of the Meeting of the Committee held on 18 June 2026 and authorised the Chair to sign them.

15 26/00572/FUL EPSOM PLAYHOUSE, ASHLEY AVENUE, EPSOM, SURREY, KT18 5AL

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

The Committee received a presentation on the application from the Planning Development Team Leader.

Public Speaking:

There was no public speaking on the application.

Decision:

Following consideration, Councillor Robert Leach proposed a motion that the Officer recommendation be agreed. The proposal was seconded by Councillor Neil Dallen.

The Committee resolved (8 for, and the Chair not voting) 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.

- 16** 25/01132/TPO DRUMMOND GARDENS, CHRIST CHURCH MOUNT, EPSOM KT19 8RP

Description:

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.

Officer Recommendation:

Part approval/part refusal (permitting lesser works).

Officer Presentation:

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

Public Speaking:

There was no public speaking on the application.

Decision:

Following consideration, Councillor Neil Dallen proposed a motion that the Officer recommendation be agreed. The proposal was seconded by Councillor Robert Leach.

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

PART A

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

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:

- T5, T6, T12 - Oaks: Fell.
- T22, T23, T24 - Poplars: Fell.
- T9 - Oak: Reduce the crown by up to 2.5m. Remove dead wood.
- T20, T21, T25 - Poplars: Crown reduce 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.

17 UPCOMING APPLICATIONS

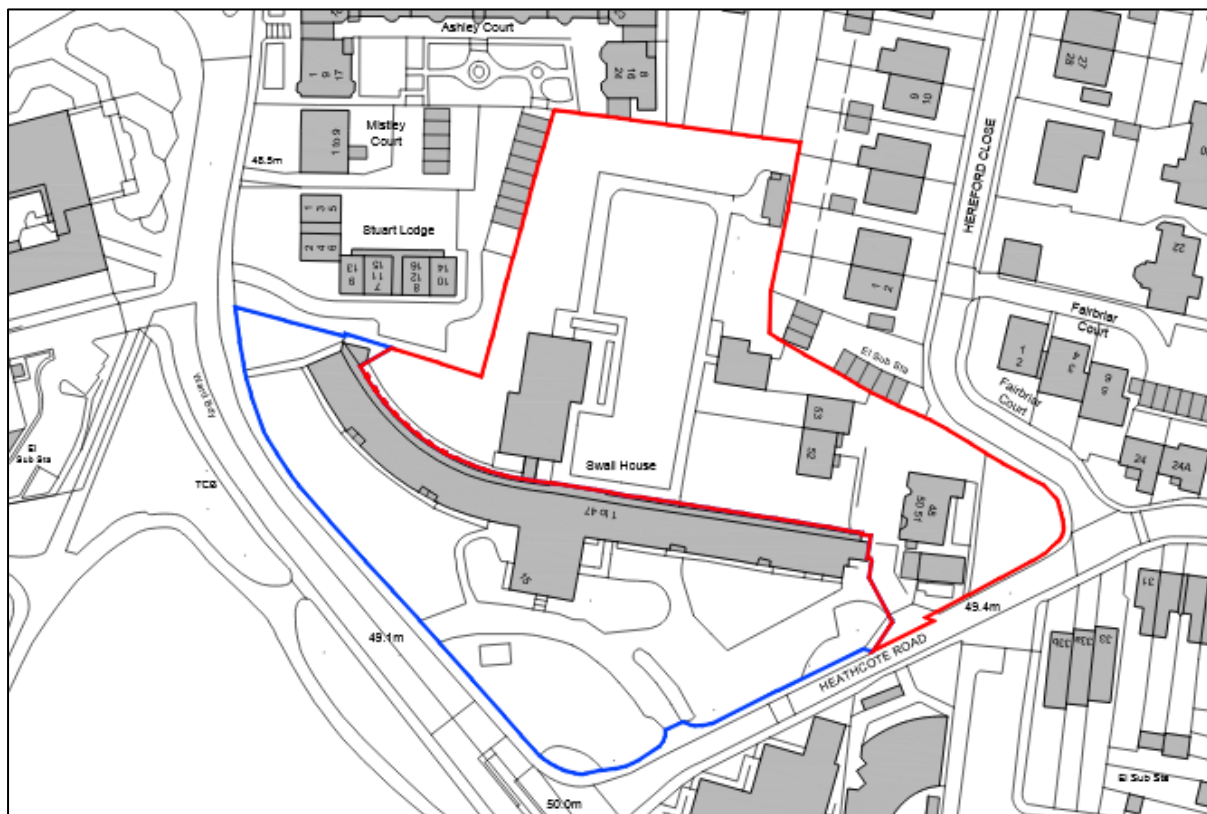
The Committee received and noted a report summarising likely applications to be heard at Planning Committee.

The meeting began at 7.30 pm and ended at 8.18 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

Swail House, Ashley Road, Epsom, Surrey KT18 5AZ

Application Number	25/00368/FUL
Application Type	Full Planning Permission (Major)
Address	Swail House, Ashley Road, Epsom KT18 5AZ
Ward	Town Ward
Proposal	Demolition of the existing community rooms and caretakers cottage and construction of two new apartment buildings comprising of 48 units together with access and parking, cycle and bin store, hard and soft landscaping
Expiry Date	14 October 2026
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Number of Submissions	26 (25 objections and 1 support)
Reason for Committee	Major development
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Head of Development Management and Planning Enforcement
Plans, Documents and Submissions	Swail House
Glossary of Terms	Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2. The site includes a blue line boundary that comprises Swail House, a specialist residential facility operated by the Royal National Institute of Blind People (RNIB), located on the eastern side of Ashley Road, together with associated communal facilities and ancillary accommodation. The application site consists of a red line boundary comprising of the land to the north of Swail House.
- 1.3. The site is within a defined settlement where Policy S4 of the NPPF 2026 establishes a presumption in favour of development, subject to compliance with the relevant national decision-making policies and the absence of unacceptable adverse impacts.
- 1.4. The blue line site is an urban housing allocation within the Emerging Local Plan (ELP), with Policy SA13 identifying the site for the delivery of purpose-built specialist accommodation, with an anticipated capacity of approximately 45 net dwellings to the rear of Swail House.
- 1.5. The proposal is for the demolition of the communal facilities and ancillary caretakers' accommodation and the erection of two x four storey, flat roof buildings, accommodating 48 units for tenants associated with the RNIB.
- 1.6. The proposal would make efficient use of a brownfield site for an identified housing need.
- 1.7. The proposed development would be replacement accommodation for Swail House, which has become outdated and would deliver substantially improved living conditions through the provision of modern, accessible and purpose-designed apartments that better meet contemporary standards and the needs of residents. Because Swail House lies outside the red line boundary, it remains unchanged as part of this application.
- 1.8. The proposal would make a significant contribution towards the Council's housing delivery targets and would meet an identified need in the Council's Housing and Economic Development Needs Assessment 2023 for specialist accommodation for people with disabilities.
- 1.9. The proposed development would provide 100% affordable housing as it would meet the definition of Affordable Housing for Rent set out in Annex B of the NPPF.

- 1.10. To ensure that the proposed development remains available at affordable rents in perpetuity, it is necessary for the rent levels, occupancy criteria and ongoing management arrangements to be secured through a planning obligation under a Section 106 Agreement.
- 1.11. The proposed development is intended to replace the existing outdated specialist accommodation at Swail House, which comprises 51 units. In that sense, the proposed development would result in the loss of four affordable units from the site (including the caretakers cottage which was previously occupied as a unit of special accommodation) though in reality it involves a net gain of 48 units. Officers consider that the significant benefits of the proposed development, which would maintain the site's affordable housing use and deliver high-quality replacement accommodation that better meets modern standards and the needs of future occupiers.
- 1.12. The proposal would result in a degree of harm to the significance of the non-designated heritage asset, Swail House. In accordance with the NPPF, a balanced judgement has been undertaken having regard to the scale of the harm and the significance of the asset, with the identified harm being outweighed by the benefits.
- 1.13. Although 15 individual trees, two tree groups, part of a further tree group and one hedgerow would be removed from the site to facilitate the proposed development, this loss would be mitigated by 22 new trees throughout the site. This provision, along with new landscaping provision, would deliver visual enhancements, as well as contributing towards biodiversity net gain.
- 1.14. The proposal would meet or exceed National and local requirements for internal floor area and the provision of private amenity space supplemented with communal garden and woodlands walk which, is regarded to be sufficient to meet the private and recreational needs of future occupiers.
- 1.15. Whilst the height and design of the proposed development would not be reflective of the predominant character of the surrounding built form, the site occupies a transitional location between residential development and larger institutional and commercial buildings, including the UCA campus to the south and commercial premises to the north west, which are of a similar or greater scale. Within this context, the proposed height and design is considered to provide an appropriate response to the site's position within the wider urban area.
- 1.16. The site is located within a main settlement that is near to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.

- 1.17. The proposal would fall below the Council's parking standards and therefore conflicts with policy. However, significant weight is attributed to the evidence demonstrating that the specialist nature of the accommodation and the characteristics of its residents result in a reduced parking demand. As such, Officers are satisfied that a departure from the Council's parking standards is justified.
- 1.18. Officers acknowledge that the proposal would result in some impacts upon neighbouring occupiers, including a degree of increased overlooking of parts of the rear gardens serving Hereford Close, reductions in daylight to certain rooms within Swail House and a change in outlook experienced by some neighbouring properties. These impacts weigh against the proposal. However, with the separation distances involved, the findings of the submitted Daylight and Sunlight Assessment, the retained levels of daylight and sunlight to neighbouring properties, and the absence of any unacceptable overlooking of neighbouring habitable room windows, Officers conclude that the proposal would not result in unacceptable harm to residential amenity
- 1.19. The proposal would accord with national and local policies in relation to archaeology, ecology, BNG, land contamination and environmental sustainability, subject to suitable mitigation conditions.
- 1.20. In accordance with Policies S3 and S4 of the NPPF, substantial weight has been given to the presumption in favour of sustainable development. Having assessed the proposal against the Development Plan, the relevant national decision-making policies and all other material considerations, Officers conclude that the moderate and limited adverse impacts identified are not sufficient to outweigh the benefits of the development.
- 1.21. The application is recommended for approval, subject to conditions and completion of a 106 Legal Agreement to secure the following:
- a) Retention of Affordable Housing Provision
 - b) Biodiversity Net Gain Monitoring Fee of £6000

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
- Demolition of the existing community rooms and caretaker's cottage
 - Erection of two, four storey buildings accommodating 48 units for tenants associated with the Royal National Institution for the Blind:
 - Block A comprises 24 x 1-bed units and would measure 27.8 metres in width, 15.5 metres in depth and 13.2 metres in height

- Block B comprises 20 x 1-bed units and 4 x 2-bed units and would measure 27.8 metres in width, 15.5 metres in depth and 13.2 metres in height
- Erection of a combined bin and cycle store on the eastern boundary
- 16 car parking spaces, with realignment of access
- Provision of paved pedestrian paths and communal spaces
- Tree removal and replacement planting and soft landscaping

2.2. The main Swail House building falls outside of the red line boundary and does not form part of the application. There is no proposal to alter any aspect of this building.

3. Key Information

	Existing	Proposed
Site Area	0.60 Hectares (red line boundary) 1.07 Hectares (blue line boundary)	
Units	52 within Swail House and open market Caretakers Cottage	48 additional dwellings
Floorspace	337m ²	3189m ²
Number of Storeys	2	4
Density	86dph	80dph
Affordable Units	51	Net gain of 48
Car Parking Spaces	Nil (within red line site)	16
Cycle Parking Spaces	Nil (within red line site)	20

SITE

4. Description

- 4.1. The blue line application site relates to Swail House, a specialist residential facility operated by the Royal National Institute of Blind People (RNIB), on the eastern side of Ashley Road, close to Epsom town centre. The entire site extends to 1.07 hectares and comprises the existing Swail House building, which is specialist accommodation for people who are blind or partially sighted,
- 4.2. The surrounding land within the site includes ancillary structures, landscaped open space, pedestrian routes, parking areas and areas of woodland planting, particularly along the western boundary where a small copse of mature trees provides an important landscape feature. Access to the site is taken from Heathcote Road to the east.

- 4.3. The site is situated within a predominantly residential area. Residential properties lie immediately to the north and east, whilst the University for the Creative Arts lies to the south-east. Rosebery Park is on the opposite side of Ashley Road to the south-west.
- 4.4. The site is within an established urban area in a highly sustainable location within walking distance of Epsom town centre and its associated services, facilities and public transport connections,

5. Constraints

- Built Up Area
- Tree Preservation Order (245/G1)
- Listed Building (Garden Wall to Swail House)
- Locally Listed Building (Swail House)
- Setting of Church Street Conservation Area
- Archaeological Site
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Bat Survey Area
- Flood Zone 1
- Critical Drainage Area
- Source Protection Area (Inner)
- Potentially contaminated Land
- Classified B Road (Ashley Road)
- Unclassified Road (Heathcote Road)

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Trees	No objection subject to conditions
Ecology	No objection subject to conditions
Conservation	No objection
Land Contamination	No objection subject to conditions
Waste and Transport	No objection
External Consultees	Comments
Thames Water	No objections subject to conditions
Highway Authority	No objection subject to conditions
Flood Authority	Recommends condition

Consultee	Comments
Surrey Archaeology	No objection subject to condition
Surrey Fire and Rescue	No objection subject to informatives
Public Consultation	Comments
Neighbours	The application was advertised by means of a site notice on 3 April 2025, a press notice published on 2 April 2025 and notification to 112 neighbouring properties, concluding on 23 April 2025. 26 submissions (25 against, 1 for) were received (with 7 from a single respondent from the same property and 2 of were from a single respondent from the same property). They raised the following issues: <u>Character and Appearance</u> • Excessive height for surrounding area • The proposed development would overwhelm Swail House, a listed building • Grey brick would look out of place • Flat roof would be incongruous in the context of the surrounding pitched roof buildings. <u>Officer Response:</u> These concerns have been addressed under Section 15 of this Agenda Report though Swail House is not a listed building. <u>Neighbouring Amenity</u> • Daylight and Sunlight Assessment does not consider the east facing windows of Stuart Lodge. The proposal would completely block out views and light that currently come through the trees • Less light to the main garden on Stuart Lodge, which it already struggles with. • Substantial loss of light to surrounding gardens • Concerns that the Daylight and Sunlight Assessment contains inaccuracies for 1 & 2 Hereford Close • Properties at 3 and 4 Hereford Close which do not have south-facing windows have been omitted entirely from the Daylight and Sunlight Assessment • Loss of privacy from balconies allowing direct views into private living spaces and gardens • Loss of open vista • Increase in noise and disturbance

Consultee	Comments
	• The application indicates that 'related cases' amount to 16 properties, 14 of which are tenant flats. This is incorrect. It appears to suggest that only 14 flats are affected by the application, whereas there are 53 flats in Swail House, all of which will be affected • Noise and disturbance from construction works • Light pollution to surrounding areas will increase dramatically. Swail House currently has all the external lights on during the night to assist the blind/partially sighted residents, if this principal is adopted in the new development, it will have a substantial light pollution impact on the neighbourhood. <u>Officer Response:</u> The majority of these concerns have been addressed under Section 16 of this Agenda Report. Officers acknowledge that the Daylight and Sunlight Assessment does not assess the windows at 3 and 4 Hereford Close. BRE Guidelines do not require every neighbouring curtilage or window to be assessed. Instead, the methodology relies upon the identification of representative and sensitive receptors that are most likely to experience significant effects from the proposed development. These receptors are selected having regard to factors such as proximity to the development, orientation, existing site relationship and the potential for impacts to arise and whether the room is primary accommodation. In this instance, the submitted Daylight and Sunlight Assessment includes a range of neighbouring properties considered to represent the most sensitive relationships with the proposed development, including Swail House, Ashley Court, Stuart Lodge and properties within Hereford Close. Officers are satisfied that the selected receptors provide a sufficient evidential basis upon which to assess the likely daylight and sunlight impacts of the proposal and reach a reasoned conclusion on neighbour amenity. For clarity, the Daylight and Sunlight Assessment does not evaluate every window within Swail House. This is consistent with BRE guidance, which focuses on habitable room windows and typically assesses representative or worst-case receptors. The assessment therefore concentrates on those windows most likely to experience a material effect from the proposed development. Officers acknowledge that all 53 flats within Swail House will be affected by the proposed development, but all flats would not necessarily be affected by loss of daylight and sunlight. The full

Consultee	Comments
	assessment of impacts upon the occupiers of Swail House are set out in Section 16 of this Agenda Report. There is no planning right to retain a private view and the loss of an open vista is not a material planning consideration to be assessed as part of this application. <u>Social Implications</u> • Loss of community facility • Loss of three units • Concerns regarding the loss of accommodation for two charities, Monday Club and Epsom and Ewell Talking Paper • The loss of a permanent studio for the blind would have a material impact on the operations that provide a service to visually impaired people. Should the council approve this application, a condition is required that ongoing provision for the recording studio is made at Swail House. • Proposal would result in a high concentration of people who have varying degrees of sight loss living in a constricted area, resulting in an 'enclave of disability', cut off from the wider community and promoting loneliness • The application indicates that some of the flats could be occupied by people not affected by sight loss. It seems entirely likely therefore, that over time, occupancy by blind and visually impaired people could disappear. • No provision for guide dog toilet area <u>Officer Response:</u> The majority of the above concerns have been addressed under Sections 8 and 10 of this Agenda Report. With respect to the provision of a dedicated guide dog toilet area, it is recognised that the provision of such a facility could further enhance accessibility and inclusivity for some users of the site. However, there is no specific policy requirement for a dedicated guide dog toilet area and the absence of such a facility would not render the development unacceptable in planning terms. Feasibly it could be accommodated without the requirement for an application. Accordingly, this matter attracts limited weight and does not weigh against the proposal. <u>Highways and Parking</u> • Concerns about the lack of parking provision • Vastly increased traffic from 48 units would create traffic problems and danger to pedestrians • The shared vehicle and pedestrian access would be dangerous to pedestrians who are blind or visually impaired

Consultee	Comments
	<u>Officer Response:</u> These concerns have been addressed under Section 17 of this Agenda Report. The County Highway Authority have raised no objection in relation to predicted future traffic generation and its impact on the local highway network or the level of parking provision proposed to serve the proposed development. <u>Flood Risk</u> • The Flood Risk report does not adequately demonstrate how the development will not increase the risk of flooding either on or off site. The site has a medium risk of surface water flooding as part of a wider drainage system in Epsom. <u>Officer Response:</u> These concerns have been addressed under Section 19 of this Agenda Report. The Lead Local Flood Authority have raised no objection in relation to surface water flooding. With respect to groundwater flooding, Officers acknowledge local concerns regarding historic groundwater flooding incidents. However, the planning assessment must be based on the available technical evidence. The submitted Flood Risk Assessment has specifically considered groundwater flood risk and identifies mitigation measures, including appropriate finished floor levels and a non-infiltration drainage strategy, which are considered sufficient to address the identified risks. <u>Trees</u> • It remains opaque as to which trees are being proposed to be felled and which of these have TPOs. • Any proposal to fell trees marked T46, T47, T56 and G45 would be highly detrimental to the amenity of properties in Hereford Close. • Mature good quality listed trees will probably get damaged by the construction process given the cramped nature of the development. <u>Officer Response:</u> These concerns have been addressed under Section 14 of this Agenda Report, subject to conditions securing appropriate arboricultural mitigation, including an Arboricultural Method Statement, Tree Protection Plans, details of underground services, replacement tree planting and arboricultural supervision during construction.

Consultee	Comments
	<u>Ecology</u> • Loss of beautiful haven for wildlife • The Ecology Study appears to have overlooked that there are bats nesting in the trees in the grounds of Swail House <u>Officer Response:</u> These concerns have been addressed under Section 18 of this Agenda Report. The Council's Ecologist has raised no objection to the proposed development in respect of its impact on protected species, subject to conditions securing the implementation of appropriate mitigation and enhancement measures. <u>Other Matters</u> • Inadequacy of consultation by RNBI • Inaccuracies within the planning application relating to mislabelled photos within the Design and Access Statement. • Ridiculously short period allowed for comments on a major building project, many families may be away for Easter breaks and miss this opportunity to express their views and worries. • A similar development at nearby Friars Garth was thrown out by the National Inspectors when that developer appealed the Epsom and Ewell decision to refuse planning permission only last month. <u>Officer Response:</u> Whilst pre-application engagement can be beneficial, there is no statutory requirement for applicants to undertake consultation in advance of submitting a planning application of this nature. The Local Planning Authority is satisfied that the application has been publicised in accordance with the relevant statutory requirements and that interested parties have been afforded an opportunity to comment on the proposals. Whilst comments regarding the inaccuracies within the Design and Access Statement have been noted, the application has been assessed on the basis of the submitted plans, technical reports and supporting information as a whole. Any minor inaccuracies within supporting documents have not materially affected the assessment of the proposal or the ability of interested parties to understand the development proposed. The application was publicised in accordance with the Council's statutory obligations and the requirements of the Development Management Procedure Order. The timing of consultation does not invalidate the application process and all representations received have been taken into account in the determination of the

Consultee	Comments
	application. Submissions can be received up to the date of determination. Reference has been made to a recent appeal decision relating to a proposal at Friars Garth. Whilst previous appeal decisions may be material considerations where circumstances are comparable, each planning application must be determined on its own merits having regard to the specific characteristics of the site, the nature of the proposal, the Development Plan, the National Planning Policy Framework and other material considerations, including consideration of the planning balance. The circumstances and planning balance relating to the Friars Garth proposal are not directly determinative of the current application. One letter of support has been received: • This build is in desperate need of modernisation and repair. • The build will not impact on local residents once the build is complete. <u>Officer comment:</u> Noted.
Epsom Civic Society	Objection raised, the contents of which are as follows: <i>ECS does not support this application.</i> <i>The application represents piecemeal development relating to only the rear (northern) part of the site. This is unsatisfactory and not in accordance with policy SA13 referring to the whole site, said to be about 1.05 ha, of the recently submitted local plan (which was similarly indicated in earlier site land allocations). The site should be treated as a whole, that was the expectation.</i> <i>It proposes a piecemeal development on only part of the site which is shoe-horned in. What happens on the site outside of the red line of the prospective boundary is important. The application is silent about this. The site must be treated as a whole.</i> <i>Apart from that, the application is unsatisfactory with development which would be too close and too dominant, especially given the proximity of rear curtilages of neighbouring properties and the existing Swail House itself.</i> <i>The application lacks the inclusion of a full tree survey. Such a survey is an important factor in the development of the site and should be requested to be part of the application documents and considerations.</i>

Consultee	Comments
	<i>Turing to the specific detail of the application, ECS considers that the design is boxy, bland and could have a more traditional design feel thus being more in keeping with its surroundings. The flat roof is questioned. A mansard design would be more appropriate. The chosen brick colour of Grey is not favoured with a preference for a Surrey/Sussex red or multi-coloured facing brick which would be less dull and a brighter more pleasant feel.</i> <i>The proposed buildings siting and juxtaposition in relation to Ashley Court, Hereford Close, Stuart Court, the 1950's swept block of Swail House and to a lesser extent, Mistley Court and the Cressinghams is not acceptable with the four storey blocks being dominant to views from these properties. In particular, the close proximity of the north elevation of block B to Nos. 8, 16 and 24 Ashley Court would be visually obtrusive and overly dominant to those residents' outlook.</i> <i>The car parking layout to serve the new development is squeezed in between the proposed new build and the existing buildings and is too close to both. Its size too is questioned, not able to provide satisfactory parking requiring awkward driver manoeuvrability. The visual impact and dominance of car parking could be reduced by resiting this close to the eastern boundary and reducing pedestrian and vehicle conflict.</i> <i>The proposed pedestrian route to and from the public footpath adjoining the site is very unsatisfactory, particularly for the visually impaired. The layout requires a long and tortuous route crossing and recrossing vehicle access roads. This route would add one-third to the walk to the Town Centre facilities which many residents do on a daily or twice daily basis. It is, and would be in any future development, much safer for residents to traverse a known shorter route, as now, close to the Stuart Lodge boundary with the on-site bright coloured visual handrails rather than a much longer route on the exposed public footpath. 99% of pedestrian journeys must be towards and from the Town Centre direction. Furthermore, within the submitted local plan documents there are proposals for improved cycle accessibility for the Town Centre with a designated route along Heathcote Road. Retention of the existing gate and path would avoid a potential conflict.</i> <i>It was noted on the site visit that there is a variance between the submitted drawings delineating the site ownership boundary in that there is an area of rough scrubland clearly within the site ownership where foxes with their burrows were actually seen, with also badgers was said to be present. This area is indicated by a dashed line on the drawings map and at the rear of the Hereford Close houses. This should be examined.</i>

Consultee	Comments
	<i>It is noted, with some irritation, that there is inaccurate local information within the Design & Access and Transport Statements indicating a lack of local knowledge, proof-reading and editing of the documents prior to submission. These inaccuracies should be corrected.</i> <u>Officer Response:</u> The majority of concerns have been addressed within this Agenda Report. With respect to Policy SA13 of the ELP, the allocation has clearly outlined the expectation for the provision of replacement purpose-built specialist accommodation for the RNIB consisting of approximately 45 dwellings to the rear of Swail House. Whilst Policy SA13 identifies the wider site for future development and may envisage a comprehensive approach, the application relates only to land within the applicant's control and is capable of being assessed on its own planning merits. There is no evidence before the Officers to demonstrate that the proposed development would prejudice the future comprehensive planning or development of the remainder of the wider allocation, nor that the development would prevent the objectives of Policy SA13 from being achieved, particularly as the provision relates to 'net' dwellings. The quality of the supporting documentation, including any typographical errors, drafting inconsistencies or administrative inaccuracies, is not, in itself, a material planning consideration. Whilst Officers note that certain documents contain minor inaccuracies, they are satisfied that these do not materially undermine the assessment of the proposal or prevent a thorough and robust consideration of the planning merits of the application. Sufficient information has been submitted to enable the Local Planning Authority to fully assess the likely impacts of the development and reach a reasoned conclusion.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Planning Policy

6.1. National Planning Policy Framework 2026 (NPPF)

- Policy S3: Presumption in Favour of Sustainable Development
- Policy S4: Principle of Development Within Settlements
- Policy CC3: Adaptation to Climate Change
- Policy HO5: Meeting the Needs of Different Groups

- Policy HO7: Meeting the Need for Homes
- Policy HO8: Providing Affordable Homes
- Policy HO9: Specialist Forms of Accommodation
- Policy HO13: Build Out of Residential and Strategic Sites
- Policy L2: Making Effective Use of Land
- Policy L3: Achieving Appropriate Densities
- Policy DP3: Key Principles for Well-Designed Places
- Policy DP4: The Design Process
- Policy TR1: Vision-Led Approach to Planning for Transport
- Policy TR2: Local Parking Standards
- Policy TR3: Locating Development in Sustainable Locations
- Policy TR4: Street Design, Access and Parking
- Policy TR6: Assessing Transport Impacts
- Policy HC6: Retention of Key Community Facilities and Public Service Infrastructure
- Policy P1: Planning for Clean and Safe Places
- Policy P2: Ground Conditions
- Policy P3: Living Conditions and Pollution
- Policy F1: Assessing Flood Risk for Plan-Making
- Policy F7: Ensuring Development Is Safe from Flooding
- Policy F8: Sustainable Drainage Systems and Watercourses
- Policy N1: Identifying Environmental Opportunities and Safeguards
- Policy N2: Improving the Natural Environment
- Policy N3: Trees in New Development
- Policy HE4: Securing the Conservation of Heritage Assets
- Policy HE5: Assessing Effects on Heritage Assets
- Policy HE6: Proposals Affecting Designated Heritage Assets
- Policy HE7: Decisions on Non-Designated Heritage Assets

6.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density

- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM16: Backland Development
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

6.4. Epsom and Ewell Emerging Local Plan (ELP)

- Policy SA13: Swail House
- Policy S11: Design

6.5. Supplementary Planning Documents and Guidance

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

6.6. Other Documentation

- Epsom & Ewell Borough Council Housing and Economic Development Needs Assessment 2023 (HEDNA)
- Technical Housing Standards – Nationally Described Space Standards 2015
- Surrey Transport Plan 2022–2032
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments 2023
- Community Infrastructure Levy Charging Schedule 2014
- Historic England the Setting of Heritage Assets Historic Environment
- Good Practice Advice in Planning Note 3 (Second Edition) 2017
- Church Street Conservation Area Appraisal 2010

PLANNING ASSESSMENT

7. Presumption in Favour of Sustainable Development

- 7.1. Policy S3 of the NPPF stipulates that decisions on development proposals should apply a presumption in favour of sustainable development. This means that Policy S4 of the NPPF should be applied when considering development proposals within settlements and that development proposals that accord with both an up-to-date development plan and the decision-making policies in the framework should be approved without delay.

- 7.2. The site lies within the built-up area of Epsom and is identified as being within a settlement as defined by Appendix B of the NPPF. Accordingly, Policy S4 of the NPPF is applicable to the assessment of the proposed development.
- 7.3. Policy S4 of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the framework.

8. Principle of Development

8.1. Location of Development

- 8.2. The site is located within the built-up area of Epsom where the principle of development is acceptable in terms of the objectives and policies in the CS, the DMPD and supporting guidance and documents.
- 8.3. The ELP represents the most up-to-date direction of planning policy and spatial strategy for the period 2022-2040.
- 8.4. Although the ELP is not adopted, it has reached an advanced stage in the examination process, with a consultation on the Inspectors proposed Main Modifications anticipated to take place in the near future.
- 8.5. Policy DM4 of the NPPF states that when preparing and considering development proposals, relevant policies in emerging development plans may be given weight according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). Officers consider that the relevant policies of the ELP attract moderate weight in the determination of planning applications, subject to the extent of any unresolved objections and their consistency with national planning policy.

8.6. Site Allocation

- 8.7. Policy HO13 (4) of the NPPF states that where an emerging development plan (however advanced) proposes to allocate one or more strategic sites, development proposals should not be inconsistent with the proposed scale, location and phasing of those strategic sites.
- 8.8. The site is an urban housing allocation within the ELP. Policy SA13 of the ELP identifies the site for the delivery of purpose-built specialist accommodation, with an anticipated capacity of approximately 45 net dwellings to the rear of Swail House.
- 8.9. Objections to Policy SA13 of the ELP were received during the Regulation 19 consultation process. A summary of these representations is provided on pages 55 and 56 of the Consultation Statement (Part 2) submitted as part of the Local Plan examination.

- 8.10. Notwithstanding the objections received, given the direction of Policy HO13(4) of the NPPF and in considering that Policy SA13 of the ELP has progressed to a sufficiently advanced stage in the plan-making process, Officers are satisfied that Policy SA13 of the ELP can therefore be afforded moderate weight in the assessment of this application.

8.11. Housing Delivery

- 8.12. The NPPF seeks to significantly boost the supply of homes through the housing policies contained within Chapter 5 and associated housing need provisions.
- 8.13. Policy CS7 of the Core Strategy seeks the provision of at least 2,715 dwellings between 2007 and 2022, equating to an average delivery rate of 181 dwellings per annum. The ELP establishes through Policy S1 a revised housing requirement for the period 2022-2040 and seeks to address the Borough's future housing provision for at least 4,700 new homes through a range of site allocations and development policies.
- 8.14. The Council's Authority Monitoring Report 2024/25 identifies a five-year housing land supply of approximately 1.49 to 1.53 years, which is significantly below the level required by national policy.
- 8.15. The Council is therefore unable to demonstrate a deliverable five-year housing land supply. In this context, the net provision of 47 additional dwellings would make a positive contribution towards addressing the Borough's identified housing shortfall and is a matter that attracts significant weight in favour of the proposal in the overall planning balance.

8.16. Reuse of Brownfield Land

- 8.17. Policy L2 of the NPPF supports the effective use of suitable brownfield land within settlements to meet housing and other identified needs, and significant weight is attached to the redevelopment of previously developed land in sustainable locations.
- 8.18. Meeting any increase in the annual housing building target for the Council is challenging, as the Borough is mostly comprised of existing built-up areas, strategic open spaces, or Green Belt, resulting in the supply of available development sites being extremely limited.
- 8.19. Given the Borough's high need for new homes, and new affordable homes, it is essential that development proposals make the most efficient use of land and that any new homes proposed meet the identified need.
- 8.20. In line with the NPPF, substantial weight is attributed to the principle of further developing existing suitable brownfield land within settlements for an identified housing need, subject to the scheme meeting the objectives and policies in the CS, the DMPD and supporting guidance and

documents. This is a benefit of the scheme to be weighed in the overall planning balance.

8.21. Loss of Existing Communal Facilities

- 8.22. The proposal would result in the loss of communal facilities associated with the existing specialist accommodation at Swail House (once residents relocate to the new buildings). These facilities are ancillary to the residential use of the site and are intended solely for use by residents, rather than serving the wider public. Consequently, they are not considered to comprise a key community facility or public service infrastructure for the purposes of Policy HC6 of the NPPF and the proposed development would not conflict with that policy.
- 8.23. However, it is recognised that such facilities can contribute positively to residents' wellbeing and opportunities for social interaction. The NPPF places significant emphasis on the creation of healthy and inclusive communities, the promotion of community wellbeing and the reduction of inequalities. Officers recognise that the existing communal facilities provide social and wellbeing benefits to its residents, particularly as a specialist form of accommodation for people with visual impairments. The loss of these benefits attracts adverse weight in the planning balance
- 8.24. There is the implication that the proposal would result in the loss of the accommodation currently used by the Epsom and Ewell Talking Newspaper, a registered charity and volunteer-run service providing audio news and information for blind and visually impaired members of the community.
- 8.25. Officers recognise the social value of this service but the applicant has indicated that it is accommodated within a unit that would not be lost as a result of the proposed development.
- 8.26. Notwithstanding this, limited evidence has been provided regarding the extent of its use, the availability of alternative premises if required and whether the service would cease to operate as a consequence of the development or whether it would continue to operate in the new development. In any event, the proposal does not extend to any "development" within Swail House itself.

8.27. Specialist Accommodation

- 8.28. Policy H07 of the NPPF states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence.
- 8.29. When considering the forecast needs for those with disabilities, including those with impaired mobility conditions, the Council's Housing and

Economic Development Needs Assessment (HEDNA) advises at paragraph 16.54 that it does not aim to provide targets for different housing types, although additional accommodation is likely to be needed due to rising demand. The Council should work with other service providers to ensure that there is a reasonable housing supply for a broad range of different groups by encouraging the development of homes that help to meet the increasing demand.

- 8.30. Paragraph 16.53 of the HEDNA further adds that the Council should note the assessment of needs in this report and the range of potential solutions to support people to live as independently as possible. Furthermore, the Council should encourage the provision of accommodation where opportunities arise.
- 8.31. The HEDNA also advises at paragraph 16.45 that it does not aim to specify the exact location or number of units that should be provided for different groups; it may be that some types of specialist accommodation could have a wide catchment and may be suitable for clients from outside the Epsom & Ewell.
- 8.32. Policy DM21 of the DMPD states that planning permission for specialised forms of residential accommodation will be supported subject to (inter alia) clear and robust evidence that there is a need for the new accommodation and that the delivery of the new accommodation does not result in an over provision of that particular type of accommodation.
- 8.33. Swail House is a purpose built, long-established specialist residential facility providing accommodation for blind and partially sighted residents.
- 8.34. The Design and Access Statement submitted in support of the application identifies Swail House as no longer being well suited to the needs of its residents. Owing to the age of the building, changing care requirements and evolving accessibility standards, many of its existing design features have become outdated and, in some cases, present obstacles to independent day-to-day living for blind and partially sighted residents.
- 8.35. The proposed development is required to replace the existing accommodation within Swail House with more modern and suitable purpose-built accommodation. Swail House contains 51 units that can accommodate up to 81 residents.
- 8.36. The proposed development would provide 48 units that would accommodate up to 100 blind and partially sighted residents. This new provision would result in the loss of three on site specialist accommodation units.
- 8.37. Whilst there would be a small loss in the number of specialist units as a result of the proposed development, the replacement accommodation would deliver substantially improved living conditions through the provision of modern, accessible and purpose-designed apartments that

better meet contemporary standards and the needs of residents. The development would therefore ensure the continued provision of specialist accommodation on the site, whilst significantly enhancing the quality, suitability and long-term sustainability of that accommodation.

- 8.38. Notwithstanding this, the loss of three on site specialist accommodation units is an adverse impact of the scheme to be weighed in the overall planning balance.

9. Density

- 9.1. Policy L3(2)(a) of the NPPF supports higher density development in appropriate and sustainable locations.
- 9.2. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 9.3. Given the Borough's objectively assessed housing need, the Planning and Licencing Committee agreed in May 2018 to improve the optimisation of housing delivery for development sites in the Borough and to do this, reduced the weight given to Policy DM11 of the DMPD during decision making.
- 9.4. Policy S11 of the ELP seeks to ensure the efficient use of land and promotes a design-led approach to optimising development density. In locations with good accessibility to public transport, including sites outside Epsom Town Centre, the policy sets an expectation that development should achieve a minimum density of 60 dwellings per hectare where appropriate. Whilst this approach differs from the maximum density guidance contained within Policy DM11 of the DMPD, given the reduced weight this policy is afforded and the advanced stage reached by the ELP, Officers consider that Policy S11 attracts some weight in the assessment of the proposal
- 9.5. Whilst the proposed development would achieve a density of 80 dwellings per hectare, which exceeds the maximum density required by Policy DM11 of the DMPD, Officers note that limited weight is afforded to that policy. The proposal would make efficient use of a previously developed site in a highly sustainable location with good access to services and public transport. In these circumstances, the efficient use of land and contribution towards meeting housing needs are matters that attract significant weight in favour of the development.

- 9.6. Nonetheless, the failure to provide a policy compliant density is an adverse impact of the scheme to be weighed in the overall planning balance.

10. Affordable Housing

- 10.1. Policy HO8 (1) of the NPPF states that development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of onsite affordable housing tenures relevant to the location, including the minimum proportion of Social Rent.
- 10.2. Policy CS9 of the CS is the Council's policy in respect of securing affordable housing on new residential development sites, with triggers for securing 40% affordable housing being fifteen dwellings, or a site area of 0.5 ha or above.
- 10.3. The existing one and two bedroom accommodation at Swail House is let at rents that are less than 65% of prevailing market rents for comparable properties within the local area. The proposed development would be provided on the same basis, ensuring that the new units remain available at below-market rental levels.
- 10.4. On this basis, the proposed accommodation would meet the definition of Affordable Housing for Rent set out in Annex 2(b) of the National Planning Policy Framework, which includes housing let at a rent of at least 20% below local market rents and secured through arrangements that ensure its affordability for future eligible households.
- 10.5. To ensure that the proposed development remains available at affordable rents in perpetuity, it is necessary for the rent levels, occupancy criteria and ongoing management arrangements to be secured through a planning obligation under Section 106 Agreement. The legal agreement would ensure that the units continue to be let at rents that satisfy the definition of Affordable Housing for Rent set out in Annex B of the NPPF 2026 and are made available to eligible occupiers. Subject to the completion of such an agreement, Officers are satisfied that the affordable housing benefits of the scheme can be secured for the lifetime of the development.
- 10.6. The proposed development would result in the loss of four on site affordable units, which includes the caretakers cottage, which was previously used as specialist accommodation, but this would only be upon any future development of the Swail House building. Nonetheless, the extent of this harm is tempered by the fact that the accommodation comprises specialist housing for blind and visually impaired residents and is therefore subject to specific occupancy requirements. As such, the units do not contribute to the supply of general needs affordable housing available to the wider population.

- 10.7. Furthermore, the proposed development would maintain the site's affordable housing use and deliver high-quality replacement accommodation that better meets modern standards and the needs of future occupiers.
- 10.8. Notwithstanding this, the loss of four affordable on-site units is an adverse impact of the scheme to be weighed in the overall planning balance.

11. Housing Mix

- 11.1. Policy HO5 of the NPPF requires development to address the housing needs of different groups within the community, including through the provision of an appropriate range of dwelling types and sizes.
- 11.2. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 11.3. Notwithstanding Policy DM22 of the DMPD, more recent evidence identified in the Council's HEDNA update recommends the breakdown of dwellings by size, as follows:

Beds	Provided	HEDNA Required
1	92% (44)	10%
2	8% (4)	35%
3	0%	35%
4 +	0%	20%

- 11.4. Whilst the proposal involves a much higher proportion of smaller units than encouraged with the HEDNA, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land. Furthermore, the proposed seeks to replace the existing units within Swail House, which are a mix of smaller units, due to the demand for this type of unit mix by blind and partially sighted persons.
- 11.5. Whilst Officers acknowledge that the proposed housing mix does not fully accord with the dwelling size priorities identified in the HEDNA, the specialised nature of the accommodation and the needs of the intended occupiers provide a clear justification for the departure. Nevertheless, the conflict with the housing mix remains an adverse impact of the scheme to be weighted in the overall planning balance.

12. Quality of Accommodation

- 12.1. Policy DP3 of the NPPF, together with Policies CS6 and DM12, seeks to secure well-designed development that supports healthy and sustainable communities and delivers a high standard of amenity for existing and future occupiers.

12.2. Internal Amenity

12.3. The Technical Housing Standards - Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

12.4. **Appendix 1** of this Agenda Report demonstrates that all proposed units would meet or exceed the minimum gross internal floor areas set out in the Nationally Described Space Standards. In addition, all bedrooms would comply with the relevant minimum size requirements. Officers are therefore satisfied that the development would provide a good standard of residential accommodation for future occupiers.

12.5. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.

12.6. Outdoor Space

12.7. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight. To provide adequate private amenity space for development of flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupants.

12.8. The submitted plans demonstrate that all residential units would be provided with private amenity space that meets or exceeds the requirements of Policy DM12. Private amenity space would be provided in the form of enclosed rear gardens for ground floor units and private balconies for units at first floor level and above. Officers are therefore satisfied that future occupiers would benefit from an appropriate standard of outdoor amenity space.

12.9. In addition to the provision of private amenity space, future occupiers would benefit from access to a communal outdoor spaces, comprising a woodland walk and community garden. These areas would provide opportunities for recreation, social interaction and outdoor activity, contributing positively to the living environment and overall wellbeing of future residents.

13. Heritage Assets

13.1. Policy HE4 of the NPPF sets out that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance.

- 13.2. Policy HE6 of the NPPF seeks to conserve heritage assets in a manner appropriate to their significance and requires substantial weight to be given to their conservation. Where harm to the significance of a designated heritage asset is identified, that harm must be weighed against the public benefits of the proposal.
- 13.3. Policy HE7 of the NPPF requires a balanced judgement to be applied where proposals affect non-designated heritage assets (locally listed buildings), having regard to the significance of the asset and the scale of any harm or loss.
- 13.4. Policy HE5 (1) of the NPPF requires development proposals affecting heritage assets to be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance.
- 13.5. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 13.6. The application is supported by a Heritage Statement, prepared by HCUK Group, Project Ref 06471C and dated February 2025, which provides an assessment of the likely impacts of the proposed development with regards to heritage receptors.

13.7. Setting of Listed Wall

- 13.8. 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.
- 13.9. The application of the statutory duties within Sections 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.
- 13.10. The front wall enclosing the boundary along Ashley Road/Heathcote Road is Grade II Listed, with its significance found in its retention as a split nodular flint wall with stock brick coping.
- 13.11. Officers concur with the conclusions of the supporting Heritage Statement that the proposed development would not adversely affect the way in which the Grade II listed wall is experienced or appreciated. It would remain readily apparent in views from the public highway and the proposed buildings behind it would not diminish this interpretation. Accordingly, the proposal would preserve both the setting of the listed wall and the contribution that setting makes to its significance.

13.12. Setting of the Conservation Area

13.13. 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, Policy HE5 (2) 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.

13.14. 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. 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.

13.15. Whilst the site is not within a Conservation Area, and thereby the duty under Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, the proposed development has the potential to affect the setting of the adjacent Church Street Conservation Area to the east, the significance of which is derived from its role as the historic core of early Epsom, its collection of listed buildings associated with the town's development as a spa resort, including the Grade II* Church of St Martin, and its distinctive historic townscape characterised by mature landscaping, traditional boundary treatments, historic street patterns and a spacious residential character.

13.16. The Church Street Conservation Area Appraisal 2010 considered whether Swail House and its Grade II listed boundary wall should be incorporated within the Conservation Area. Following a review of the Conservation Area boundaries, it was concluded that they should remain outside the designation, as Swail House already benefited from recognition as a locally listed building and the boundary wall is afforded statutory protection through its listed status.

13.17. Swail House is recognised as a positive building that contributes to the setting of the Church Street Conservation Area. However, this contribution is modest and arises principally from the open and verdant character of its grounds, with mature trees and vegetation providing a green backdrop in views from Heathcote Road and helping to soften the transition between the Conservation Area and the surrounding residential development, rather than from direct appreciation of Swail House itself as a heritage asset.

13.18. The proposed buildings would be largely screened from views within the Church Street Conservation Area by intervening built form along Heathcote Road and the retained landscaping around the site boundary. As a result, the development would not be readily visible from the Conservation Area and would not affect the appreciation of those

elements that contribute to its significance, namely its historic street pattern, listed buildings and established townscape character.

- 13.19. Accordingly, Officers consider that the proposal would preserve the significance of the Church Street Conservation Area and would result in no harm to this designated heritage asset.

13.20. Locally Listed Building

- 13.21. Swail House is comprised of Worple Lodge, a mid-19th century building which was significantly extended in 1951 by the addition of two partially linear, partially curved wings. In the 1980's, a single storey community facility was added to the north of the western wing.

- 13.22. Swail House is a building of local importance, primarily due to its historic interest as an early example of bespoke residential accommodation for the blind and visually impaired. Architecturally, whilst Worple Lodge is a good example of a classical style villa, it is of no significant architectural merit. Of greater architectural interest are the 1951 wing additions, due to their unique character.

- 13.23. The key setting and view of Swail House is to the south, where its generous frontage creates a spacious setting and allows for largely unrestricted views of the building, save for intervening curtilage trees, which make a positive contribution to the appearance of the site and surrounding area.

- 13.24. Officers concur with the conclusion of the supporting Heritage Statement that the proposed development would not affect how the existing building and its grounds are perceived from this key setting, preserving this particular setting.

- 13.25. To the north, the proposal would result in the removal of the 1980's community facility additions that would be of some benefit to the northern setting of Swail House.

- 13.26. The proposed development would be positioned further from Swail House than the existing community facilities. The removal of the community buildings would increase the separation between built forms and improve views within the intervening space, resulting in an enhancement to the northern setting of Swail House.

- 13.27. Officers concur with the conclusion of the supporting Heritage Statement that views from the northern garden area would become more restricted by the two new blocks by virtue of their size, height and orientation. Whilst it is acknowledged that this is not a key aspect of the asset's setting, Officers consider that the view from the main lawn towards the north of the site contributes to the appreciation of Swail House within its spacious grounds and assists in understanding the relationship between the building and its wider setting.

13.28. As a result of its siting, scale and height, the proposed development would reduce the openness currently experienced in these views and would therefore result in a degree of harm to the significance of the heritage asset. However, having regard to the limited contribution that this view makes to the asset's overall significance, that harm is less than substantial to the significance of the non-designated heritage asset.

13.29. Harm to the Significance of Identified Heritage Assets (Listed Buildings and Conservation Areas)

13.30. The proposal would result in a degree of harm to the significance of the non-designated heritage asset. In accordance with the NPPF, a balanced judgement has therefore been undertaken having regard to the scale of the harm and the significance of the asset.

13.31. Officers consider that the identified harm is outweighed by the benefits of the proposed development, which includes the delivery of modern, purpose-built homes designed to contemporary accessibility standards, the continued provision of specialist affordable accommodation on the site, and the removal of the existing community buildings, which currently detract from the setting of Swail House. The public benefits are well in excess of sufficient to outweigh the less than substantial harm.

13.32. Archaeology

13.33. The site lies in an area of High Archaeological Potential because of it forming part of the backlands of the Epsom Historic Town Core. These backlands have the potential to contain evidence for past light industrial and domestic use and the development of historic Ewell and as such, the site has potential to contain as-yet unknown heritage assets which may be damaged by the proposed development.

13.34. The application is supported by an Archaeology Desk Based Assessment prepared by RPS Group, reference 794-PLN-HER-00918 and dated February 2025. The Statement acknowledges that the site is considered likely to have a modest archaeological potential for the Roman, Anglo Saxon and Post Medieval/Modern periods, for remains considered most likely to be of low (local) significance and in view of the perceived archaeological potential, it is anticipated further archaeological mitigation measures in association with redevelopment impacts will be required.

13.35. The County Archaeology Officer has reviewed the Archaeology Desk Based Assessment and considers it to be of acceptable quality. The County Archaeology Officer agrees that further archaeological mitigation would be appropriate and recommends a pre-commencement condition to secure the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation.

14. Trees and Landscape

- 14.1. Policies N1, NE3 and DP3 of the NPPF seek to protect and enhance the natural environment through the retention of important landscape features, the delivery of biodiversity enhancements and the incorporation of trees and other green infrastructure within new development. These objectives are reflected in Policy CS3 of the Core Strategy and Policy DM5 of the DMPD, which seek the retention, protection and enhancement of trees, hedgerows and other landscape features.
- 14.2. The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, prepared by PJC, reference PJC/6971/25/01 Rev – and dated January 2026.
- 14.3. The survey identifies a total of 37 individual trees, seven tree groups and one hedgerow within and adjoining the site, including several trees and groups of high arboricultural value, notably a mature beech tree (T13), tree group G3, which is protected by Tree Preservation Order (TPO) 245/G1, and the mature beech group (G7) adjacent to the Ashley Road frontage
- 14.4. The proposed development would require the removal of 15 individual trees, two tree groups, part of a further tree group and one hedgerow to facilitate the new buildings, access and associated works. The Arboricultural Assessment concludes that the trees to be removed are predominantly of low to moderate value and are largely located within the site where they make a limited contribution to the wider public realm.
- 14.5. To mitigate these losses, the landscape strategy proposes the planting of 22 new trees throughout the site, including a range of species selected for their landscape and ecological value. The assessment concludes that the replacement planting would help to increase the age and species diversity of the site's tree stock and maintain the site's contribution to local amenity in the longer term.
- 14.6. The assessment confirms that the principal retained trees, including the protected and high-value specimens, can be successfully retained and integrated within the development. Whilst some works would occur within root protection areas, including the construction of the proposed woodland walk and limited soft landscaping works, these are considered capable of being undertaken without significant harm to retained trees through the use of appropriate no-dig construction techniques, protective fencing and arboricultural supervision.
- 14.7. Subject to conditions requiring the submission and approval of details of underground services, a detailed Arboricultural Method Statement, updated Tree Protection Plans, details of replacement tree planting and arrangements for arboricultural supervision during construction, Officers are satisfied that the proposed development would not result in

unacceptable harm to the long-term health, retention or amenity value of the trees to be retained on the site.

15. Design and Character

- 15.1. Policies DP3 and DP4 of the NPPF require development to respond positively to local character, history and significance, whilst delivering high-quality design that conserves and enhances the historic environment. Policy CS5 of the Core Strategy similarly requires development to be of a high design quality that respects local distinctiveness and reinforces the attractive characteristics of the area.
- 15.2. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 15.3. The siting and layout of the two blocks has been informed by the physical constraints of the site; including its modest area, the adjacent built form and trees, along with the necessity to provide accessible movement for future residents. Within these parameters, the proposed layout is the most appropriate design response to the site's circumstances.
- 15.4. Although the proposed development would be four storeys in height and therefore taller than the predominantly two to three storey residential development in the immediate vicinity, height alone is not considered determinative of character. The site occupies a transitional location between residential development and larger institutional and commercial buildings, including the UCA campus to the south and commercial premises to the north west, which are of a similar or greater scale. Within this context, the proposed height provides an appropriate response to the site's position within the wider urban area.
- 15.5. Furthermore, whilst Ashley Court, immediately to the north of the site, is a 2.5-storey building, its mansard roof design creates a height that exceeds that of a conventional two-storey dwelling. The proposed development would be sufficiently comparable in overall height and would sit comfortably alongside this neighbouring development.
- 15.6. In terms of design, the proposed development would comprise two simple, contemporary blocks, incorporating projecting balconies and flat roof forms. The flat roofs would draw reference from the flat roofed 1951 wing extensions to Swail House, thereby establishing a degree of architectural continuity with the adjacent building.
- 15.7. Whilst the indicative material palette set out within the supporting documentation differs from the predominantly traditional materials found within the surrounding area and may serve to increase the visual

prominence of the development, the submission of external materials can be secured by condition to ensure an appropriate and sympathetic appearance that responds positively to the character of the locality.

- 15.8. Overall, in design terms, the proposed buildings sit appropriately within the confines of the application site and in context with the varied built form, including height, of the surrounding area.

16. Neighbour Amenity

- 16.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including privacy, outlook, sunlight/daylight, and noise whilst Policies P1 and P3 of the NPPF seeks to ensure that development does not give rise to unacceptable noise impacts and that a satisfactory standard of amenity is maintained for existing and future occupiers.
- 16.2. Due to its siting, scale and design, the proposed development has the potential to impact upon the amenities of the residential occupiers 1-8 Hereford Close, 52 & 53 Hereford Close, 11-13 The Cressingham, Ashley Court and Stuart Lodge. The impact of the proposal upon the accommodation within Swail House is also material.
- 16.3. The application is supported by a Daylight and Sunlight Assessment, prepared by Herrington, dated March 2025 (D&SA).

Swail House

- 16.4. Block A would be approximately 17 metres from the rear facing windows of Swail House. Whilst the development would have a greater visual presence upon the occupiers of these neighbouring properties than the existing situation on the site, the separation distances are sufficient to prevent the development from appearing unduly overbearing or resulting in an unacceptable loss of outlook.
- 16.5. In terms of loss of daylight to neighbouring internal accommodation, BRE guidance generally considers a reduction in daylight unlikely to be noticeable where a room retains at least 80% of its previous daylight levels and sunlight levels.
- 16.6. The D&SA identifies Swail House as the neighbouring property most affected by the proposed development in terms of daylight. Whilst a number of affected rooms would not satisfy all elements of the BRE guidance following the completion of the development, 35 of the 46 assessed rooms (76%) continue to satisfy the BRE criteria for daylight distribution. Furthermore, the D&SA concludes that many of the identified transgressions are influenced by the existing design of Swail House, including overhanging features and projecting balconies above affected windows, which already restrict available daylight and exacerbate the reductions. Additional analysis was undertaken as part of the D&SA to

support this conclusion, by demonstrating that the proposed development would not be solely responsible for the extent of the recorded BRE transgressions.

- 16.7. No sunlight assessment was required as the relevant windows face within 90 degrees of due north and are not sensitive sunlight receptors under the BRE methodology.
- 16.8. With regards to overlooking and loss of privacy, Block A would introduce primary windows and balconies that would be orientated towards the rear windows associated with Swail House.
- 16.9. Block A would be 17 metres from rear facing windows serving Swail House. Whilst this separation distance falls below the Council's typical 21 metre back-to-back guideline, Officers have considered the specific relationship between the buildings. The affected windows serving Swail House are positioned beneath projecting balconies and overhanging architectural features which partially restrict views from those windows and reduce direct intervisibility with the proposed development.
- 16.10. Whilst the proposed development would increase the perception of overlooking when compared with the existing situation, the degree of overlooking would be moderated by these existing architectural features and would occur within a shared residential environment. There is already a perception of shared living within the existing building and this will be added to under the proposed development, sufficient to the extent that there is generally a lesser expectation to privacy that would be anticipated in a lower density location. Having regard to the nature of the accommodation, the existing relationship between buildings on the site and the degree of intervisibility that would result, on balance, Officers are satisfied that the proposal would not give rise to an unacceptable loss of privacy for occupiers of Swail House.

1-6 Hereford Close

- 16.11. Block B would be approximately 13 metres from the shared rear boundaries of 1-6 Hereford Close (to the east) and in excess of 21 metres from the rear facing windows serving those properties.
- 16.12. Whilst the proposed development would have a greater visual presence upon the occupiers of these neighbouring properties than the existing situation on the site, the rear to rear separation distances are sufficient to prevent the development from appearing unduly overbearing or resulting in an unacceptable loss of outlook.
- 16.13. The D&SA demonstrates that the principal rooms within 1 & 2 Hereford Close would retain between 82% and 100% of their existing daylight levels following completion of the proposed development. All assessed rooms satisfy the BRE criteria for daylight distribution, whilst the assessed windows also satisfy the BRE sunlight criteria, retaining 100% sunlight.

Officers are therefore satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the principle rooms associated with 1 and 2 Hereford Close.

- 16.14. With respect to sunlight impacts on the rear gardens, the D&SA demonstrates that the rear amenity areas serving 1 and 2 Hereford Close would continue to exceed the guidelines following completion of the development. The area of garden furthest from the dwellings (identified as A1) would continue to receive sunlight across 100% of its area, whilst the area closest to the dwellings (identified as A2) would experience only a marginal reduction from 80% to 79%. Both areas would therefore remain well in excess of the BRE guideline. Officers are therefore satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the rear gardens of Nos. 1 and 2 Hereford Close.
- 16.15. The D&SA does not include a specific internal daylight assessment of 3-6 Hereford Close. However, the assessment does include detailed daylight testing of 1 and 2 Hereford Close, which form part of the same terrace of properties and are located closest to the proposed development where there is compliance with the relevant BRE guidelines for daylight and sunlight.
- 16.16. Officers have also had regard to the relative position of 3 to 6 Hereford Close in relation to the proposed development. The submitted D&SA demonstrates that the rear gardens associated with 3 and 4 Hereford Close would retain the same proportion of sunlight following completion of the proposed development and continue to satisfy BRE guidance. Having regard to the separation distances involved, the findings of the daylight/sunlight assessment and the absence of any measurable increase in overshadowing to the rear gardens, Officers are satisfied that the proposal would not result in unacceptable harm to the living conditions of the occupiers of 1-6 Hereford Close by reason of loss of daylight, sunlight or overshadowing.
- 16.17. With regards to overlooking and loss of privacy, it is acknowledged that Block B would introduce primary windows and balconies that would be orientated towards the rear curtilage associated with 1-6 Hereford Close.
- 16.18. The proposed development would therefore increase the perception of overlooking when compared with the existing situation and occupiers of the proposed upper floor balconies would be able to obtain views into parts of the neighbouring rear gardens.
- 16.19. Notwithstanding this, Block B would be located approximately 13 metres from the shared rear boundaries of 1 to 6 Hereford Close and more than 21 metres from the rear-facing windows serving these properties. Whilst some overlooking of rear garden areas would occur, the separation distances are considered sufficient to safeguard the privacy of neighbouring habitable room windows.

- 16.20. Officers acknowledge that the proposed development would give rise to some reduction in the level of privacy of the rear curtilage currently enjoyed by neighbouring occupiers and this weighs against the proposal. However, having regard to the separation distances involved, the nature of the views obtained and the urban context of the site, the degree of overlooking is not so harmful as to warrant refusal of planning permission. On balance, Officers are satisfied that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of 1 to 6 Hereford Close.

52 & 53 Hereford Close

- 16.21. Block A would be located approximately 10 metres from the shared rear boundaries of 52 & 53 Hereford Close (to the north east) and in excess of 21 metres from the rear facing windows serving those properties. Whilst the proposed development would have a greater visual presence upon the occupiers of these neighbouring properties than the existing situation on the site, the separation distances are considered sufficient to prevent the development from appearing unduly overbearing or resulting in an unacceptable loss of outlook.
- 16.22. Whilst the D&SA demonstrates that the principal rooms within 52 & 53 Hereford Close would retain between 100% of their existing daylight levels following completion of the proposed development. All assessed rooms satisfy the BRE criteria for daylight distribution, whilst the assessed windows also exceeds the BRE sunlight criteria, retaining between 90% and 98% of existing sunlight levels. Officers are therefore satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the principle rooms associated with 52 & 53 Hereford Close.
- 16.23. With respect to sunlight impacts on the rear gardens, the D&SA demonstrates that the sunlight received would remain unchanged following completion of the development, continuing to retain the existing 77% (52 Hereford Close) and 61% (53 Hereford Close), which remains in excess of the BRE guideline. Officers are therefore satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the rear gardens of 52 & 53 Hereford Close.
- 16.24. With regards to overlooking and loss of privacy, it is acknowledged that Block A would introduce primary windows and balconies that would be orientated towards the rear curtilage associated with 52 & 53 Hereford Close. The proposed development would therefore increase the perception of overlooking when compared with the existing situation and occupiers of the proposed upper floor balconies would be able to obtain views into parts of the neighbouring rear gardens.
- 16.25. Notwithstanding this, Block A would be approximately 10 metres from the shared rear boundaries of 52 & 53 Hereford Close and more than 21

metres from the rear-facing windows serving these properties. Whilst some overlooking of rear garden areas would occur, the separation distances are considered sufficient to safeguard the privacy of neighbouring habitable room windows.

- 16.26. Officers acknowledge that the proposed development would give rise to some reduction in the level of privacy of the rear curtilage currently enjoyed by the occupiers of these neighbouring properties and this weighs against the proposal. However, having regard to the separation distances involved, the nature of the views obtained and the urban context of the site, the degree of overlooking is not considered so harmful as to warrant refusal of planning permission. On balance, Officers are satisfied that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of 52 & 53 Hereford Close.

11-12 The Cressinghams

- 16.27. Block B would be located approximately 4.6 – 4.9 metres from the shared rear boundaries of 11-12 The Cressinghams (to the north) and in excess of 21 metres from the rear facing windows serving those properties. Whilst the proposed development would have a greater visual presence upon the occupiers of these neighbouring properties than the existing situation on the site, the separation distances are considered sufficient to prevent the development from appearing unduly overbearing or resulting in an unacceptable loss of outlook.
- 16.28. The submitted D&SA does not identify 11-12 The Cressinghams as receptors requiring detailed internal daylight assessment. Officers note that these properties are to the north of Block B and are therefore less susceptible to impacts arising from obstruction of daylight and sunlight than those properties situated to the east and west of the site.
- 16.29. The D&SA does, however, consider the impact of the proposed development on the rear gardens serving these properties and whilst both rear gardens would experience small reductions of area receiving sunlight following completion of the proposed development (88% to 79% at 11 The Cressinghams and 90% to 84% at 12 The Cressinghams) both areas would remain well in excess of the BRE guidelines.
- 16.30. With regards to overlooking and loss of privacy, whilst Block B contains windows in its flank north elevation, these would be secondary windows to dual aspect rooms and would be conditioned to be obscurely glazed and non-opening below 1.7 metres in the event permission is granted.
- 16.31. In order to safeguard the privacy of the occupiers of 11 and 12 The Cressinghams, a condition is recommended requiring the installation and retention of 1.8 metre high privacy screens on the side elevations of the balconies facing towards the rear curtilage of those properties at first, second and third floor levels. Subject to the implementation of this

mitigation, Officers are satisfied that the proposal would not result in unacceptable overlooking or loss of privacy to the occupiers of these neighbouring properties.

Ashley Court

- 16.32. Block B would be positioned approximately 7.0 metres from the southern flank elevation of Ashley Court, (to the north) representing the closest relationship between the proposed development and this neighbouring building. The flank elevation facing the site does not contain any windows serving habitable rooms and, whilst the proposed building would be readily visible from Ashley Court, the orientation of the principal windows serving Ashley Court is such that views towards the proposed development would be experienced at an oblique angle. Having regard to this relationship, Officers are satisfied that the proposed development would not appear unduly overbearing or result in an unacceptable loss of outlook for the occupiers of Ashley Court.
- 16.33. The D&SA demonstrates that the majority of assessed rooms and windows would continue to receive acceptable levels of daylight and sunlight following completion of the development. However, in respect of daylight, one room identified as experiencing a moderate adverse transgression. This window is W7 (ground floor) which currently has an existing vertical sky component (VSC) of 35.59%, which substantially exceeds the BRE guideline value of 27%. Following completion of the development, the VSC would reduce to 19.50%, representing a retention of approximately 55% of its former value.
- 16.34. However, Officers note that the affected room that W7 benefits from a dual aspect arrangement and therefore receives daylight from more than one elevation. Whilst the proposed development would reduce the amount of daylight available at Window W7, the room would continue to derive daylight from its secondary windows, reducing the significance of the impact when considered in terms of the room as a whole. Harm nonetheless weighs in the planning balance.
- 16.35. Similarly, W4 (ground floor) and W1 (first floor) currently have existing VSC component of exceeds the BRE guideline value of 27%, which would be reduced to following completion of the development, the VSC would reduce to below BRE guidelines.
- 16.36. However, Officers note that W4 and W1 comprise a single pane within a larger bay window arrangement serving the room. Accordingly, the identified reduction relates only to part of the glazed opening and should not be taken as representative of the daylight available to the room as a whole. The affected rooms would continue to benefit from daylight entering through the remaining elements of the bay window, reducing the significance of the impact when considered in terms of the room as a whole.

- 16.37. In respect of sunlight, the submitted D&SA demonstrates that whilst several windows within Ashley Court would experience reductions in sunlight levels and do not satisfy all elements of the BRE sunlight assessment, the majority of windows remain compliant with the annual APSH criteria and all assessed windows would continue to receive direct sunlight. Having regard to the retained levels of sunlight, the limited extent of the identified transgressions and the overall conclusions of the submitted D&SA, Officers are satisfied that the proposal would not result in unacceptable harm to the living conditions of occupiers of Ashley Court.
- 16.38. The D&SA also demonstrates that the communal amenity space serving Ashley Court would continue to receive appropriate levels of sunlight, retaining 72% of its area with at least two hours of sunlight on 21 March, which remains above the BRE guideline of 50%.
- 16.39. With regard to overlooking and loss of privacy, owing to the orientation of the two buildings and the positioning of their respective windows, the proposed development would not result in direct overlooking of habitable room windows. Furthermore, the proposal would not give rise to harmful overlooking of the communal amenity areas associated with Ashley Court.

Stuart Lodge

- 16.40. Block A would be approximately 17 metres from the eastern flank elevation of Stuart Lodge (to the north west), whilst Block B would retain a distance of over 30 metres. Whilst the proposed development would have a greater visual presence upon the occupiers of these neighbouring properties than the existing situation on the site, the separation distances are considered sufficient to prevent the development from appearing unduly overbearing or resulting in an unacceptable loss of outlook.
- 16.41. The D&SA demonstrates that the principal rooms within Stuart Lodge would retain between 81% and 94% of their existing daylight levels at the window following completion of the proposed development. All assessed rooms satisfy the BRE criteria for daylight distribution, whilst the assessed windows also exceeds the BRE sunlight criteria, retaining between 78% and 95% of existing sunlight levels.
- 16.42. Officers are therefore satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the principle rooms associated with Stuart Lodge.
- 16.43. With respect to sunlight impacts on the rear gardens, having regard to the siting and orientation of the proposed development in relation to Stuart Lodge, Officers are satisfied that the proposal would not result in a noticeable increase in overshadowing or an unacceptable loss of sunlight to the rear garden serving this property.
- 16.44. With regards to overlooking and loss of privacy, it is acknowledged that Block A and Block B would introduce primary windows and balconies that

would be orientated towards Stuart Lodge. The proposed development would therefore increase the perception of overlooking when compared with the existing situation.

- 16.45. However, the retained separation distances and juxtaposition of Block A and Block B in relation to Stuart Lodge would safeguard the privacy of neighbouring habitable room windows and private amenity space.

General Amenity

- 16.46. The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirement of planning conditions in the event permission is granted.
- 16.47. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.
- 16.48. The supporting Landscape Strategy, prepared by Studio Bosk, reference 24.023-BOS-XX-XX-RP-L-9001, Rev P01 and dated February 2025 provides a high level lighting strategy. Any external lighting proposed as part of the development would need to be designed to minimise light spill and glare to neighbouring properties and the surrounding area. In the absence of detailed lighting proposals, there is insufficient evidence to conclude that the development would result in unacceptable light pollution. Should planning permission be granted, a condition requiring the submission and approval of an external lighting scheme could be imposed to ensure that neighbouring amenity is adequately protected,

17. Highway and Transport Impacts

- 17.1. The NPPF promotes a vision-led approach to transport planning, with Policies TR1 to TR4 of the NPPF seeking development that delivers safe, attractive and sustainable places whilst prioritising opportunities for walking, wheeling, cycling and public transport.
- 17.2. Policy TR6 of the NPPF confirms that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the transport network would be severe
- 17.3. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated

does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

- 17.4. Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement

17.5. Site Sustainability

- 17.6. The site is just south of the boundary of Epsom Town Centre and close proximity (less than 800m) to a number of medical, education, retail and community facilities, most of which are walking distance from the site. Those facilities further from the site (outside of 800m) such as some primary and secondary schools can be accessed by public transport links in close proximity to the site.
- 17.7. In term of public transport links, the nearest bus stops are situated 118m to the site and benefit from regular bus services. Epsom Railway Station is located 650m north of the site.
- 17.8. As the site has access to several public transport links, including Epsom Railway Station and several bus stops, as well as being with walking distance of key local facilities, the site is in a highly sustainable location.

17.9. Pedestrian and Vehicle Access

- 17.10. Policies TR3 and TR4 of the NPPF require development to provide safe and suitable access, prioritise sustainable modes of travel and minimise conflicts between different road users. These objectives are reflected in Policy CS16 of the Core Strategy and Policy DM10(x) of the DMPD.
- 17.11. The site is currently accessed by both vehicles and pedestrians from Heathcote Road. There are two access points that form a one way arrangement, with separate entry and exit points.
- 17.12. The proposal includes a new internal access road that would connect to the existing site access network. Given the physical constraints of the site, the provision of a separate footway alongside this new access would not be feasible, as it would conflict with the manoeuvring and tracking requirements of vehicles.
- 17.13. Consequently, a shared surface arrangement is proposed for both pedestrians and vehicles. To ensure the route remains legible and accessible, the pedestrian element of the shared surface would be clearly defined through the use of contrasting materials and surface treatments, enabling visually impaired users to distinguish pedestrian areas from vehicular space and navigate the site more effectively.
- 17.14. Furthermore, the route would serve a limited number of vehicle movements associated with the residential use of the site and the internal

layout has been designed to maintain low vehicle speeds and provide appropriate visibility.

17.15. The existing pedestrian access arrangements serving Swail House and providing connections to Ashley Road are retained as part of the proposed development. Accordingly, residents and visitors will continue to benefit from pedestrian access to Ashley Road and the wider footpath network. The proposal therefore maintains existing connectivity and is not considered to result in an unacceptable reduction in pedestrian accessibility.

17.16. The County Highway Authority has reviewed the proposed access arrangements and has raised no objection being satisfied that the shared surface arrangement can operate safely and accessibly for pedestrians and vehicles, including blind and partially sighted users.

17.17. Trip Generation

17.18. Whilst the TS includes a TRICS assessment of the proposed development, the assessment is based on a generic residential use. However, the proposed accommodation is specifically intended for blind and partially sighted residents, a demographic that is likely to have substantially lower levels of car ownership than the general population. Information provided by the RNIB on existing accommodation and car ownership indicates that car ownership amongst future residents may be as low as 3%, reflecting the reduced reliance on private vehicles.

17.19. Notwithstanding this, the TRICS database has been consulted using data from comparable residential developments in town centre locations to provide a robust and realistic assessment of the proposal's potential transport impacts.

17.20. The TS predicts that the proposed development would generate approximately 12 two-way vehicle movements during the AM peak period, 46 two-way vehicle movements during the PM peak period, and 109 two-way vehicle movements across the course of a typical day.

17.21. These figures represent a worst-case scenario, as they are derived from generic residential trip rates. Given the intended occupation of the development, actual trip generation is expected to be materially lower than that predicted by the TRICS assessment. Consequently, the likely impact of the development on the local highway network would be less than that identified within the TS.

17.22. The County Highway Authority is satisfied that the TRICS assessment provides a robust and proportionate basis for assessing the potential highway impacts of the proposed development. The proposed development would not result in a material impact on the capacity or operation of the surrounding highway network and the County Highway

Authority are satisfied that the residual cumulative impacts of the proposed development on the highway network would not be severe.

17.23. Car Parking

- 17.24. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum vehicle parking requirement of 1.0 space for 1–2-bedroom flats and expects new development proposals to meet these standards. The Council will only consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with their proposal would have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.
- 17.25. A residential development of 48 new units in the mix proposed would be expected to provide 48.0 vehicle parking spaces within the site to be policy compliant.
- 17.26. The proposal development would be served by 16.0 vehicle parking spaces. The TS sets out that this reduced level of parking reflects both the sustainable location of the site and the specific nature of the proposed development and the ownership levels typically around 3%. The proposed parking provision has therefore been informed by the anticipated travel characteristics of future residents and is considered appropriate to the needs of the development.
- 17.27. Applying the 3% ratio to the maximum estimated occupancy of the proposed development, based on the submitted housing mix (100 residents), would generate a requirement for 3.0 vehicle parking spaces.
- 17.28. In addition, the TS has considered staff parking requirements for the proposed development. These requirements are based on RNBI standards and indicate a need for 5.0 staff parking spaces. The County Highway Authority has raised no objection to the methodology used for calculating the level of staff parking proposed.
- 17.29. With regard to visitor parking, the TS notes that the RNIB applies a standard of 0.15 visitor spaces per unit, which results in a requirement for 7.0 visitor parking spaces to serve the development. Whilst Officers recognise that there is limited evidence to robustly justify this specific level of provision, they also acknowledge the site's highly sustainable location. Furthermore, given that the County Highway Authority has raised no objection to the methodology used for calculating the level of visitor parking proposed, Officers are satisfied that the amount of on-site visitor parking is acceptable.
- 17.30. The total requirement is 15.0 spaces. In light of the above, the provision of 16.0 parking spaces within the site to serve the proposed development is acceptable and sufficient to meet the anticipated parking demand arising from residents, staff and visitors. The proposed level of parking is also

considered appropriate having regard to the site's sustainable location and the absence of any objection from the County Highway Authority.

17.31. EV Charging

17.32. The TS confirms that electric charging infrastructure will be provided on site in accordance with the requirements of Building Regulations Part S. The County Highway Authority has further recommended that each of the proposed parking spaces be equipped with a fully operational fast-charging EV charging point. This provision can be secured by planning condition should planning permission be granted.

17.33. Cycle Parking

17.34. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

17.35. Secure cycle parking is proposed within a dedicated cycle store located along the eastern boundary of the site. The cycle store would provide a total of 20 cycle parking spaces, which is considered sufficient to meet the needs of the development. In addition, 10 short-stay visitor cycle spaces are proposed in the form of Sheffield stands, and this level of provision is also considered appropriate.

17.36. Whilst there is currently no cycle parking provision at Swail House and cycle use amongst residents with visual impairments is likely to be limited, the proposed cycle storage would support opportunities for sustainable travel where appropriate. This provision is therefore welcomed and would allow demand and uptake to be monitored over time.

18. Ecology and Biodiversity

18.1. Ecological Impact

18.2. Policies N1 and N2 of the NPPF seek to protect and enhance biodiversity, support nature recovery, minimise impacts on ecological interests and secure appropriate mitigation and enhancement measures where harm cannot be avoided. Policy CS3 of the Core Strategy and Policy DM4 of the DMPD similarly seek to conserve biodiversity and secure ecological enhancements within new development.

18.3. Regard must also be had to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), including the duty under Regulation 9 to exercise planning functions having regard to the objectives of the Regulations and the conservation of protected habitats and species. Protected species are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

- 18.4. The application is supported by an Ecological Impact Assessment, prepared by Native Ecology, reference 1609_R05_EcIA and dated 11 June 2026.
- 18.5. The assessment identifies that the site comprises existing buildings, areas of grassland, trees, woodland planting and hedgerows within an urban setting. No impacts on statutory designated nature conservation sites are anticipated and no further survey work is required in this regard.
- 18.6. The assessment also concludes that there is no requirement for further surveys or mitigation in relation to bats, great crested newts, reptiles, dormice, riparian mammals or flora, subject to the implementation of recommended precautionary measures for commuting and foraging bats, hedgehogs and nesting birds.
- 18.7. Following a walk over survey in January 2026, further survey work was undertaken for badgers. The surveys identified the presence of an active badger sett within the site. Whilst the proposed development would not directly affect the sett, construction activities would occur within 30 metres. The submitted mitigation strategy confirms that the sett would be closed under a Natural England badger development licence and replaced with an artificial sett, alongside appropriate mitigation and monitoring measures.
- 18.8. The Council's Ecologist has reviewed the submitted information and raises no objection to the proposed development, subject to conditions securing the recommended mitigation, biodiversity enhancements, and the necessary badger licensing requirements.
- 18.9. Officers are therefore satisfied that the proposal would not result in unacceptable harm to protected species or biodiversity interests and accords with Policy CS3 of the CS, Policy DM4 of the DMPD and the biodiversity objectives of the NPPF.

18.10. Biodiversity Net Gain

- 18.11. Schedule 7A of the Town and Country Planning Act 1990 requires most qualifying developments to deliver at least 10% Biodiversity Net Gain (BNG). In addition, Policies N1 and N2 of the NPPF seek to protect and enhance biodiversity, support nature recovery and strengthen ecological networks through the delivery of measurable biodiversity enhancements. The objective of BNG is to ensure that development leaves biodiversity in a measurably better state than before development and contributes towards the creation of more resilient and connected habitats.
- 18.12. The application was accompanied by a BNG Baseline Habitat Assessment prepared by Native Ecology, reference 1609_R04_Rev A_BNG Baseline Assessment and dated January 2026, Biodiversity Net Gain Assessment: Design Stage reference 1609_R06_Rev A_BNG Design Stage and dated January 2026 and the BNG Metric Tool.

- 18.13. The assessments demonstrates that the proposed development would result in a loss of 0.99 habitat units (equating to a 12.64% loss) and a gain of 0.03 hedgerow units (equating to a 22.75% gain). This would result in a biodiversity net gain loss.
- 18.14. To achieve the statutory requirement of a minimum 10% Biodiversity Net Gain, the applicant proposes to secure 1.76 off site biodiversity units from an accredited third-party provider.
- 18.15. In addition to the off site compensation, the development incorporates a range of on site biodiversity enhancements, such as native tree and hedgerow planting, species rich landscaping, biodiverse green roofs, habitat features for bats, birds invertebrates and small mammals. These measures would contribute towards enhancing the ecological value of the site and supporting biodiversity.
- 18.16. The Council's Ecologist has reviewed the submitted information and raises no objection to the proposed development, subject to conditions securing a Biodiversity Gain Plan, the delivery and long-term management of biodiversity enhancements, and the required off-site biodiversity units, Officers are satisfied that the proposed development is capable of achieving the statutory Biodiversity Net Gain requirement and complies with national and local biodiversity policies.

19. Flooding and Drainage

19.1. Flood Risk and Vulnerability

- 19.2. Policies CC3 and F1 of the NPPF seek to ensure that development is appropriately located and designed having regard to flood risk and the effects of climate change. Development should avoid increasing flood risk elsewhere and should incorporate suitable flood risk mitigation and sustainable drainage measures, where necessary, to manage surface water and reduce flood risk to acceptable levels both on and off site. These objectives are reflected in Policy CS6 of the Core Strategy and Policy DM19 of the DMPD.
- 19.3. The application is supported by a Flood Risk Assessment and Drainage Strategy, prepared by DHA, reference 34045/CS and dated March 2025.
- 19.4. In terms of fluvial flooding, the site is in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development would be wholly located in Flood Zone 1. As such the development has low risk of fluvial flooding.
- 19.5. Furthermore, the proposed access and egress from the site would also be within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.

- 19.6. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 19.7. In terms of pluvial flooding, the northern part of the site lies within the Critical Drainage Area. The FRA identifies the potential for groundwater flooding during periods of high groundwater levels. However, given the proposed site levels and finished floor levels, this is not anticipated to pose a significant risk to future occupants. Furthermore, as the development does not rely on infiltration drainage and incorporates a controlled attenuation-based drainage strategy, Officers are satisfied that the proposal would not increase flood risk either on or off site.
- 19.8. Notwithstanding the above, Thames Water has requested that a precautionary informative be attached to any planning permission granted, advising that any proposal to discharge groundwater into a public sewer will require a Groundwater Risk Management Permit from Thames Water and prior approval required where surface water is to be drained into the public sewer. The applicant's attention will therefore be drawn to these requirements by way of an informative in the event planning permission is granted.

19.9. Sustainable Drainage

- 19.10. Policies F1 and F8 of the NPPF seek to ensure that development is safe from flood risk for its lifetime and does not increase flood risk elsewhere. In particular, Policy F8 promotes the use of Sustainable Drainage Systems (SuDS) as part of an integrated approach to managing surface water, requiring runoff to be managed as close to its source as reasonably practicable and encouraging measures that reduce flood risk, improve water quality and provide wider environmental benefits. These objectives are reflected in Policy CS6 of the Core Strategy and Policy DM19 of the DMPD.
- 19.11. The site is underlain by clay, silt and sand deposits and is therefore not considered suitable for infiltration-based drainage. The proposed drainage strategy incorporates SuDS, including lined porous paving, green roofs, a below-ground cellular attenuation tank and a controlled discharge to the existing combined sewer network.
- 19.12. Although the Lead Local Flood Authority are not satisfied at this stage that the outline drainage proposal demonstrates compliance with the requirements of the NPPF are met, suitable conditions are recommended to secure full details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development, in the event permission is granted.

19.13. Foul Water

- 19.14. Foul water would be collected via a gravity drainage network and discharged to the existing sewer system through a new pumping station. Thames Water have confirmed that with regards to sewage treatment works capacity, they raise no objection to the proposed development.

20. Contamination and Remediation

- 20.1. Policies P1, P2 and L1 of the NPPF seek to ensure that land is suitable for its proposed use, taking account of land contamination, ground conditions and instability. These objectives are reflected in Policy DM17 of the DMPD.
- 20.2. The site's history indicates that parts of the site and surrounding area have been subject to potentially contaminative uses, including made ground, infilled land, former pits, historical industrial activities and electricity substations.
- 20.3. The application is supported by a Phase 1 Geo-Environmental Report, reference 101494, Rev P01 and dated August 2024.
- 20.4. The report identifies potential contamination risks associated with made ground, historic infilling and ground gases. Whilst the preliminary risk assessment concludes that the overall risks are generally low to moderate, the report recommends intrusive site investigation and ground testing to confirm ground conditions, assess the presence of contamination, and determine any necessary remediation measures.
- 20.5. The site is located within Source Protection Zone 1 and an area of groundwater vulnerability. The report also identifies moderate groundwater flood risk and the potential for historical chalk mining and dissolution features associated with underlying chalk geology. As such, further geotechnical investigations are recommended to establish the suitability of the ground for the proposed development.
- 20.6. The report concludes that the site is suitable for redevelopment in principle, subject to the undertaking of appropriate intrusive investigations and, where necessary, the implementation of any mitigation or remediation measures identified through those investigations.
- 20.7. The Council's Contamination Officer has reviewed the supporting report and is satisfied that these matters can be appropriately addressed through conditions requiring site investigation, risk assessment, remediation and verification prior to development commencing, in the event permission is granted.

21. Refuse and Recycling Facilities

- 21.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 21.2. The proposed development incorporates a dedicated refuse and recycling store located within the site. The facility has been designed to accommodate the anticipated waste and recycling requirements arising from the proposed development and is positioned to allow convenient access for future residents whilst enabling collection arrangements.
- 21.3. The Council's Transport and Waste Services Manager has reviewed the refuse/recycling arrangements and considers them to be acceptable in terms of capacity, storage, and access.

22. Environmental Sustainability

- 22.1. 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.
- 22.2. The application is supported by a Sustainability and Energy Statement, prepared by Icení and dated March 2025, which demonstrates that the proposed development has been designed to minimise energy demand and reduce carbon emissions through a fabric-first approach, incorporating high levels of insulation, efficient building design and measures to limit heat loss. The scheme also includes renewable energy generation through roof-mounted solar photovoltaic panels and the use of air source heat pumps to provide low-carbon heating and hot water.
- 22.3. The proposed development is intended to operate as an all-electric scheme, removing the need for fossil fuel heating. In addition, a range of sustainability measures are proposed, including green roofs, water efficiency measures, sustainable drainage features and electric vehicle charging infrastructure.
- 22.4. Overall, the submitted information demonstrates that the proposed development has incorporated a range of sustainable design and energy efficiency measures that seek to reduce carbon emissions and environmental impacts.

- 22.5. Officers are satisfied that the development accords with Policy CS6 of the CS and the sustainability objectives of the NPPF. In the event planning permission is granted, these sustainable design measures would be secured by way of a condition.

23. Accessibility and Equality

- 23.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development.
- 23.2. The design and layout of the buildings is such that all rooms are accessible for future users and lift access affords level access to each floor of the building. One accessible space is provided, equivalent to 6% of total spaces, which is policy compliant.
- 23.3. The Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief.
- 23.4. The proposed development would provide specialist accommodation designed to meet the needs of people who are blind or partially sighted, a group protected under the disability provisions of the Equality Act 2010.
- 23.5. The scheme would replace outdated accommodation with modern, accessible homes designed to support independent living, wellbeing and social inclusion. The proposal would therefore make a positive contribution towards advancing equality of opportunity for people with disabilities by providing accommodation that better meets their needs in an accessible and sustainable location. Officers are satisfied that the proposal would not result in any disproportionate adverse impacts on persons with protected characteristics and that the development would support the Council's duties under the Equality Act 2010.

24. Planning Obligations and Community Infrastructure Levy

- 24.1. The NPPF requires decision-makers to consider whether development that would otherwise be unacceptable can be made acceptable through the use of planning conditions or planning obligations. Any such measures must be necessary, directly related to the development and fairly and reasonably related in scale and kind to the proposed development.
- 24.2. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.

- 24.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings.

CONCLUSION

25. Planning Balance

- 25.1. The site lies within a settlement as defined by Appendix B of the NPPF and therefore falls to be assessed against Policy S4. Policy S4 establishes a presumption in favour of development within settlements, subject to compliance with the national decision-making policies of the NPPF taken as a whole and any relevant policies of the Development Plan.
- 25.2. In determining the application, regard must be had to the benefits and impacts of the proposal when assessed against the relevant national decision-making policies of the NPPF and the Development Plan. Where harm is identified, this must be weighed against the benefits arising from the proposal, having regard to the statutory presumption in favour of sustainable development.
- 25.3. The NPPF promotes sustainable development as its overarching objective, seeking to achieve economic, social and environmental gains in mutually supportive ways. This approach is reflected in Policy CS1 of the Core Strategy, which requires development to contribute positively to sustainable development whilst protecting and enhancing the natural and built environment.

25.4. Social Considerations

- 25.5. The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This benefit is given **significant weight** in the planning balance.
- 25.6. The proposal would make efficient use of a brownfield site for an identified housing need. Notwithstanding the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit attracts **moderate weight** in the planning balance.
- 25.7. The existing building is ageing and no longer provides specialist accommodation that fully meets modern expectations for accessibility, layout and resident wellbeing. The proposed development secures the long-term future of specialist accommodation on the site in a form that is better suited to current and future occupiers. This benefit is given **significant weight** in the planning balance.

- 25.8. The proposal would deliver a scheme comprising 100% affordable housing, which attracts **significant positive weight** in the planning balance, particularly in the context of the identified need for affordable housing within the Borough. However, it is acknowledged that the proposed development would feasibly result in a net loss of four affordable housing units when compared to the existing provision on the site. This reduction in affordable housing stock weighs against the proposal but as it does not form part of the application, it does not attract further weight in the planning balance.
- 25.9. Notwithstanding this, the proposed development would maintain the site's affordable housing use and deliver high-quality replacement accommodation that better meets modern standards and the needs of future occupiers. **Significant weight** is attached to the continued benefit of provision of affordable housing and the wider benefits arising from the redevelopment of the site.

25.10. Economic Benefits

- 25.11. The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this benefit is given **minor weight** in the planning balance.
- 25.12. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Borough because of the highly sustainable location close to Epsom Town Centre and therefore, this benefit is given **minor weight** in the planning balance.

25.13. Environmental Benefits

- 25.14. Whilst the proposal would result in an overall on-site loss of habitat biodiversity units, it incorporates a range of biodiversity enhancements including the retention of woodland, the retention of a number of mature trees, the planting of 25 new trees, new native hedgerows and biodiverse green roofs. The statutory requirement for a minimum 10% biodiversity net gain would be secured through a combination of on-site measures and the purchase of off-site biodiversity units. Accordingly, Officers attach **moderate weight** in planning balance in favour of the proposal in respect of biodiversity enhancements.

25.15. Social Adverse Impacts

- 25.16. The scheme would result in the loss of an open market dwelling and the proposed development is specifically designed to provide specialist accommodation to meet the identified needs of older persons. Whilst this would not replace the loss of open market housing on a like-for-like basis,

the provision of specialist accommodation would contribute towards meeting a distinct housing need and would assist in freeing up existing housing stock elsewhere within the Borough. Officers consider that **moderate weight** can be attached to this harm.

25.17. Officers acknowledge the social value of the accommodation currently occupied by the Epsom and Ewell Talking Newspaper. However, no evidence has been provided to demonstrate that the organisation would be unable to continue operating should redevelopment proceed. Officers consider that **negligible weight** can be attached to this harm, as there is insufficient evidence to demonstrate that the service itself would be lost or cease to operate as a direct consequence of the proposed development.

25.18. The failure to provide a compliant housing density is attributed **limited weight** in light of the Council's decision to limit the weight to the housing density policy.

25.19. The failure to provide a policy compliance housing mix is attributed **limited weight**, given the Government's aim to efficiently utilise brownfields sites in sustainable locations.

25.20. The proposed development would result in some adverse effects on neighbouring occupiers, principally in terms of changes to outlook, reductions in daylight and sunlight to a limited number of windows, and an increased perception of overlooking. However, these impacts would be contained within acceptable limits, with the majority of neighbouring properties continuing to enjoy an acceptable standard of residential amenity. Subject to the proposed mitigation measures, the harm to neighbouring amenity attracts **moderate weight** against the proposal in the overall planning balance.

25.21. Conclusion

25.22. In determining the application, substantial weight has been given to the presumption in favour of sustainable development in accordance with Policy S3 of the NPPF. The site lies within a settlement where Policy S4 establishes a presumption in favour of development, subject to compliance with the relevant national decision-making policies and consideration of all other material planning considerations.

25.23. Whilst the proposal would result in some moderate and limited adverse impacts, Officers conclude that these do not outweigh the benefits arising from the development. Having regard to the Development Plan, Policies S3 and S4 of the NPPF and all other material considerations, the proposal is considered to represent an acceptable and sustainable form of development for which planning permission should be granted.

25.24. Accordingly, the application is recommended by Officers for approval.

RECOMMENDATION

PART A

To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:

- c) Retention of Affordable Specialist Accommodation
- d) Biodiversity Net Gain Monitoring Fee of £6000

and the following conditions and informatives

PART B

If the Section 106 Agreement referred to in Part A is not completed by 10 March 2027, the Head of Place Development is authorised to refuse the application for the following reason:

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

CONDITIONS

1. Time Limit

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

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

2. Approved Details

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

20.019 0001.000 P1 Location Plan
20.019 0100.000 P4 Proposed Site Plan
20.019 0300.000 P2 Proposed Elevations (1)
20.019 0301.000 P2 Proposed Elevations (2)
20.019 0302.000 P2 Proposed Elevations (3)
20.019 0200.000 P2 Proposed Ground Floor Plans
20.019 0201.000 P2 Proposed First Floor Plans
20.019 0202.000 P2 Proposed Second Floor Plans
20.019 0203.000 P2 Proposed Third Floor Plans
24.023-BOSK-XX-XXX-DR-L-1000 P04 Roof Plan

20.019 0103.000 P1 Proposed Refuse Collection Strategy Plan
20.019 0104.000 P1 Proposed Parking Strategy Plan

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

Pre-Commencement Conditions

3. Materials

No development shall commence unless and until details of the external materials to be used for the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.

4. Ground Contamination

Following any necessary demolition and prior to the commencement of any further development above ground, 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 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 designed and submitted to the Local Planning Authority for approval.

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

5. SuDS Details

No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels. Where infiltration is proposed confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.8 l/s.
- c) Detailed design drawings for all drainage elements including cross sections and detailed drainage layout plan.
- d) 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.
- e) Details of drainage management responsibilities and maintenance regimes for all drainage elements.
- f) 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.

The approved details shall be implemented during the construction of the development and thereafter maintained.

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

6. Tree Protection Plan and Arboricultural Method Statement

No development (including demolition and all preparatory work) shall take place until a detailed tree protection plan and arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details

Reason: To protect the trees adjacent to the 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 Document 2015.

7. Badger Licence

No development, including site clearance, groundworks or demolition works, shall commence until either:

- a) a licence authorising the works affecting badgers and/or badger setts has been obtained from Natural England and a copy of the licence has been submitted to the Local Planning Authority; or
- b) written confirmation from a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority demonstrating that a licence is not required.

The development shall thereafter be carried out in full accordance with the approved licence and any associated mitigation, compensation, monitoring and management measures.

Reason: To ensure the protection of badgers and their setts, which are protected under the Protection of Badgers Act 1992, and to preserve and enhance biodiversity in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015.

Pre-Above Ground Conditions

8. Habitat Management and Monitoring Plan

No above ground development shall commence unless and until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved statutory biodiversity gain plan has been submitted to, and approved in writing, by the Local Planning Authority and including:

- 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.

No occupation shall take place until the habitat creation and enhancement work set out in the approved HMMP have been completed; and a completion report, evidencing the completed habitat enhancements, has been 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 and Policy DM4 of the Development Management Policies Document 2015.

9. Off-Site Biodiversity Net Gain

No above ground development shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that sufficient off-site biodiversity units have been secured to achieve the statutory biodiversity net gain requirement for the development. The submitted details shall include:

- a) the number and type of biodiversity units secured;
- b) details of the off-site biodiversity gain site(s);
- c) evidence that the off-site biodiversity gains have been secured for a minimum period of 30 years through a legal agreement, conservation covenant, allocation on the Biodiversity Gain Site Register, or other mechanism approved by the Local Planning Authority

Reason: To secure the delivery of the required biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), the Environment Act 2021 and relevant development plan policies

10. Underground Services

No development shall commence above ground level until details of all proposed underground services, including drainage runs, water supply, gas, electricity, telecommunications and any associated infrastructure, have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the installation of underground services will not adversely affect retained trees, including their Root Protection Areas (RPAs), and shall include any necessary special engineering solutions and arboricultural supervision requirements. The approved works shall thereafter be carried out in full accordance with the approved details.

Reason: To protect the trees adjacent to the 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 Document 2015.

11. Landscaping

No development above ground level shall commence unless and until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

Pre Occupation Conditions

12. Vehicle Access

No part of the development shall be first occupied unless and until the proposed vehicular access to Swail House from Heathcote Road has been constructed and provided with pedestrian priority and visibility zones in general accordance with the approved plan 34045-H-01 Rev P1, subject to possible alterations as part of a Road Safety Audit and technical review.

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

13. Pedestrian Inter-Visibility Splay

The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the modified vehicle access to Heathcote Road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

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

14. Parking/Turning

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved

plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

15. Electric Vehicle Charging Points

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

Reason: To promote sustainable and safe travel choices, ensure appropriate accessibility and connectivity, and support sustainable development in accordance with the relevant transport and connectivity policies of the National Planning Policy Framework, and to comply with Policies DM35 and DM36 of the Development Management Policies Document 2015.

16. Cycle Store Details

Prior to first occupation of development hereby permitted, details of cycle facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- (i) High quality, secure, lit and covered cycle parking for a minimum of 20 bikes;
- (ii) Charging point(s) with timer(s) for e-bikes within said facilities;
- (iii) Clear hardstanding routes between the cycle stores and the site access and;
- (iv) 20% of all bikes (including disabled and adaptive cycles) within communal storage areas should be able to be charged at any one time. 5% of communal cycle storage spaces should cater for disabled/adaptive cycles

Thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable and safe travel choices, ensure appropriate accessibility and connectivity, and support sustainable development in accordance with the relevant transport and connectivity policies of the

National Planning Policy Framework, and to comply with Policies DM35 and DM36 of the Development Management Policies Document 2015.

17. Refuse/Recycling Store Details

Prior to first occupation of development hereby permitted, the refuse/recycle stores within the development site shall be provided and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.

18. Drainage Verification Report

Prior to first occupation of development hereby permitted, a verification report shall be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified. Provide the details of any management company. Provide an 'As-Built' drainage layout and state the national grid reference of key drainage elements.

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

19. Contamination Verification Report

Prior to first occupation of development hereby permitted, the approved remediation scheme prepared under Condition 4 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

20. Privacy Screening

Prior to first occupation of development hereby permitted, details of 1.8 metre high privacy screens to the side elevations of the far north balconies on Block B at first, second and third floor level shall be submitted to and approved in writing by the Local Planning Authority to protect the private amenities of future occupiers. The approved privacy screening shall be installed in accordance with the agreed details prior to the first occupation of the

proposed development and maintained and retained as such unless otherwise agreed in writing by the Local Planning Authority.

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

21. Boundary Treatments

Prior to first occupation of the development hereby permitted, details of all boundary treatments, including fences, walls, railings, gates, retaining structures and soft boundary features, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to the first occupation of the development and thereafter retained.

Reason: To secure a satisfactory appearance and safeguard the character and visual amenities of the area, in accordance with Policies DM10 and DM12 of the Epsom and Ewell Development Management Policies Document 2015.

Compliance Conditions

22. Monitoring of Habitat Management and Monitoring Plan

Habitat Management and Monitoring Plan monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan in Condition 8.

Reason: To secure measurable biodiversity net gain and ensure the conservation and enhancement of biodiversity, in accordance with Schedule 7A of the Town and Country Planning Act 1990, the relevant biodiversity policies of the National Planning Policy Framework and Policy DM4 of the Development Management Policies Document 2015

23. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Sustainability and Energy Statement, prepared by Icení and dated March 2025, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

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

24. Compliance with Ecological Survey

The proposal shall be carried out in strict accordance with the conclusions and recommendations of the of the Ecological Impact Assessment Native Ecology, reference 1609_R05_EcIA and dated 11 June 2026.

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

25. Badger Mitigation

The development shall be carried out in accordance with the badger mitigation measures contained within the Appendix 1 of the Ecological Impact Assessment Native Ecology, reference 1609_R05_EcIA and dated 11 June 2026. Any variation to these measures shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard badgers and their habitats during construction and operation of the development, having regard to the Protection of Badgers Act 1992, Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies Document 2015

26. Obscure Glazing

The first, second and third floor window in the north elevation of Block B shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut unless the parts of the window/s 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 unless otherwise agreed in writing by the Local Planning Authority.

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

27. External Lighting

No external lighting shall be installed on the site unless and until details of a scheme of external lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, height, design, luminance levels and beam orientation of all external lighting and shall demonstrate how light spill, glare and sky glow will be minimised. The approved scheme shall be implemented prior to first occupation of the development and thereafter retained and maintained in accordance with the approved details.

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

28.Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

INFORMATIVES

1) Positive and Proactive Discussion

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

2) Building Control

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

3) Burning of Material

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

4) 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.

5) 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.

6) 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.

7) 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.

8) 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).

9) Works to the Highway

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. In instances where the applicant is not the Highway Authority the applicant is advised that a permit and, potentially, 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 (including Stats connections/diversions required by the development itself or the associated highway 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/permits-and-licences/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.

10) 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.

11) Highway Drainage

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.

12) Construction Traffic

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance, obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of

construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

13) Design Works to the Highway

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

14) Electric Vehicle Charging Points

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

15) Electric Bike Charging Points

It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in [a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises.

16) Tree Works

The applicant should inform the Council's Tree Officer on 01372 732000 or 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.

17) Ordinary Watercourse

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

18) Sub Ground Structures

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

19) Thames Water Public Sewers Build Over Agreements

Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>. Please ensure to apply to determine if a build over agreement will be granted.

20) Thames Water Groundwater Risk Management Permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

21) Thames Water Surface Water Connection

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer to our website: <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

22) Thames Water Mains Water

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

23) Thames Water Source Protection Zone

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

24) Fire Risk Assessment

Compliance with the compliance with Building Regulations 2010 will normally ensure the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design. Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>. Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.

25) Fire Safety Information

Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.

26) Passive Fire Protection Measures

Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. We recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.

27) Automatic Water Suppression Systems (AW SS) and Automatic Fire Suppression Systems (AFSS)

Surrey Fire and Rescue Service (SFR S) would strongly recommend that consideration is given to the installation of AW SS/AFSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:

- protect life;
- protect property, heritage, the environment and our climate;
- help promote and sustain business continuity; and
- permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AW SS/AFSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

28) 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.

29) 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.

30) 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 100m² or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100m². The levy is charged at £125/m², 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.

PLANNING APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	April-August 2026
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	02/09/2026
Appeals Determined	21 (including linked appeals) – 17 dismissed (81%)
Costs Appeals Determined	1 costs application by EEBC (Awarded)

SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	185 Kingston Road, Ewell	25/00010/ENF	APP/P3610/C/25/3362490	CoU to motorcycle repairs (enf notice)	Dismissed
2	The Ridge, Epsom	26/00033/REF	APP/TPO/P3610/10380	Felling of multiple trees	Part dismissed
3	Rear of 11 Woodlands Road, Epsom	25/00009/ENF	APP/P3610/C/25/3361942	CoU of outbuilding to dwelling (enf notice)	Upheld
4	59 The Warren, Worcester Park	26/00003/REF	6004288	Change to roof form	Upheld
5	20-38 East Street, Epsom	26/00012/REF	6005100	Communications hub	Upheld
6	20-38 East Street, Epsom	26/00011/REF	6005099	Communications hub	Upheld
7	6A Church Street, Epsom	26/00010/REF	6005096	Communications hub	Dismissed
8	6A Church Street, Epsom	26/00009/REF	6005095	Communications hub	Dismissed
9	34 - 36 Upper High Stret, Epsom	26/00013/REF	6005154	Communications hub	Dismissed
10	34 - 36 Upper High Stret, Epsom	26/00015/REF	6005155	Communications hub	Dismissed
11	Outside Tesco Express, Epsom	26/00014/REF	6005158	Communications hub	Dismissed
12	Outside Tesco Express, Epsom	26/00016/REF	6005159	Communications hub	Dismissed
13	6 Chalk Lane, Epsom	26/00017/REF	6005459	Side and rear extension	Dismissed
14	6 Chalk Lane, Epsom	26/00018/REF	6005460	Side and rear extension	Dismissed
15	McDonalds, 36-40 High Street, Epsom	26/00019/REF	6005504	Extension to trading hours	Dismissed
16	346 Chessington Road, West Ewell	26/00020/REF	6005543	Relocation of access	Dismissed
17	344 Chessington Road, West Ewell	26/00026/REF	6006829	Relocation of access	Dismissed
18	8 Barrow Hill Close, Worcester Park	26/00021/REF	6006086	Rear first floor balcony	Withdrawn

19	242 Ruxley Lane, West Ewell	26/00022/REF	6006119	LED signage	Dismissed
20	5 Corner House Parade, Ewell	26/00025/REF	6006368	Replacement shopfront	Upheld
21	11 Danetree Road, West Ewell	26/00024/REF	6006401	Conversion to 1 bed unit	Dismissed
22	56 Harefield Avenue, Cheam	26/00023/REF	6006399	Front porch extension	Dismissed
23	60 West Hill, Epsom	26/00028/REF	6007822	New door and windows	Dismissed
24	405 Kingston Road, Epsom	26/00029/REF	6007964	CoU of offices to dwelling	Dismissed
25	405 Kingston Road, Epsom	26/00029/REF	6007964 (Costs)	CoU of offices to dwelling	Full Costs Awarded to EEBC
26	Prestwyche, 62 West Drive, Cheam	26/00047/REF	6011820	Double hip to gable and rear dormer	Upheld
27	14 Edenfield Gardens	26/00006/REF	6004918	Front wall and gate	Dismissed

DETAILS

1. 185 Kingston Road, Ewell (dismissed - notice upheld)

- 1.1. The appeal relates to an enforcement notice requiring the cessation of the use of the retail premises for a motorcycle repair workshop. An enforcement notice was issued on 3 March 2025. Following discussion with the Planning Inspectorate, the grounds for the appeal was whether there was in fact a material change of use of the land. The appellant's argument was that the use was small scale and local and that there was no change of use from Class E, having regard to the previous use as a computer repair shop. As a matter of fact and degree, the Inspector agreed with the Council that the types of activities constituted a Class B Industrial use and the appeal against the notice failed. The notice has since been complied with.

2. The Ridge, Epsom (part dismissed)

- 2.1. The appeal related to an application for tree works to 42 protected trees covered under TPO96 at The Ridge in Epsom. The Council refused consent to fell T1379 Sweet Chestnut and Lime T1338 due to lack of justification and a denuding of the streetscene and granted lesser works to numerous other trees. Due to progression of decay in the Lime, approval was granted for the removal of this tree, with the agreement of the Council. The Inspector agreed with the Council with respect to the Sweet Chestnut. As such, the appeal was part upheld.

3. Rear of 11 Woodlands Road, Epsom (upheld – notice quashed)

- 3.1. The appeal related to an enforcement notice issued by the Council in relation to the unauthorised change of use of an approved outbuilding for use as a single dwelling. The Council's notice required cessation of the use of the outbuilding as a dwelling. The appeal related to grounds (b), (c) and (d), in that the incorrect planning unit was

indicated and that the breach had not occurred on account of it being more than four years since the breach occurred. The Council contended that the correct time period was 10 years as it was a breach of condition.

- 3.2. The appeal was upheld and the notice was quashed. The Inspector agreed with the appellant that the planning unit was incorrectly specified and should have specified the fenced area of the dwelling rather than inclusive of the existing host dwelling. The Inspector also agreed that the correct time period was four years because the Council had not referenced that the notice related to a breach of condition. There was sufficient evidence to indicate that the change of use occurred more than four years before the notice was issued.

4. 59 The Warren, Worcester Park (upheld)

- 4.1. Planning permission was granted in December 2023 for single storey front, side and rear extensions. The development was then constructed not in accordance with the approved plans. Enforcement involvement followed and a s73 variation application was submitted. The Council refused the application arguing that the changes to the height and form of the eaves and the main ridge had a detrimental impact on the character of the area, which consists mostly of bungalows. The Inspector did not agree and upheld the appeal.

5. 20-38 East Street, Epsom (upheld)

- 5.1. The appeal related to a double-sided LED advertising screen. The Council refused the application, as it has done so on all other similar applications” due to the harm to the character of the area, namely clutter. The Inspector did not agree, noting that “Given the mixed nature of commercial uses in the surrounding area, other advertisements and signage, in combination with the road’s busy character arising from its proximity to the town centre, I do not find the proposal would be at odds with the local character, but would reinforce it.”
- 5.2. The Inspector differentiated this appeal from a previous dismissed appeal further along East Street by stating that “this Hub would be positioned away from the bus stop and associated items.” The appeal was upheld. Concerns raised by objectors in relation to harm to the listed building and harmful exposure were dismissed.

6. 20-38 East Street, Epsom (upheld)

- 6.1. The appeal related to an advertisement consent for the same works and was upheld.

7. 6A Church Street, Epsom (dismissed)

- 7.1. The appeal related to a communications hub/illuminated advertising structure on Church Street. The Council refused the application because of clutter to the streetscene and because there was a lack of detail to confirm that there would not be noise impact to nearby residents because the facility could be used to make phone calls.

- 7.2. The Inspector agreed on both counts, noting that “scale and location it would appear as a dominant and incongruous feature and would introduce visual clutter to an otherwise restrained and uncluttered street scene” and “I cannot be satisfied on the basis of the evidence submitted that the hub would not cause undue disturbance to residents, particularly during the evening and overnight when background noise levels may be relatively low.”
- 7.3. The public benefit, including provision of WiFi etc and removal of other payphones in Epsom, were given moderate and limited weight respectively. On the latter, the Inspector agreed that the two payphones to be removed were too far from the site to provide any real benefit. Like two other appeal decisions for this location, the appeal was dismissed.

8. 6A Church Street, Epsom (dismissed)

- 8.1. The appeal related to an advertisement consent for the same works and was dismissed.

9. 34 - 36 Upper High Stret, Epsom (dismissed)

- 9.1. The appeal related to a double-sided LED advertising screen. The Council refused the application due to the harm to the character of the area, namely clutter. The Inspector did not agree, noting that “Due to its overall size, solid appearance and prominent location adjacent to a busy road, the proposed street hub would appear dominant and discordant in the street scene” and that “There is no substantive evidence that this additional illumination would improve public safety in a town centre location with street lighting.” The appeal was dismissed, including when having regard to public benefits, which were limited in their nature but did include the removal of unused phone boxes elsewhere in the borough.

10. 34 - 36 Upper High Stret, Epsom (dismissed)

- 10.1. The appeal related to an advertisement consent for the same works and was dismissed.

11. Outside Tesco Express, Epsom (dismissed)

- 11.1. The appeal related to a double-sided LED advertising screen. The Council refused the application due to the harm to the character of the area, namely clutter but also due to harm to living conditions (noise from people using the facility). The Inspector did have regard to a recent appeal decision allowing a similar advertising screen in very near proximity. This had been erected and taken into account when considering the surrounding context.
- 11.2. The subject appeal was for a 600mm taller and 100mm wider screen and “despite its modern design with a narrow profile, its significant height and overall scale would result in an overly prominent addition to the area”. The Inspector did not agree with the Council with respect to any harm to living conditions.

- 11.3. The appeal was dismissed, including when having regard to public benefits, which were limited in their nature such as provision of public facilities such as WiFi and USB charging.

12. Outside Tesco Express, Epsom (dismissed)

- 12.1. The appeal related to an advertisement consent for the same works and was dismissed.

13. 6 Chalk Lane, Epsom (dismissed)

- 13.1. The appeal relates to a two-storey extension to the rear of a Grade II listed building. The reasons for refusal referred to harm to the listed building and that of adjoining listed buildings at 2, 4, 8 and 10 Chalk Lane and the impact on living conditions of 4 Chalk Lane (outlook).
- 13.2. In an extensive decision, the Inspector noted that “Drawing these matters together then, I find that the proposal taken as a whole would not preserve the host listed building 6 Chalk Lane and there would be harm to its special interest and significance. There would also be harm to the special interest and significance of 2 and 4 Chalk Lane. However, I do not identify harm to the significance of 8 and 10 Chalk Lane” but not that there would be adverse harm to the outlook of 4 Chalk Lane. In assessing “low level” less than substantial harm, the extent of public benefits was cited as improved living conditions and restoration of the listed building, both dismissed as not having any real evidence. The appeal was therefore dismissed.

14. 6 Chalk Lane, Epsom (dismissed)

- 14.1. The appeal related to a listed building consent application for the same works. The appeal was considered as a linked appeal.

15. McDonalds, 36-40 High Street, Epsom (dismissed)

- 15.1. The appeal related to a s73 application to vary a 1987 permission limiting trading at McDonalds to 6am-1am, with the variation seeking trading 24 hours a day. The Council refused the application owing to noise, antisocial behaviour and pedestrian safety (parking of delivery bikes on the footpath).
- 15.2. On noise, the Inspector referred to the Noise Report and concluded that “customers would make their way to and from the premises on foot and motorised delivery scooters would arrive and leave with their drivers waiting outside at times when they do not currently do so.” On anti-social behaviour, the Inspector had regard to objections from Surrey Police and the Council’s EH team and agreed that “The appeal scheme would attract customers after clubs and public houses have closed. It would result in people remaining in the area for longer than at present, increasing the risk of ASB and undermining initiatives to address this issue”. On pedestrian safety, it was accepted that SCC did not object to the application on these grounds but “I cannot be certain that the proposal would not result in motorised scooters being

driven onto and parked on the footway during the extended hours of operation, causing an obstruction and danger to pedestrians.”

- 15.3. Economic growth, employment and local spend was noted as a public benefit. Whilst referring to other appeal decisions, the Inspector noted the noise issues were significant and the overall harm did not outweigh the benefits and the appeal was dismissed.

16. 34 Chessington Road, West Ewell (dismissed)

- 16.1. On the backland site is a single storey dwelling, approved at appeal in 2019. It was approved with vehicular access via Danetree Close and has since been constructed but is not occupied. Access is no longer possible via Danetree Close as it includes land not within their ownership.
- 16.2. This application instead sought to have access via an existing driveway to Chessington Road. The driveway already existed and served the neighbouring property. The Council refused the application, stating that they could not consider an application where no development was being proposed. The Inspector agreed, noting that it “does not comprise building or engineering operations, a material change in the use of the land or any other type of works included within the meaning of development in section 55 of the Act.” The appeal was dismissed.

17. 344 Chessington Road, West Ewell (dismissed)

- 17.1. The appeal relates to providing access to the same backland site. The s73 application proposed to use the existing driveway to Chessington Road, without complying with the approved conditions which required access and splays onto Danetree Close. The Council refused the application because it would have substantially altered the red line plan of the approved scheme. The Inspector agreed, noting that “I conclude that the proposal would require a change to the red line boundary. As such it falls outside the scope of section 73 of the Act⁵, and therefore a new planning application is required.”

18. 8 Barrow Hill Close, Worcester Park (rejected)

- 18.1. The appeal relates to a part one/part two storey rear extension. The Council refused the appeal, in part, because it extended over the boundary onto neighbouring land and the correct service of Certificate B on the adjoining landowner was not provided. The Planning Inspectorate refused to consider the appeal on these grounds.

19. 242 Ruxley Lane, West Ewell (dismissed)

- 19.1. The appeal site is Save Petrol Station on the primary intersection of Chessington Road and Ruxley Lane. The application proposed a 6m x 3m LED advertisement screen sitting 1.5m above the ground. The Council refused the application on account of harm to the area, citing that the signage was excessively large and tall. The Inspector agreed, dismissing the appeal, noting that “it would appear visually dominant due to its scale and elevated position. Furthermore, its effect would be

accentuated by the illuminated screen and rotating images which would inevitably draw the eye as a feature that is not characteristic of the area” and it “would be visually discordant within the predominantly residential surroundings.”

20. 5 Corner House Parade, Ewell (upheld)

20.1. The shopfront is at the end of a row of shops at Corner House Parade. Enforcement investigations indicated that the shopfront was altered without planning permission, and an application was submitted to regularise the works. The Council refused the application due to harm to the Conservation Area. The Inspector accepted that “the loss of the reeded glass transom lights is unfortunate as is the use of non-traditional materials, although I acknowledge the appellant’s contention that the state of disrepair of the frontage and its thermal inefficiency required replacement” but also argued that it should “be balanced against the fact that the overall design retains much of the appearance of the original and that the wider character of the parade of shops reflects substantive change over time.” The appeal was upheld.

21. 11 Danetree Road, West Ewell (dismissed)

21.1. The application sought approval for the conversion of a roof space as a 1 bed dwelling, with side dormer, rooflights and solar panels. The Council refused the application owing to over development – materialising in the top-heavy development, lack of outdoor amenity space and lack of on-site parking. The Inspector concurred on all counts, dismissing the appeal with the following observations:

- The dormer would “disrupt the generally consistent and unaltered roofscape to the front in the street scene”
- “It has not been demonstrated that there are site-specific or insurmountable constraints which would prevent the provision of suitable amenity space for future occupiers”
- “Given the limited availability of on-street parking in the vicinity, and the anticipated high level of traffic activity during school pick-up and drop-off periods, the failure to provide a dedicated off-street parking space, contrary to the advice in the SPD, would likely add to parking stress on the surrounding streets.”

22. 56 Harefield Avenue, Cheam (dismissed)

22.1. The appeal relates to a pitch extension, with the main issue being its impression on the character of the area. Whilst most houses on the street had porches, “the form to further depart from the established character of the street and area”. The appeal was dismissed.

23. 60 West Hill, Epsom (dismissed)

23.1. The application proposed uPVC windows and doors to the front elevation of a dwelling in the Stamford Green Conservation Area. It was refused due to harm to the Conservation Area. The Inspector agreed, noting that “Given the prominence of the front elevation in key townscape views, these alterations are materially at odds with

the established character and appearance of the semi-detached pair and the wider cohesive group, where the prevailing form is that of timber-framed sliding sash windows.”

- 23.2. The Inspector noted that other properties in the area had uPVC windows but also argued that there was no evidence in relation to what policies these were approved under or whether any permission existed. Thermal performance and insulation were considered as a public benefit but there was no substantial evidence illustrating that they were installed on these grounds.

24. 405 Kingston Road, Epsom (dismissed)

- 24.1. The appeal related to the change of use of an existing office building to the rear of the site to a residential dwelling. The reasons for refusal and issues in the appeal were the loss of an employment use and substandard internal space. It was largely identical to an application dismissed at appeal in October 2025.
- 24.2. In that application, the appellant failed to demonstrate that the employment use had been marketed appropriately, and the Inspector dismissed the appeal in part because of a failure to comply with policy. A new application was submitted and the issue remained unresolved. Owing to the previous appeal decision, the appeal was dismissed.

25. 405 Kingston Road, Epsom (full costs awarded)

- 25.1. The Council sought a full award of costs on account of this being the third such appeal of this nature (with two in the past 12 months), with no attempt to address the key reason for refusal – that there was no marketing evidence that the office use could not be let. The Inspector agreed, awarding a full award of costs.

26. Prestwych, 62 West Drive, Cheam (upheld)

- 26.1. The Council refused an application for a double hip to gable conversion with rear dormer and front rooflights because it cumulatively caused a top-heavy development. The Inspector disagreed, finding no real harm “regardless of being seen from adjacent gardens and the playing fields to the north the development.”

27. 14 Edenfield Gardens, Worcester Park (dismissed)

- 27.1. The appeal related to an application for the replacement of an existing front wall of about 45cm high with a brick pier wall to 1.65m high with metal gates. The Council refused the application because it was out of context on a street of low walls and fences. The Inspector dismissed the appeal, noting the importance of reinforcing local distinctiveness and character. An enforcement notice will follow if the fence is not removed.

CURRENT APPEALS

Over page

Planning Committee Appeals Performance
10 September 2026

Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00385/TPO	23/00007/COND	Pending	Valid	Rear of Burnside, Vernon Close, West Ewell	Felling of Oak (T19 of TPO 77 and T12 of TPO 317)
22/01810/TPO	23/00019/REF	Pending	Valid	21 Chartwell Place, Epsom	Felling of Ash
23/00302/TPO	23/00031/REF	Pending	Valid	5 Poplar Farm Close, W Ewell	Part tree removal
24/00800/TPO	24/00045/REF	APP/P3610/W/24/3353162	Received	1 Park Farm Court, West Ewell	Crown reduction
24/01001/TPO	24/00049/NONDET	Pending	Received	Ridgecourt, The Ridge, Epsom	Tree works
25/01064/CLP	25/00027/REF	APP/P3610/X/25/3375600	Pending	107 Hookfield, Epsom	Hip to gable conversion
25/01068/CLP	25/00029/REF	APP/P3610/X/25/3376179	Pending	27A Chartwell Place, Epsom	Hip to gable conversion (CLP)
25/00606/CLP	25/00026/REF	APP/P3610/X/25/3375637	Pending	12 Stoneleigh Cres, Stoneleigh	Widening of crossover
23/00109/BOC	26/00002/ENF	APP/P3610/C/26/3377542	Pending	87-89 Amis Avenue, Epsom	Enforcement notice
25/01096/REM	26/00005/REF	6004732	Pending	57 - 61 High Street, Ewell	Approval of materials
25/01366/FLH	26/00006/REF	6004918	Pending	14 Edenfield Gardens, Worcester Park	Front wall and change to hardstanding
25/00535/HEG	26/00007/REF	APP/HH/2385	Site Visit 16 Sep	19 West Gardens, Ewell	High hedge appeal
25/01321/CLP	26/00008/REF	APP/P3610/X/26/3377886	Pending	8B The Hawthorns, Ewell	Hip to gable extension
25/00846/OUT	26/00027/REF	6006971	Inquiry 15 Sept	Farm View, Langley Vale Road, Epsom	110 dwellings (outline)
25/01418/OUT	26/00031/REF	6010565	Pending	11 Ruxley Close, West Ewell	New dwelling (outline)
26/00128/REM	26/00030/REF	6010546	Pending	39 Gayfere Road, Stoneleigh	Change to materials and design
26/00415/TPO	26/00032/REF	6010959	Pending	5 Malvern Court, Epsom	Reduce Corsican Pine
25/01418/OUT	26/00031/REF	6010565	Pending	R/o 11 Ruxley Close, Epsom	New dwelling (outline)
26/00222/T56	26/00046/REF	6011454	Pending	Cheam Road, Cheam	New telecommunications mast
26/00439/FLH	26/00045/REF	6011091	Pending	20 Bradford Drive, Ewell	Side extension, hip to gable, rear extension
26/00325/FLH	26/00048/REF	6013947	Pending	9 Buxton Close, Epsom	Garage conversion
26/00367/FUL	26/00049/REF	6014057	Pending	64 High Street, Epsom	Communications hub
26/00368/ADV	26/00050/REF	6014058	Pending	64 High Street, Epsom	Communications hub
26/00325/FLH	26/00048/REF	6013947	Pending	9 Buxton Close, Epsom	Garage conversion
26/00160/FUL	26/00052/NONDET	6014713 (non-determination)	Received	107 Dorking Road, Epsom	New dwelling
26/00416/LBA	26/00051/NONDET	6014731 (non-determination)	Received	11 Woodcote Road, Epsom	Damp proofing and windows

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MONTHLY ENFORCEMENT REPORT

Report	Summary of Incoming and Closed Enforcement Cases by Month
Period	April to August 2026
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	27/08/2026

SUMMARY

The following table indicates the current live enforcement cases, those opened (received) and closed (resolved) at the end of each month.

2024	Live	Opened	Closed	Net
February	305	41	54	-13
March	286	17	42	-25
April	278	22	7	+15
May	286	29	45	-16
June	299	32	22	+10
July	283	27	52	-25
August	273	51	52	-1
September	270	27	34	-7
October	265	18	20	-5
November	248	20	36	-17
December	242	13	21	-6
Total		305	346	
2025	Live	Opened	Closed	Net
January	257	18	2	+15
February	249	18	26	-8
March	239	20	20	-10
April	254	18	15	+15
May	255	24	21	+1
June	244	17	28	-11
July	275	26	11	+31
August	280	37	18	+5
September	279	25	34	-1
October	288	31	12	+9
November	290	17	15	+2
December	274	11	27	-16
Total		257	275	
2026	Live	Opened	Closed	Net
January	272	17	19	-2
February	276	18	14	+4
March	236	30	61	-31
April	249	19	16	+3
May	261	18	4	+14

June	253	29	36	-7
July	276	38	17	+21
August (to date)	247	26	55	-29
Total (to date)		131	222	

The following table indicates the reasons for the closure of each case during the second quarter of 2026:

Closure Reason	April-June 2026
Planning Application submitted	10
Duplicate Case	5
No Breach - Permitted Development	2
No Breach - complies with Permission	3
No Breach - Not Planning Related	1
Planning Application approved	
Breach has ceased	7
Voluntary Compliance	4
Appeal Submitted	3
Appeal Granted	
No Breach - Not Development	
No Breach - Other	3
Not Expedient	
Transferred to SCC	2
Transferred to Env Health	
Immune from Enforcement	3
Notice Served	
Unable to Contact Complainant	1

PLANNING PERFORMANCE REPORT

Report	Summary of Planning Performance by Quarter
Period	April to June 2026
Author	Simon Taylor, Head of Development Management and Planning Enforcement
Date of Report	27/08/2026

SUMMARY

The following table outlines the Council's performance statistics for the processing of major, minor and other applications for the most recent quarter (July to September 2024), as measured against government performance standards and against past quarters since 2021.

Type	Year	Quarter	Total	In Time	% In Time	Target
Major	2021	Q1	3	2	67%	60%
		Q2	2	1	50%	
		Q3	7	1	14%	
		Q4	0	0	100%	
	2022	Q1	6	5	83%	
		Q2	3	3	100%	
		Q3	5	5	100%	
		Q4	3	3	100%	
	2023	Q1	3	3	100%	
		Q2	1	1	100%	
		Q3	4	4	100%	
		Q4	1	1	100%	
	2024	Q1	5	5	100%	
		Q2	3	3	100%	
		Q3	4	4	100%	
		Q4	4	4	100%	
	2025	Q1	5	5	100%	
		Q2	3	3	100%	
		Q3	1	1	100%	
		Q4	5	5	100%	
	2026	Q1	3	3	100%	
		Q2	0	0	NA	
		Q3				
		Q4				
Minor	2021	Q1	23	10	43%	65%
		Q2	17	1	6%	
		Q3	24	1	4%	
		Q4	25	2	8%	
	2022	Q1	65	33	51%	
		Q2	35	31	89%	
		Q3	39	31	79%	
		Q4	38	33	87%	

Type	Year	Quarter	Total	In Time	% In Time	Target
	2023	Q1	21	19	90%	
		Q2	39	34	87%	
		Q3	35	28	80%	
		Q4	40	35	88%	
	2024	Q1	36	32	89%	
		Q2	35	31	89%	
		Q3	25	24	96%	
		Q4	31	30	97%	
	2025	Q1	27	24	89%	
		Q2	36	36	100%	
		Q3	24	22	92%	
		Q4	35	34	97%	
	2026	Q1	30	27	90%	
		Q2	22	20	91%	
		Q3				
		Q4				
Other	2021	Q1	148	86	58%	80%
		Q2	162	52	32%	
		Q3	130	21	16%	
		Q4	129	9	7%	
	2022	Q1	300	115	38%	
		Q2	188	181	96%	
		Q3	180	170	94%	
		Q4	124	120	97%	
	2023	Q1	139	135	97%	
		Q2	133	129	97%	
		Q3	132	121	92%	
		Q4	117	106	91%	
	2024	Q1	113	109	96%	
		Q2	140	135	96%	
		Q3	141	136	96%	
		Q4	104	104	100%	
	2025	Q1	110	104	95%	
		Q2	142	134	94%	
		Q3	119	114	96%	
		Q4	130	124	95%	
	2026	Q1	118	104	88%	
		Q2	112	101	91%	
		Q3				
		Q4				

UPCOMING APPLICATIONS REPORT

Report	Summary of Likely Applications to be Heard at Planning Committee
Period	Through 2026
Author	Simon Taylor, Head of Development Management and Planning Enforcement
Date of Report	02/09/2026

SUMMARY

App No	Address	Proposal	Reason	Likely Meeting
26/00002/ FUL	South of Oak Glade, Epsom	Residential care home	Major	5 Nov
26/00880/ LBA	The Lodge, Bourne Hall, Spring Street, Ewell	Restoration and repairs to The Lodge	Council app	5 Nov
26/00287/ S106A	Langley Bottom Farm, Langley Vale Road, Epsom	Variation to AH obligations	Called in	5 Nov

Note: The National Scheme of Delegations comes into effect on 31 October 2026. This necessitates a change to the Council's Constitution and Scheme of Delegations, which may affect any items being considered at Planning Committee from 31 October 2026 onwards.

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