

Planning Committee
10 July 2025

Planning Application
Number: 25/00290/FUL

**25/00290/FUL 6A Bucknills Close, 11A And 13 Whitehorse Drive,
Epsom, KT18 7NE**

Application Number	25/00290/FUL
Application Type	Full Planning Permission (Minor)
Address	6A Bucknills Close, 11A and 13 Whitehorse Drive, Epsom, KT18 7NE
Ward	Woodcote and Langley Vale Ward
Proposal	Demolition of residential dwelling at 6A Bucknills Close and office building at 13 Whitehorse Drive and the construction of nine residential units (3 x 2-bed and 6 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements.
Expiry Date	23 June 2025
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Number of Submissions	9
Reason for Committee	Called in by Member of the Council
Case Officer	Gemma Paterson, Development Management Team Leader
Contact Officer	Simon Taylor, Planning and Enforcement Manager
Plans, Documents and Submissions	Available at Bucknills Close
Glossary of Terms	Available at Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The application has been called to the Planning Committee by the Ward Councillor, Councillor Liz Frost for the following two planning reasons:

Highways Safety and Conflict with Vehicles and Pedestrians

The proposed access arrangements are still unsatisfactory and unsafe for pedestrians, in conflict with Policy CS16 of the Core Strategy 2007 and policies DM16, DM36 and DM37 of the Development Management Plan 2015.

Inadequate Waste Collection Facilities

The lack of adequate waste management, highlighted by the strong objection from the Transport and Waste manager. The applicant's proposal for a private waste contractor is not satisfactory. The Council has a statutory duty to collect domestic, household waste, and would have no control over the arrangements by a private contractor. These arrangements might, at any time present or future, change (as might the regulatory requirements) and prove unsatisfactory – and it would then fall to EEBC to provide the service as per regulations.

- 1.2. Members may recall that the second of two recent applications on part of this site involved the erection of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping, and access arrangements (24/00107/FUL) was refused by Members of the Planning Committee on 18 April 2024 for reasons relating to highway safety and waste management.
- 1.3. The refusal was subsequently appealed to the Planning Inspectorate and dismissed, with the Inspector upholding Members reason for refusal relating to highway safety but overturning the reason for refusal relating to waste management.
- 1.4. In upholding the reason for refusal on highway safety grounds, the Inspector considered the driveway towards White Horse Drive would potentially remain the principal pedestrian route for the new development and that there would be insufficient space for a pedestrian and a vehicle to pass safely along the driveway, concluding that the proposed access arrangements would not be safe for all users, particularly pedestrians, in conflict with National and local policy.
- 1.5. In addressing the second reason for refusal on waste grounds, the Inspector was satisfied that there was evidence that an appropriate solution for refuse collection could be conditioned and that on its own, the

matter would not justify withholding planning permission. For members benefit, the appeal decision is attached at Appendix 1.

- 1.6. In considering the current application, the scheme before Members is for nine units on a larger site area, with six of the units proposed identical in terms of location, layout and design to the scheme proposed under application 24/00107/FUL. These matters did not form a reason for refusal.
- 1.7. The larger site area is as a result of including the existing commercial unit at 13 Whitehorse Drive within the scheme and part of the curtilage associated with 11a Whitehorse Drive, which would accommodate a wider entrance from Whitehorse Drive and the widening the majority of the access road, with a limited section of the access between 11a and 15 Whitehorse Drive retaining the existing narrow access.
- 1.8. The proposal would result in the loss of the employment land that has associated adverse impacts to neighbouring properties, which would be a benefit of the scheme to be weighed in the planning balance.
- 1.9. The proposed development would contribute eight net gain units 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 would be a benefit of the scheme to be weighed in the planning balance.
- 1.10. The proposal would represent the optimal use of a vacant brownfield site for an identified housing need. This would be a benefit of the scheme to be weighed in the planning balance.
- 1.11. The proposal would provide 6 larger family market homes, meeting a need as identified in the latest evidence of the Housing and Economic Needs Assessment (HEDNA). This would be a benefit of the scheme to be weighed in the planning balance.
- 1.12. The proposal would not cause harm to the significance of an existing Grade II Listed Wall that partially encloses the south of the site.
- 1.13. The proposal would meet the National and local requirements for internal floor area and would therefore provide an acceptable level of internal amenity for future occupiers.
- 1.14. The site is located within a main settlement that is near to public transport and within walking distance of the town centre, which offers a mode of transport other than the private car. The site is therefore in a good suitable location in sustainable transport terms for new residential uses.
- 1.15. Subject to conditions in the event that planning permission is granted, the County Highway Authority has raised no objection to the scheme in respect of additional traffic generation.

- 1.16. The proposal involves widening the majority of the existing access road from 3.0m to 4.8 metres, which is achievable as a result of the larger site area including part of the curtilage of 11 Whitehorse Drive and 13 Whitehorse Drive. Passing places are also proposed at the entrance to the access road and adjacent to 13b White Horse Drive. Subject to a condition to secure the provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible and that the access road is shared use and surfacing that promotes such use (Condition 9), the County Highway Authority has raised no objection to the scheme in respect of pedestrian safety.
- 1.17. The proposal would be fully compliant with the Council's Residential Parking Standards and Policy DM37 of the DMPD.
- 1.18. The layout, scale, form and design of the proposed development would reflect the characteristics of the context that surrounds it.
- 1.19. It has been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a significant harmful impact on neighbouring residential amenity, subject to conditions to prevent new windows in the future.
- 1.20. The proposal would accord with the Council's policies in relation to ecology, flood risk, land contamination and environmental sustainability.
- 1.21. The Council currently does not have a 5-year housing land supply. This means that the presumption in favour of sustainable development (paragraph 11 of the NPPF, also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 1.22. The provision of private amenity space within this scheme would not be wholly sufficient to meet the recreation needs of future occupiers and would represent an adverse impact to be weighted in the planning balance.
- 1.23. Whilst the Council's Transport and Waste Manager has raised a concern against the scheme in terms of recycling/refuse collection, a private waste collection is proposed, whilst would be secured by a Section 106 Agreement that would effectively absolve the Council's statutory duty to collect refuse and recycling from the development in perpetuity.
- 1.24. Overall, this Agenda Report will demonstrate that whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

PROPOSAL

2. Description of Proposal

2.1. The proposal involves the following works:

- The demolition of the existing single storey bungalow at 6a Bucknills Close and the demolition of the existing single story commercial unit at 13 Whitehorse Drive
- The erection of 9 residential units, comprising a terrace of three units, two pairs of semi-detached units and two detached units.
- Plot 1 would comprise a three-bedroom detached unit featuring a gable roof and measuring 6.4 metres in width, 8.3 metres in depth, with an overall height of 9.0 metres.
- Plots 2 and 3 would comprise a pair of two-bedroom semi-detached units featuring a barn hipped roof and measuring 10.6 metres in width, 10.2 metres in depth, with an overall height of 9.5 metres.
- Plots 4 and 5 would comprise a pair of three-bedroom semi-detached units featuring a barn hipped roof and measuring 12.5 metres in width, 12.2 metres in depth with an overall height of 9.0 metres.
- Plots 6-8 would comprise a terrace of 3 no. three bedroom units measuring 17.5 metres in width, 13.0 metres in depth, with an overall height of 9.0 metres.
- Plot 9 would comprise a two-bedroom detached unit featuring a barn hipped roof measuring 8.6 metres in width, 6.0 metres in depth, with an overall height of 7.0 metres
- Pedestrian and vehicular access is via the existing access from White Horse Drive, with a new segregated gated route for future occupiers proposed to the rear of the site, which would link to an existing public footpath (Footpath FP69)
- 15 vehicle parking spaces would be provided within the site to serve the proposed development
- Associated works, including hard and soft landscaping, bin storage and cycle storage

2.2. The application was amended on 14 June 2025 to revise room layouts and finished floor levels. As these amendments altered the description of the proposal, third parties were notified of the amendments on the 18 June 2025.

3. Key Information

	Existing	Proposed
Site Area	0.30 ha	
Units	1	9 (net gain of 8)
Floorspace	165 m ²	1020m ²
Number of Storeys	1	2-2.5
Density	5 units per hectare	30 units per hectare
Affordable Units	N/A	Nil
Car Parking Spaces	10	15
Cycle Parking Spaces	2	18

SITE

4. Description

- 4.1. The main site measures 0.30 hectares and contains an existing single storey dwelling and a number of ancillary residential outbuildings and a single storey commercial unit. The southern boundary is partially enclosed with a Grade II Listed Wall.
- 4.2. The site is accessed partially via a shared drive from Whitehorse Drive, before the access becomes private to the site. The access road is shared with two residential properties (13a and 13b White horse Drive) and one commercial unit. (13 Whitehorse Drive) which is a general builders office and yard. 13 Whitehorse Drive will be assumed into the subject site.
- 4.3. Bounding the rear (west) of the site is a public footpath that provides access from Bucknills Close to Dorking Road.

5. Constraints

- Built Up Area
- Grade II Listed Building (Boundary Wall)
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (highly suitable habitat)
- Contaminated Land (unknown filled ground)
- Critical Drainage Area
- Flood Zone 1
- Access onto unclassified road

6. History

6.1.6A Bucknills Close

App No.	Description	Status
24/00107/FUL	Demolition of residential dwelling at 6A Bucknills Close and the construction of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements.	Refused 19/04/2024 Appeal Dismissed 26/03/2025
23/00577/FUL	Demolition of residential dwelling at 6A Bucknills Close and the construction of six residential units (1 x 2-bed, 2 x 3-bed and 3 x 4-bed) (Class C3) together with car parking, landscaping and access arrangements.	Refused 16/11/2023 Appeal Dismissed 19/12/2023

6.2.13 Whitehorse Drive

25/00139/PDCOU	Prior Approval Schedule 2, Part 3, Class MA: Change of Use from Commercial, Business and Service (E) to Residential (C3) to create 1 dwelling.	Refused 09/04/2025
23/00179/FUL	Increase in roof height to create additional office floor space served by front and rear dormer windows and side and rear roof lights.	Approved 08/09/2023
12/00251/FUL	First floor extension to form additional office accommodation	Approved 27/07/2012
05/00863/FUL	Erection of a new raised roof to facilitate use of first floor	Approved 22/12/2005
05/00421/FUL	Erection of a new raised roof, to facilitate use of first floor	Refused 11/10/2005

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Councils Transport and Waste Manager	Objection
Council's Tree Officer	No objection received
Council's Ecologist	No objection subject to conditions

Consultee	Comments
Councils Land Contamination Officer	No objection subject to conditions
External Consultees	
County Highway Authority	No objection subject to conditions
Lead Local Flood Authority	Recommends condition in event of permission granted
Nature Space	No response received
Public Consultation	
Neighbours	<p>The application was advertised by means of notification to 46 neighbouring properties, concluding on 21 April 2025.</p> <p>9 submissions were received. They raised the following issues (summarised):</p> <p><u>Highways</u></p> <ul style="list-style-type: none"> • Whitehorse Drive already suffers from excessively high levels of traffic due to peak traffic flow of it serving two schools and also acting as an overflow to Epsom Hospital parking. Proposal would further increase traffic. • Additional traffic generation from the proposed development would cause congestion and would be dangerous for pedestrians, particularly school children • Would seriously affect the safe access and egress of vehicles to Whitehorse Drive. Vehicles committed to turning into the access road from Whitehorse Drive would need to reverse back out if met by a vehicle from the proposed development, a dangerous situation for all road users • At least two parking spaces will be lost by the proposed double yellow lines on Whitehorse Drive and dropped kerb at 11a Whitehorse Drive • The access would still have a pinch point not wide enough for two cars to pass • Concerns that the supporting document from BWC Fire Limited suggests that the 3.1m width is acceptable though it is less than the normal minimum requirement of 3.7m, and more misleadingly, that a fire engine could turn within the parking area. • No parking for visitors to the proposed development causing further on street parking issues for Whitehorse Drive <p><u>Officer Comment:</u> Whilst the highway requirements are discussed in Section 19 of this agenda report, Officers would like to provide some clarity on some of the concerns raised.</p>

Consultee	Comments
	<p>The proposal does not involve the removal of any parking restrictions (which includes double yellow lines) on Whitehorse Drive.</p> <p>Surrey Fire Authority were consulted on previous iterations of this scheme and raised no concerns in respect of the access and turning provision within the to the site.</p> <p><u>Design/Character</u></p> <ul style="list-style-type: none">• The proposal amounts to overdevelopment• Will result in a material change to the character of Whitehorse Drive <p><u>Officer Comment:</u> The design of the proposed development and its impact upon the character of the area is discussed in Section 17 of this agenda report.</p> <p><u>Neighbouring Amenity</u></p> <ul style="list-style-type: none">• Overlooking from Plot 1 to 7 Orchard Gardens• Overlooking from Plot 9 to 13a Whitehorse Drive• Construction and traffic noise• Noise associated with the residential development once operational <p><u>Officer Comment:</u> The impact of the proposed development upon the private amenities of the occupiers of surrounding neighbouring properties are discussed in Section 18 of this agenda report.</p> <p><u>Waste collection</u></p> <ul style="list-style-type: none">• The problem with the unacceptable drag distance for refuse disposal remains and the risk of personal injury or improper disposal only increases with more houses involved. <p><u>Officer Comment:</u> Waste collection was considered by the Planning Inspector in the most recent appeal and found to be acceptable. As discussed in Section 21 of this agenda report, it is also acceptable in this proposal.</p> <p>On 16 June 2025, the original scheme was amended as follows:</p> <ul style="list-style-type: none">• The proposed housing mix was amended from the original submission of 3 x 2 bedroom units, 3 x 3 bedroom units and 3 x 4 bedroom units to the scheme under current

Consultee	Comments
	<p>consideration. The description of the application had been amended to reflect this.</p> <ul style="list-style-type: none"> Minor changes in finished floor levels to Plots 4-8 to reflect an updated drainage strategy. <p>The amendments were advertised by means of notification to 46 neighbouring properties, concluding on 03 July 2025.</p> <p>2 submissions were received at the time of the publishing of the agenda. These two submissions did not raise any new material concerns beyond those previously raised and summarised above.</p>
Woodcote Residents Association	<p>Objection</p> <p>This latest application still fails to provide safe and adequate access arrangements to this backland site and still fails to provide satisfactory refuse collection arrangements.</p> <p>The revised layout from the previously refused residential redevelopment schemes addresses one aspect of the previous Inspectors' concerns about vehicles having to reverse back onto Whitehorse Drive when a vehicle may be exiting from the site at the same time, through the provision of a waiting space near the entrance off Whitehorse Drive.</p> <p>Nevertheless, the configuration of the site means that there is still a 27m length of access road near to its junction with White Horse Drive that has a width of only 3.1m.</p> <p>Given this narrow width there would be insufficient space for a pedestrian and a vehicle to pass safely along the driveway. The likelihood of pedestrians regularly using the driveway is increased by the 3 (or 4) additional dwellings from the previous appeal dismissal schemes.</p> <p>In addition, the fact that the appellants have had to provide a direct pedestrian link through to Bucknills Close, to try and address pedestrian/vehicular conflict and refuse collection issues, means that inevitably many pupils from the extensive Ebbisham estate will be attracted to walk through the site as the shortest route to the adjacent Rosebery School. The potential for conflict between vehicles and pedestrians especially at the start and end of the school day is of particular concern.</p> <p>Also concerned that the layout fails to provide adequate waste management arrangements for the occupants. This concern is heightened by the response by the Council's Waste</p>

Consultee	Comments
	<p>Management Officer who strongly objects to refuse & recycling collections being undertaken by a private waste contractor.</p> <p>This is because all arrangements must be satisfactory to the Council in order to provide for potential future collections to be made by the Council under its statutory duty</p> <p><u>Officer Comment:</u></p> <p>The access to the direct pedestrian link from the footpath from will be gated and for the use of the future occupiers of the development only. This would prevent pupils from Ebbisham estate from walking through the proposed development to Rosebery School.</p> <p>A Section 106 Agreement to secure a private waste collection would absolve the Council from its statutory duty as a refuse and recycling waste collector of the proposed development.</p>

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Planning Policy

7.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS8: Broad Location of Housing Development
- Policy CS11: Employment Provision
- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM16: Backland Development
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM24: Employment Uses Outside of Existing Employment Policy Areas
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

7.4. Supplementary Planning Documents and Guidance

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

7.5. Other Documentation

- Council's Strategic Flood Assessment – Level 1 Report 2024
- Technical Housing Standards – Nationally Described Space Standards 2015
- Surrey Transport Plan 2022–2032
- Surrey Design Guide – Technical Appendix 2002
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments 2023
- Epsom & Ewell Borough Council Housing and Economic Development Needs Assessment 2023 (HEDNA)
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

8. Planning Background

23/00577/FUL - Six Unit Scheme



8.1. In November 2023, Officers refused planning permission under delegated authority for the erection of six units and 12 vehicle parking spaces on part of the site for the following reasons (summarised):

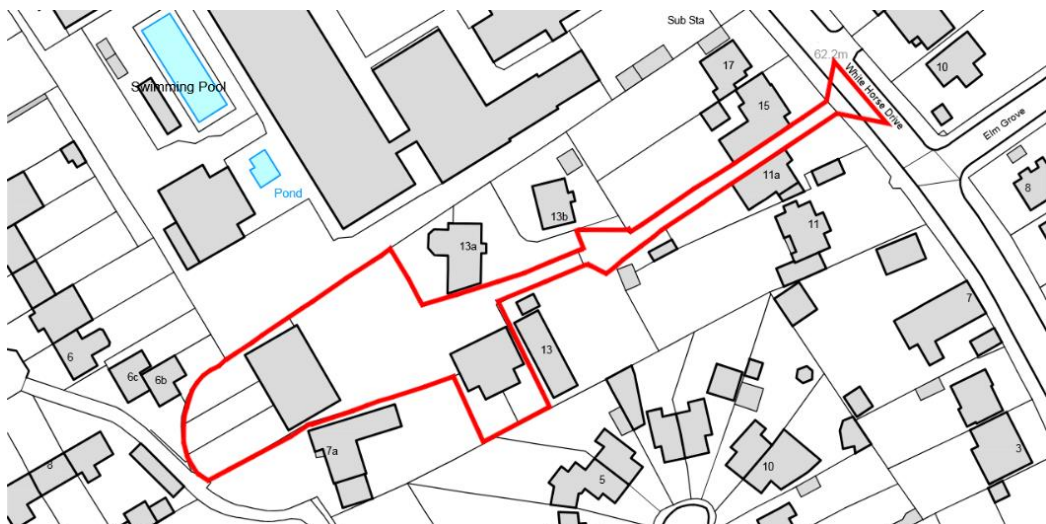
- Inadequate space within the site to accommodate both vehicle and pedestrians in a safe manner and the absence of any 'passing space' would result in vehicles reversing out onto the highway in an area of high pedestrian activity, resulting in risk of collision between vehicles and pedestrians
- Failure to demonstrate that the conflict with vehicle parking policy would not have a harmful impact in terms of impact on street scene or availability of on street parking
- Insufficient replenishment landscape provision to mitigate substantial tree loss on the site and failure to demonstrate that the landscaping proposed could be fully established long term due to root growth constraints.

8.2. The application was subsequently appealed and dismissed in September 2024¹. In dismissing the appeal, the inspector concluded that (summarised):

¹ Appeal Ref. APP/P3610/W/23/3335744

- The access to Whitehorse Drive would not operate safety for both drivers and pedestrians with the proposed development in place and would therefore fail to provide safe access for existing and future users and would have an unacceptable effect on highway safety.
- As a result of ample off-street parking provision in other streets and the evidence of car ownership levels, the proposal would provide a sufficient level of parking and would not conflict with parking policy
- The layout provides sufficient separation distance between new tree planting and built form, and that regular tree maintenance would prevent trees reaching sizes that would create issues for future occupants. A suitably worded planning condition would ensure satisfactory conditions are created for the planting of trees and to ensure their long-term health.
- The proposal would deliver benefits in terms of delivery of a net gain of five dwellings in an accessible location at a time when the Council is falling significantly short of demonstrating a sufficient supply of deliverable housing sites
- There would also be minor benefits in terms of the economic activity generated in the construction of the dwellings and subsequently by occupants in patronising local businesses.
- Having regard to representations made by interested parties in all other matters has not identified any additional material benefits or harms to be weighed in the planning balance.
- The benefits of the proposal, taken together, are considerable but adverse impacts on highway and pedestrian safety would significantly and demonstrably outweigh the benefits in this case.

24/00107/FUL - Five Unit Scheme



- 8.3. In April 2024, Members refused planning permission for the erection of five units and 10 vehicle parking spaces on part of the site for the following reasons (summarised):
- Failure to demonstrate that the proposed dedicated footpath would be an acceptable pedestrian alternative to existing access and inadequate space within the site to accommodate both vehicle and pedestrians in a safe manner, resulting in risk of collision between vehicles and pedestrians
 - Excessive refuse drag distance for plots 1 and 2 and the bin collection area would lead to inconvenient to future occupiers and increase the risk of fly tipping, causing harm to the character and appearance of the area and failing to appropriately safeguard living conditions of future occupiers
- 8.4. This application was also subsequently appealed and was dismissed in March 2025². In dismissing the appeal, the inspector concluded that (summarised):
- The intensification of the use of the existing access by both vehicles and pedestrians would unacceptably increase the risk of collision between pedestrians and vehicles, thereby the proposed access arrangements would not be safe for all users, and particularly pedestrians
 - The issue regarding arrangements for refuse collection could be addressed by condition and would not, on its own, justify withholding planning permission.
 - There would be a modest social benefit in providing a net gain of four additional housing units in a generally accessible location.
 - Economic advantages that would arise from the construction and occupation of these dwellings would carry some weight in support of the proposal.
 - Significant weight to the principle of housing delivery but the benefits arising from a net addition of four units would be relatively modest and adverse impacts on highway and pedestrian safety would significantly and demonstrably outweigh the benefits in this case.

² Appeal Ref. APP/P3610/W/24/3353857

Current Application – Nine Unit Scheme



- 8.5. This current application for nine units on a larger site proposes units of similar design to those sought under the previous applications, with Plots 4-9 being almost identical in terms of siting, layout and design to the six units scheme sought under planning application 23/00577/FUL.
- 8.6. The differences between the current scheme and those previously sought on site are:
- a larger site area, as the site now includes the existing commercial site at 13 Whitehorse Drive and part of the curtilage associated with 11a Whitehorse Drive;
 - a wider vehicular entrance off Whitehorse Drive which would allow a vehicle to enter the site and wait if another vehicle or pedestrians are simultaneously exiting the site;
 - the widening of the majority of the access road to 4.7 metres, retaining the 3.1 metres width at the section of the access between 11a and 15 Whitehorse Drive; and
 - The use of private waste collection occurring within the site, ensuring that Council staff will not be involved in any waste or recycling collection; and
 - Additional soft landscaping across the site.

9. Presumption in Favour of Sustainable Development

- 9.1. Paragraph 11 of the NPPF 2024 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not

have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.

- 9.2. Paragraph 11(d) of the NPPF is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

10. Principle of Development

10.1. Location of Development

- 10.2. The site is located within the built-up area of Epsom where the principle of development is acceptable subject to the scheme complying with the objectives and policies in the CS, the DMPD and supporting guidance and documents.

10.3. Loss of Employment Floorspace

- 10.4. Paragraph 128 of the NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres.
- 10.5. Policy CS11 of the CS resists the loss of employment floorspace and land as well as regeneration and intensification within the strategic employment areas and Epsom Town Centre with a cautious approach adopted elsewhere.
- 10.6. Policy DM24 of the DMPD allows loss of employment floorspace outside of these strategic employment areas only where the existing use has a significant adverse effect on residential amenity with no means to alleviate these effects and the site is no longer suitable, the latter through marketing evidence extending to 18 months.
- 10.7. Part of the site contains a single storey building comprising 82m² of Class E1 office floorspace and 450m² of yard area, which was last in use as a builder's yard with ancillary offices. The lawful use of this part of the site was granted under a Certificate of Lawfulness in 2005 (under 05/00659/CLE), with the use being granted as 'general builders office, yard and depot with storage of materials, joinery workshop, paint store, plumbers' workshop, timber storage shed and storage of light plant and equipment'.

- 10.8. The documentation supporting this application advises that the yard area was used for the storage of building materials and tools as well as the storage of skips for the collection of building waste. Although the site contains an ancillary Class E1 office use, it is clear that the certificate granted under 05/00659/CLE demonstrated the lawful use of the site as sui generis.
- 10.9. Although this part of the site is currently vacant, it could still be used for its lawful builders' yard use without the benefit of any further planning permission. The site is located within a predominantly residential area devoid of any other commercial or employment sites in the immediate surroundings. This existing use is incompatible within the predominantly residential use of the locale. The builders yard use attracts open storage of building materials and skips within the yard, which are visually incongruous features with the residential character of the area.
- 10.10. Furthermore, the builders yard use also creates traffic generation from skip lorries and good vehicles, which in themselves create adverse noise and vibrations effects, particularly from skip chains and pneumatics, along with the noise and disturbance associated with the loading and unloading of building/waste goods associated with these vehicles. These noise, vibration and disturbance effects are incongruous with the residential character of the area.
- 10.11. As there are no practical means of mitigating the adverse effects associated with the existing builders' yard, the loss of the existing incongruous builders' yard to a compatible residential use would be a be compliant with Policy DM24 of the DMDP. The loss of the employment use would not undermine key economic sectors or sites in the Borough, nor would the loss affect the vitality and viability of town centres.
- 10.12. The loss of the employment land and its associated adverse impacts to neighbouring properties would be a benefit of the scheme to be weighed in the planning balance.

10.13. Development of a Residential Garden

- 10.14. Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats.
- 10.15. The site is backland by definition as it involves development of commercial and residential curtilage within backland locations. The assessment of the criteria of Policy DM16 of the DMPD is referred to in the relevant sections of the Agenda Report below but it is acceptable in principle.

10.16. Housing Delivery

10.17. Paragraph 61 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum. The Council is currently preparing a new Local Plan for the Borough which will set a new housing requirement for the plan period (2022-2040). The Local Plan (2022-2040) is currently at examination stage and can be afforded a degree of weight.

10.18. The Council has calculated its five-year housing land supply position as being between 2.1 – 2.18 years supply as set out in the 2023/2024 Authority Monitoring Report. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply. The net increase of 8 dwelling houses weighs in favour of the scheme.

10.19. Reuse of Brownfield Land

10.20. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 125 (c) of the NPPF indicating that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs, whilst 125 (d) requires decisions to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

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

10.22. 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.

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

11. Density

11.1. 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.

- 11.2. The proposal would have a housing density of 30 units per hectare, thereby making efficient use of the site in accordance with policy. It also compares sufficiently favourably with the surrounding density which averages at 23 dwellings per hectare.

12. Affordable Housing

- 12.1. 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 affordable housing being a net gain of five dwellings, or a site area of 0.15ha. However, Policy CS9 of the CS is effectively out of date and is not consistent with paragraph 65 of the NPPF, which does not support the provision of affordable housing for residential developments that are not major developments and reduced on brownfield sites.
- 12.2. As paragraph 65 of the NPPF carries greater weight than Policy CS9 of the CS, affordable housing cannot be sought on this development.

13. Housing Mix

- 13.1. Paragraph 63 of the NPPF supports the Government's objective of significantly boosting the supply of homes by requiring new development to meet an area's identified housing need, including an appropriate mix of housing types for the local community. Within this context of establishing need, the size, type, and tenure of housing needed for different groups in the community should be assessed
- 13.2. 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.
- 13.3. Notwithstanding Policy DM22 of the DMDP, more recent evidence identified in the Council's HEDNA 2023 update recommends the breakdown of dwellings by size, as follows:

Beds	Provided	HEDNA Required
1	0%	10%
2	33%	35%
3	67%	35%
4 +	0%	20%

- 13.4. Whilst the proposal involves a much higher proportion of larger bedroom units than encouraged with the HEDNA, it also demonstrates that there is a strong demand for family homes and the proposal would contribute towards that demand.

- 13.5. The proposed housing mix would also be compliant with Policy DM22 of the DMPD as it would provide a minimum of 25% 3+ bedroom units.
- 13.6. The proposal would therefore support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities.

14. Heritage and Conservation

- 14.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.
- 14.2. 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
- 14.3. Paragraphs 212 – 215 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 215 of the NPPF states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 14.4. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 14.5. Part of the southern boundary consists of a Grade II Listed Wall, the significance of which lies in its survival as an 18th Century walled garden on the site to the south, with orange brick and buttresses.
- 14.6. The proposal would not result in the loss of any part of the existing listed wall and the proposal would continue to retain its existing residential setting. As such, the Council's Conservation Officer has not attributed any harm to the significance of the setting of this Listed Wall as a result of the proposal.
- 14.7. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm as required by paragraph 215 of the NPPF. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) and Policy DM8 of the Development Management Policies Document 2015.
- 14.8. In the event permission is granted, it is reasonable to recommend an informative to advise that Listed Building Consent would be required from the Council before any works of alteration or demolition of the wall can be carried out and that the Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

15. Trees and Landscaping

- 15.1. Paragraph 136 of the NPPF, Policy CS3 of the CS and Policy DM5 of the DMPD seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported only with sound justification and appropriate replacement planting of native species.
- 15.2. Policy DM9 of the DMPD requires development to be compatible with local character and the relationship to the existing townscape and wider landscape.
- 15.3. Criterion 1 of Policy DM16 of the DMDP requires demonstration that a proposal would not have an adverse impact upon rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents.
- 15.4. Planning application 23/00577/FUL was refused, inter alia, for the scheme failing to mitigate for the substantial tree loss on site and failing to provide adequate landscaping.
- 15.5. In the subsequent appeal³, the Inspector noted that whilst the loss of the previous trees on the site was regrettable, these trees were not subject to any special controls that would have prevented their removal without prior authorisation from the Council.
- 15.6. In the matter of the new landscaping, the Inspector was satisfied that the proposed landscaping scheme would maintain local character and green infrastructure and that that a suitably worded planning conditions could ensure that satisfactory growth conditions are created for the planting of trees and landscaping that would ensure their long-term health.
- 15.7. The application is supported by an Arboricultural Report prepared by DPA, dated February 2025 which identifies that no trees are to be removed from the site to accommodate the proposal and recommends tree protection to specific off-site trees during the construction phase of the development.
- 15.8. A supporting Landscape Arrangement Plan (CWLD-NH-BC-2485-01 Rev A) identifies that 32 new trees are to be planted on the site, along with a number of native and ornamental hedging/planting.
- 15.9. The Council's Tree Officer has not raised any objection to the proposed landscape provision or raised any concern in respect to whether this can be fully established in the long term. In the event planning permission is granted, conditions to secure a hard and soft landscaping scheme, including tree planting pit design, details in respect to landscape

³ Appeal Ref: APP/P3610/W/23/3335744

maintenance and management and an enhanced tree protection plan and method statement are recommended.

- 15.10. The proposed development would provide an acceptable landscaping scheme that would contribute positively to the existing character and appearance of the area, in accordance with the requirements of Policies DM5, DM9 and DM16 of the DMPD.

16. Quality of Accommodation

16.1. Internal Space

- 16.2. The 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.

Unit	Beds	Persons	Floorspace	Required	Complies
Plot 1	3	6	117m ²	108m ²	Complies
Plot 2	2	4	88m ²	79m ²	Complies
Plot 3	2	4	88m ²	79m ²	Complies
Plot 4	3	6	117m ²	108m ²	Complies
Plot 5	3	6	117m ²	108m ²	Complies
Plot 6	3	6	137m ²	112m ²	Complies
Plot 7	3	6	137m ²	112m ²	Complies
Plot 8	3	6	137m ²	112m ²	Complies
Plot 9	2	3	81m ²	70m ²	Complies

- 16.3. The above table demonstrates that all the proposed units would either meet or exceed the technical housing standards and would have an acceptable level of internal amenity, complying Nationally Described Space Standards 2015.
- 16.4. Furthermore, all dwellings are dual aspect, have access to a southern elevation and internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 16.5. Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the DMPD and the Nationally Described Space Standards 2015.

16.6. Outdoor Space

- 16.7. 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 and meets the minimum requirements of 40m² for two bedrooms or 70m² for 3 or more bedrooms and a depth of 10 metres.

Unit	Beds	Provided		Required		Complies
		Depth	Area	Depth	Area	
Plot 1	3	6.2–9.3m	81m ²	10m	70m ²	Partial
Plot 2	2	7.9m	75m ²	10m	40m ²	Partial
Plot 3	2	7.9m	66m ²	10m	40m ²	Partial
Plot 4	3	7.2-10m	76m ²	10m	70m ²	Complies
Plot 5	3	7.2-10m	70m ²	10m	70m ²	Complies
Plot 6	3	20m	100m ²	10m	70m ²	Complies
Plot 7	3	19m	102m ²	10m	70m ²	Complies
Plot 8	3	9.5-17m	98m ²	10m	70m ²	Complies
Plot 9	2	5.7m	75m ²	10m	40m ²	Partial

16.8. Although the plans supporting this application would significantly exceed the amenity area standard, Plots 1, 2, 3 and 9 would not meet the minimum depth requirement. However, given that the private external amenity provision is exceeded, it would be difficult to substantiate a reason for refusal based upon the depth only. Furthermore, this has not been found to be unacceptable in the two previous applications and subsequent appeal decisions.

16.9. Notwithstanding this, the proposal would fail to meet Policy DM12 of the DMPD and this is considered to be an adverse impact to be weighted in the planning balance.

17. Design and Character

17.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.

17.2. 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.

17.3. Criterion 4 of Policy DM16 of the DMDP requires demonstration that a proposal would be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens.

17.4. Criterion 3 of Policy DM16 of the DMDP resists (inter alia) access roads between dwellings and unnecessarily long access roads.

17.5. The site lies to the rear of the gardens of residential properties that front Whitehorse Drive. The site is accessed via a private driveway that runs the length of 11a and 15 Whitehorse Drive. Although a large plot, given

the juxtaposition of the surrounding built form, the site does not contribute either individually or as part of a larger swath of green infrastructure.

- 17.6. The surrounding area has a suburban character that comprises of primarily detached properties that vary in appearance. The residential properties along White Horse Drive typically front onto the highway and are served by longitudinal plots, albeit plot sizes differ considerably. Whitehorse Drive also accommodates a large school.
- 17.7. Whilst the proposal would result in the loss of the existing chalet bungalow and single-story commercial premises on site, these are not of any great architectural merit that warrants their retention and therefore there is no objection to their loss.
- 17.8. The proposal would introduce a significant amount of permanent built form and associated hard surfacing into existing curtilage, behind the street facing building line. However, the site comprises one of three plots in a backland location, and therefore the proposal reflects a backland layout that is not entirely uncharacteristic of this area. Given the presence of the existing access, the proposal would not introduce a new long access drive, which Policy DM16 of the DMPD seeks to avoid.
- 17.9. The plots would be laid out to incorporate the existing backland-built form into a loose L shaped pattern, and the proposed dwellings would be modest in size, sitting comfortably within their plots and reflecting the scale of plots surrounding the site. The proposal would therefore have a coherent relationship with the existing backland development and the wider area which comprises several cul-de-sacs.
- 17.10. In terms of design, the built form has been traditionally designed, utilising a mixture of hipped roofs and car slides, with features of interest, such as canopies and dormer windows. The design would enable the proposed dwellings to integrate well with the surrounding built vernacular.
- 17.11. In the event permission was granted, it would be subject to a condition to ensure that the materials proposed would be coherent with the traditional character of the proposed built form and that of the surrounding area.
- 17.12. Whilst the scheme would not be readily visible from the Whitehorse Drive streetscene as a result of the intervening-built form, Plots 3, 4 and 5 would be visible from the Bucknills Close. However, the proposed built form would be viewed in context with the existing properties on Bucknills Close and would therefore not appear incongruous from this public vantage point.
- 17.13. In light of the above, the proposal would accord with Policies CS1 and CS5 of the CS, Policies DM9, DM10 and criteria 1 and 4 of Policy DM16 DMPD.

18. Neighbour Amenity

- 18.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 198 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 18.2. Criterion 5 of Policy DM16 of the DMPD requires demonstration that a proposal would not have an adverse impact on the privacy of existing homes and gardens and unacceptable light spillage avoided.

6b Bucknills Close

- 18.3. The rear elevation of Plot 8 would be within 4.0 metres of the far rear boundary of 6b Bucknills Close and within 13 metres of its rear elevation. Whilst it is acknowledged that the quantum of development proposed would have a greater presence upon the occupiers of this neighbouring property than the existing situation, the separation distances retained between the proposed built form would prevent any overbearing or any loss of outlook impacts upon the occupiers of this neighbouring property.
- 18.4. In terms of loss of sunlight, whilst the height and orientation of the built form proposed in Plots 6-8 may result in a small loss of light to the far curtilage of 6b Bucknills Close in the early hours of the morning during the summer months, the remainder of the curtilage would continue to receive early morning sunlight and the whole curtilage would receive the same levels of sunlight as existing from late morning onwards.
- 18.5. With respect of overlooking, the dormer window proposed at first floor level in Plot 8 would be orientated on the roof slope so as not to provide direct views of the internal accommodation or external rear curtilage associated with 6b Bucknills Close. Whilst it is acknowledged that the occupiers of this neighbouring property are likely to have a greater perception of overlooking from the proposed development as a result of the presence of new windows, any views achievable of private amenity area would be obscured due to the juxtaposition of the dormer windows and these private amenity areas.

7a Bucknills Close

- 18.6. 7a Bucknills Close is a single storey bungalow, the north flank elevation of which would be located within 1.3 – 1.5 metres of the shared northern boundary of the site, with a minimum distance of 2.5 metres retained between this flank elevation and the built form of Plot 6. The east rear elevation of this neighbouring property would be 13.7 metres from the eastern boundary shared with Plot 5, with a distance of 14.5 metres retained between the two built forms.

- 18.7. Whilst the presence of the two storey built form at Plot 5, 6 and 9 would be greater upon the occupiers of this neighbouring property than that of the existing bungalow, as a result of the separation distances that would be retained between the proposed built form and 7a Bucknills Close, the occupiers of this neighbouring property would not be affected by any overbearing or loss of outlook impacts as a result of the proposed development.
- 18.8. With respect to loss of internal light, there are two double windows and one single window existing on the north flank elevation of 7a Bucknills Close, all of which are fitted with obscured glazing. One of these double windows are top opening only, with the single paned window fixed shut. The remaining double window does not appear to be fixed. Plans and particulars associated with previous planning permission⁴ at 7a Bucknills Close identify these windows serving bathrooms and kitchens.
- 18.9. Officers note that one of kitchens is dual aspect, with the primary window located on the western elevation. The plans associated with the previous planning application on this property demonstrate that light to this western window would not be breached by the built form in Plot 6. Whilst the proposal may therefore result in some loss of light to this kitchen through the secondary north window, this internal accommodation would still gain the existing levels of unrestricted light from the primary window.
- 18.10. The bathrooms at 7a Bucknills Close are not primary accommodation and therefore any loss of light to these windows caused by the built form of Plot 6 would not significantly harm the amenities of the occupiers of this neighbouring property.
- 18.11. The remaining kitchen window would be within 3.8 metres of the built form of Plot 6, the presence of which would reduce the levels of light this window currently gains. Furthermore, this window is likely to lose direct sunlight mid evening in the summer months, as a result of the proposed intervening built form.
- 18.12. However, the window would still receive a sufficient amount of daylight, albeit slightly reduced, as a result of the separation distances and would continue to receive sunlight during the majority of the summer months and all through the winter months. Whilst the occupiers may note a marginal loss of light to the kitchen as a result of the development, it would not be so significant as to cause a level of harm that would warrant a reason for the refusal of this application.
- 18.13. As a result of the southern orientation of 7a Bucknills Close in relation to Plot 6, the proposed built form would not cause any issues in terms of loss of sunlight to the rear external private amenity area of this neighbouring property.

⁴ See Planning application 90/00190/FUL for the section of a single storey rear extension to form Granny annexe at 7A Bucknills Close Epsom Surrey KT18 7NY

- 18.14. As a result of the distance of 14.5 metres retained between 7a Bucknills Close and Plot 5, the proposed built form would not cause any issues of loss of light to the internal living accommodation of this neighbouring property.
- 18.15. The flank elevation of Plot 5 would lie 1.8 metres from the shared boundary to the east of 7a Bucknills Close. Whilst the height and orientation of the built form proposed within Plot 5 may result in a small loss of sunlight to part of the far curtilage of this neighbouring property in the early hours of the morning during the summer months, the remainder of the curtilage would continue to receive early morning sunlight and the whole curtilage would receive the same levels of sunlight as existing from late morning onwards.
- 18.16. In terms of overlooking, the first-floor windows proposed in Plot 9 may create some new opportunities for overlooking towards the far rear curtilage of 7a Bucknills Close. Although the distance retained between the first floor windows of Plot 9 and the curtilage associated with 7a Bucknills Close would be 15 metres, which is a shortfall from the recommended 21 metres set out in paragraph 3.20 of the DMPD in support of Policy DM10, any overlooking achieved from these windows would be focused towards the far rear curtilage of 7a Bucknills Close rather than the private patio area, which would be well screened by the built form of the main dwelling and would not be visible to future occupiers of Plot 9.
- 18.17. There are no first-floor windows proposed in the northern flank elevation of Plot 6 or the western flank elevation of Plot 5 that would otherwise result in direct overlooking the curtilage of this neighbouring property. In the event permission was granted, it would be subject to a condition to prevent any new openings in the first-floor western elevation of Plot 5 and the northern elevation of Plot 6.

13a White Horse Drive

- 18.18. The north east flank elevation of the built form Plot 9 would be within 2.5 metres of the shared western boundary of 13a Whitehorse Drive, with a distance of between 7.7 – 11.3 metres retained between the two built forms. These retained separation distances would prevent any issues of overbearing or loss of outlook impacts upon the occupiers of this neighbouring property. There would also be adequate separation from the shared boundary to prevent any dominating presence of the proposed built form of Plot 9 upon the rear curtilage associated with this neighbouring property.
- 18.19. In terms of loss of sunlight, Plot 9 may result in a small loss of light to part of the rear curtilage of this neighbouring property from the late afternoon. However, the remainder of the rear curtilage of this neighbouring property would not be affected by this loss of sunlight and would continue to receive the same amount of sunlight as existing.

- 18.20. No windows are proposed on the east flank elevation of Plot 9, thereby preventing any direct overlooking into the internal and external private amenity areas of this neighbouring property. However, in the event permission is granted, to protect the amenities of the occupiers of 13a Bucknills Close from any direct internal overlooking impacts in the future, a condition is recommended restrict windows at first floor level on the east elevation of Plot 9.
- 18.21. The north front elevations of Plots 4 and 5 would retain a minimum distance of 9.5 metres between the southern boundary of 13a Whitehorse Drive, with a minimum distance of 10.4 metres retained between the built forms. These retained separation distances would prevent any issues of overbearing or loss of outlook impacts from the two-storey built form within these plots upon the occupiers of this neighbouring property.
- 18.22. The built form of Plot 5 and its associated first floor window serving a bedroom and a bathroom would retain a distance of 11 metres from the southern boundary 13a Bucknills Close. Although this retained distance would be less than the recommended 21 metres set out in the DMPD in support of Policy DM10, Officers are satisfied that the levels of overlooking achievable from these new first floor windows would not be clear and direct to an extent that would cause significant harm to the private amenities of the occupiers of this neighbouring property.
- 18.23. The built form of Plots 2 and 3 would face the front curtilage of 13a Bucknills Close, with front facing primary windows. Given the nature of front curtilage, Officers are satisfied that the proposed built form would not create any overbearing or loss of outlook impacts or any overlooking from the new first floor windows that would significantly harm the amenity of the occupiers of this neighbouring property.

13b White Horse Drive

- 18.24. The north front elevation of Plot 1 would be within 11.7 metres of the boundary of 13b Whitehorse Drive, with a distance of between 12.7 metres retained between the two built forms. These retained separation distances would prevent any issues of overbearing or loss of outlook impacts upon the occupiers of this neighbouring property. Although this retained distance would be less than the recommended 21 metres set out in the DMPD in support of Policy DM10, Officers are satisfied that the levels of overlooking achievable from the proposed first floor windows would not be clear and direct to an extent that would cause significant harm to the private amenities of the occupiers of this neighbouring property.

Roseberry School

- 18.25. Given the educational function of this neighbouring complex, the relationship to the proposed development is considered to be acceptable.

5 & 6 Orchard Gardens

18.26. The first-floor windows proposed in Plots 2-5 may create some new opportunities for overlooking towards the far rear curtilage of these neighbouring properties as a result of the range of distances between 7.8 metres to 10 metres to be retained between the proposed first floor windows and the shared southern boundaries. However, any overlooking achieved from the proposed first floor windows would be focused on the far rear curtilage of these neighbouring properties, rather than the more private patio areas, which would be over 20 metres from the new windows, a situation considered to be typical in dense urban areas.

7 Orchard Gardens

18.27. The first-floor windows proposed in Plot 1 may create some new opportunities for overlooking towards the far rear curtilage of 7 Orchard Garden as a result of the distance of 9.2 metres to be retained between the proposed first floor windows and the shared southern boundary. However, any overlooking achieved from the proposed first floor windows would be focused on the far rear curtilage of this neighbouring, rather than the more private patio areas, which would be over 20 metres from the new windows, a situation considered to be typical in dense urban areas.

11 Whitehorse Drive

18.28. The east flank elevation of the built form Plot 1 would be within 1.6 metres of the shared eastern boundary of 11 Whitehorse Drive, with a distance of 35 metres retained between the two built forms. These retained separation distances would prevent any issues of overbearing or loss of outlook impacts upon the occupiers of this neighbouring property.

18.29. Whilst the height and orientation of the built form proposed in Plot 1 may result in a small loss of sunlight to the far rear curtilage of 11 Whitehorse Drive during the early evening hours of the summer months, this loss would be minimal and the remainder of the curtilage would continue to receive sunlight during the early evening.

General Amenity

18.30. Plots 4-9 of this current scheme are similar in siting, scale and design to the scheme proposed under 23/00577/FUL. In dismissing the appeal⁵ associated with planning application 23/00577/FUL, the Inspector stated at paragraph 33 that they had noted the conclusions reached in respect of (inter alia) neighbours living conditions and having regard to the regard to representations made by interested parties in this matter, had not identified any additional material benefits or harms to be weighed in the planning balance.

⁵ Appeal Reference: APP/P3610/W/23/3335744

- 18.31. 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.
- 18.32. Whilst the proposed development would introduce additional light spillage than the existing situation, given the urban character of the area, the light spillage generated by the proposal would not extend to a level above and beyond a domestic use that would otherwise harm the amenities of the occupiers of surrounding properties.
- 18.33. 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 would be minimised through conditions securing working/delivery hours and a Construction Management Plan. The Construction Management Plan would seek to control HGV movements and deliveries, as well as secure a programme of works.
- 18.34. In light of the above, and on balance, it is considered that the proposal would comply with Criterion 2 of Policy DM16 and Policy DM10 of the DMPD.

19. Highways and Transport Impacts

- 19.1. The NPPF requires new development to use a vision led approach to identify transport solutions that deliver well designed, sustainable, and popular places. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 19.2. 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.
- 19.3. Policy DM35 of the DMPD sets out that new development on the transport network will be assessed against other plan policies and transport standards and requires consideration of the impact upon the transport network via a Transport Assessment or Statement.
- 19.4. The application is supported by a Transport Statement (TS) prepared by RPG, reference 23/7054/TS03 and dated March 2025. The TS gives an

account of the existing local highway network; the existing public transportation infrastructure as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this account gives a fair representation of the site and the surrounding local network.

20. Trip Generation

- 20.1. The existing access road is used by three residential properties and one commercial property.

Existing Trip Generation

- 20.2. In considering the existing vehicular trip generation, the TS contains data relating to two separate traffic count surveys of the existing access, one undertaken in November 2023 and the other in February 2024.
- 20.3. The survey undertaken in 2023 was taken over a 24-hour period and demonstrated that the shared access road generated 39 two-way movements by all transport modes (pedestrians and vehicles).
- 20.4. The recorded period shows that the commercial premises at 13 Whitehorse Drive generated a total of 12 two-way vehicle movements during this period, with a single two-way pedestrian movement. The residential units generated a total of 10 two-way vehicle movements and 12 two-way pedestrian movements
- 20.5. The 2024 survey was undertaken over a 7-day period and demonstrated an average of 37 two-way movements during a typical weekday by all transport modes (pedestrians and vehicles) during the recorded period, showing consistency with the 2023 survey.
- 20.6. This survey demonstrated an average of 18 two-way vehicle movements during a typical weekday, with 19 two-way pedestrian movements.

Forecasted Trip Generation

- 20.7. In calculating the trip generation associated with the proposed development, the TS sets out that the TRICS database was consulted using data associated with similar development scenarios, as well as considering this data against the most recent Census data for the local area.
- 20.8. The forecasted vehicle trip generation associated with 9 units has been assessed as 34 two-way vehicle movements, with 5 additional vehicle movements during both peak AM (08:00 – 09:00) and 5 additional movements during peak PM (17:00 – 18:00) during a typical weekday.
- 20.9. For pedestrians, this has been calculated to increase to an overall average of 26 two-way pedestrian movements as a result of the proposal.

20.10. In total, the proposed development would generate a daily total of 60 two-way movements along the existing access road by all modes.

Net Change Trip Generation

20.11. In comparing the net impact of the change in two-way movements between the existing situation and the proposed development, there would be an additional 12 two-way vehicle movements and an additional 18 two-way pedestrian movements.

20.12. During the AM peak, the proposed development would generate 1 additional vehicle movement daily and during the PM peak, this would generate 3 additional vehicle movements.

20.13. Also for consideration is the loss of the trip generation that would have been generated by the existing commercial use. The commercial premises has an extant planning consent to significantly extend the floor space of the existing building, which includes an increase in employment to six staff members.

20.14. Whilst the 2023 survey recorded the existing commercial use generating around 12 two-way vehicle movements on a daily basis, the forecasted fully operational and extended office space would operate with higher levels of traffic, with traffic flows of up to 22 two-way vehicle movements generated per day.

20.15. The TS concludes that the additional low-level movements generated by the proposed development would not lead to a severe impact on the local highway network, or a discernible impact on highway safety, in line with the requirements of the NPPF.

20.16. The County Highway Authority are satisfied that the existing surveys and the proposed TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network. In particular, the County Highway Authority have concluded that the loss of the existing commercial use would result in the existing access road predominantly serving residential traffic, thereby reducing the risk of interaction between vehicles and pedestrians.

20.17. The County Highway Authority are satisfied that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

20.18. Sustainable Transport Measures

20.19. As a result of the increase in pedestrian movements resulting from the proposed development, the County Highway Authority seek to secure sustainable transport measures in the form of:

- Provision of improvements to bus stops of Dorking Road (Westlands Court and Epsom Hospital) to provide Real Time Passenger Information
- Provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible and that the access road is shared use
- Retention of the passing place located on the access road on the eastern side of the site, adjacent to 13b White Horse Drive

20.20. Subject to securing the above mitigation measures, the County Highway Authority considered that any additional risk to pedestrian safety resulting from the proposal can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

20.21. Pedestrian and Vehicle Access and Manoeuvrability

20.22. Paragraph 115 of the NPPF requires safe and suitable access to the site for all users whilst paragraph 117 of the NPPF seeks to minimise conflicts between pedestrians, cyclists, and vehicles.

20.23. The proposed development would be served by the existing shared access from White Horse Drive, which extends 61 metres from Whitehorse Drive to the entrance to the site. This existing access is a shared surface used by both vehicles and pedestrians.

20.24. The TS states that the proposal involves widening sections of the existing access road from 3.1 metres to 4.8 metres. This is achievable as a result of the larger site area including part of the curtilage of 11 Whitehorse Drive and 13 Whitehorse Drive. Passing places are also proposed at the entrance to the access road and adjacent to 13b Whitehorse Drive. The proposed alterations to the existing access are shown below:



- 20.25. The 4.8 metres widening would accommodate two-way movements along sections of the access road. The 4.8 metres widening would include the entrance, beyond which the access would narrow to 3.1 metres between the flank elevations of 11a and 15 Whitehorse Drive, which would extend 17 metres of the access. Beyond this, the road would extend to 3.7 metres for a 5-metre section before extending to 4.8 metres again. Therefore, the majority of the access would be widened to 4.8 metres to allow for two-way traffic movements and pedestrian activity.
- 20.26. The TS confirms that the proposed alterations to the existing design access have been developed in line with the requirements of the 'Surrey Design Guide – Technical Appendix'.
- 20.27. Paragraph 2.2 of the Technical Appendix considers new shared surfaces, advising at paragraph 2.2.3 that roads serving fewer than 50 dwellings can be designed as shared surfaces which are preferred where vehicle speeds are low, pedestrians are few and where design/layout considerations allow. Paragraph 3.3.4 of the Technical Appendix supports this, advising that in circumstances where shared surfaces serving up to 50 dwellings have a traffic speed of less than 20mph, a segregated facility for pedestrians is unnecessary.
- 20.28. The principle of a shared surface access for both vehicles and pedestrians without a segregated footpath therefore accords with the Technical Appendix.
- 20.29. In considering the geometry of the proposed alterations to the existing access, the Technical Appendix sets out carriageway geometry fundamentals under Chapter 3. For 0-25 dwellings, the minimum acceptable carriageway width is 4.1 metres. The Technical Appendix also advises that residential roads may be narrowed to 3 metres at a point in order to provide speed control to solve a specific site problem. Notwithstanding this, the majority of the resulting access would exceed the 4.1 minimum, which allows for the passing of two cars and pedestrians.
- 20.30. The proposed alterations to the existing access would include the provision of passing spaces; one the entrance to the site, which would be clear of the public highway/footpath and would prevent the requirement to reverse back out onto Whitehorse Drive and the other adjacent to 13b Whitehorse Drive. The TS concludes that the shared access arrangements would allow vehicles to enter and exit the site from/to all directions and pass each other safely and would be in full accordance (including the localised narrow section) with design guidance and suitable to accommodate the vehicle and pedestrian movements associated with the proposed development.
- 20.31. The ability to access 11a Whitehorse Drive and 13b Whitehorse Drive and provide the required parking provision within the curtilage of these

properties would not be compromised by the proposed alterations to the existing access.

20.32. The proposal also involves the provision of a new pedestrian segregated route for future occupiers, which would link to public footpath (Footpath FP69) which runs to the rear of the site.

20.33. This new pedestrian route would extend along the south flank of Plot 6 and would be gated, so accessible to future residents only.



20.34. The TS advises that this new pedestrian route would be an alternative, traffic free route that would be the more convenient route when accessing facilities and services to the west of Dorking Road.

20.35. The County Highway Authority are satisfied that subject to securing the aforementioned sustainable transport measures, any additional risk to pedestrian safety resulting from the proposed development can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

20.36. The proposal would therefore accord with Policy CS16 of the CS, Policy DM35 of the DMPD and the requirements of the NPPF.

20.37. Car Parking

20.38. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum vehicle parking standard and expects new development proposals to meet these standards. The Council will consider exceptions to this approach if an applicant can

robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.

20.39. The proposed development would be expected to provide 15 vehicle parking spaces within the site to be policy compliant. The proposal would provide 15 dedicated off-road parking spaces within the site, thereby meeting the Council's residential Parking Standards.

20.40. EV Charging

20.41. The proposal would include one Electric Vehicle Charging Point for each new dwelling. The County Highway Authority are satisfied that this level of charging points makes suitable provision for encouraging sustainable travel. This provision would be secured by way of a condition in the event that planning permission is granted.

20.42. Cycle Parking

20.43. 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.

20.44. In order to meet the County Cycle Standards, 3 or more bedroom units would be expected to provide 2.0 secure cycle storage spaces. Each unit would be provided with secure, undercover cycle storage that would accommodate 2.0 cycles. In the event that permission is granted, it would be reasonable to seek the design details of this proposed storage.

20.45. Construction Management

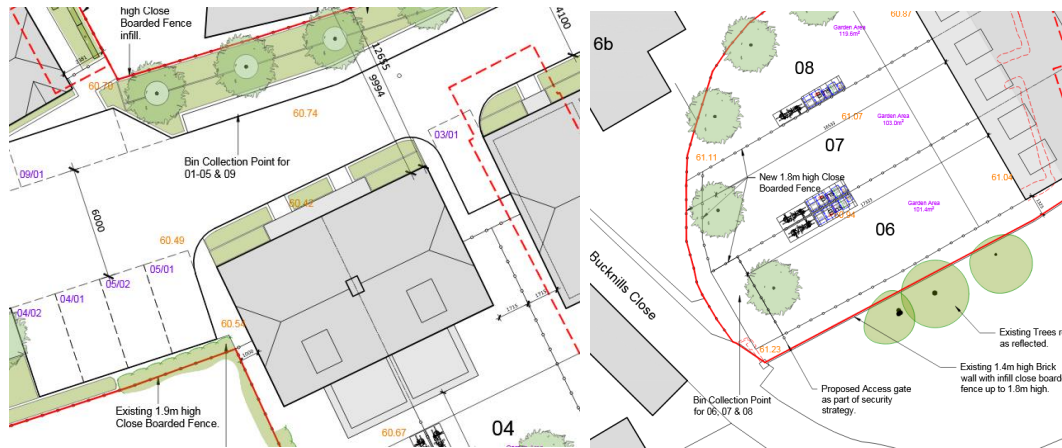
20.46. The County Highway Authority recognise that the construction phase of the proposed development would be likely to result in an increased highway risk, due to the presence of larger vehicles and potentially higher number of vehicle movements at different times of the day. As such, the County Highway Authority recommend a condition to secure a Construction Management Plan, in order to limit any risks to highway safety and capacity during this phase, including at peak school times.

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.

21.2. The proposal includes individual bin storages for each units, which would be located within their respective rear curtilage. On collection days, the occupiers of Plots 1-5 would drag their bins from the dedicated rear

curtilage to a bin collection point opposite Plots 03-05 for collection. Plots 06-08 would drag bins from their respective rear curtilages to a bin collection point to the rear of Plot 6. The Council's Waste and Transport Manager raises no objection in respect of the capacity or the collection points for Plots 6-8.



- 21.3. The proposal includes individual bin storages for each unit, which would be located within their respective rear curtilage. On collection days, the occupiers of Plots 1-5 would drag their bins from the dedicated rear curtilage to a bin collection point opposite Plots 03-05 for collection. Plots 06-08 would drag bins from their respective rear curtilages to a bin collection point to the rear of Plot 6. The Council's Waste and Transport Manager raises no objection in respect of capacity or the collection point for Plots 6-8.
- 21.4. However, the Council's Waste and Transport Manager strongly objects to the refuse and recycling collections being made by a private collection, rather than the Council through its statutory duty under the Environment Protection Act 1990.
- 21.5. The Council's Waste and Transport Manager has raised the following concerns with respect to a private waste collection:
- No guarantee of waste services being consistent with the rest of the Borough.
 - No guarantee of processes for residents to complain, report missed bins, ask questions about collections, get information on collection anomalies (e.g. bank holidays, Christmas etc).
 - No guarantee of service standards.
 - No guarantee of oversight of health & safety (for either collection operatives or residents).
 - No guarantee of the cost of collections (which would be in addition to Council Tax, and not subject to democratic control).
 - No guarantee of the longevity of the private collection contract and/or follow-on arrangements.
 - No guarantee of the longevity of the private waste contractor and /or of follow-on arrangements in the event of the contractor's demise or other

changes affecting collections (e.g. takeover by a third party with different objectives or pulling out of the contractor due to a change in its strategic objectives).

- 21.6. Furthermore, the Council's Waste and Transport Officer has reiterated that whether a private contractor were to make collections, it remains that the Council has a statutory duty to collect domestic, household waste. Therefore, all arrangements must be satisfactory to the Council in order to provide for potential future collections to be made by the Council under its statutory duty.
- 21.7. In respect of satisfactory collection arrangements, the Council's Waste and Transport Officer is concerned that it is not feasible to reverse a refuse/recycling collection vehicle along the access from Whitehorse Drive to the proposed collection points for Plots 1-5 and Plot 9.
- 21.8. Furthermore, the drag distance between Plots 1-5 and Plot 9 and the proposed bin collection point to the rear of Plot 6 would exceed the distance of 30 metres set out in Annex 2 of the Sustainable Design SPD. The Council's Waste and Transport Officer considers the 'drag distance' at a minimum of 49 metres (from Plot 9 to the communal collection area to the rear of Plot 6) would potentially create health and safety issues for future residents of these plots or, in the event that future occupiers qualify for the Council's assisted collection service, potential health and safety issues for the Council's Waste Service employees.
- 21.9. The concerns raised by the Council's Waste and Transport Officer in respect of the distances between the private bin stage areas and the communal waste collection point are consistent with those raised by the Council's Waste and Transport Officer under planning application 24/00107/FUL, and this resulted in a reason for the refusal of that application on the basis of inconvenience to future occupiers and increase the risk of fly tipping, causing harm to the character and appearance of the area and failing to appropriately safeguard living conditions of future occupiers.
- 21.10. In considering the subsequent appeal associated with the refusal of 24/00107/FUL and the matter of refuse and recycling collection, whilst the Inspector, at paragraph 26 of the appeal decision⁶, understood the Council's concerns on this issue, and the need to find the most appropriate solution for refuse collection, they did not consider that it would, on its own, justify withholding planning permission.
- 21.11. Subject to the imposition of a condition to require details to be submitted, the inspector was satisfied that the proposed development would not result in a risk of fly tipping that would otherwise harm the character and appearance of the area and neighbour amenity.

⁶ APP/P3610/W/24/3353857

- 21.12. The use of a private collection company has been an appropriate solution to the Council's Waste and Transport Officers concerns in the past. Planning permission was granted at 46 Woodcote Green Road in 2023 for the erection of five residential units in a backland location (23/01146/FUL).
- 21.13. Similar to this current application, the Council's Waste and Transport Officer objected to the scheme as a result of the unsuitability of the access road to support the Council's Waste and Recycling vehicles and the excessive drag distance from the proposed units to the kerbside collection point.
- 21.14. In the case above, planning permission was granted subject to a Section 106 Agreement to secure private waste collection.
- 21.15. Officers consider this to be an appropriate solution for this site. Whilst the Council's Waste and Transport Officers concerns regarding the use of a private collection contractor are acknowledged, these could be addressed through obligations set out in the Section 106 Agreement.
- 21.16. The Section 106 Agreement would contain an obligation that would effectively absolve the Council's statutory duty to provide refuse and recycling collection from the development and would bind both the developer and the individual future property owners of the development. The Agreement would also contain a covenant that requires future residents to undertake the duty to take waste receptacles to the communal bin collection and would contain liability and indemnities in favour of the Council, so that the Council could not be liable for any injury, losses etc arising as result of the receptacles being placed in the communal collection areas.
- 21.17. The Agreement would also include a funding mechanism for the provision of bins and collections (including contingency measures in the event either the Owner, the Private Waste Vehicle Company or any Management Company goes into liquidation), how the annual charge of residents is to be calculated (including for inflation), mechanisms to deal with residents disputes relating to annual charges (which would not require the Borough Council to partake or settle) and arrangements to the frequency and timings of the collection.
- 21.18. This would address the concerns raised by the Council's Waste and Transport Officer in respect of the use of a private collection company to collect the refuse and recycling associated with the proposed development.
- 21.19. The use of a private waste collection is an appropriate solution to address the concerns of the Council's Waste and Transport Officer and subject to the completion of a Section 106 Agreement, the proposed development would accord with Policy CS6 of the CS.

22. Ecology and Biodiversity

22.1. Ecological Impact

22.2. Paragraphs 193 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

22.3. The application is supported by a Preliminary Ecological Appraisal prepared by Ecology Partnership and dated March 2023, a Preliminary Ecological Appraisal prepared by Arbtech and dated February 2025, a Preliminary Roost Assessment prepared by Arbtech and dated June 2023, a Bat Roost Survey for 6a Bucknills Close, prepared by Environmental Business Solutions, rev 02 dated July 2024 and a Bat Roost Survey for 13 Whitehorse Drive, prepared by Environmental Business Solutions dated October 2024.

22.4. The supporting Preliminary Ecological Appraisal for 6a Bucknills Close assessed the existing buildings on site as being of high suitability to support roosting bat and recommended further emergence surveys. Whilst the Preliminary Ecological Appraisal for 13 Whitehorse Drive assessed the existing building as having negligible suitability to support roosting bats, the applicant instructed an emergence survey as a precaution. The subsequent emergency surveys did not record any bats emerging from any of the existing buildings on site. The Bat Roost Surveys therefore concludes that the proposed development would not have a negative impact on local bat or bird population.

22.5. The Council's Ecologist has reviewed all the supporting ecological documents and has considered them to be appropriate in scope and methodology and recommends, in the event permission is granted, a condition to secure the enhancement measures set out within.

22.6. The Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 and that the proposed development would not cause harm to protected species and their habitats in accordance with Policy CS3 of the CS and Policy DM4 of the DMPD and the requirements of the NPPF.

22.7. Biodiversity Net Gain

22.8. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%,

including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.

- 22.9. The application is supported by a BNG Assessment prepared by Arbtech and dated March 2025 and a Biodiversity Net Gain Matrix which identifies that the scheme would result in a -14.73% net loss in habitat units with no change in hedgerows. The BNG Assessment confirms that it is not possible to achieve the required 10% net gain BNG on site and therefore in line with the biodiversity net gain hierarchy, off-site biodiversity enhancements purchased through an approved scheme will be required to achieve the 10% net gain for area-based habitat units. At this stage, it is felt that the hierarchy has been satisfied, and off-site gains are the most appropriate approach.
- 22.10. If permission is granted, the offsite biodiversity enhancements to an approved Biodiversity Gain Site within the County would be secured by a Section 106 Agreement.

23. Flooding and Drainage

23.1. Flood Risk and Vulnerability

- 23.2. Paragraph 181 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed.
- 23.3. The application is supported by a Flood Risk Assessment, prepared by Herbert Stumpp Limited, dated June 2025.
- 23.4. In terms of fluvial flooding, the site is located 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 in Flood Zone 1. As such the development has low risk of fluvial flooding.
- 23.5. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.

23.6. Critical Drainage Area

- 23.7. Part of the site lies within the Epsom Critical Drainage Area. As per paragraph 174 of the NPPF, development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 23.8. To accord with paragraph 173 of the NPPF, in areas known to be at risk now or in future from any form of flooding, a sequential test is required to

steer new development to areas with the lowest risk of flooding from any source.

- 23.9. The NPPG has defined reasonably available sites as ‘those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development’⁷. Sites do not need to be owned by the applicant to be considered ‘reasonably available’.
- 23.10. The application is supported by a Sequential Test, prepared by Grade Planning, dated June 2025. The parameters for the sequential test are sites that are:
- Located in Flood Zone 1
 - Located outside of an area of surface water flood risk.
 - Have a comparable site capacity of 9 units or less
- 23.11. Section 5.4.1 of the Council’s Strategic Flood Assessment advises that the area of search for the sequential is typically Borough wide and that the Council’s Brownfield Land Register would provide a suitable schedule of sites to review. The supporting Sequential Test has therefore used the Council’s 2024 Brownfield Land Register as a basis for the review.
- 23.12. The Sequential Test identified eight sites within the Borough that met the parameters for the Sequential Test. Of these, a total of five sites had planning permission granted for residential development and have been developed, and one is in the process of being converted into a supermarket, so are therefore not considered available.
- 23.13. The remaining sites are not comparable to the application site in terms of surrounding context or requires the loss of a public facility (car park).
- 23.14. Officers have reviewed the details in the supporting Sequential Test and are satisfied that the applicant has demonstrated that there are no other reasonably available alternative sites within areas of lower flood risk that would be suitable for the proposed development.
- 23.15. As the sequential test has been passed, the Exception Test is applied. The Exception Test is designed to help ensure that flood risk to people and property will be managed across the proposed development’s lifetime. The supporting Flood Risk Assessment sets out floor resilience measures such as raising the floor levels of Plots 4-6 and Plot 9 to 300mm above the water depth for the 1 in 10 year + climate change event and flood resilient masonry used for each property.
- 23.16. In respect of emergency access, the supporting Flood Risk Assessment highlights that each of the proposed units would have a first floor that would be accessed from the ground floor via a stair and given that the

⁷ Paragraph: 028 Reference ID: 7-028-20220825 of the NPPG

ground floor levels would be constructed above the predicted 1 in 100 year + climate change flood level, the first floor of each plot will provide a safe refuge should it be required.

23.17. Furthermore, the SuDS has been designed to not flood in events up to and including the 1 in 10 year + climate change event and the rate of the surface water run off from the site will be managed to reduce the load on the existing sewer network.

23.18. Officers are satisfied that the supporting Flood Risk Assessment, in combination with the supporting Management of Surface Run Off Document, prepared by Herbet Stumpp Ltd, Revision E, dated May 2023, updated June 2025 (discussed further below) demonstrate that the Exception Test is met and that the proposal would have sustainability benefits and be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere

23.19. Sustainable Drainage

23.20. Paragraph 182 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD support the incorporation of sustainable drainage systems to control flow rates and reduce volumes of runoff and which are proportionate to the nature and scale of the proposal.

23.21. The application is supported by a Management of Surface Run Off Document, prepared by Herbet Stumpp Ltd, Revision E, dated May 2023, updated June 2025

23.22. The site is underlain with London Clay, the Management of Surface Run Off Document confirms that borehole records have indicated that the clay is firm and therefore infiltration drainage has been discounted as an appropriate method for the disposal of surface water run of created by the development.

23.23. It is therefore proposed to discharge surface water runoff into the existing surface sewer at a controlled rate, by utilising a granular blanket beneath permeable paving and two below ground chambers. The chambers would discharge into a packaged pumping station, which will limit the discharge into the receiving sewer.

23.24. On reviewing the supporting Management of Surface Run Off Document, the Lead Local Flood Authority have highlighted that whilst the surface water flood mitigation strategy proposed may not be the most sustainable solution for the site, they are satisfied that suitably worded conditions would ensure that a suitable surface water drainage scheme could be properly implemented and maintained throughout the lifetime of the development.

23.25. Subject to the Lead local Flooding Authority recommended conditions, flood risk and surface water flooding have been addressed in accordance

with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF.

24. Contamination and Remediation

- 24.1. Paragraph 196 of the NPPF and Policy DM17 of the DMPD requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 125(c) of the NPPF strongly encourages remediation of brownfield sites.
- 24.2. There are a number of potential sources of contamination on the site, given the historical use of part of the site as a builders' yard, infilling and vehicle storage, together with potential sources in the site's vicinity.
- 24.3. The application is supported by a Phase 1 Desk Study, prepared by ground&water, reference GWPR6445/DS/February 2025 v.1.01. The Council's Contamination Officer has reviewed this document and has advised a condition to secure a ground investigation and risk assessment.
- 24.4. In the event permission is granted, this conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM17 of the DMPD and the requirements of the NPPF.

25. Environmental Sustainability

- 25.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 25.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 25.3. The application is supported by a Design and Access Statement, prepared by Twenty 20 Architecture Ltd, rev B, dated February 2025 which identifies the sustainable measures proposed for the development.
- 25.4. These include insulation in compliance with, or to exceed the requirements of Building Regulations. Domestic heating would be via energy efficient condensing boilers and high efficiency panel radiators with individual thermostatic valves or under floor heating. Ventilation

would be via natural means of opening windows and trickle vents with mechanical extractors for bathroom/ WC if appropriate.

- 25.5. Low flow appliances with supply restrictor valves, low flow shower heads, spray taps, and dual flush toilets would potentially provide up to 40% saving in water usage.
- 25.6. Whilst the supporting details do not show for the provision for solar panels, the applicant is agreeable to provide these and therefore in the event planning permission is granted, details of these can be secured by way of condition.
- 25.7. The materials to be used in the construction of the development would be, where possible, sustainable materials from managed sources. All timber used within the construction of the building would be FSC certified where possible.
- 25.8. In light of the above, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

25.9. Accessibility and Equality

25.10. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief.

25.11. The proposed development would provide the following:

- Short and easy access distances to the main entrance. Gradients would not exceed 1 in 12 where possible, or steps will be provided in accordance with the building regulations;
- The principal access points would be level where possible, or steps will be provided in accordance with the building regulations;
- The front entrances would be illuminated and have level threshold access;
- All main ground floor rooms would have a generous manoeuvring space for wheelchairs;
- All doors and hallways would conform to Part M of the building regulations where possible.
- Wall construction would be of block work throughout as to enable handrails to be fixed if required.
- The living area would be provided with outward opening doors onto level patio areas, or with minimal steps where the site allows; and
- The proposed dwellings would be adaptable in the future to meet the long-term needs of individuals irrespective of personal circumstances.

25.12. There would be no adverse impacts because of the development.

26. Planning Obligations and Community Infrastructure Levy

- 26.1. Paragraphs 55 and 57 of the NPPF 2023 requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 26.2. 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.
- 26.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

27. Planning Balance

- 27.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 27.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 27.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- ### **27.4. Social Benefits**
- 27.5. The proposed development would make a modest 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 moderate weight in the planning balance.

27.6. The proposal would use a vacant brownfield site for an identified housing need. Given the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.

27.7. The proposal would provide a policy compliant mix of housing, therefore supporting the Borough's objective to support balanced and sustainable communities. This benefit is given moderate weight in the planning balance.

27.8. Economic Benefits

27.9. 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.

27.10. 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.

27.11. Environmental Benefits

27.12. The proposal development would provide the mandatory requirement of 10%. As this benefit would not be provided on the site and achieves policy requirements only, this benefit is given very minor weight in the planning balance.

27.13. Social Adverse Effect

27.14. Whilst Plots 1, 2, 3 and 9 would fail to meet the depth requirement of Policy DM12 of the DMPD, given that the private external amenity provision is exceeded and the short fall to full policy compliance is minimal, this would amount to a negligible adverse effect in the planning balance.

27.15. Conclusion

27.16. Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development

should be restricted. The application is therefore recommended for approval.

27.17. In the event of an approval, there is reasonable justification to remove permitted development rights from the new development, in order to prevent overdevelopment of the site, detrimental impacts on new tree planting, adverse effects on neighbouring amenity and adverse traffic and parking implications. Officer therefore recommend a condition to remove Class A–C and E– F permitted development rights.

RECOMMENDATION

PART A

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

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

and the following conditions and informatives:

1. Time Limit

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

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

2. Approved Details

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

Drawing Number 2025/P0296 LP Rev A Site Location Plan Drawing
Drawing Number 2025/P0296 CP Rev A Site Context Plan Drawing
Drawing Number 2025/P0296 001 Rev C Proposed Site Plan
Drawing Number 2025/P0296 C001 Rev C Proposed Site Plan in Colour
Drawing Number 2025/P0296 010 Plot 01 Proposed Plans and Elevations
Drawing Number 2025/P0296 011 Plots 02 & 03 Proposed Plans and Elevations
Drawing Number 2025/P0296 012 Plots 04 & 05 Rev A Proposed Plans and Elevations

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

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

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

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

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

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

Pre-Commencement Conditions

3. Materials

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

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

4. Construction Transport Management Plan

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

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

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

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

5. SuDS Scheme

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the National Planning Policy Framework 2024 and the accompanying PPG. The approved scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

6. Ground Contamination

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

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

7. Enhanced Arboricultural Method Statement/Tree Protection Plan

No development shall commence unless and until an enhanced Arboricultural Method Statement (detailing all aspects of construction and

staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

8. Hard and Soft Landscaping

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

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

Pre Occupation Conditions

9. Transport Mitigation

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

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

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

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

10. Parking/Turning

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

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

11. Electric Vehicle Charging Points

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

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

12. Cycle Store Details

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

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

13. Solar Panels Details

The development hereby approved shall not be first occupied unless and until details of the provision of solar panels within the development have been submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved panels shall be provided prior to first occupation and retained, maintained and replaced where necessary.

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

14. Compliance with Ecological Mitigation

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

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

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

15. Compliance with Sustainable Design Measures

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

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

During and Post Development Conditions

16. Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

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

17. Removal of Permitted Development Rights

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

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

18. No Additional Windows/Openings

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

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

INFORMATIVES

1. Positive and Proactive Discussion

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

offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. Building Control

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

3. Party Wall Agreement

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

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

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

4. Damage to the Highway

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

5. Highways Act

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any

excess repairs compared to normal maintenance costs to the applicant or organisation responsible for the damage.

6. Construction Traffic

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

7. Highway Improvements

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

8. Highway Signage

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

9. EV Charging Points

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

10. Ordinary Watercourse

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

11. Surface Water

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

12. Subground Structures

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

13. Listed Wall

This permission does not grant any works of alteration to, or demolition of the existing Grade II wall, as such works require Listed Building Consent. Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

14. Asbestos

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

15. Pre Commencement Conditions

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

16. Biodiversity Net Gain

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

17. Bird Boxes

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

18. Changes to the Approved Plans

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

19. Naming and Numbering

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

20. CIL Liable Development

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

21. Section 106 Agreement

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

Planning Committee
10 July 2025

Planning Application
Number: 25/00290/FUL

Part B

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

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