

**Farm View, Langley Vale Road, Epsom KT18 6AP**

<b>Application Number</b>	25/00846/OUT
<b>Application Type</b>	Full Planning Permission (Major)
<b>Address</b>	Farm View, Langley Vale Road, Epsom KT18 6AP
<b>Ward</b>	Woodcote and Langley Vale
<b>Proposal</b>	Outline application for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road)
<b>Expiry Date</b>	02 March 2026
<b>Recommendation</b>	Approval, subject to conditions and the completion of a satisfactory legal agreement (securing bus serve provision public infrastructure, EV car club, affordable housing, BNG, Open Space, Play Area and Landscape Management)
<b>Number of Submissions</b>	374 letters and an online petition with 2,097 signatures objecting to the scheme
<b>Reason for Committee</b>	Major development
<b>Case Officer</b>	Gemma Paterson, Development Management Team Leader
<b>Contact Officer</b>	Simon Taylor, Head of Development Management and Planning Enforcement
<b>Plans, Documents and Submissions</b>	Available at <a href="#">Farm View</a>
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2. The application seeks outline planning permission for the demolition of Farm View and the erection of a residential development of up to 110 dwellings, including the provision of a new vehicular access of Langley Vale Road, 50% affordable homes, new public open space, play spaces and associated landscaping. All matters are reserved except access.
- 1.3. The site comprises the curtilage of Farm View and 5.21 hectares of sloping agricultural land that forms part of Langley Bottom Farm.
- 1.4. The site sits on the western slope of a valley, extending down towards the valley floor, with a change in level varying between 16-24 metres as the land falls away from the residential development of Langley Vale Village that abuts the north east/north west boundary of the site.
- 1.5. The north west corner of the site adjoins Langley Vale Road and the south east corner abuts an area of Ancient Woodland known as 'The Warren'. To the south west of the site, beyond The Gallops, but not immediately adjoining, lies a residential development currently under construction for 20 new residential units that was allowed at appeal (Ref: APP/P3610/21/3280881).
- 1.6. Vegetation within the site is limited to its perimeter and comprises intermittent trees and scrub along the north-east and eastern boundaries.
- 1.7. The proposed development constitutes appropriate development of Grey Belt land in accordance with Annex 2 and paragraph 155 of the NPPF. The proposed development complies with the Golden Rules, in accordance with Paragraphs 156 and of the NPPF. The development is therefore not inappropriate development within the Green Belt.
- 1.8. The proposed development would deliver up to 110 residential units, making a significant contribution to the delivery of the Council's housing delivery targets.
- 1.9. The proposed development would deliver 55 affordable units in a policy compliant tenure mix, including social rented, which is the Borough's highest affordable housing need, and the low supply of which is a major contributing factor to homelessness in the Borough.
- 1.10. The proposed development would deliver a total of 1.637 ha of publicly accessible communal open space with incorporated play areas for

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unrestricted access to future residents and the general public.

- 1.11. Although the site does not contain any listed structures and does not fall within a Conservation Area, the proposed development would cause less than substantial harm to the setting and significance of surrounding heritage assets. Notwithstanding this, although great weight has been given to the conservation of the affected designated heritage assets, this limited harm is outweighed by the public benefits of the scheme.
- 1.12. The proposed development would increase the biodiversity value of the site, retaining existing ecological features and creating new biodiversity rich habitats, resulting in a biodiversity net gain of 33% for habitat units and 2745% for hedgerow habitats, which represents an excess gain significantly above the mandatory requirement of 10%.
- 1.13. Subject to securing a Habitat Creation and Management Plan to secure compensation measures for the loss of arable field boundaries as a result of the proposed development on the adjoining field, the proposed development would result in an improvement on the current status of the SNCI for arable plants.
- 1.14. Whilst the proposal would generate more pedestrian and vehicle movements onto the surrounding highway network, the County Highway Authority are satisfied that the these would not have a severe impact on the local highway network, taking into account all reasonable future scenarios.
- 1.15. The County Highway Authority are satisfied that the additional vehicle trip generation associated with the proposed development would not generate a significant additional risk to equestrian safety in comparison to the existing situation.
- 1.16. The County Highway Authority are satisfied that the proposed new access would provide safe and suitable access to the site and would not create any significant additional risk to either pedestrian or equestrian safety. Furthermore, the County Highway Authority are satisfied that the proposed access would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios.
- 1.17. The proposed development would deliver a number of improvements to optimise the sustainability of the location, to help reduce the future reliance by residents on private vehicles. These include:
  - Financial contributions to fund an enhanced bus service for a period of five years
  - A financial contribution to fund a EV car club for three years, which would be accessible to future residents of the development and those within Langley Vale, along with free 3-year membership and £50 drive voucher for future residents of the proposed development

- A financial contribution to deliver improvements to existing footpaths within Langley Vale including resurfacing and improved crossing facilities
- Provision of cycle vouchers for occupiers of the new development
- Improvements to the existing Grosvenor Road bus stop, to include a small scale bus shelter with seating, provision of real time bus information and the provision of a raised kerb to assist passengers embarking or disembarking from the bus

1.18. The proposed development would result in the loss of 5.2ha best and most versatile subgrade 3a agricultural land, including as compensation for the loss of habitat within the SNCI. However, as a result of limited impact, this loss would have on the economic and food production benefits of this land and would not significantly erode the amount of BMV agricultural land available for agricultural purposes,

1.19. The proposal would result in localised moderate adverse harm to the quality of the landscape character of the Area of Great Landscape Value (AGLV) and moderate adverse harm to identified receptors.

1.20. 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.

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

## PROPOSAL

### 2. Description of Proposal

2.1. The proposal involves outline planning permission (with all matters reserved except access) for:

- Demolition of Farm View house
- Erection of a residential development of up to 110 dwellings
- New vehicular access of Langley Vale Road,
- 50% affordable homes,
- New public open space, play spaces and associated landscaping

2.2. If outline permission is granted, a condition to secure the 'reserved matters' is recommended. The remaining 'reserved matters'

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application(s) would secure details of the layout, scale, appearance and landscaping of the proposed residential development.

2.3. Notwithstanding this, an indicative perimeter plan has been submitted with the application which identifies the proposed land uses, including provision of new internal access roads, footpath/cycle links, public open space and local play areas, attenuation features for surface water drainage and soft landscaping.

### 3. Key Information

	Existing	Proposed
Site Area		5.21ha
Units	1	110
Density	N/A	20dph
Affordable Units	N/A	55

### SITE

#### 4. Description

4.1. The site comprises the curtilage of Farm View and 5.21 hectares of sloping agricultural land that forms part of Langley Bottom Farm.

4.2. The site sits on the western slope of a valley, extending down towards the valley floor, with the change in land level varying between 16-24 metres as the land falls away from the residential development of Langley Vale Village that abuts the north east/north west boundary of the site.

4.3. The north west corner of the site adjoins Langley Vale Road and the south east corner abuts an area of Ancient Woodland known as 'The Warren'. To the south west of the site but not immediately adjoining, beyond The Gallops, lies a residential development currently under construction for 20 new residential units that were allowed at appeal (Ref: APP/P3610/21/3280881).

4.4. Vegetation within the site is limited to its perimeter and comprises intermittent trees and scrub along the north-east and eastern boundaries.

#### 5. Constraints

- Green Belt
- Area of Landscape Value
- Langley Bottom Farm Site of Nature Conservation Interest
- Adjacent to Ancient Woodland (The Warren)
- Site of Special Scientific Interest Risk Area
- Critical Drainage Area

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- Source Protection Area (Inner)
- Flood Zone 1
- Classified Road

## 6. Planning History

6.1. The following is relevant planning history relating to the site itself:

App No.	Description	Status
25/00733/SCR	Screening Opinion pursuant to Regulation 6 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended (the EIA Regulations), in relation to the proposed redevelopment at Langley Bottom Farm (the Application Site)	Not EIA Development 10.07.2025

6.2. There is relevant planning history adjacent to the site that are material considerations in the assessment of this application:

### Langley Bottom Farm

App No.	Description	Status
24/00568/FUL	Two storey 4 bedroom detached dwelling with car port and associated landscaping following demolition of existing derelict farm house	Appeal Dismissed 18.07.2025 Refused 25.07.2024
20/00475/FUL	Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)	Appeal Allowed 14.07.2024 Refused 22.02.2021

### Mannamed House and Stable

89/1372/0778	Erection of 34 three and four bedroom detached houses	Appeal Allowed 07. 01.1991 Refused 27.06.1990
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## CONSULTATIONS

Consultee	Comments
<b>External Consultees</b>	
Environment Agency	No comments to make
Natural England	No objection
Thames Water	No objection subject to conditions
County Highway Authority	Objection on the grounds that the site is an unsustainable location
Lead Local Flood Authority	No objection subject to conditions
County Archaeologist	No objection subject to conditions
Surrey Crime Commissioner	No objection subject to financial contribution
Fire Safety Officer	No objection subject to observations and informatives
Reigate and Banstead	No objection
<b>Internal Consultees</b>	
Strategic Housing Officer	No objection. The affordable housing tenure of 39 x rented and 16 x intermediate (shared ownership) is anticipated.
Ecologist	No objection subject to condition
Land Contamination Officer	No objection subject to conditions
Tree Officer	No objection subject to conditions
Waste Officer	No comment to make

## Public Consultation

Neighbours	<p>The application was advertised by means of a site notice dated 29.07.2025, press notice, and notification to 227 neighbouring properties, concluding on 12 August 2025. Following the submission of an Enhanced Sustainable Transport document during the assessment of this application, 548 third party consultees were reconsulted on the application on 28.10.2025.</p> <p>Not accounting for duplicate and anonymous correspondence, 374 letters of objection and an online petition with 2,097 signatures objecting to the scheme have been received.</p> <p>The issues raised have been summarised below:</p>
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	<p><b>Prematurity and Local Plan Progression</b></p> <ul style="list-style-type: none"><li>• Approving a major development before the adoption of a comprehensive spatial strategy undermines local democratic input</li><li>• Premature given that alternative sites may be more suitable</li><li>• The emerging Local Plan demonstrates a total of 3279 houses have been indicated for development in and around Epsom and the Langley Vale was not on this list.</li><li>• Alternative Brownfield sites should be used first</li></ul> <p><u>Officer Comment:</u> The Epsom and Ewell Local Plan (2022-2040) contains a housing requirement for the Borough over the Local Plan period which is lower than the housing need generated by the national standard method. The Local Plan is currently at Examination stage, and the Council has recently undertaken additional work at the request of the appointed Planning Inspector. Prior to the local plan being adopted our housing need figure for the purposes of demonstrating a five-year land supply is that generated by the standard method.</p> <p>The housing requirement in the emerging local plan can be given very limited weight at this stage.</p> <p>Planning applications need to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.</p> <p><b>Agricultural Land</b></p> <ul style="list-style-type: none"><li>• The site is part of a working farm and currently produces crops – we need fields to grow crops</li><li>• The idea that this site is redundant agricultural land is not true. There is a great demand for land to be used for the grazing of horses.</li></ul> <p><u>Officer Comment:</u> This matter is addressed in Section 9.1 of this Agenda Report.</p> <p>Whilst agricultural land can be used for the grazing of horses, the NPPF requires an assessment for the loss of the agricultural land that is used for the purposes of growing agricultural and/or horticultural crops (as per the Natural England Guide to assessing development proposals on agricultural land) and not for alternative uses such as for the grazing of horses, which is an equestrian use.</p> <p><b>Green Belt</b></p>
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- The proposal is inappropriate in the Green Belt and would harm its openness, purpose, and role in preventing urban sprawl.
- Conflicts with Policy CS2 of Epsom and Ewell Core Strategy and Section 13 of NPPF
- The Atkins Greenbelt Study May 2018 (Stage 2) commissioned by E&E Council clearly states that this parcel of land (ID3) should not be released from its current Green Belt status
- This project would cause irreversible harm to the Green Belt and set a dangerous precedent

Officer Comment: This matter is discussed in Section 9.19-9.94 of this Agenda Report.

### **Landscape**

- Irreversible loss of greenfield.
- This development lies within an AGLV and would erode the intrinsic features behind its designation. Such loss cannot be mitigated by any development.
- The Atkins Greenbelt Study May 2018 (Stage 2) commissioned by E&E Council clearly states that this parcel of land (ID3) that the land should remain as an AGLV.
- The proposed development would have a significant adverse impact on Centenary Wood, which is of national importance
- This development would irreversibly urbanise the area and damage its tranquil rural character.
- Erosion of the enjoyment of recreation through loss of open space.
- Destroying and Area of Outstanding Natural Beauty

Officer Comment: This matter is discussed in Section 10 of this Agenda Report.

The site is not within a nationally designated Area of Outstanding Natural Beauty. The proposed development would not remove the local designation of the site as an Area of Great Landscape Vale.

### **Trees**

- A 15m buffer to the Warren is totally inadequate a separation

Officer Comment: This matter is discussed in Section 11 of this Agenda Report.

### **Sustainability**

- Langley Vale lacks the infrastructure to sustainably accommodate a development of this scale

- There is hardly any public transport to the village bus only runs every 2 hours and not after 7pm in the evenings and not on Sundays or Bank Holidays.
- The nearest train station is at least a 40-minute walk away across the Downs with no footpaths or street lighting.
- Residents will need a car due to the poor bus routes. The buses stop early evening during the week, so if you work in Central London, you cannot get home without a long, unlit walk, and they don't run on Sundays so again, people will need cars.
- There are no local shops except for a small shop within the petrol station which only sells the bare essentials, no doctors surgeries within walking distance or any other amenities.
- The area has no health services no GP practice
- There are insufficient Schools, Shops, Doctors and Dentists in the area already this will add an extra burden on this infrastructure

Officer Comment: This matter is discussed in Section 9.48-9.60 of this Agenda Report.

### **Character**

- The density of housing is disproportionate to the surrounding properties and would result in significant harm to the character and aesthetics of the local environment.
- The character of the historic Downs area will be lost
- The scale of the proposal is excessive and out of character with Langley Vale's semi-rural layout.

Officer Comment: This matter is discussed in Sections 14 and 16 of this Agenda Report.

### **Neighbouring Amenity**

- Overlooking and loss of privacy for neighbouring residents
- The loss of open land would result in a significant reduction of natural light into the rear of neighbouring properties due to the proximity and height of the proposed houses.
- The increase in vehicles and foot traffic would further raise noise levels and reduce the quiet, low-traffic environment we currently experience
- Noise and pollution during construction and from future residents
- Pollution will be increased with the need for increased transport either public or private
- The increase in vehicles and foot traffic would further raise noise levels and reduce the quiet, low-traffic environment currently experienced
- Internal roads would have street lights shining straight into the neighbouring properties

Officer Comment: This matter is discussed in Section 17 of this Agenda Report.

In the event outline planning permission is granted, street lighting would be subject of a reserved matters application and could be controlled by way of conditions.

### **Highways**

- The traffic coming out of the village during rush hour is already often at a standstill and to add hundreds more cars would cause significant impact.
- Langley Vale Road is full of dangerous potholes and traffic generation would make these worse
- Langley Vale already has traffic problems and road safety issues as it is a major cut through to the M25, and the current situation is already unacceptable.
- Langley Vale Road is narrow at points and would be overwhelmed with this extra traffic and cause serious safety issues for cyclists and horses.
- Will disrupt use of a well-used bridleway
- Road is not designed for such heavy traffic
- The network of Bridleways traversing Epsom and Walton Down and is not safe for people on bikes and walkers to use this route when racehorses use this route between 6am and 12pm
- A development of that size will also jeopardise the safety of local walkers and runners accessing the area for recreation.

Officer Comment: This matter is discussed in Sections 18 of this Agenda Report.

### **Ecology**

- The area supports protected species and rare habitats, which would be lost or severely disrupted, breaching local biodiversity strategies and statutory protections.
- This development will destroy the habitat for many species in the area, causing many to die, be driven away or be put at risk of injury and death on the road
- 10% increase in biodiversity is not possible without introducing fauna not usually associated with Down land
- The proposal makes no mention of animals using the current farmland such as bats, badgers and skylarks (a red listed species)
- This is being considered as a Site of Special Scientific Interest

Officer Comment: This matter is discussed in Section 19 of this Agenda Report.

Notwithstanding that there is no evidence to demonstrate that the site is being considered as a future nationally designated Site of Special Scientific Interest as part of a Natural England review, the site has been fully assessed under its current local designation as a Site of Nature Conservation Importance.

#### **Drainage and Flooding**

- Both the site and Langley Vale Road flood and this development would exacerbate this situation

Officer Comment: This matter is discussed in Section 20 of this Agenda Report.

#### **Infrastructure**

- Langley Vale has a long history of water pressure and delivery problems
- Proposal would create an extra demand on the water supply
- Power cuts with the existing number of homes and the Internet providers are frequently off line due to poor signal in area
- Police can't police what is here now let alone more housing
- Pressure on the local amenities, including schools, hospitals, and medical centres.
- Where are the children supposed to go to school, the existing school cannot support such a vast intake of families & their children

Officer Comment: Issues relating to water and sewerage infrastructure are discussed in Section 22 of this Agenda Report.

If outline permission is granted the proposal would secure CIL contributions to fund local infrastructure.

#### **Equestrian**

- Will impact the many racing yards that access The Downs via this route
- The increasing volume of cars in the area will finalise the demise of racehorse training in Epsom
- An increased footfall by the public during training times would further impact the ability to train horses professionally and safely.
- Development would make it far more dangerous for horse and rider
- The network of Bridleways traversing Epsom and Walton Down and is not safe for people on bikes and walkers to use this route when the racehorses use this route every morning between 6am and 12pm

- Equestrians already have challenges with the traffic and getting their horses safely to the training tracks. More houses bordering the bridle path and more traffic makes their daily routines extremely difficult and particularly dangerous for the health and safety of the horses and jockeys.

Officer Response: This matter is discussed in Section 18.56 – 18.63 of this Agenda Report.

The County Highway Authority are satisfied that the additional vehicle trip generation associated with the proposed development would not generate a significant additional risk to equestrian safety in comparison to the existing situation.

There is no evidence to demonstrate that the additional footfall associated with the proposed development would result in danger to equestrian users.

### **Other**

- Loss of tranquil views
- 110 houses, some affordable, being added, would have a greatly negative impact on property values
- Affordable homes in area will negatively impact property values
- Why was an Environmental Impact Assessment not been undertaken with this application.
- Open space is important for mental health. Epsom Downs is a very important source for this. Many local people and a bit further away walk on the downs every day. The health aspect should also be taken into consideration
- People travel from both far and near to enjoy the area therefore increasing local economic activity. Adding all these houses will turn people away from visiting the area, spending money and decrease the value of existing homes around it.
- Concerns regarding whether the development will be constructed, given that the same landowners sold the site at Langley Bottom Farm to a developer who trimmed the dwelling designs to save costs and has since halted construction.
- A development of that size will also jeopardise the safety of local walkers and runners accessing the area for recreation.

Officer Comment: Loss of an existing view is not a material planning consideration in the assessment of this application.

Loss of value to existing property, including the provision of affordable housing, is not a material planning consideration in the assessment of this application.

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	<p>A Screening Opinion<sup>1</sup> was submitted prior to the submission of this outline application, which contains a robust assessment as to conclusion that the proposed development was did not meet the development.</p> <p>Whilst the proposal would result in the loss of an inaccessible open field, it would provide additional, open space that can be accessed by all members of the public for health aspects. Furthermore, the Downs would remain accessible for recreational purposes as a result of the proposed development.</p> <p>There is no evidence to support the proposed development creating a negative impact on local economic activity.</p> <p>There is no evidence to support the proposed development jeopardising the safety of local walkers and runners accessing the area for recreation. The proposal would provide publicly assessable open space that can be accessed for health aspects.</p> <p>It would not be reasonable to refuse the application based upon the current construction status of the development at the adjoining Langley Bottom Farm site.</p>
Jockey Club	<p>Objection. See Appendix 1. Key concerns include:</p> <ul style="list-style-type: none"><li>• Impact on Epsom Downs Racecourse</li></ul> <p><u>Officer comment:</u> Officers wholly recognise the national importance of the Epsom Down Racecourses and that it contributes to the Borough both historically and economically. The existing training grounds have operated for many decades alongside a range of local traffic conditions and there is no substantive evidence to demonstrate that the forecasted traffic generation associated with the proposed development would threaten the sustainability of the horse racing industry at Epsom &amp; Walton Downs.</p> <ul style="list-style-type: none"><li>• Equestrian Safety</li></ul> <p><u>Officer comment:</u> Whilst it is recognised that the proposed development would increase traffic generation on the surrounding highway network, the increase in traffic generation would represent a 4% increase over the existing traffic movements in both the AM and PM peak. Whilst representing an increase in traffic movements over the existing road usage, this would not be representative of a 'considerable' increase.</p> <p>The County Highway Authority has reviewed the contents of the supporting Transport Assessment and is satisfied that the supporting existing traffic and equestrian movements surveys are</p>

<sup>1</sup> [25/00733/SCR Development Site at Langley Bottom Farm, Langley Vale](#)

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acceptable in scope and methodology for the purpose of assessing the impact of the proposed development upon the surrounding highway network. Although the equestrian survey was conducted over a single day, this is a standard and widely accepted approach in transport planning as a representative snapshot of existing conditions. There is also no evidence to suggest that a single-day survey in this context would produce distorted or unreliable results. Similarly, the junction assessment is also appropriate in scope and methodology, as there was no clear evidence of material impact on any existing junctions beyond the site's proposed access point. The projected increase in traffic generation would be within the capacity of the existing network and does not warrant a wider geographical survey.

Whilst it is acknowledged that equestrian movements occur outside of peak hours, the focus on AM and PM peak hours within the existing traffic surveys and the future traffic generation surveys are also appropriate, as the purpose of these assessments is to understand the impact of the proposed development upon the existing road networks at times of highest vehicle demand. Although Officers acknowledge that racehorses have particular sensitivities, the evidence within the TA demonstrates that additional increase in traffic movements associated with the proposed development would not generate a significant additional risk to equestrian safety in comparison to the existing situation and this has been concurred with by the County Highway Authority.

- Bridleway 127

Officer comment: Bridleways routinely accommodate mixed users and there is no historical evidence to suggest that the bridleway currently operates at or near a point of conflict, nor to substantiate the objection that the pedestrian increase as a result of the proposed development would exceed its safe capacity.

There is no evidence to suggest that the long-term sustainability of the Training Grounds is dependent on maintaining the bridleway at its current pedestrian usage level.

- Highway Improvements

Officer comment: It is noted that the Jockey Club have requested that, should the Council be minded to approve the application, the equestrian safety concerns could be partly resolved, by upgrading the existing footpath in this location to a bridleway with fencing alongside to further increase equestrian safety. This was discussed with the applicant and the County Highway Authority, but it was demonstrated that this would not be technically viable.

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	<p>The request for highways warning signs either above or below Langley Vale to warn motorists of potential horses in the road is within the remit for Surrey County Council Highway Authority.</p>
Epsom and Walton Training Grounds Management Board Limited	<p>Objection. Key concerns include:</p> <ul style="list-style-type: none"> <li>• Equestrian Safety Risks of Racehorses</li> </ul> <p>Unlike domestic riding horses, racehorses are highly sensitive and easily startled. A marked increase in vehicular traffic and pedestrian movement near training routes would create dangerous conditions, increasing the risk of accidents. Bridleway 127 is a vital link for Epsom trainers, enabling safe access to and from the training grounds. Compromising its safety would directly affect trainers' ability to operate and could irreparably harm their businesses and livelihoods.</p> <ul style="list-style-type: none"> <li>• Operational and Economic Impact</li> </ul> <p>The Epsom Training Grounds currently support 10 racehorse trainers and approximately 150 racehorses in training. Any reduction in safe operational capacity would disincentivise use of the grounds, undermining their long-term viability. Loss of trainer participation would not only damage the local equine economy but also threaten the sustainable management of the Downs.</p> <ul style="list-style-type: none"> <li>• Long-Term Heritage and Community Consequences</li> </ul> <p>The Epsom Training Grounds are of historic and cultural importance, forming a core part of the UK's horse racing heritage. This development risks irreversible harm to a long-established industry that contributes significantly to both the local community and the national sporting landscape.</p> <p><u>Officer Comment:</u> The objections of the Epsom and Walton Training Grounds Management Board Limited are similar to those raised by the Jockey Club as addressed above.</p>
Local Member of Parliament	<p>Comment was received stating that they would like to ensure that objections and concerns raised by constituents are taken fully into account in consideration of application 25/00846/OUT.</p>
Councillor McCormick	<p>Objection raised.</p> <ul style="list-style-type: none"> <li>• Is in an unsustainable location, which is part of the reason why this site is not included in the emerging local plan spatial strategy.</li> </ul> <p><u>Officer comment:</u> This matter is discussed in Section 9.48-9.60 of this Agenda Report.</p>

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	<ul style="list-style-type: none"><li>• The adverse visual impact, the impact on the character of the area, and the adverse impact on the openness of the landscape should weigh heavily against approving this application.</li></ul> <p><u>Officer comment:</u> Landscape and visual impacts weigh in the planning balance, at Section 26 of this Agenda Report.</p> <ul style="list-style-type: none"><li>• The development would have a large adverse impact on the four horse race trainers on this side of the Epsom Downs training area. It is highly likely that these 4 trainers may consider leaving the area altogether, which would see our trainers reduce by 40% in one fell swoop.</li><li>• The Economic Impact Assessment report produced by the Jockey Club recently shows there is a £63m+ contribution to the Epsom &amp; Ewell area from the Racing Industry and associated employment and businesses. Having 40% of our trainers leave the area because of this development would be catastrophic and likely kill the training grounds for good.</li><li>• The traffic report suggests the minimal impact would occur from the additional 220+ cars in the area (assuming 2 cars per household). The reality is that the area is gridlocked.</li><li>• The traffic report fails to consider the new housing development in Mole Valley at Headley Court and a recent permission for an extra 200+ houses</li></ul> <p><u>Officer comment:</u> The County Highway Authority are satisfied that the additional vehicle trip generation associated with the proposed development would not generate a significant additional risk to equestrian safety in comparison to the existing situation. This includes cumulative impacts of surrounding developments and approvals.</p> <p>By extension, there is no evidence to suggest that in the absence of any harm, that trainers will then chose to relocate from the area.</p> <p>Remaining highways matter are discussed in Section 18 of this Agenda Report.</p> <ul style="list-style-type: none"><li>• Badgers, deer, bats, birds, and many more frequent the Downs. The addition of street lighting for this development would cause issues</li></ul> <p><u>Officer comment:</u> The above matters are discussed in Section 19 of this Agenda Report.</p>
Councillor Froud	<p>Objection.</p> <ul style="list-style-type: none"><li>• Site was left out of the local plan as it is unsustainable</li><li>• Parents will not walk via the woodland to school and Tattenham Corner Station to commute.</li></ul>

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	<ul style="list-style-type: none"> <li>• We should not be encouraging cyclists to commute across the Downs during race horse training hours and we should not be increasing traffic at all around the training yards.</li> </ul> <p><u>Officer comment:</u> The matters highlighted above are discussed in Section 10 of the Agenda Report.</p> <ul style="list-style-type: none"> <li>• Woodland Trust are doing a great job in keeping wildlife corridors open as is the tenant farmer in farming this land</li> </ul> <p><u>Officer comment:</u> Ecology matters are discussed in Section 19 of the Agenda Report.</p> <ul style="list-style-type: none"> <li>• These dwellings will not help our residents on our housing list and even shared ownership is not affordable to most.</li> </ul> <p><u>Officer comment:</u> Affordable housing is discussed in Section 15 of this Agenda Report</p>
Councillor Spickett	<p>To take into consideration the following when assessing the application:</p> <ul style="list-style-type: none"> <li>• Improved Habitat Management</li> </ul> <p>Restore and maintain this chalk grassland through appropriate, consistent management to maintain the characteristic short turf needed by chalk grassland species. Access to expert management advice and tailor techniques to the site's specific needs</p> <ul style="list-style-type: none"> <li>• Enhance Biodiversity</li> </ul> <p>Epsom Downs already supports specialised chalk flora and fauna. Mapping species, identifying specialist needs and restoring the habitat will help to increase populations of scarce butterflies like the small blue, grizzled skipper or chalkhill blue; improve conditions for orchids and other chalk specialists. It can protect reptiles and invertebrates through improved vegetation structure. This would strengthen Epsom Downs as a regional biodiversity hotspot!</p> <p><u>Officer comment:</u> The above matters are discussed in Section 19 of this Agenda Report.</p>
Langley Vale Action Group	<p>Objection: See Appendix 2.</p> <p><u>Officer Comment:</u> The objections highlighted in the submission are discussed within the relevant sections of the Agenda Report.</p>
CRPE	<p>Objection.</p> <ul style="list-style-type: none"> <li>• The site is an AGLV - not an Area of Landscape Value as claimed by the developer's representatives.</li> </ul>

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	<ul style="list-style-type: none"><li>• It would represent the first significant incursion into the Green Belt and would create a precedent for the future.</li><li>• The proposal would quite evidently result in incursion into the countryside, one of the five criteria for protecting Green Belt.</li><li>• The site is not included in the Council's draft Local Plan.</li><li>• Epsom and Ewell's 2022 Land Availability Assessment states that "exceptional circumstances would need to be demonstrated for the site to be considered suitable" for homes.</li><li>• Would result in the loss of good agricultural land and a diminution of biodiversity.</li><li>• The unsustainable nature of the application site is of particular concern. The adjacent housing in Langley Vale has particularly high car ownership levels because of the lack of local facilities and the poor public transport</li><li>• Cycling would require the use of the existing road network which is congested and hazardous</li><li>• The existing access locally to buses is very limited</li><li>• The proposals to improve public transport are unrealistic.</li><li>• Car clubs do not last.</li><li>• Developments such as this increase our dependency on hydrocarbons which contribute to climate change.</li></ul>
	<p><u>Officer Comment:</u> The above matters are discussed in Section 9 of this Agenda Report.</p> <ul style="list-style-type: none"><li>• There would be conflicts between residents and horses, both those in training and those used for recreational purposes. No analysis appears to have been submitted.</li><li>• The provision of a third access from Langley Vale Road within a short distance and close to a bend would represent an additional road safety hazard</li></ul>
	<p><u>Officer Comment:</u> The above matters are discussed in Section 18 of this Agenda Report.</p>
Woodland Trust	<p>Objection. See Appendix 3</p> <ul style="list-style-type: none"><li>• Landscape and Woodland Impacts</li></ul> <p>The supporting Parameters Plan identifies a 15 metre buffer from the Ancient Woodland, which meets Natural England requirements.</p> <ul style="list-style-type: none"><li>• Site Design Requirements</li></ul> <p><u>Officer comment:</u> The proposed development would exceed a 20% biodiversity net gain and the Council's Tree Officer is satisfied that the trees identified for removal as a result of the proposed</p>

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	<p>development can be appropriately mitigated for with replacement tree planting.</p> <ul style="list-style-type: none"> <li>Impact on Langley Vale Wood</li> </ul> <p><u>Officer comment:</u> It is noted that the Woodlands Trust have requested that, should the Council be minded to approve the application, the applicant should be required to borne costs associated with any on site management, maintenance and signage requirements associated with the additional footfall upon the proposed development.</p> <p>It is noted that the Woodlands Trust actively encourages a wide range of visitors to Langley Vale Wood and it has not been demonstrated that the potential footfall associated with the proposed development would exceed existing capacity of the leisure site or generate identifiable new costs. The request would not meet the planning obligations test and cannot reasonably be imposed.</p> <p>Thames Water is satisfied that there is capacity to serve the site with water, although they have requested a condition to secure water infrastructure. Woodlands Trust request for the applicant to provide a water connection on their site is unrelated to the impact development impact, would not meet the planning obligations test and cannot reasonably be imposed.</p>
Epsom Civic Society	<p>Objection.</p> <ul style="list-style-type: none"> <li>Whilst there is a lack of 5 year housing supply, this does not mean all new housing applications should be granted</li> <li>The site cannot be regarded as Grey Belt land</li> <li>The site is high performing green belt land as indicated in the 2024 Green Belt review. It was given an AAA assessment rating.</li> <li>Within the recent Local Plan Reg.19 submission, the inclusion of existing green belt land was considered a necessity to meet required housing targets. That process did not include this site</li> <li>The AAA green belt rating which is logical given its closeness to Epsom and Walton Downs to the north and east and to the Surrey Hill ANOB to the south.</li> <li>This site to good agricultural land with a potential to be more intensively farmed, something which should be promoted to lessen reliance on imported food produce.</li> </ul> <p><u>Officer Comment:</u> The above matters are discussed in Section 9 of this Agenda Report.</p>
West Surrey Badger Group	<p>Objection.</p> <p>Further badger surveys need to be carried out.</p>

	<p><u>Officer Comment:</u> In the event outline permission is granted, this would be subject to a condition to secure a badger monitoring survey prior to the commencement of any development on site. This would not be prohibitive to the delivery of the application. Refer to Section 19 of this Agenda Report.</p>
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## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Planning Policy

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

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- 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 CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS16: Managing Transport and Travel

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

- Policy DM1: Extent of the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM7: Footpath, Cycle and Bridleway Network
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density

- Policy DM12: Housing Standards
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

#### **7.4. Emerging Local Plan**

7.5. It is acknowledged that there are a range of draft policies within the emerging Local Plan that, whilst may be relevant to this application, they are presently considered to have limited weight, given that the Plan is currently at examination stage and not as yet adopted.

#### **7.6. Supplementary Planning Documents and Guidance**

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

#### **7.7. Other Documentation**

- Surrey Transport Plan 2022–2032
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking
- Guidance for New Developments 2023
- Surrey County Council's Local Transport Plan 4 (LTP4)
- Natural England Guide to Assessing Development Proposals on Agricultural Land 2021

### **PLANNING ASSESSMENT**

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

8.1. 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.

8.2. 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.

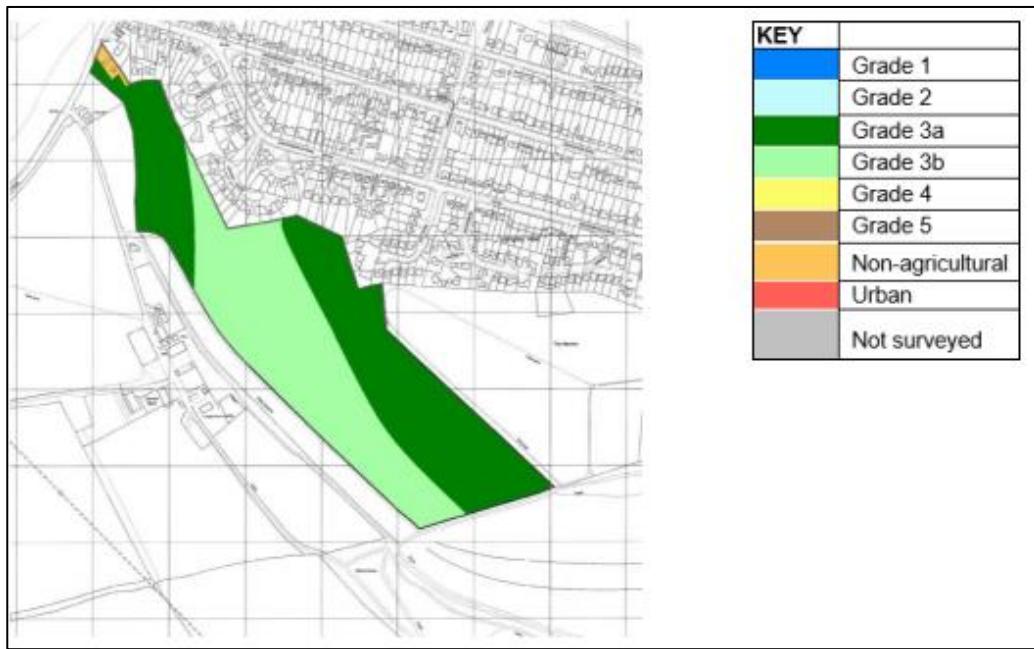
## **9. Principle of Development**

### **9.1. Loss of Agricultural Land**

- 9.2. Paragraph 187(b) of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile (BMV) agricultural land.
- 9.3. Agricultural land is graded between 1 and 5. The principal physical factors influencing grading are climate, site, and soil which, together with interactions between them.
- 9.4. Gradings of 1, 2 3 and subgrade 3a are the BMV agricultural land that should be retained. Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use. Grade 3a is land capable of consistently producing moderate to high yields of a narrow range of arable crops.
- 9.5. Footnote 65 of the NPPF advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 9.6. There is no definition within Annex 2 of the NPPF that defines 'significant development of agricultural land'
- 9.7. However, Natural England's Guide to Assessing Development Proposals on Agricultural Land 2021 advises that Natural England must be consulted on developments that (inter alia) are likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV agricultural land.
- 9.8. It is therefore not unreasonable to conclude that significant development of agricultural land can be defined in a quantum manner as development that would result in the loss (or likely cumulative loss) of 20ha or more of BMV agricultural land.
- 9.9. Given the scale of the land assessed, Officers are satisfied that the proposed development would not be significant development of agricultural land for the purposes of footnote 65 of the NPPF.
- 9.10. It is recognised that paragraph 187 of the NPPF does not preclude development of BMV agricultural land, requiring only that the economic advantages and other benefits of BMV agricultural land are recognised.

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- 9.11. The Natural England guide advises that Local Planning Authorities should use supporting Agricultural Land Classification survey data to assess the loss of land or quality of land from a proposed development, taking into account smaller losses (under 20ha) if they're significant when making a decision.
- 9.12. The application is supported by an Agricultural Land Classification and Considerations Report, prepared by Kerton and dated December 2025. The report considers the agricultural land quality of the site and the field adjacent to the south east, comprising a total of 10.4ha of agricultural land. The report identifies the methodology used to inform the detailed assessment and Officers are satisfied that the methodology outlined in the report broadly meets the survey requirements set out in paragraph 6.3 of the above mentioned Natural England Guidance.
- 9.13. The report concludes that the land assessed is a mixture of Grade 3a and 3b. It is calculated that of the 5.2ha of the land is subgrade 3a agricultural land (50%), 5.1ha is subgrade 3b land (49%) and 0.1 ha is non-agricultural land.
- 9.14. The report identifies that the distribution of the BMV agricultural land Subgrade 3a, is complex, with the 5.2 ha divided into two parcels on the eastern and western sides of the field, with the central area comprising land of poorer quality.



Extract from Agricultural Land Classification and Considerations Report, prepared by Kerton and dated December 2025.

- 9.15. The report also confirms that whilst the assessed area contains different quality of land, these are not farmed any differently from each other.
- 9.16. The report contains a high level economic assessment of the Subgrade BMV agricultural land, concluding that the economic benefits associated

with the farming of the land to be limited and the food production negligible. Officers consider this conclusion to be reasonable, given the scale of the parcel of land and the distribution of the different grading of the agricultural land on the site.

- 9.17. Furthermore, the report sets out that the agricultural land surrounding the site is of similar quality, therefore the loss of the BMV agricultural land associated with the site would not significantly erode the amount of BMV agricultural land available for agricultural purposes in the surrounding area nor would there be any poorer quality land to be considered in preference for the proposed development.
- 9.18. Notwithstanding the above, the loss of 5.2ha subgrade 3a land as a result of the proposed development would be an adverse impact of the scheme to be weighted in the planning balance.

#### **9.19. Green Belt**

- 9.20. The site lies within Green Belt. The Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.21. Paragraph 143 of the NPPF states that Green Belt serves five purposes:
  - a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.22. Paragraph 153 of the NPPF, reinforced in Policy CS2 of the CS, states that substantial weight must be given to any harm to the Green Belt, including harm to its openness and that that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.23. Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.
- 9.24. Paragraph 153 of the NPPF further states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It adds that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.25. Paragraph 154 of the NPPF sets out a limited number of exceptions to inappropriate development in the Green Belt.
- 9.26. Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
  - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
- 9.27. Criterion (b) of paragraph 155 is subject to footnote 56 of the NPPF which sets out (inter alia) in the case of applications involving the provision of housing, demonstrable unmet need for the type of development proposed means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable
- 9.28. Policy CS2 of the CS protects the Green Belts key functions, seeks to maintain its existing general extent and, within its boundaries, ensure that strict control will continue to be exercised over inappropriate development as defined by Government policy.

### **9.29. Exceptions**

- 9.30. The proposed development would not meet any of the exceptions listed in paragraph 154 of the NPPF.

### **9.31. Grey Belt**

- 9.32. Annex 2 of the NPPF defines 'grey belt' as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the NPPF, and excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 9.33. Purpose (a) of Green Belt relates to the sprawl of large built up areas, purpose (b) prevents the coalescence of towns and purpose (d) preserves the setting and special character of historic towns.

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- 9.34. The Council has a published Green Belt Study Update November 2024 where the site has is assessed these against purpose (a) and (b) of the Green Belt. The assessment concludes that the site performs moderately against purpose (a) and performing low against purpose (b).
- 9.35. The study was undertaken and published before the revised December 2024 version of the NPPF which introduced 'grey belt' and the subsequent Planning Practice Guidance (PPG) for Green Belt published February 2025. The following assessment has been assessed against the latest PPG.

Purpose (a) - to check the unrestricted sprawl of large built-up areas

- 9.36. The PPG advises that villages should not be considered large built up areas. As Langley Vale is a village, the site cannot strongly contribute to Green Belt purpose (a) of paragraph 143 of the NPPF.

Purpose (b) to prevent the coalescence of towns

- 9.37. The site does not form part of a gap between towns and cannot strongly contribute to Green Belt purpose (b).

Purpose (d) to preserve the setting and special character of historic towns

- 9.38. The site does not form part of the setting of a historic town and cannot strongly contribute to Green Belt purpose (d).
- 9.39. Consideration is given to whether there are any protected assets in footnote 7 (other than Green Belt) that would provide a strong reason for refusing or restricting development. Whilst designated heritage assets are considered a protected asset in footnote 7, as assessed later in this report, Officers are satisfied that heritage harm would not be a strong reason for the refusal of this application.
- 9.40. There is some contradictions in recent appeals as to whether limited heritage harm would form a strong reason for restricting development and therefore the appeal site would meet the definition of grey belt. Clarity has recently been given in High Court<sup>2</sup>, and this is provided by the removal any reference to footnote 7 in the definition of Grey Belt in the consultation draft of the NPPF (December 2025) and the following rationale within the accompanying consultation document:

*'A change is proposed to the definition of 'grey belt' to remove reference to other 'Footnote 7' areas. This reference was originally included to ensure that our grey belt policy reforms did not undermine the protection given to these areas. However, this reference meant that grey belt can only be provisionally identified before considering the impact of specific development proposals, which could make it more difficult to accurately*

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<sup>2</sup> Wrotham PC v SSHCLG,

*identify grey belt. It could also apply additional layers of protection to these areas within a Green Belt context, which is unnecessary.*

*Our revised definition seeks to enable grey belt to be identified with greater certainty, whilst continuing to ensure that these areas receive the same level of protection as elsewhere in the Framework'*

- 9.41. On account of the above, it is clear that Footnote 7 should not be applied.

#### **9.42. Grey Belt Conclusion**

- 9.43. Officers are satisfied that the site would meet the definition of grey belt as outlined in Annex 2 of the NPPF.

#### **9.44. Paragraph 155 of the NPPF**

- 9.45. Paragraph 155 of the NPPF states that the development homes should be regarded as not inappropriate where the following apply:

(a) development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- 9.46. In considered the above, the PPG advises that authorities should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

Epsom and Ewell Borough Council's Green Belt encompasses roughly 43% of the Borough's land. Although the proposed development would cause harm to openness and impact on Green Belt purpose (c) regarding assisting in safeguarding the countryside from encroachment, this would not fundamentally undermine the ability of the remaining Green Belt land across the area of the plans from meeting all five of the Green Belt purposes in a meaningful way. The proposal would therefore meet criterion (a) of paragraph 155 of the NPPF.

(b) there is a demonstrable need for the type of development proposed;

- 9.47. The Council cannot demonstrate a five-year supply of housing, with the Council's Authority Monitoring Report 2024 - 2025 concluding a housing land supply equivalent to about 1.49-1.53 years, demonstrating a significant shortfall in future supply. Consequently, for the purposes of criterion (b) of paragraph 155 of the NPPF, there is a demonstrable unmet need for the type of development proposed.

(c) the development would be in a sustainable location with particular reference to paragraph 110 and 115 of the NPPF;

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- 9.48. Paragraph 110 of NPPF encourages significant development to be focused on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes, although recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
- 9.49. Paragraph 115 of NPPF requires applications for new development to ensure that
  - a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach
- 9.50. On 14 July 2022, planning permission was granted on appeal<sup>3</sup> on the adjoining site (Langley Bottom Farm) for 20 residential units. This appeal site lies to the south of the application site and is lies further from Langley Vale.
- 9.51. One of the main issues considered by the Inspector in that appeal was whether the site was in a sustainable location. The Inspector found that whilst the development at the appeal site would not be significant development, it would provide opportunities for residents to take up sustainable transport modes, which is the essential element of paragraph 110 of the NPPF.
- 9.52. On 18 July 2025, an appeal<sup>4</sup> was dismissed for a single dwelling at Langley Bottom Farm. In considering whether the appeal site was in sustainable location, the Inspector concluded that given the evidence before them, including the appeal decision for Langley Bottom Farm, the appeal site would be in a sustainable location.
- 9.53. It is well established that previous appeal decision(s) can amount to a material consideration in the determination of like cases, an officers must consider the materiality of that previous decision, and in particular the Inspector's conclusion the adjoining site is sustainable.
- 9.54. The current application proposes the same kind of development, in broadly the same location under the same local planning policy framework

<sup>3</sup> [APP/P3610/W/21/3280881](#) – Langley Bottom Farm, Langley Vale Road, Epsom, Surrey, KT18 6AP

<sup>4</sup> [APP/P3610/W/25/3359376](#) – Langley Bottom Farm, Epsom, Surrey, KT18 6AP

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and substantially the same National planning policy framework, save that Green Belt policy has been relaxed by the introduction of Grey Belt which serves to advance a strong emphasis on the increased delivery of housing

9.55. The significance of these facts is that in *North Wiltshire District Council v Secretary of State for the Environment and Clover (1993) 65 P. & C.R. 137* the Court of Appeal held:-

*'It was not disputed in argument that a previous appeal decision is capable of being a material consideration. The proposition is in my judgment indisputable. One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that: there is consistency in the appellate process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.'*

*To state that like cases should be decided alike presupposes that the earlier case is alike and is not distinguishable in some relevant respect. If it is distinguishable then it usually will lack materiality by reference to consistency although it may be material in some other way. Where it is indistinguishable then ordinarily it must be a material consideration. A practical test for the inspector is to ask himself whether, if I decide this case in a particular way am I necessarily agreeing or disagreeing with some critical aspect of the decision in the previous case? The areas for possible agreement or disagreement cannot be defined but they would include interpretation of policies, aesthetic judgments and assessment of need. Where there is disagreement then the inspector must weigh the previous decision and give his reasons for departure from it. These can on occasion be short, for example in the case of disagreement on aesthetics. On other occasions they may have to be elaborate.'*

9.56. The current proposal is significantly larger than those considered in the two recent planning appeals. However, this distinguishing feature does not directly impact on the underlying sustainability of the location. On that basis, the previous appeal decisions are material considerations in the determination of this application. The weight to be given to this material consideration is a matter for the decision maker. However, if the Council wishes to depart from the approach of the previous inspectors it must give reasons for doing so.

9.57. Against that background, Officers note the previous Inspectors findings on the sustainability of the location are not expressly contingent on the scale of the developments.

*'In my judgement, the proposal does not quite meet the threshold for being 'significant' development in the context of paragraph 105 of the Framework. Furthermore, and, in any event, in respect of paragraph 110 of the Framework I am satisfied that given the type of development and its location, the proposal would appropriately provide opportunities for residents to take up sustainable transport modes.'*

- 9.58. The proposed development includes sustainable travel initiatives that are intended to make the application site more sustainable than it is today, notably by demand led public transport, which are credible and beneficial. Other local services and sustainable travel considerations (notably the convenience of walking and cycling) are broadly the same. Another vitally important similarity compared with the previous decision is the low level of housing land supply and under-delivery (especially of affordable housing delivery), which remains an important part of the context for the assessment of sustainability.
- 9.59. Viewed in the round, the conclusions reached by previous inspectors on the sustainability of the area of the appeal site, coupled with the applicant's proposals to further enhance the sustainability of the appeal site are judged by officers to constitute weighty material considerations that indicate the development meets the test of paragraph 155(c) of the NPPF. In short, it is a sustainable location. This position has been reviewed and concurred with by Counsel.

#### **9.60. Paragraph 155 Conclusion**

- 9.61. The proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; would meet a demonstrable need for housing and would be in a sustainable location, thereby meeting the requirements (a)-(c) of paragraph 155 of the NPPF. Criterion (d) of paragraph 155 is discussed below.

#### **9.62. Golden Rules**

(a) the provision of affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of the NPPF; or (ii) until such policies are in place, the policy set out in paragraph 157 of the NPPF

- 9.63. Policy CS9 of the CS requires residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) to include at least 40% of dwellings as affordable. In this case, the 40% requirement is subject to a 15% uplift capped at 50% and the provision of 50% affordable housing is therefore required in this case.

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- 9.64. The preferred mix for onsite affordable housing is 30% affordable home ownership and 70% affordable rented (with half to be secured as social rent).
- 9.65. The proposed development would provide 55 dwellings as affordable homes, thereby meeting the 50% affordable housing required to comply with the first golden rule.

(b) necessary improvements to local or national infrastructure; and

- 9.66. The proposed development would be liable for CIL contributions and would provide necessary infrastructure as identified in the report by was of a Section 106 Agreement in the event permission is granted.

(c) the provision of new, or improvements to existing, green spaces that are accessible to the public.

- 9.67. Paragraph 159 of the NPPF adds that, the improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan.
- 9.68. Paragraph 159 of the NPPF further adds that where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria).
- 9.69. Policy CS4 of the CS requires open space and recreational provision on all new residential development to have regards to the most recent Audit of Open Space, Sport and Recreational Facilities and Assessment of Local Needs.
- 9.70. The Council's Open Space Audit 2024 sets out the open space provision for new development, which aligns with the Fields in Trust recommended benchmark guidelines of 0.8ha per 1,000 population for parks and gardens; 0.6ha per 1,000 population for amenity green space and 1.8ha per 1,000 population for natural and semi natural open space.
- 9.71. The existing site is private and has no public access. The proposed development would provide 1.63ha of open green space that would publicly accessible. Existing residents of Langley Vale and future residents of the proposed development, alongside the general public, would be able to access these open spaces areas, including the new play space, within short or reasonable walking distances. Therefore the proposal is in accordance with paragraph 156 (c) of the NPPF.

**9.72. Golden Rules Conclusion**

- 9.73. For the reasons set out above, the proposal would meet the requirements of the Golden Rules as set out in paragraph 156 of the NPPF.
- 9.74. Paragraph 158 of the NPPF states that a development which complies with the Golden Rules should be given significant weight in favour of the grant of planning permission.

#### **9.75. Harm to the Green Belt**

- 9.76. Whilst Officers consider that the proposed development would utilise Grey Belt land and meet the tests set out in paragraph 155 and the Golden Rules, Members may take a different view and consider the proposed development to fail to meet any of tests of paragraphs 154-157 of the NPPF. In this event, the proposal would amount to inappropriate development in the Green Belt.
- 9.77. Paragraph 153 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### **9.78. Green Belt Purpose**

- 9.79. Paragraph 134 of the NPPF outlines the five purposes of including land within the Green Belt. These seek to check unrestricted sprawl of built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and encourage the reuse of urban land.
- 9.80. As discussed above, PPG for Green Belt was published February 2025 which provided guidance on evaluating the contribution land makes to Green Belt purposes (a), (b) and (d), which postdates the evaluations made within the Council's Green Belt Study Update 2024. Officers maintain that the site does not strongly contribute to purposes (a), (b) or (d) of the Green Belt as set out at paragraph 143 of the NPPF.
- 9.81. With respect to the remaining two purposes, the site is identified as parcel ID03 Green Belt Study Update 2024 which assess the site as being moderately performing against Green Belt purpose (c - to safeguarding the countryside from encroachment).
- 9.82. The Study sets out that parcels were not tested against (e) – to assist in urban regeneration, by encouraging the recycling of derelict and other urban land) as all Green Belt land is considered to make an equal contribution to this purpose.

### **9.83. Green Belt Openness**

- 9.84. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open. Openness is not defined in the NPPF, but the Planning Practice Guidance<sup>5</sup> states that the assessment of impact on openness requires a judgement based on the circumstances of the case and that account should be taken of spatial and visual aspects, the duration of the development and the degree of activity likely to be generated.
- 9.85. The site currently consists of undeveloped countryside. The proposed development would introduce new built form together with associated residential paraphernalia and activity, which would inevitably reduce the openness of the Green Belt in spatial terms.
- 9.86. The supporting Landscape and Visual Impact Assessment (LVIA), prepared by Fabrik, reference D2671 and dated July 2025, makes it clear that the development would be viewed from localised views, such as from Langley Vale Road, the properties on southern edge of Langley Vale and the surrounding PRoW network. The views experienced from by receptors would be permanently changed as a result of the proposal but would be localised and limited.
- 9.87. The proposed development would cause a permanent reduction in the openness of the site, resulting in harm to the openness of the Green Belt. It would also encroach into the countryside, conflicting with Green Belt purposes (c) identified at paragraph 143 of the NPPF.
- 9.88. Members are reminded that Officers are of the view that the site is be on grey belt land and the proposed development would meet all the tests of paragraphs 155-157 of the NPPF and is therefore appropriate development within the Green Belt.
- 9.89. However, should Members reach a different conclusion with the consequence that the development is to be inappropriate development, the suggested Very Special Circumstances have been considered in detail in Section 26 of this Agenda Report.

### **9.90. Green Belt Conclusion**

- 9.91. Paragraph 153 of the NPPF requires substantial weight to be given to any harm to the Green Belt, including harm to its openness. It confirms that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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<sup>5</sup> [Green Belt - GOV.UK](https://www.gov.uk/government/publications/green-belt-practice-guidance)

- 9.92. As discussed above, Officers have concluded that the site can be considered grey belt land in accordance with the definition of Annex 2 of the NPPF, and the tests set out in paragraph 155-157 of the NPPF have been satisfied. For these reasons, Officers are satisfied that the proposed development would not represent inappropriate development within the Green Belt.
- 9.93. However, should Members reach a different conclusion with the consequence that the development is to be inappropriate development, the suggested Very Special Circumstances have been considered in detail in Section 25 of this Agenda Report.

## 10. Landscape Character

- 10.1. Paragraph 187 of the NPPF recognises the intrinsic character and beauty of the countryside and ensures that planning decisions protect and enhance valued landscapes.
- 10.2. The site does not comprise a valued landscape for the purposes of interpreting paragraph 189 of the NPPF.
- 10.3. The site lies within National Character Area Profile 119: North Downs 2013. The National Character Area's (NCA) represent an area of distinct and recognisable character at the national scale and set out key characteristics<sup>6</sup>
- 10.4. The Surrey Landscape Character Assessment NE14: Epsom and Ewell Borough, prepared by HDA and dated April 2015 identifies the site within a Distinct Area on the Urban Edge (UE). The key characteristic of areas within the UE Landscape Character Area (UELCA) are edge of town locations, often entirely enclosed by built up areas with significant human intervention and frequently provide outdoor amenity for the surrounding population. Although often enclosed by urban areas, they maintain physical and visual connections to the wider and provide landscape setting to adjacent urban areas and settlements.
- 10.5. The site falls within UELCA UE3: Epsom Downs, and sets out further character area's key characteristics<sup>7</sup>, which comprise of (inter alia) elevated downland, upward sloping landform open, large scale, relatively exposed fields and irregular shaped blocks of woodland. The character area also has a sense of remoteness, although this is reduced due to human influence within and surrounding the character area. The site reflects these characteristics.
- 10.6. Guidance set out for UE3:Epsom Downs includes protecting and enhancing the landscape setting to adjacent settlements and urban areas and maintaining physical links and open views to the wider landscape.

<sup>6</sup> [NCA Profile:119:North Downs \(NE431\)](#)

<sup>7</sup> [NE14 Epsom and Ewell Borough](#)

- 10.7. The Epsom and Ewell Green Infrastructure Study identifies that part of the Borough has a County designation as an Area of Great Landscape Value (AGLV), a designation that the Council considers as important green open space and a valued landscape asset. The site lies within the Surrey Hills AGLV. Although the Surrey Hills AGLV directly adjoins the Surrey Hill Area of Outstanding Natural Beauty, the boundary of this National Landscape Designation lies some 3.3 km from the site.
- 10.8. Policy DM9 of the DMPD supports (inter alia) development that makes a positive contribution to the Borough's visual character and appearance, considering its relationship to the existing wider landscape.
- 10.9. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), prepared by Fabrik, reference D2671 and dated July 2025 which identifies the likely landscape and visual effects that would result from the proposed development.
- 10.10. The LVIA sets out the existing landscape sensitivity of a number of landscape and visual receptors, the majority of which are identified as 'medium' (i.e. is moderately susceptible to change from a development).
- 10.11. The sensitivity of the landscape and visual receptor is then combined with the magnitude of change (i.e. the scale, extent, duration, and reversibility of the development's effect) to determine the significance of the effect.
- 10.12. The LVIA sets out the landscape and visual effects on:
  - contextual landscape receptors (i.e. effects on landscape receptors beyond the site boundary, for example, indirect effects on landscape character);
  - Site landscape receptors (i.e. direct effects on landscape receptors within the site boundary only) and;
  - Visual receptors (i.e. effects arising from the changes to the landscape which are perceived by both static and transient receptors)
- 10.13. The significance of the effects are considered at Year 1 and at Year 15, in order to assess the landscape visual effects immediately after construction completion and the long term effects as landscaping matures providing beneficial screening.

#### **10.14. Landscape Effects**

- 10.15. The LVIA acknowledges that the proposed development would result in a permanent change to the site's current agricultural character through introducing built form, associated infrastructure, and areas of open space.
- 10.16. In considering the landscape effects of the proposal at Year 1, the LVIA concludes that the most notable effect would be the loss of open pasture

and the introduction of residential development and that initial impact on the site's landscape character and setting would be Moderate Adverse, as this effect would be this is balanced by the inclusion of embedded mitigation such as green infrastructure, recreational footpaths, play areas, and the protection and enhancement of existing vegetation, which would begin to contribute positively to local landscape structure and amenity value from the outset.

- 10.17. By Year 15, the LVIA concludes that the proposed planting would have matured, resulting in improved integration of the development within the surrounding landscape, forming a softened and coherent extension to the existing Langley Vale settlement, supported by a robust framework of native vegetation and publicly accessible green space. The magnitude of change to most landscape receptors will reduce over time, with significance of effects typically lowering to Minor Adverse, and in the case of vegetation and landscape structure, improving to Moderate Beneficial, reflecting long-term landscape and ecological enhancements.
- 10.18. The LVIA notes that the UELCA has a transitional mix of rural and suburban influences and the proposed development would respond well to this key characteristic. Officers concur that whilst the proposed development would result in the permanent change of the site, the site is a relatively small area of the LCA's agricultural land and would be viewed in context with the existing urban edge landscape.
- 10.19. Officers consider the site to be consistent with, and contribute to, key characteristics of the AGLV. However, whilst the site is free from built form, it is not free from all urban influences, with residential development to the north and the highway to the north west, the associated movement and noise of which reduces the sense of tranquillity.
- 10.20. Whilst the proposed development would have an impact on the landscape as a result of the open pastoral field being replaced by built form and associated, these effects would be localised due to the visual containment of the site and the landscape harm would be modest, given that the proposed development would be seen in context with the existing residential built form of Langley Vale. Furthermore, the application is supported by a Design and Access Statement, prepared by Paul Hewett, Rev C which contains an illustrative masterplan that demonstrates that the layout and new planting could accommodate new planting that would filter and softening the proposed development
- 10.21. Notwithstanding this, the overall effect of the proposed development would weaken the distinctive landscape quality of the AGLV, although this harm would be localised and moderate.

## **10.22. Visual Effects**

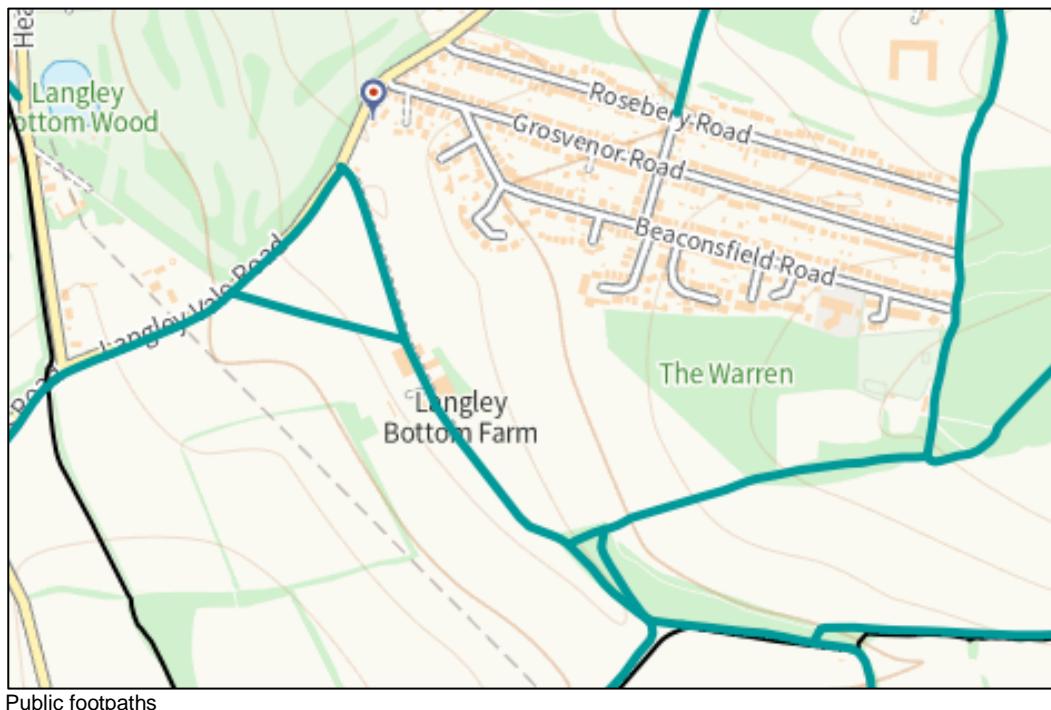
- 10.23. The LVIA concludes that the proposed development would result in a series of permanent, but localised visual changes, primarily affecting

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receptors in close proximity to the site. The LVIA considered views of the development from Langley Vale receptors would be largely screened, with open views achievable from the northwest and southern sections of the highway. From these views, the proposed development would have a Moderate Adverse effect at Year 1, reducing to Minor Adverse by Year 15 as planting matures.

10.24. The LVIA also concludes that noticeable changes would also occur for nearby residents along the eastern boundary, where open views across farmland would be replaced by built form. However, the topography of the site, landscape buffering and retained views towards Centenary Wood would help limit visual intrusion, resulting in Moderate Adverse effect across both Year 1 and 15.

10.25. The LVIA acknowledges that the Public Rights of Way surrounding the site would also experience varying degrees of visual change. Bridleways 146, 33, and 127 would all experience the introduction of built form within views, with initial Moderate Adverse effects reducing over time as planting establishes, filtering and softening the development. Similarly, elevated viewpoints within Centenary Wood would experience some visibility of the extended settlement edge, though existing vegetation, topography, and the proposed development alignment with the wider settlement pattern would mitigate visual impact. Overall, the LVIA considers the visual effects of the proposed development reduce over time, with long-term significance ranging from Moderate to Minor Adverse.



10.26. Officers concur that the proposed development would result in a high degree of permanent change for the residential receptors overlooking the site but acknowledge that the effect would reduce over time because of

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buffer planting and topography. Notwithstanding this, the effect would remain Moderate Adverse, although localised.

10.27. The public rights of way are recreational routes, so there is the expectation that some users would do so for the specific purpose of enjoying the countryside. Views of the site open up on parts of Bridleways 146, 32 and 33, and whilst there are urbanising influences from the edge of the settlement and the highway, the overriding experience from these routes are of being in the countryside. Whilst the effect of the proposed development may be reduced as boundary planting along the southern matures and softens the transition between the proposed development and the adjacent agricultural landscape, the effect would remain Moderate Adverse, although localised.

#### **10.28. Landscape Conclusion**

10.29. The proposal would cause localised and modest harm to the AGLV and residential receptors and users of Bridleways 146, 32 and 33, although these visual effects would be limited to the immediate vicinity of the site.

10.30. The proposed development would therefore be contrary to Policy DM9 which requires new development to make a positive contribution to the Borough's visual character and appearance, considering its relationship to the existing wider landscape.

10.31. Whilst the AGLV does not have the same status in terms of protection as a National Landscape (in which great weight should be given to conserving and enhancing landscape and scenic beauty), paragraph 187 of the NPPF advocates protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

10.32. The moderate and localised harm to the AGLV and identified receptors would be an adverse impact of the proposed development to be weighted in the planning balance.

### **11. Trees**

11.1. Paragraph 136 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

11.2. The site does not contain any trees that are the subject of a Tree Preservation Order. There are two off-site trees and one off-site grouping that are the subject of Tree Preservation Orders that could be potentially affected by the proposed development (94/G1 5 Sycamores, 94/T15 Oak and 94/T17 Field Maple). To the south east of the site lies Ancient Woodland.

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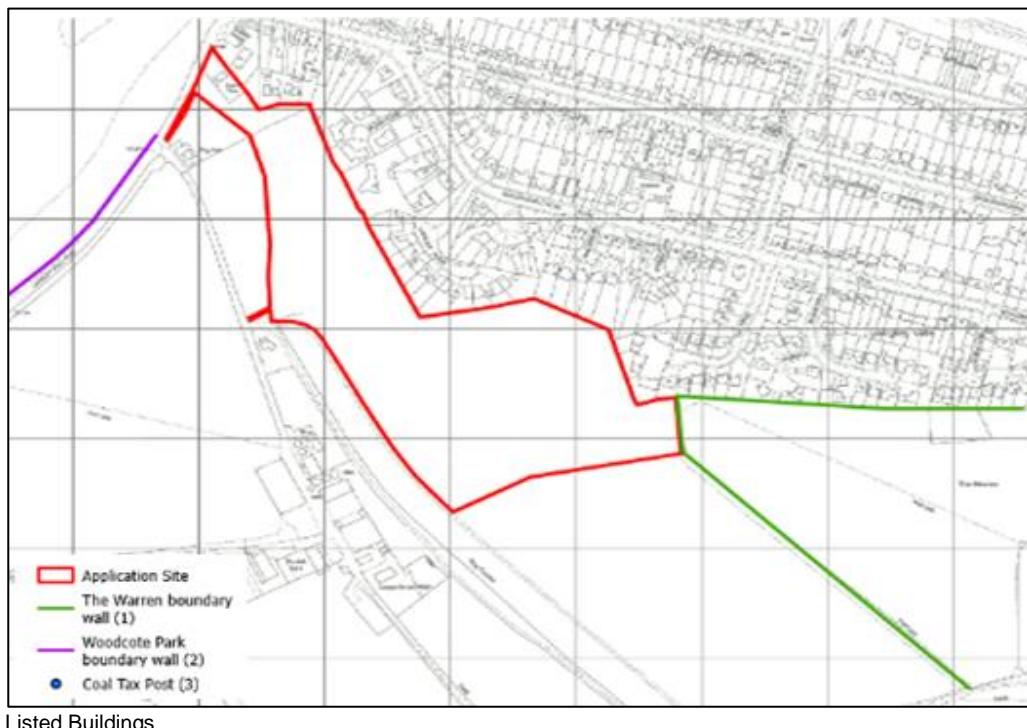
- 11.3. Natural England Guidance advises that for ancient woodlands, a buffer zone of at least 15 metres from boundary of the woodland should be provided to avoid root damage. Where possible, the buffer zone should be part of the green infrastructure of the area, should consist of semi natural habitats and contribute to wider ecological networks.
- 11.4. The application is accompanied by an Arboricultural Impact Assessment and Method Statement (AIA) prepared by Arbortrack Systems Limited, reference jwmb/rpt1/langleybottomfarm/AIAAMS and dated 09 July 2025.
- 11.5. The AIA recommends the removal of 4 Category C trees and 2 groups of Category C Trees to facilitate the proposed development. The Council's Tree Officer has no objection to the loss of the trees on the provision that adequate mitigation is made for the loss with replacement planting.
- 11.6. The site lies adjacent to Ancient Woodland. Although the proposed development would not result in the loss or deterioration of ancient woodland, ancient trees or veteran trees, the supporting Parameters Plan identifies a 15 metre buffer from the Ancient Woodland. Although landscaping is a reserved matter, the supporting Landscape Design Statement, prepared by Fabrick and dated July 2025, indicates on page 18 that the buffer would feature a wildflower meadow, scrub habitat, and larger native trees to enhance biodiversity.
- 11.7. The supporting Parameters Plan indicates a potential footpath connection from the site to The Warren that would extend through the Ancient Woodland. The Natural England Guidance advises that access through the Ancient Woodland Buffer Zones should only be considered where the habitat is not harmed by trampling. Furthermore, the supporting Ecological Impact Assessment (EcIA), prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025 confirms that the Ancient Woodland would be protected from direct access by future residents of the proposed development through the planting of thorny scrub along the edge of the woodland boundary.
- 11.8. Further details of the potential footpath connection, taking the observations above into consideration, would need to form part of any subsequent reserved matters application in the event outline permission is granted.
- 11.9. The Council's Tree Officer has reviewed the supporting documentation and advises that in the event outline permission is granted, any subsequent reserved matters application would have to demonstrate that any building works would be outside the root protection zone of trees to be retained within the site or offsite. In the event permission is granted, a condition is recommended to secure the tree protection works set out in the supporting AIA .

**12. Heritage Impacts**

- 12.1. 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. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 12.2. The application is supported by a Heritage Statement (HS), prepared by Archaeology South East, reference 2025130 and dated July 2025.

### **12.3. Setting of Listed Buildings**

- 12.4. 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.
- 12.5. 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.
- 12.6. The site itself does not contain any structures that are designated heritage assets nor of any historical value. There are three of listed buildings that could be potentially affected by the proposed development, which are discussed below.



#### The Warren Boundary Wall

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- 12.7. A Grade II Listed wall encloses The Warren Wood, which lies to the east/south-east of the site and south of Langley Vale. The significance of this heritage asset lies in its historical interest as the Warren Wood is the site of a hare warren thought to have been set up by Lord Baltimore of Woodcote Park. This value is somewhat diminished as it is no longer intact and has undergone modern repair works.
- 12.8. The setting of this heritage asset is created by the woodland of The Warren and the open countryside. Other surviving parts of the wall, at the eastern end of the northern boundary, and the warrener's cottage on the eastern side, also form part of the setting as features of The Warren.
- 12.9. The heritage assets appreciation as a boundary enclosure is limited to from within The Warren and from private gardens of the north.
- 12.10. In considering the change to the setting as a result of a detailed residential scheme, the replacement of the open field with built form would have an impact on the open setting of this heritage asset, although the setting is already altered by the built form of Langley Vale.
- 12.11. Furthermore, the provision of a verdant buffer along the south-east edge of the site would provide a buffer between the proposed built form and this heritage asset.
- 12.12. The proposed development would not affect the land to the south/south-west of the wall, conserving the relationship between the Warren and its surroundings to the south and would retain the inter-relationship of the wall, The Warren wood, and the former warrener's cottage and walls to the east.
- 12.13. Notwithstanding this, the proposal would affect a meaningful change to the setting of this listed asset, which would harm its significance.

Woodcote Park Boundary Wall

- 12.14. The Grade II listed flint forms part of a historic boundary wall to Woodcote Park, which lies approximately to the west/south-west of the site, on the north-western side of Langley Vale Road. The significance of this heritage asset lies in its historic value, although this value is somewhat diminished by its poor condition.
- 12.15. The setting of this heritage asset is principally focused on Woodcote Park itself and Langley Vale Road to which it forms a boundary. Harmful elements of the setting include the well trafficked Langley Vale Road and nearby petrol station.
- 12.16. The wall can be appreciated from within Woodcote Park and Langley Vale Road, although the dense screening and delapidated condition means it is not readily appreciated as a historic feature within the landscape.

12.17. In considering the change to the setting because of a detailed residential scheme, the replacement of the open field with built from would further alter the open setting of this heritage asset. Given the existing harmful elements of the setting, it is unlikely that the proposed development would harm the significance of this heritage asset.

#### Coal Tax Post

12.18. A 19th century Grade II Listed coal tax post stands approximately 250m to the south of the site, south-east of Langley Bottom Farm, the significance of which is found more in its historic value as a market for the boundary for coal tax duty, rather than in its aesthetic value as a feature in the landscape.

12.19. The setting of this heritage assets is its relationship with the communication route they were associated with, marking the point at which revenue could be levied. The route still survives and the ability to perceive this relationship still exists.

12.20. In considering the change to the setting as a result of a detailed residential scheme, the post is located 250 metres from the site and enclosed from the landscape to its north by a high hedge. Whilst it may be possible to view the upper parts of the proposed development from this designated heritage assets, the principal feature of the setting is its relationship with the adjoining communication route, rather than the wider landscape. This would remain unaffected by the proposed development. It is therefore unlikely that the proposed development would harm the significance of this heritage asset.

#### **12.21. Harm to the Significance of Identified Heritage Assets**

12.22. Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. Whilst the proposal would harm the significance and setting of the wall boarding The Warren through the alteration of the open elements within their setting and significance.

12.23. However, the degree of harm would not seriously affect the heritage asset's significance and could therefore not be considered to meet the high test of substantial harm. The harm attributed to the significance of designated heritage assets as a result of the proposal is less than substantial.

12.24. In accordance with paragraph 215 of the NPPF, this harm must be weighed against any public benefits associated with the proposal. Great weight should be given to the heritage asset's conservation, irrespective of the scale of harm identified.

#### **12.25. Public Benefits**

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12.26. The NPPF identifies that public benefits could be anything that delivers economic, social, or environmental progress, as described in paragraph 8.

12.27. The PPG further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID:18a-020-2019072).

12.28. The public benefits of the proposed development include:

- The contribution of net gain residential development to the Borough housing figures at a time that the Council cannot identify a five-year housing land supply and in considering the extent of the Council's housing shortfall and how long the deficit is likely to persist, given the timetable for the emerging Local Plan. Officers attach significant weight to this public benefit
- The contribution of affordable housing to the Borough, at a tenure that meets one of the Boroughs greatest affordable housing needs. Officers attach significant weight to this public benefit
- The social benefits from provision of public open spaces and play areas that can be accessed by both future residents and members of the general public. Officers attach moderate weight to this public benefit
- The generation of economic benefits from the employment during the construction phase of the proposed development. However, as this benefit is temporary, limited weight is attached to this public benefit.
- The direct economic and social benefits from investment into the nearby Langley Vale and Epsom Town Centre from future residents, adding to the vitality and viability of these areas. Although there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is likely to provide some minor investments. For this reason, limited weight is attached to this public benefit.

12.29. Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to sufficiently outweigh the less than substantial harm arising from the proposal.

12.30. No heritage specific conditions are necessary.

**12.31. Archaeology**

- 12.32. The application is supported by an Archaeological Desk Based Assessment (AA) prepared by Archaeology South East, reference 2025099 and dated July 2025.
- 12.33. The AA highlights that the site retains archaeological potential primarily for the Romano-British, Medieval and Post Medieval periods and that whilst the proposed development are likely to impact on potential archaeological remains, this impact can be mitigated through a programme of archaeological works.
- 12.34. The County Archaeologist has is satisfied that the AA provides a robust and realistic assessment of the likely impact of the proposed development upon the archaeological potential of the site. Subject to a condition to secure a programme of archaeological work, to be conducted in accordance with a written scheme of investigation prior to the commencement of any development granted, there is no objection to the proposal in terms of its impact on designated heritage assets.

### **13. Public Open Space and Play Space**

#### **13.1. Public Open Space**

- 13.2. One of the overarching objectives of the NPPF is the social objective. This supports strong, vibrant, and healthy communities by (inter alia) fostering accessible open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 13.3. The Councils Open Space Audit 2024 sets out the open space provision for new development, which aligns with the Fields in Trust recommended benchmark guidelines of 0.8ha per 1,000 population for parks and gardens; 0.6ha per 1,000 population for amenity green space and 1.8ha per 1,000 population for natural and semi natural open space.
- 13.4. Policy CS4 of the CS gives focus to the creation and maintenance of an accessible network of green spaces within the built-up area of the Borough.
- 13.5. The application is supported by a Landscape Statement, prepared by Fabrick and dated July 2025 which highlights that the proposed development would provide 1.6ha of publicly assessable open space. Of this provision, 0.25ha would be parks and gardens; 0.30ha would be amenity green space and 1.0ha would be natural and semi natural open space.
- 13.6. Utilising the standard average provision of 2.35 people per household (Office of National Statistics 2024) the proposal would provide the following:

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Open Space Typology	EEBC Standard (ha)	EEBC Site Requirement (ha)	On Site Provision (ha)	Provision above EEBC Requirement
Parks and Gardens	0.8	0.207	0.250	0.043
Natural and Semi Natural Open Space	1.8	0.466	1.019	0.553
Amenity Green Space	0.6	0.155	0.302	0.147
<b>Total:</b>	<b>3.2ha</b>	<b>0.82</b>	<b>1.637</b>	<b>0.744</b>

13.7. The table above demonstrates that the proposal would provide an additional 0.744ha above the Council's policy requirements.

13.8. The open space would be primarily located to the southern part of the site, providing a buffer zone from the development and the woodland. A publicly accessible green corridor would also feature centrally within the site, incorporating informal walking routes.

13.9. To ensure that the public realm areas are retained and maintained in perpetuity, an Open Space Management and Maintenance Strategy is recommended, to be secured by way of an obligation within a Section 106 Agreement if outline permission is granted.

13.10. The provision of open space in excess of policy requirements is a benefit of the scheme to be weighed in the planning balance.

**13.11. Play Space**

13.12. Paragraph 103 of the NPPF encourages opportunities for sport and physical activity which is important for the health and well-being of communities.

13.13. Although the key text to Policy DM12 of the DPDM highlights additional requirements for play space, these are secured through private gardens, rather than public play areas. Notwithstanding that there is no policy requirement for play space, Fields in Trust Guidance: Planning and Design for Outdoor Sport and Play (superseding 'The Six Acre Standard') is the recognised benchmark standard for the provision of children's play areas.

13.14. The supporting Landscape Statement identifies that 0.06ha of the proposed development would be allocated for play areas.

13.15. To meet the Fields in Trust Guidance and the Council's play provision requirements, the proposed development would be required to provide Local Areas for Play (LAP) within 100 metres access of each new home and a Local Equipped Area of Play (LEAP) and informal play spaces.

- 13.16. The proposal would provide a LEAP in the southern part of the site, within the area of open space. The Fields in Trust Standards outlines that LEAP's are an area of open space, a minimum of 400 square metres, which are specifically designed and laid out with equipment for children. The standards recommend that LEAPs are located within the heart of a site, not on the outskirts of development and within 400m of walking distance from every home.
- 13.17. Although the area indicated for the proposed LEAP would not be located centrally, it is likely that it would be within 400m walking distance of the from every new home. Furthermore, the supporting parameter plan demonstrates that new housing could be situated and orientated to provide natural surveillance of the play area.
- 13.18. The standards advise that a LAP should comprise a small area of open space specifically designed and primarily laid out for very young children to play close to where they live interwoven within the development and every home should have access to play space within 100 metres.
- 13.19. Furthermore, a LAP requires no play equipment as such, relying more on demonstrative features indicating that play is positively encouraged and should provide a minimum area of 100 square metres but this can be distributed within a development as part of playable routes.
- 13.20. The supporting Landscape Statement identifies a central LAP that would comprise a playable route running though the green corridor. Although no play equipment is required, the proposed LAP would feature natural play elements, for example, play boulders and timber features.
- 13.21. Whilst the proposed LAP would not be within 100 metres of every new home, it would be well surveyed by the surrounding dwellings and further LAP provision could be secured under a subsequent reserved matters application in the event outline permission is granted.
- 13.22. Officers are satisfied that the play provision outlined within the proposed development would meet policy requirements and details of the proposed play equipment could be secured as part of any future reserved matters in the event outline permission is granted. To ensure that the play areas are retained and maintained in perpetuity, a Play Area Management and Maintenance Strategy is recommended, to be secured by way of an obligation within a Section 106 Agreement if outline permission is granted.

#### 14. Density

- 14.1. 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

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higher density, there is good site sustainability, and it conforms to the surrounding townscape.

- 14.2. The proposal would have a density of 20dph, which is entirely acceptable in terms of policy and the context of the adjoining Langley Vale Village, which is approximately 14dph

## 15. Affordable Housing

- 15.1. Paragraph 64 of the NPPF states that affordable housing should be on site unless a contribution is robustly justified. Paragraph 66 of the NPPF states where major development involving the provision of housing is proposed, planning decisions should expect that the mix of required affordable housing meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.
- 15.2. Policy CS9 of the CS requires residential development of 15 or more dwellings to include at least 40% of dwellings as affordable, taking into account the viability of the development proposed. The preferred mix for onsite affordable housing is 30% affordable home ownership and 70% affordable rented (with half to be secured as social rent).
- 15.3. The application is supported by an Affordable Housing Need Assessment, prepared by Boyer, reference 25.1021 and dated June 2025 which reinforces the Boroughs persistent affordable housing shortfall.
- 15.4. The proposed development would provide 55 dwellings as affordable homes, thereby providing 50% affordable housing, which is in excess of the 40% required by policy but in accordance with the Golden Rules. This would be secured by way of an obligation within a Section 106 Agreement if outline permission is granted.
- 15.5. The provision of affordable housing in accordance with policy requirements is a benefit of the scheme to be weighed in the planning balance.

## 16. Design and Character

- 16.1. Paragraphs 129, 135 and 139 of the NPPF 2024 refer to the need for functional and visually attractive development that is sympathetic to local character and history.
- 16.2. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. 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.

- 16.3. Although details relating to layout, scale, appearance and landscaping are reserved matters, the application is supported by a Design and Access Statement, prepared by Paul Hewett, Rev C which contains an illustrative masterplan which demonstrates that the site could accommodate the quantum of development proposed whilst affecting the provision of open space, landscaping and attenuation features in the more sensitive areas around the periphery of the site, allowing for adequate buffers between the proposed built form, the residential development of Langley Vale, the ancient woodland and the open countryside.
- 16.4. The internal road layout features the principal route running along the south east of the site at its lowest point, which then loops around the bulk of the development, with more minor roads and drives connected from it. The proposed built form would be positioned along, and facing out onto, the road network, reflecting the predominant linear pattern of development in Langley Vale.
- 16.5. Although scale is also a reserved matter, the Design and Access Statement advises that the proposed built form would be predominantly two storey with well proportioned roofs, which would be an appropriate form of development for the surrounding context.
- 16.6. Officers are satisfied that the illustrative masterplan demonstrates that a well design and high-quality residential scheme that responds well to the site's constraints and provides landscaped buffers to the sensitive boundaries can be accommodated on the site.



Illustrative Masterplan from Design and Access Statement, prepared by Paul Hewett, Rev C

## 17. Neighbour Amenity

- 17.1. Paragraph 198 of the NPPF requires decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 17.2. Policy CS5 And CS6 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 seeks mitigate and reduce noise impacts.
- 17.3. The amenity of existing and proposed residents in terms of light, outlook and privacy would be fully considered as part of the detailed layout and design proposal at reserved matters stage.
- 17.4. However, the supporting perimeter plan demonstrates that the site could accommodate the quantum of development proposed without leading to unacceptable degrees of overlooking, loss of daylight or be overbearing, as there does not appear to be any obvious amenity issues that could not be overcome by way of good design, including sensitive orientation of windows to avoid a harmful degree of overlooking within the site and relative to neighbouring properties.

- 17.5. The proposal would also introduce domestic noise and disturbance from future residents. Whilst the occupiers of the properties located on the southern periphery of Langley Vale would be more susceptible to this change, particularly given the existing situation provided by the open farmland setting, the noise and disturbance created by the proposed development would not be so significantly different from that associated with the residents of within Langley Vale to warrant a refusal of the application on this basis.
- 17.6. 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 can be minimised through the requirement of planning conditions.

## **18. Highway and Transport Impacts**

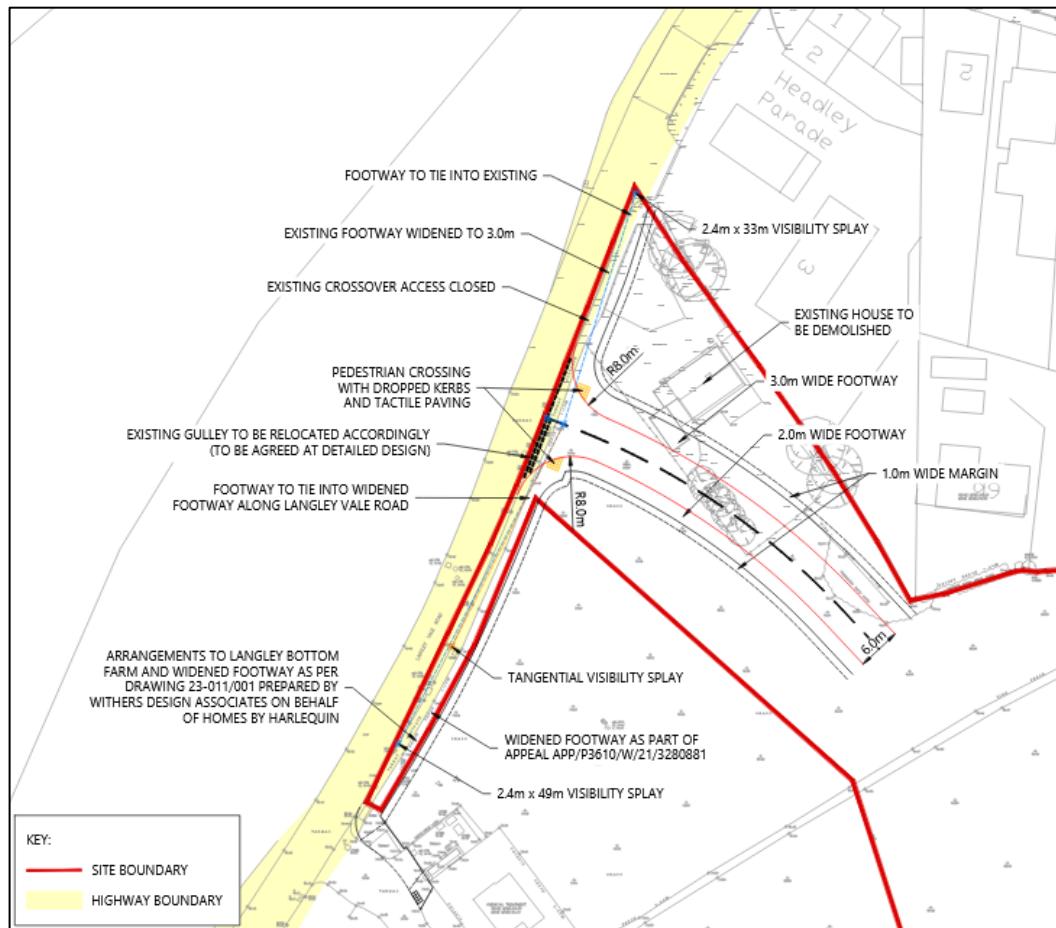
- 18.1. The NPPF requires new development to use a vision led approach to identify transport solutions that deliver well designed, sustainable, and popular places.
- 18.2. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable 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.
- 18.3. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 18.4. Policy DM35 of the DMPD requires sets out that the impact of new development on the transport network will be assessed against other plan policies and transport standards via a Transport Assessment or Statement.
- 18.5. The application is supported by a Transport Assessment, prepared by i-Transport, reference ITB200788-001a and dated June 2025 (TA) and a subsequent Enhanced Sustainable Transport Strategy, prepared by i-Transport, reference PH/DF/ITB200788-006ATN (ESTS) and Forward Visibility Review, prepared by i-Transport, reference PH/DF/ITB200788-005 TN and dated 23 September 2025 (FVR).
- 18.6. The County Highway Authority are satisfied that the TA gives a fair representation of the site and the surrounding local highway network.

Personal Injury Collision Data

- 18.7. The TA outlines the personal injury collision data from the road network in the vicinity of the site for the periods covering 01 November 2019 to 31 October 2024. The data demonstrates that over the five year period, there have been 17 vehicle incidents, 6 cycling incidents and 2 pedestrian incidents
- 18.8. In terms of the nature of the incident, 21 casualties were slight, 5 were serious and 1 fatal.
- 18.9. 13 of these incidents took place on Langley Vale Road; 10 of which were slight, 2 of which were serious and 1 fatal.
- 18.10. The fatality occurred in 2021. A cyclist travelling along Langley Vale Road fell off the bike and subsequently died at the scene. No other vehicle was identified as being involved in this incident.
- 18.11. The remaining incidents are identified as being the result of human error, rather than any deficiency in the design and operation of the local highway network.

**18.12. Pedestrian and Vehicle Access**

- 18.13. 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.



18.14. Vehicular access to the site is proposed via a new priority-controlled junction with Langley Vale Road. The new access would be 6.0 metres wide with 8.0m radii to provide sufficient width for two refuse vehicles (and any other equivalent sized vehicle) to pass one another. Visibility splays of 2.4m x 33m to the north and 2.4m x 49m to the south are provided, both of which are achievable within the public highway and within land controlled by the applicant:

18.15. Having reviewed the proposed access arrangements, the County Highway Authority raised concerns regarding the visibility of right turning traffic into the site, for those travelling northbound on Langley Vale Road, concluding that there would be insufficient forward visibility on this downhill section of carriageway due to dense vegetation on the inside of the bend.

18.16. Subsequently, the FVR was submitted, highlighting that the Automatic Traffic Count survey undertaken in March 2025 informed the necessary forward visibility splays for the site access and these have been accurately plotted based on the topographical survey data.

18.17. The FVR maintains that adequate forward visibility can be achieved from northbound vehicles on Langley Vale Road to right turners waiting to enter the site, based on an accurate review of recorded speed data and expected (minimal) queues of right turners waiting to enter the site.

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- 18.18. Having reviewed the details set out in the FVR, the County Highway Authority are satisfied that there would be sufficient forward visibility and recommends a condition to secure the access details in accordance with the plans in the event permission is granted.
- 18.19. The TA is also supported by a Road Safety Audit Report, prepared by Fenley, reference RSA-25-014 and dated April 2025 (RSA), with a remit of assessing the highway safety of the proposed access arrangements.
- 18.20. The Langley Vale Action Group have also commissioned a Review of Planning Application 25/00846, prepared by ITP Haskoning UK Ltd, reference PC8097-RHD-XX-ZZ-RP-R-0001 and dated 29 October 2025 (ITP)
- 18.21. The ITP question the statutory requirements of the Stage One Road Safety Audit; however, this has been reviewed by the County Highway Authority and no concerns relating to its suitability have been raised.
- 18.22. Although ITP question whether an equestrian use was advised within the road safety audit brief, reference is made within the report to horse riding. Similarly whilst ITP note that no reference is made to street lighting, the RSA acknowledge that this is to be assessed during the detailed design and therefore any associated road safety concerns are only raised if fundamental.
- 18.23. Whilst ITP identifies that the RSA does not highlight surface water flooding as an issue, Fenley do raise concerns that a significant amount of surface water will flow down Langley Vale Road to and along the proposed access which result in ponding and lead to loss of control type collisions, particularly during inclement and freezing conditions and recommend that measures are provided to ensure the efficient drainage of surface water.
- 18.24. The County Highway Authority have reviewed the supporting RSA and is satisfied that a safe access to the site for both vehicles and pedestrians can be delivered without causing harm to the safety and operation of the local highway network. There are no concerns with surface water within the road surface.
- 18.25. ITP also shared the County Highway Authority's concerns regarding insufficient forward visibility; however, this matter has since been addressed to the satisfaction of the County Highway Authority.
- 18.26. ITP have raised concerns regarding the spacing between the proposed new access and the junctions at Grosvenor Road and Ebbisham Lane, citing that the distances between these would not be consistent with the wider area and that the new access being so close to the access to the petrol filling station has the potential to negatively impact on road safety by increasing instances of conflict.

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18.27. Neither the RSA nor the County Highway Authority have raised any highway safety implications in relation to the proposed junction spacing.

**18.28. Pedestrian Moveability**

18.29. Access to the site for pedestrians would be through the provision of a 2.0 metre footpath to the southern side of the main access road and 3.0 metre shared footpath/cycleway on the northern side. The proposed shared footpath/cycleway would link with the footway on the eastern side on Langley Vale Road which is currently subject to improvements delivered through planning application 20/00475/FUL (Langley Bottom Farm).

18.30. The County Highway Authority have noted the potential for an extension to the bridleway network within the locale and have requested a condition to secure an additional length of the bridleway north of the junction with Ebbisham Lane towards Farm View.

18.31. However, as the extension to the bridleway has been secured via a 278 Agreement under planning application 20/00475/FUL, it would be unreasonable to request duplicate footpath improvement provision under this current application. In the event planning permission is granted, Officers would not be recommending a condition to secure either an extension to the existing bridleway network or a widened footway/cycleway along the site frontage on Langley Vale Road.

**18.32. Traffic Generation**

Existing Traffic Generation

18.33. The TA identified that an existing traffic count survey was carried out on Langley Vale Road for a consecutive 7 day period (03 March 2025 – 09 March 2025), which demonstrates that Langley Vale Road accommodates 1328 associated with the proposed residential development, the TRICS database has again been consulted, using data associated with similar development scenarios within an edge of town and suburban location.

18.34. The traffic count survey suggests an average of 1,330 two-way vehicle trips in each weekday peak hour.

Proposed Traffic Generation

18.35. To assess the trip generation associated with the proposed residential development, the TRICS database has again been consulted, using data associated with similar development scenarios within an edge of town and suburban location.

18.36. It is noted at paragraph 8.2.2 of the TA that notwithstanding that the proposal would deliver 50% affordable housing, the traffic impact assessment has considered all 110 dwellings as privately owned. Officers

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welcome this approach, as there should be no distinction between private and affordable housing car ownership.

18.37. The generated trip rate has been tested using two scenarios; a vision lead scenario, with a 10% modal shift away from the private car to sustainable transport modes and the sensitivity scenario, that doesn't allow for the 10% modal shift.

Vision Led Scenario

18.38. In the vision-led scenario, there is predicted to be 48 two-way (14 in and 35 out) in the peak AM and 44 two-way (30 in and 14 out) vehicular trips in the PM. This translates to fewer than one two-way vehicular movement per minute in both peak hours, which the TA considered to have a negligible impact on the safety and operation of the local highway network.

Sensitivity Scenario

18.39. In the sensitivity scenario, there is predicted to be 52 two-way (15 in and 38 out) in the peak AM and 50 two-way (34 in and 60 out) vehicular trips in the PM. This translates to approximately one two-way vehicular movement per minute in both peak hours, which the TA considers to have a negligible impact on the safety and operation of the local highway network.

Future Scenarios

18.40. The TA has also considered future implications of the traffic generated by the proposed development upon Langley Vale Road, with future scenarios based on the vision led scenario, the sensitivity scenario and a scenario without the development. In both the future vision led and the sensitivity scenarios, the increase in traffic levels would be modest, equating to fewer than one additional two-way vehicular movement per minute in both the morning and evening peak hour, which would be a negligible impact.

18.41. The County Highway Authority is satisfied that the TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network, and that the additional traffic generation resulting from the proposed development would not have a severe impact on the local highway network, taking into account all reasonable future scenarios.

Third Party Submission

18.42. The Langley Vale Action Group have commissioned a Review, prepared by ITP Haskoning UK Ltd, reference PC8097-RHD-XX-ZZ-RP-R-0001 and dated 29 October 2025 (ITP) which questions the parameters for the TA TRICS scenario and adopts its own parameters for a 'worst case scenario' TRICS Assessment, which demonstrates that the TA peak trip

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hours are underestimated by 9 trips in the AM hour and 12 trips in the PM hour.

18.43. ITP then compares the vehicular trip generated from its own TRICS assessment with that of TA vision-led scenario, as shown in the table below:

Trip Rate Scenario	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arrivals	Depart's	Total	Arrivals	Depart's	Total
ITP Trip Rates - Trips	18	45	63	42	20	62
I-Transport – Vision-led Scenario	14	35	48	30	14	44
<b>Additional car trips</b>	<b>+4</b>	<b>+10</b>	<b>+15</b>	<b>+12</b>	<b>+6</b>	<b>+18</b>

Vehicular Trip Rate Comparison – ITP Rates and i-Transport Vision Led Scenario. Table 7-3 in the Review of Planning Application 25/00846, prepared by ITP Haskoning UK Ltd, reference PC8097-RHD-XX-ZZ-RP-R-0001 and dated 29 October 2025

18.44. The ITP scenario identifies an increase of 15 trips in the AM peak and 18 trips in the PM peak, resulting in predicted to be 63 two-way (18 in and 45 out) in the peak AM and 45 two-way (42 in and 20 out) vehicular trips in the PM. This is still within the range of one trip per minute.

18.45. ITP also question the 10% reduction of the vision led approach which would rely upon infrastructure or measures that would encourage sustainable travel patterns. In section 5 of the review, ITP highlights that the NPPF promotes a vision-led approach to prioritising sustainable development and conclude that the principles of a sustained vision led development cannot be met in this unsustainable location, with poor public transport infrastructure and a reliance upon the private car.

18.46. Whilst the NPPF promotes a vision led approach, it also acknowledges at paragraph 110 that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. The TA therefore has also set out the sensitivity scenario, which is the additional trip generation without the 10% reduction imposed upon the vision led scenario.

18.47. The table below provides a comparison between the vehicle trip generation calculated by i-Transport and ITP for the sensitivity scenario.

Sensitivity Scenario						
	08:00-09:00			17:00-18:00		
	In	Out	Two-Way	In	Out	Two-Way
i-Transport	15	38	53	34	16	50
ITP Increase	+2	+7	+9	+8	+4	+12
<b>Total</b>	<b>17</b>	<b>45</b>	<b>62</b>	<b>42</b>	<b>20</b>	<b>62</b>

18.48. The additional 9 and 12 two-way vehicular movements calculated by ITP for the sensitivity scenario would equate to one additional two-way movements every 5-minutes in both the morning and evening peak hour

and the additional 14 and 18 two-way vehicular movements proposed by ITP for the vision-led scenario would equate to between 1-2 additional two-way movements every 5-minutes in both the morning and evening peak hours.

18.49. The County Highway Authority has reviewed the ITP additional movements calculated above the TA trip calculations in all scenarios, including future scenarios and remains satisfied that these would not alter their underlying conclusion that the additional traffic generation resulting from the proposed development would not have a severe impact on the local highway network.

#### **18.50. Junction Capacity**

18.51. The TA includes a Junction Capacity Assessment which measures how well a road junction can handle traffic now and in the future, predicting queues, delays, and whether improvements are needed.

18.52. The County Highway Authority have reviewed the supporting Junction Capacity Assessment and are satisfied that the proposed new access would provide safe and suitable access to the site and would not create any significant additional risk to either pedestrian or equestrian safety. Furthermore, the County Highway Authority are satisfied that the proposed access would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe, taking into account all reasonable future scenarios.

18.53. ITP have questioned the absence of junction assessments on Langley Vale Road and Farm Lane and considers the accuracy of the modelling as they do not reflect the existing slow moving traffic situation.

18.54. It is understood that no junction assessments were necessary for the Downs Road/Headley Road/Farm Lane/Shepherd's Walk junction, as the traffic generated by the development proposal would have a negligible impact at these junctions. The County Highway Authority have raised no concerns to the absence of any junction modelling for these junctions.

18.55. I-Transport have confirmed that the existing observed queues on Langley Vale Road result from equestrians entering the carriageway and interacting with motorised users. Analysis was undertaken within the TA which shows that there are few occurrences of interaction between users during the highway peaks, and that when such interactions do occur, queues last for short periods before free-flowing conditions on Langley Vale Road return. The site access junction would operate acceptably with any impacts from the equestrian caused queuing identified to be minimal and temporary. The County Highway Authority have raised no concerns in respect of the methodology of the Junction Capacity Assessment within the TA.

#### **18.56. Equestrian Safety**

- 18.57. The TA highlights through the personal injury collision data that there have been no incidents involving equestrians within the five year period.
- 18.58. Existing equestrian survey identified within the TA identifies that a total of 24 equestrian movements were recorded on Langley Vale Road between 08:00 – 09:00 peak hours. Of these 24 movements, 11 were recorded travelling from Bridleway 146 onto the Langley Vale carriageway.
- 18.59. The TA sets out that equestrians typically travel in numbers (known as 'strings' and that the 11 movements equate to a handful of strings entering the carriage way over the morning peak hour.
- 18.60. The TA demonstrates that whilst localised delay does occur on Langley Vale Road when motor vehicles give way to equestrians entering the carriageway, the delays last on average of a minute before the equestrians leave the carriageway and traffic flow returns to normal conditions.
- 18.61. The County Highway Authority have reviewed the existing equestrian movements and surrounding equestrian network and have concluded that the additional 4% increase in vehicle trip generation associated with the proposed development would not generate a significant additional risk to equestrian safety in comparison to the existing situation.
- 18.62. Similarly, the County Highway Authority are satisfied that the proposed new access has also been considered in context with the equestrian movements and networks and would not create any significant additional risk to equestrian safety
- 18.63. It therefore follows that the proposal is highly unlikely to lead to potential harm to equestrian users and their horses, sufficient to result in their longer term desire to relocate from the area.

#### **18.64. Car Parking**

- 18.65. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement of parking spaces for new development.
- 18.66. Although a reserved matter, the TA confirms that parking provision would be provided in accordance with the Council's Residential Parking Standards. In the event outline permission is granted, appropriate levels of parking would be secured for the proposed development as part of any subsequent reserved matters application.

#### **18.67. Electric Vehicle Charging**

- 18.68. Although a reserved matter, the TA confirms that Electric Vehicle Charging Points would be provided to each new residential unit in

accordance with both County Highway guidance and Building Regulation requirements. In the event outline permission is granted, these would be secured by way of a condition as part of any subsequent reserved matters application.

#### **18.69. Cycle Storage**

18.70. 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 Annex 2 - Parking Standards for new development.

18.71. Although a reserved matter, the TA confirms that cycle storage provision would be provided in accordance with the Council's Residential Parking Standards and each new residential unit would be provided with an e-bike charging point. In the event outline permission is granted, appropriate levels of cycle storage would be secured for the proposed development as part of any subsequent reserved matters application.

#### **18.72. Sustainability Measures**

18.73. Paragraph 110 of the NPPF seeks new development to take opportunities to maximise sustainable transport solutions and therefore sustainability opportunities have been set out in the TA and the ESTS to promote sustainable travel modes. It is important to recognise that these improvements are proposed to enhance the sustainability, rather than make the location sustainable, as the site is already to be considered in a sustainable location for the reasons set out in Section 9 of this Agenda Report.

##### Proposed Walking Improvements

18.74. The TA and the ESTS outlines a financial contribution deliver the following improvements to footways within Langley Vale:

- Pedestrian crossing with dropped kerbs and tactile paving on Langley Vale Road
- Footpath resurfacing on Grosvenor Road and Beaconsfield Road
- Pedestrian crossing with refuse island, dropped kerbs and tactile paving on the junction with Grosvenor Road and Beaconsfield Road
- Pedestrian crossing with dropped kerbs and tactile paving on the junction with Beaconsfield Road and Mannamed Close
- Pedestrian crossing with dropped kerbs and tactile paving on the junction with Beaconsfield Road and Stable Close
- Pedestrian crossing with dropped kerbs and tactile paving on the junction with Beaconsfield Road and The Vale Primary School.

##### Proposed Cycling Improvements

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18.75. The TA and the ESTS outlines the extension of Cycle Route 3 (Headley Road Route) by providing an on-carriage cycle lane and new wayfinding signage.

18.76. However, the County Highway Authority are not satisfied that the cycle improvements can be accommodated on the carriageway without causing harm to the operation of the highway and are not seeking to secure these through an agreement. Officers therefore do not give any weight to the proposed cycle improvements.

Proposed Public Transport Improvements

18.77. To supplement the existing bus provision in the area, the TA and the ESTS sets out the provision of a monetary contribution toward expanding operations of an existing County Council operated Digital Demand Responsive Transport (DDTR) into the Langley Vale Area.

18.78. The current DDTR service covers Ashtead and Leatherhead, as well as extending southward to Dorking and serving Epsom Hospital (as an 'out of zone' stop). The DDTR provides on demand services between 07:00-19:00 and 08:00-20:00 on Saturday. There is currently no Sunday provision in the existing service. The service either stops at existing bus stops or 'virtual' bus stops, where no formal bus stops are in place. At present, the closest the DDRT operates to the site is on Headley Road, with stops approximately 800 metres from the site.

18.79. The financial contribution of £200,000 per year for five years is proposed to extend the existing DDRT service to cover both the proposed development and the village of Langley Vale, providing connections to Leatherhead and Ashtead and their associated facilities and Railway Stations to both existing and proposed households.

18.80. The ESTS suggests that as an alternative to the extension to the DDRT, there is the potential for funding to be provided towards the existing E5 bus service.

18.81. The ESTS also set out potential improvements to existing public transport infrastructure, focusing on the closest bus stop to the site on Grosvenor Road. The potential improvements highlighted are

- Providing a small-scale bus shelter with seating;
- Providing real-time bus information (either through a digital display or providing a QR code for passengers to use); and/or
- Providing a raised kerb to assist passengers embarking or disembarking from buses.

18.82. The County Highway Authority recognise that the provision of DDRT is advantageous in securing provision for areas that are not served by more frequent arterial bus routes, but cannot consider this as an alternative provision of an appropriate public bus service, particularly when such a

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provision would need to be provided in perpetuity to guarantee the service for future occupiers of the proposed development.

18.83. Whilst it would not be reasonable to secure the DDRT in perpetuity (given other external factors might change), the County Highway Authority is satisfied that the financial contribution proposed for a period of 5 years to provide an enhanced bus service to the site is appropriate and can be considered an improvement to the level of public transport currently available.

EV Car Club

18.84. The ESTS outlines the provision of two EV car club spaces and associated EV vehicles; one within the proposed development itself and one 'on-street' car club bay within Langley Vale itself, both of which would have associated EV charging infrastructure. This is to promote the use of a car club to the existing residents of Langley Vale.

18.85. The Langley Vale car club space and vehicle would be centrally located near to the junction of Grosvenor Road and Harding Road, conveniently accessible to most existing residents. The ESTS advises that there is sufficient space on the carriageway for a suitably marked out space to be safely located.

18.86. The car club would be operated by Enterprise and would be funded by the developers for a period of three years. Existing and future residents of the development would benefit from three years free membership and received £50 worth of drive-time vouchers.

Residential Travel Plan

18.87. The application is also supported by a Residential Travel Plan, which sets out a range of soft measures to facilitate and encourage sustainable modes, including the appointment of a travel plan coordinator; travel information packs including timetables and taxi details; maps showing local services and facilities that including walking and cycling distances to each location; information on the local PRoW network; promotion of smart phones apps such as Strava which aim to encourage sustainable travel; discounts with local cycle shops and bike workshops and the promotion of the car club and car sharing.

18.88. The funding, monitoring and enforcement of Residential Travel Plan would be the responsibility of the developer for a five year period. After this period, the developer is relinquished of this responsibility and the opportunity to continue the management can be passed to residents.

18.89. Due to the submission of the ESTS during the assessment of this application, some of the measures within the supporting Residential Travel Plan need updating. In the event outline permission is granted, an updated Travel Plan can be secured by way of a condition.

Third Party Submission

18.90. The Langley Vale Action Group have commissioned a Review of Planning Application 25/00846, prepared by ITP Haskoning UK Ltd, (ITP) reference PC8097-RHD-XX-ZZ-RP-R-0001 and dated 29 October 2025 and a Response from ITP (Transport Consultant) On “Enhanced Transport Strategy” Submitted By Fairfax – 05/11/2025, prepared by ITP Haskoning UK Ltd and unreferenced and undated. It questions the suitability of the proposed sustainability mitigation measures, as well as questioning whether the car club should be considered a mitigation measure.

18.91. Whilst ITP identifies footpath improvements themselves to be insufficient to encourage journeys by foot, the review does not suggest that these should be considered anything other than mitigation. The footpath improvements would enhance existing routes within Langley Vale to the existing bus stops and facilities within the village.

18.92. ITP suggest that the inclusion of pedestrian refuse island at the junction of Grosvenor Road and Beaconsfield Road could impact the ability for larger vehicles to access. In the event permission is granted, the County Highway Authority has recommended a condition to secure a detailed scheme for all pedestrian improvements.

18.93. In considering the public transport improvements, ITP acknowledge that a DDRT service would benefit Langley Vale, although consider that would not be sufficient to make an unsustainable location sustainable, due to the service not supporting journeys to schools. Site sustainability has been demonstrated in Section 9 of this Agenda Report.

18.94. The 618 bus route from Langley Vale provides a service to St Andrews School and All Saints School in Leatherhead and the E5 bus route connects to Langley Vale to Epsom and its associated schools, so public transport links from Langley Vale to schools currently exists. Whilst the DDRT does not support direct service to schools, it can be used to access other bus stops and town centres.

18.95. Furthermore, ITP suggest that whilst the DDRT service may become available, it is unlikely to impact car ownership level, and the car will remain quicker and more convenient. This is a generalised assumption could be applied to all forms of public transport in all locations.

18.96. The County Highway Authority and Officers are satisfied that the financial contribution proposed for a period of 5 years to provide an enhanced bus service to the site is appropriate and can be considered an improvement to the level of public transport currently available.

18.97. The ITP consider the long-term viability of car club to be questionable, highlighting that these are generally well utilised in areas with low car levels and that car ownership is high in Langley Vale. ITP also questions

whether the EV car club provision would meet the County Highway's Authority's own published guidance on car clubs in new development.

- 18.98. Officers considered a recent appeal<sup>8</sup> where the Inspector considered the provision of an EV car club to make a modest contribution to the sustainability of a location, even without the certainty of a company willing to operate a car club in the rural location of the appeal site. In this current application, Enterprise would be operating the EV car club spaces.
- 18.99. Furthermore, the County Highway Authority have not identified any deficiency in the suitability of providing an EV car club in this location and has raised no objection to the provision, subject to it being secured through a Section 106 Agreement in the event permission is granted.
- 18.100. ITP also considered the provision of EV charging points and parking requirements to be standard requirements of any new residential development and encourages car ownership and use and therefore should not be considered as vision led mitigation measures to make the development genuinely sustainable.
- 18.101. The NPPF places a presumption in favour of sustainable development which includes mitigating and adapting to climate change, including moving to a low carbon economy. The NPPF seeks offer a genuine choice of transport mode and this also includes vehicles that reduce emissions. The provision of EV charger per new dwelling encourages a switch to electric vehicles which supports the sustainability aims of the NPPF. Both Officers and the County Highway Authority consider the provision of EV charging points to promote sustainable transport in accordance with Section 9 of the NPPF.

## 19. Ecology and Biodiversity

### 19.1. Ecological Impact

- 19.2. Paragraph 193 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD requires the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 19.3. In particular, Policy DM4 of the DMPD states that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:

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<sup>8</sup> [PP/C3430/W/25/3363067 - Land at Boscobel Lane, Bishops Wood, Staffordshire,](#)

- (i) The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
- (ii) there is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
- (iii) there are imperative reasons of overriding public interest for the development

19.4. The application is supported by an Ecological Impact Assessment (EclA), prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025 and further correspondence dated 23 September 2025 and 15 December 2025, also prepared by The Ecology Co-op.

#### 19.5. Designated Sites

19.6. The site lies within 5km of 13 statutory designated sites, including five Sites of Special Scientific Interest (SSSIs). The closest of these are Ashtead Park Local Nature Reserve (LNR), 1.3km due north-east of the site, the Epsom and Ashtead Commons SSSI, situated 2.5km north-west of the site and the Mole Gap to Reigate Escarpment SSSI 3.1km south.

19.7. Given the distance of the site from Ashtead Park LNR, Epsom Common LNR/SSSI and the Mole Gap to Reigate Escarpment SSSI, these are unlikely to be directly impacted by the increased recreational pressure created by the number of residents associated with the proposed development.

#### 19.8. Site of Nature Conservation Interest

19.9. The site forms part of the Langley Bottom Farm Site of Nature Conservation Importance (SNCI). The site lies within the Langley Bottom Farm Site of Nature Conservation Importance, which was selected for designation in 2014 for being a valuable arable complex that supports considerable arable plant interests, including at least 10 Nationally Rare plant species and 7 species rare or scarce within Surrey. It is the best site for the Nigh Flowering Catchfly (*Silene noctiflora*) and most of the site meets the Plantlife Important Arable Plant Area criteria, either at a County or National level.

19.10. In 2017, the boundary of the SNCI was extended to include the site, which supports many of the same arable features as the existing SNCI, including 2 species listed on both the GB and England Vascular Plan Red lists; Dwarf Spurge (*Euphorbia exigua*) and Field Gromwell (*Lithospermum arvense*) as well as a number of species classed as Rare or Scarce.

19.11. The EclA highlights at Section 3.2 that most of the site comprises of an arable field that in most years grows a cereal crop. The margins around this field are very narrow with a sufficient gap between the wheat crop and grassland margin and includes two notable arable plants – field gromwell (*Lithospermum arvense*) and narrow-fruited cornsalad (*Valerianella*

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*dentata*), though both are scattered and rare at the site. The existing arable plants are confined to the very outer cultivated edge of the fields, as shown in the photo:



Example of arrow arable field margin at the boundary of the residential properties of Langley Vale. Photo from Ecological Impact Assessment, prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025

- 19.12. The EcIA concludes that the proposed development would have a negative effect on these arable margins through their loss to new development, including the provision of the SuDS.
- 19.13. The Council's Ecologist agrees with this conclusion, noting that whilst rare arable plants are currently only found on the margins of the site, the arable species are known to persist in the soil for decades and therefore could occur anywhere on the development site (arable plants were first recorded here in 1987). The proposal would lead to the loss of the plants found on margins and eliminate the potential on the rest of the field included in the development site.
- 19.14. Originally, the EcIA highlighted compensation measures for the loss of the arable field margins from the site through the provision of two new cultivated strips, of no less than 8 metres, one located along the southern boundary of the site and the other running along the eastern field boundary of the arable field to the south.



Location of two new 8.0 metre wide cultivated field margin to be managed in perpetuity on retained part of the arable field to the south of the site. Extract from Ecological Impact Assessment, prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025

- 19.15. Whilst the Council's Ecologist welcomed the proposed compensation measure, it was noted that there would still be a small loss of habitat as a result of the loss of the margins around the development site, and in reality the actual loss of habitat would be greater, as the strip proposed along the eastern field boundary of the arable field to the south is a continuation of the existing margin and cannot be considered new habitat.
- 19.16. Whilst the Council's Ecologist acknowledges that the main benefit of the proposed mitigation is that the margins would be managed specifically for the arable plants and therefore should improve in quality, it is doubtful that this beneficial management outweighs the loss of habitat that would occur because of the proposed development.
- 19.17. The Council's Ecologist considered that a possible approach would be to manage the whole of the remaining adjacent field margins for arable plants, along with funding and a change of ownership. This creation of a mini arable plant reserve would provide adequate compensation for the loss as a result of the proposed development and could link with the existing Woodland Trust management of arable plants in the local area.
- 19.18. The applicant has agreed to this approach and Officers are satisfied that the compensation could be secured by way of a Habitat Creation and Management Plan, to include a monitoring regime to assess the success

of the compensation, via Section 106 Agreement, in the event outline permission is granted.



Location of new 8.0 metre wide cultivated field margin to be managed in perpetuity on retained part of the arable field to the south of the site. Extract from correspondence prepared by The Ecology Co-op dated 15 December 2025.

19.19. Officers are satisfied that the compensation proposed would represent an improvement on the current status of the SINC for arable plants and would therefore enhance the nature conservation potential of the site, in compliance with Policy DM4 of the DMPD.

19.20. The enhancement of the SINC would be a benefit of the proposed development to be weighted in the planning balance.

#### **19.21. Priority Habitat**

19.22. The EClA identifies that there are no priority habitats within the site and that the only priority habitat in proximity to the site is the Deciduous Woodland immediately to the south east, which is classified as ancient and semi-natural woodland.

#### Mitigation

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- 19.23. This priory habitat would be protected from the proposed development through the establishment of a 15 metres buffer.
- 19.24. During the construction process, the erection of appropriate acoustic barriers to reduce noise and visual disturbances to the woodland environment and dust suppression measures are proposed, which could be captured in a Construction Environmental Management Plan that would be secured by condition in the event permission is granted.
- 19.25. The EclA also confirms that this priority habitat will be further protected from direct access by future residents of the proposed development through the planting of thorny scrub along the edge of the woodland boundary.

**19.26. Protected Species**

**Bats**

Building Surveys

- 19.27. The EclA confirms that the buildings at Farm View to be demolished assessed in an interior and exterior survey to be of low suitability to support roosting bats
- 19.28. Subsequently, a single bat emergence surveys was conducted in June 2025 to determine the presence/likely absence of roosting bats. Two common pipistrelle bats were recorded emerging from the southwestern corner of the building, confirming the presence of a day roost for the species.
- 19.29. Trees on and around the were also assessed and found to be unsuitable for bat roosts.

Activity Survey

*Walked Transects*

- 19.30. The EclA confirms that three bat activity surveys were carried out in April, July and September 2024, concluding that recorded bat activity was low on the site, with only the only survey area to have any activity recorded during all three surveys to the south eastern corner of the site which borders the adjacent woodland.
- 19.31. A limited range of common species were recorded during the activity surveys, those being common pipistrelle, soprano pipistrelle and noctule. There was no evidence of rare or scarce bat species. Common pipistrelle was the only species recorded during all three surveys.

*Automated Static Bat Detecting*

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19.32. A total of seven species and one genera were recorded across the site by the static detectors, three of which, Leisler's bat, serotine and barbastelle are vulnerable or near threatened. Myotis bat activity was also recorded, but without droppings for DNA analysis or the capture of a live animal, it was not possible to identify the species. The higher activity was detected along the eastern woodland edge, mainly driven by the common pipistrelle passes. Barbastelle and Myotis species passes were highest along the central hedgerow, with an average of 78 and 129 passes recorded per night for each species respectively.

*Assessment*

19.33. As the demolition of the residential property at the northern end of the site is essential for the development, the avoidance of the destruction of the common pipistrelle bat roost cannot be avoided.

19.34. The activity surveys have demonstrated that the habitats contained within the development site do support commuting bats, but in relatively low numbers. The EclA concludes that based on the surveys, the site is not important to foraging and commuting bats beyond the local level.

*Mitigation*

19.35. A European Protected Species license must be obtained in order to legally destroy the identified bat roost and as part of the licensing process, suitable mitigation measures would be detailed.

19.36. The Council must ensure that before permission is granted they are satisfied that any mitigation or compensation conditions imposed do not conflict with the requirements of a bat mitigation licence and be confident that Natural England will issue a licence (Bats: advice for making planning decisions Natural England 2025).

19.37. In considering Natural England's application of the 'three tests' to licence applications, Officers are satisfied that Natural England would issue a licence. The Council's failure to demonstrate five years housing land supply identifies there is sufficient need in the Brough for housing, which has both clear social and economic benefits and can be considered an overriding public interest. As the demolition of the residential property at the northern end of the site is essential for the development, there is no satisfactory alternative that would prevent the loss of the roost. Finally, suitable mitigation measures, such as soft demolition of roost features and rescue of bats to be placed safely in a pre-installed bat box as necessary are proposed.

19.38. Other mitigation proposed includes the creation of new grassland and scrub habituates for foraging and the provision of no less than 50 integrated bat boxes designed within the scheme would provide an increase in roosting resources for bats.

19.39. Offices are therefore satisfied that the mitigation proposed would not conflict with the requirements of a bat mitigation licence and are confident that Natural England would issue a licence in the event permission is granted.

### **Reptiles**

#### *Surveys*

19.40. The EclA sets out that reptile surveys were carried out seven times over the period of 10 May-14 June 2024.

#### *Assessment*

19.41. The surveys identified the presence of grass snakes on the site, two juvenile and two sub-adults. The EclA concludes that based on the small numbers involved, the small extent of habitat and absence of other reptile species, the population contained within the development site is not considered important to common reptiles beyond the local level.

#### *Mitigation*

19.42. The EclA sets out that a Mitigation Statement would be produced setting out the measures, including habitat manipulation and hand searches, that would be adopted to ensure the risk of direct harm to grass snakes is minimised. In particular, removal of potential hibernacula within construction zones must be undertaken outside the hibernation period (November to mid-March).

### **Dormouse**

#### *Surveys*

19.43. The walkover survey identified the adjacent Ancient Woodland as being suitable habitat for Dormouse. The Ancient Woodland was noted as being fairly isolated with limited connectivity to another suitable habitat.

#### *Assessment*

19.44. The EclA notes that whilst the presence of dormouse within the Ancient Woodland cannot be discounted, due to its isolation of limited connectivity to any other suitable habitat, it is unlikely that the Ancient Woodland would attract dormouse to the site.

### **Badgers**

#### *Surveys*

19.45. A walkover survey of the site in 2019 identified the presence of badger latrines in the field margin on the eastern boundary of the site. Further

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walked assessments of the site in 2024 were undertaken to establish if further field signs were present, in addition to searches for any potential badger setts.

*Assessment*

- 19.46. No direct evidence of badger activity was identified during the site surveys and the EclA considers it highly unlikely that any badger setts are situated within 30m of the site boundary given that the majority of the site comprises of cultivated arable land, of very low suitability for badger sett establishment.
- 19.47. It is noted that the West Surrey Badger Group has carried out a partial sett survey of the site in August 2025 and identified evidence of badger activity on the north of the site. Furthermore, West Surrey Badger Group also advised that they have received several calls from local residents stating that they have badgers visiting their gardens, with one resident stating that they knew where there is a badger sett, although this has not been corroborated by the Group during their sett survey.
- 19.48. Badgers are not protected for their conservation status. The Protection of Badgers Act 1992 aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is, in fact, common over most of Britain, with particularly high populations in the south west.
- 19.49. The 1992 Act also makes the intentional or reckless destruction, damage or obstruction of Badger setts an offence. In addition, the intentional elimination of sufficient foraging area used to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting 'cruel ill treatment' of a Badger.
- 19.50. Officers are satisfied that a condition to carry out Badger monitoring surveys prior to development would be an acceptable measure to prevent the disturbance of any badgers or their setts, should they be identified, as a result of the proposal.

**Breeding Birds**

*Surveys*

- 19.51. A survey of the site carried out over six visits between late March and Early July 2024 recorded 29 species present, three species of which are 'red' listed and 7 'amber' listed under the Birds of Conservation Concern.
- 19.52. Skylark are also listed as 'red' under the Birds of Conservation Concern and one nesting site was observed during the survey of the site.

*Assessment*

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19.53. The loss of suitable arable habitat supporting nesting skylarks would be unavoidable as a result of the proposed development

*Mitigation*

19.54. The EcIA sets out that commencement of construction activity must either be timed to be outside the nesting bird season to avoid the risk of harm to nesting skylark, or follow an appropriate precautionary approach, whereby skylark nesting is deterred prior to commencement during the nesting bird season and following a check to confirm the absence of active nests.

19.55. Where possible, all boundary habitats would be retained and protected from disturbance to ensure these potential nesting resources by other common birds remain. Alternative nesting sites can also be incorporated into the retained area of the arable field to the south.

19.56. Nesting was identified close to this habitat parcel and this may be made more favourable through the incorporation of a 'skylark plot' within the field. This 'edge' habitat creation within the field favours nesting skylark, who prefer to nest away from field boundaries and utilise tall grasses and cereal crops where they create an arched structure.

19.57. The Council's Ecologist acknowledges that the loss of part of the site to the proposed development would result in the loss of skylark breeding territory and whilst the proposed mitigation may improve the remaining area, it would not replace the lost area and there will still be an overall loss of habitat.

19.58. However, it has since been clarified that the 'skylark plot' is a small unseeded area within an arable field (wheat, barley, or oats) that creates the tussocky features these birds prefer. Furthermore, it should also be recognised that the creation of a large area of cultivated, unseeded habitat within the field margins that are not sprayed or fertilised will undoubtedly have a significant benefit for foraging skylarks also. Officers are satisfied that the mitigation provided by way of the Skylark plot would sufficiently outweigh the loss of existing breeding habitat from the site.

**Hedgehog**

*Assessment*

19.59. The EcIA recognises the Ancient Woodland to the south east of the site, as well as scrub and hedgerow on the site, may provide suitable habitat for hedgehogs.

*Mitigation*

19.60. The EcIA sets out that a site-wide Mitigation Statement must detail precautions to ensure that care is taken to ensure that habitat removal is

undertaken sensitively and using hand-tools only, particularly along the boundary between the site and adjacent properties.

19.61. Whilst there would be a short-term possible loss of available habitat during the construction process, the landscaping design of the site includes several opportunities for hedgehogs.

#### **19.62. Ecology Conclusion**

19.63. The Council's Ecology Officer has reviewed the EclA and has considered it 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.

19.64. Subject to the above mentioned conditions, should outline permission be granted; 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.

#### **19.65. Biodiversity Net Gain**

19.66. Schedule 7A of the Town and Country Planning Act 1990 and Section 13 of the NPPF require delivery of biodiversity net gain (BNG), the former requiring a minimum of 10% to be achieved by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.

19.67. The application was accompanied by a Biodiversity Impact Calculation prepared by The Ecology Co-op, reference 2851 and dated 02 July 2025.

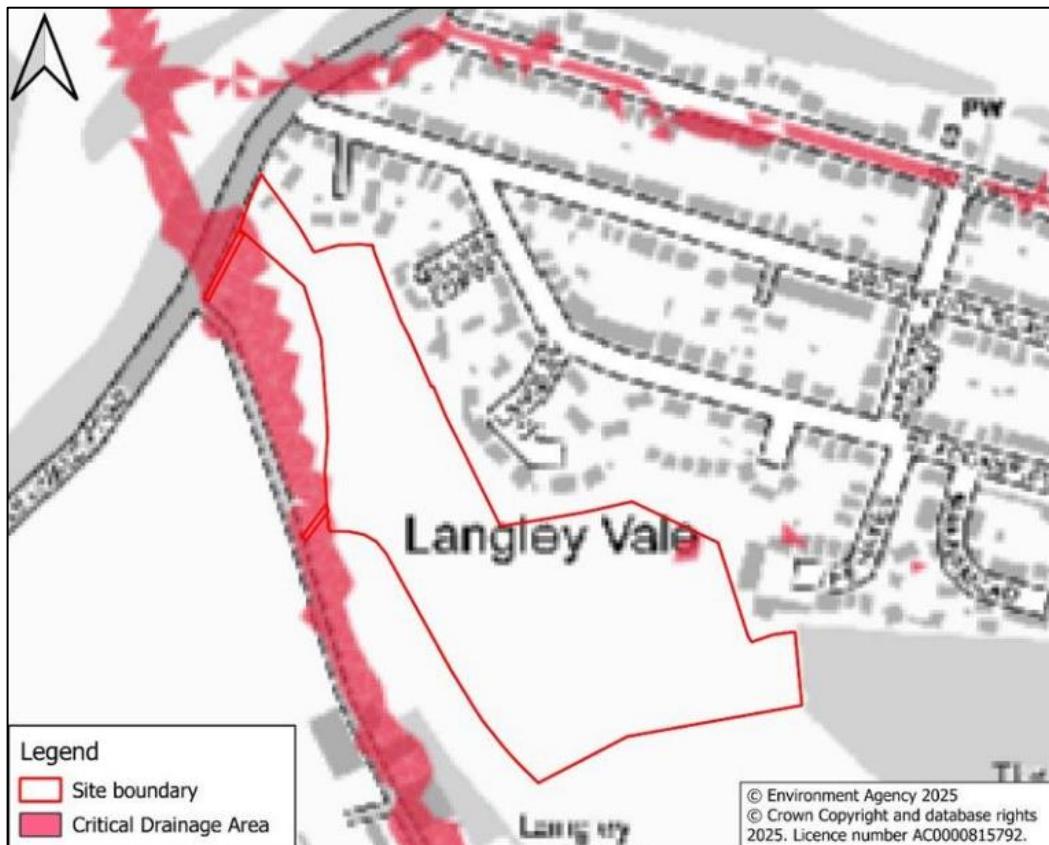
19.68. The Biodiversity Impact Calculation demonstrates that the proposed development would create an onsite BNG increase of 3.91 habitat units (33%) and 4.06 hedgerow units (2745%) exceeding the national requirements.

19.69. This net gain would be delivered through a comprehensive landscaping scheme. In the event permission is granted, delivery of the BNG and monitoring provisions will form part of a Habitat Management and Monitoring Plan, which would be secured by a condition in the event permission is granted. A Section 106 Agreement would also be required to secure the BNG monitoring fee.

## 20. Flooding and Drainage

### 20.1. Flood Risk and Vulnerability

- 20.2. Paragraphs 170 and 181 of the NPPF Policy CS6 of the CS and Policy DM19 of the DMPD state that Inappropriate development in areas at risk of flooding development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 20.3. The application is supported by a Flood Risk Assessment and Outline Drainage Strategy (FRA), prepared by Aqua Terra Consulting, reference P24062\_R3 and dated July 2025.
- 20.4. In terms of fluvial flooding, the site is in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development would be wholly located in Flood Zone 1. As such the development has low risk of fluvial flooding.
- 20.5. Furthermore, all proposed access to the site would also be within Flood Zone 1 and would continue unimpeded to provide safe access to and from The proposed development in the event of a flood.
- 20.6. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 20.7. In respect of pluvial flooding, three small areas are within the site lie within the Epsom and Ewell designated Critical Drainage Area and at risk of surface water flooding. One area affected by the designation lies to the northern western section of the site; one along the western boundary and the other to the north east as shown below:



- 20.8. The north west section would overlap the southern section of the proposed access to the site. The FRA identifies that this section surface water flood risk ranging from Low (<1.0% annual chance) to High (>3.3% annual chance) risk of occurring.
- 20.9. The north east section would form part of the proposed green corridor and has a Low to Medium (1.0- 3.3% annual chance) of surface water flood risk
- 20.10. The area on the western boundary would fall within the proposed development's green area/water attenuation area and has a Low (<1.0% annual chance) risk of surface water flooding.
- 20.11. Paragraph 175 of the NPPF states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 20.12. National flood risk standing advice for local planning authorities (August 2024) provides further clarification stating that a sequential test may not be needed if development can be laid out so that only elements such as

public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding.

- 20.13. The supporting FRA notes that whilst there are small areas of the site at a low to medium risk of surface water flooding, these are excluded from the development areas. However, the FRA fails to recognise paragraph 175 of the NPPF, which considers accesses to be included in the definition of built development.
- 20.14. Notwithstanding this, Officers recognise that the Critical Drainage Area does not overlap the entire proposed access and the section that does has Low probability of surface water flooding. In this case, the Council are satisfied that the Sequential Test is not required in this instance.

## **20.15. Sustainable Drainage**

- 20.16. Paragraphs 181 and 182 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SuDS).
- 20.17. To mitigate surface water flooding to and from the site, the supporting FRA calculates the existing run off rates for the site and considers the most appropriate SuDS measures to be infiltration to the ground features along the western boundary (such as lined vegetated forebays, swales and attenuation basins), a blue-green corridor for the centre of the site that would act as a conduit for runoff for the eastern parts of the site towards the infiltration features in the west and permeable paving, which would also be installed in low use access roads and parking areas. The access road catchment would drain to an adjacent filter drain and onwards to an infiltration trench in the west.
- 20.18. As infiltration to the ground has been identified as being suitable for the site, the surface water associated with the proposed development would not be discharged into the public sewer system.
- 20.19. The Lead Local Flood Authority have confirmed that the outline drainage proposal satisfies the requirements of the NPPF and has recommended that, at the detailed design stage, further consideration should be given to implementing smaller scale SuDS throughout the development such as water butts, rain gardens and green roofs for bin/bike storage.
- 20.20. Should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.

## **21. Contamination and Remediation**

- 21.1. 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

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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.

- 21.2. The application is supported by a Geo-environmental Desk Study, prepared by Aqua Terra Consulting, reference P24062\_R1\_Rev 2 dated June 2025 which has concludes that no sources of potential contamination were identified on site, although acknowledging that a petrol station located to the north west of the site and ponds infilled with unknown material represent potential sources of contamination.
- 21.3. Controlled waters are sensitive in this location, as the site is located upon a Principal aquifer. The site also lies within Source Protection Zone 1. The Environment Agency are satisfied that the proposal falls outside of their remit for groundwater protection from potentially contaminated development.
- 21.4. As Thames Water has a statutory duty to protect water sources for public water supply, they have requested that in the event permission is granted, it is subject to a condition to secure a Source Protection Strategy prior to the commencement of the development on site.
- 21.5. The Council's Contamination Officer has raised no objection to the proposed development subject to, in the event permission is granted, conditions to secure a desk study, site investigation and risk assessment to determine the existence, extend and concentrations of contamination prior to commencement of the development and to secure remedial works and measures in the event unexpected contamination is found on site during any construction works.
- 21.6. These 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.

## 22. Utilities

### 22.1. Foul Water

- 22.2. Thames Water have confirmed that they have been unable to determine the foul water infrastructure needs associated with the proposal. Whilst there is evidence to suggest that Thames Water have confirmed to the applicant outside of this planning application that there is capacity in the existing surrounding sewer network to accommodate foul water discharge associated with the proposed development, Thames Water have requested a condition to secure a foul water impact assessment prior to development taking place on site, in the event permission is granted.

22.3. Officers note that as Thames Waters foul water capacity concerns can be address by way of a condition, it is likely that the foul water discharge associated with the proposed development can be adequately accommodated in the future, in the event permission is granted.

#### **22.4. Clean Water**

22.5. Thames Water have confirmed an inability to of the existing water network infrastructure to accommodate the needs of this development proposal. Whilst there is evidence to suggest that Thames Water have confirmed to the applicant outside of this planning application that there is capacity for up to 100 homes, this is not reserved for the proposed development. For this reason, Thames Water have requested a pre-occupation condition to secure confirmation that all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

22.6. Officers note that as Thames Waters water capacity concerns can be address by way of a condition, it is likely that the proposed development can be adequately served by clean water in the future, in the event permission is granted.

### **23. Environmental Sustainability**

23.1. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.

23.2. Although matters relating to accessibility would be part of a subsequent reserved matters application in the event outline planning permission was granted, the application is supported by an Energy and Sustainability Assessment, prepared by PinnacleEPS, reference P5014 Rev 1 and dated July 2025. This report demonstrates that any reserved matters application submitted could accommodate a low carbon development that achieves the highest of environmental performance standards, both through construction and operation.

23.3. Furthermore, the supporting Design and Access Statement, prepared by Paul Hewett, Rev C confirms that renewable energy sources and energy saving features would be proposed as part of a reserved matters application.

## **24. Accessibility and Equality**

- 24.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development.
- 24.2. Matters relating to accessibility would be part of a subsequent reserved matters application in the event outline planning permission was granted.
- 24.3. 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.
- 24.4. There would be no adverse impacts because of the development.

## **25. Planning Obligations and Community Infrastructure Levy**

- 25.1. Paragraphs 56 and 57 of the NPPF 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.
- 25.2. 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.

### **25.3. Planning Obligations**

#### Financial Obligations

- a) £200,000 per annum for five years to provide an enhanced bus service provision to the site, either through DDRT (Digital Demand Response Transport) or securing/improving the existing bus service to Langley Vale
- b) £28,930.97 towards police infrastructure to mitigate for the population growth
- c) £6,900 BNG Monitoring Fee
- d) £20,000 Section 106 Administration and Compliance Fees
- e) £5,000 Travel Plan Monitoring Fee

#### Non-Financial Obligations

- f) Delivery of Affordable Housing as follows:

- 39 x rented (anticipated as social rent levels) in a mix of unit sizes that reflects the future housing mix configuration of the site
- 16 x intermediate (anticipated as shared ownership) rented in a mix of unit sizes that reflects the future housing mix configuration of the site

g) Provision of two car club spaces and vehicles, alongside EVCPs for the use of these vehicles, for a minimum period of three years, with three years free membership and £50 worth of driving time credit for occupiers of the new development.

h) Provision of cycle vouchers for occupiers of the new development.

i) Habitat Creation and Management Plan

j) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space

k) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas

l) Landscape Management and Maintenance Strategy

#### **25.4. CIL Contributions**

25.5. 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/m<sup>2</sup> index linked.

#### **26. Very Special Circumstances**

26.1. As set out in Section 9 of this Agenda Report, Officers consider the site to constitute Grey Belt land and that the proposed development has met the tests of paragraphs 155-157 of the NPPF. Officers therefore consider the proposed development to not be inappropriate in the Green Belt and therefore very special circumstances are not considered necessary in this instance.

26.2. However, should Members consider otherwise, the very special circumstances put forward are detailed below. In this case, Officers consider the very special circumstances put forward in this case clearly outweigh the potential harm to the Green Belt identified through reasons of inappropriate, together with the limited harm to openness and one purpose of including the land within it, such that very special circumstances are said to exist.

26.3. The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the NPPF and Council policy as far as it seeks to significantly boost the supply of homes. Given the significant need for

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housing in the Borough and how long the deficit is likely to persist, this consideration is given **significant weight**.

- 26.4. The proposed development would deliver 55 affordable units in a tenure mix that would reflect the varied needs of the Borough. This is in excess of the Council's requirement as set out in Policy CS9 of the CS but accords with the Golden Rules. Given the significant shortfall of affordable housing delivery in the Borough and how long the deficit is likely to persist, this consideration is given **significant weight**.
- 26.5. The proposal would provide new public realm, children's play areas and landscaping that exceeds policy requirements and would be accessible to both future residents of the development and the general public in an urban area. This would create community cohesion as well as promoting health and well-being. Although the provision of open space and play space is a policy requirement for new development, this consideration is given **moderate weight** as a result of the significant excess.
- 26.6. The proposed development would enhance the nature conservation of the Langley Bottom Farm Site of Nature Conservation Importance by providing dedicated and appropriately managed cultivated field margins for important arable plants. This consideration is given **moderate weight**.
- 26.7. The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the schemes. There would also be further economic benefit arising due to future residents spending in local shops and facilities. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, due the scale of the proposed development, this consideration is given **moderate weight**.

## 27. Other Material Considerations and Any Other Harm

- 27.1. The proposed development would increase the biodiversity value of the site, retaining existing ecological features and creating new biodiversity rich habitats, resulting in a biodiversity net gain of 33% for habitat units and 2745% for hedgerow habitats, which represents an excess gain above the mandatory requirement of 10%. Given the excess provision above the national minimum requirement, this benefit is given **limited weight** in the planning balance.
- 27.2. The proposed development would affect a meaningful change to the setting of The Warren boundary wall, a designated heritage asset, which would cause less than substantial harm to its significance. Whilst Officers have given considerable importance and weight to the desirability of preserving the setting and the features this designated heritage asset, the less than substantial harm would be outweighed by the public benefits. This adverse impact is given **no weight** in the planning balance.

- 27.3. Turning to the harms identified in the report above, the proposed development would result in the loss of 5.2ha best and most versatile subgrade 3a agricultural land as a result of the proposed development. However, as a result of limited impact this loss would have on the economic and food production benefits of this land and in taking into consideration that the loss of this agricultural land would not site would not significantly erode the amount of BMV agricultural land available for agricultural purposes, this adverse impact is attributed **limited weight** in the planning balance.
- 27.4. The proposal would result in moderate adverse harm to the quality of the landscape character of the AGLV and moderate adverse harm to identified receptors. Whilst this harm would be localised, this adverse impact is attributed **moderate weight** in the planning balance.
- 27.5. In the overall balance, the benefits are viewed as sufficient to represent very special circumstances, outweighing the harm as specified in Section 9 of this Agenda Report

## CONCLUSION

- 27.6. 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.
- 27.7. 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.
- 27.8. 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.
- 27.9. The site is located within the Green Belt which is identified as a protected area/asset of particular importance. The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF. The development is therefore not inappropriate.

27.10. However, should Members consider that the development is inappropriate, paragraph 153 of the NPPF is relevant and permission should not be approved except in very special circumstances. It is considered that all of the harms identified, which include the limited harm from the loss of the agricultural land, the harm to the openness of the Green Belt, the moderate but localised harm to the AGLV and local receptors are, in the opinion of Officers, clearly outweighed by the very special circumstances that have been evidenced in this Agenda Report.

27.11. These factors/very special circumstances include the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate social, environmental and economic benefits.

27.12. Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the proposed development. The adverse impacts of granting permission in this particular instance do 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.

27.13. The application is recommended for approval.

## **RECOMMENDATION**

### **PART A**

**GRANT conditional planning permission, subject to the prior completion of a S106 Legal Agreement to secure the following planning obligations**

#### **Financial Obligations**

- a) £200,000 per annum for five years to provide an enhanced bus service provision to the site, either through DDRT (Digital Demand Response Transport) or securing/improving the existing bus service to Langley Vale
- b) £28,930.97 towards police infrastructure to mitigate for the population growth.
- c) £6,900 BNG Monitoring Fee
- d) £20,000 Section 106 Administration and Compliance Fees
- e) £5,000 Travel Plan Monitoring Fee

#### **Non-Financial Obligations**

- f) Delivery of Affordable Housing as follows:
  - 39 x rented (anticipated as social rent levels) in a mix of unit sizes that reflects the future housing mix configuration of the site

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- 16 x intermediate (anticipated as shared ownership) rented in a mix of unit sizes that reflects the future housing mix configuration of the site
- g) Provision of two car club spaces and vehicles, alongside EVCPs for the use of these vehicles, for a minimum period of three years, with three years free membership and £50 worth of driving time credit for occupiers of the new development.
- h) Provision of cycle vouchers for occupiers of the new development.
- i) Habitat Creation and Management Plan
- j) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space
- k) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas
- l) Landscape Management and Maintenance Strategy

**and the following conditions and informatives**

**PART B**

**If the Section 106 Agreement referred to in Part A is not completed by 26 August 2026, the Head of Place Development is authorised to refuse the application for the following reason:**

In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policies CS3, CS4, CS9, and CS16 of the Core Strategy 2007 and Policies DM4, DM6 and DM36 of the Development Management Policies Document 2015.

**CONDITIONS**

**Delivery Conditions**

**1. Timescale**

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

**2. Reserved Matters**

No part of the development hereby permitted shall be begun until details of the layout, scale, appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority for that part of the development. The development shall be carried out as approved.

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Reason: To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**3. Approved details**

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

2503/PL.01 Rev B Location Plan

2503/PL.03 Rev C Parameters Plan

ITB200788-GA0-002 Rev Proposed Site Access Arrangements

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**

**4. Construction Transport Management Plan**

No development shall commence unless and until a Construction Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) HGV deliveries and hours of operation
- g) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- j) on-site turning for construction vehicles

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

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

**5. Construction Environmental Management Plan**

No development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the

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Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology, and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.

The development shall be constructed full accordance with the approved details at all times.

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

## 6. Surface Water Drainage Scheme

No development shall commence unless and until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The required drainage details shall include:

- a) Hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep.
- b) Detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan.
- c) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.
- d) Details of drainage management responsibilities and maintenance regimes for all drainage elements.
- e) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational.

The final solution should follow the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national standards for sustainable drainage systems and the NPPF.

The development shall be carried out in full accordance with the approved details prior to first occupation.

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.

## 7. Source Protection Strategy

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No development shall commence unless and until a Source Protection Strategy has been submitted to and approved by, the local planning authority in consultation with the water undertaker. Details shall include how the water abstraction source would not be detrimentally affected by the proposed development, both during and after its construction.

Thames Water consider a suitable Source protection strategy to consist of the following (where applicable): CEMP; foundation/piling risk assessment; drainage management plan; groundwater monitoring strategy; communication plan and emergency procedures documentation.

The development shall be carried out in full accordance with the approved details prior to first occupation.

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

## 8. Habitat Management and Monitoring Plan

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

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

No occupation shall take place until the habitat creation and enhancement work set out in the approved HMMP have been completed; and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development results in a biodiversity net gain which meets national standards, in accordance with Schedule 7A of the Town and

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Country Planning Act 1990, Section 180 of the National Planning Policy Framework 2024 and Policy DM4 of the Development Management Policies Document 2015.

**9. Badger Monitoring Survey**

No development shall commence until a badger monitoring survey is carried out to determine site usage and ensure that no setts have been excavated. Details of the survey shall be submitted to and be approved in writing by the local planning authority prior to commencement of any works.

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.

**10. Bat Licence**

Demolition of the residential property at the northern end of the site shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the Local Planning Authority. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details.

Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority prior to commencement of works.

Reason: The building host a day bat roost which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the proposed development, and that the Council demonstrates that the Council has fulfilled its duties under the Conservation (Natural Habitats &c.) Regulations 2017.

**11. Programme of Archaeological Work**

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the approved details.

Reason: To ensure archaeological investigation recording in accordance with Section 16 of the National Planning Policy Framework 2024 and Policy DM8 of the Development Management Policies Document 2015

**12. Ground Contamination**

No development shall commence prior to undertaking the following in accordance with current best practice guidance:

- a) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority: and
- b) 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 approved remediation scheme shall be carried out prior to the commencement of the development and in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced prior to first occupation and is subject to the approval in writing of the Local Planning Authority.

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

### **Pre-Occupation Conditions**

#### **13. New Access**

No part of the development shall be first occupied until the proposed vehicular, pedestrian and cycle accesses to Langley Vale Road has been constructed and provided with visibility zones in general accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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

#### **14. Vehicle Parking, Loading/Unloading and Turning Areas**

The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles / cycles to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /

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loading and unloading / turning areas shall be retained and maintained for their designated purposes.

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

## 15. Provision for Sustainable Modes

The development hereby approved shall not be first occupied until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- a) The improvement of the bus stops located at Grosvenor Road and Harding Road to include provision of shelter, seating, lighting, accessible kerbing and Real Time Passenger Information (RTPI).
- b) Information to be provided to residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs /car clubs.

Provision of pedestrian improvements to allow for access to local bus stops and facilities in broad accordance with Drawings ITB200788-GA-101, ITB200788-GA-102, ITB200788-GA-103 & ITB200788-GA-104 set out in Section 3 of the Enhanced Sustainable Transport Strategy.

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

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

## 16. Cycle Parking

The development hereby approved shall not be first occupied until details of cycle facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- (i) High quality, secure, lit and covered cycle parking for each dwelling.
- (ii) Charging points with timers for e-bikes within said facilities;
- (iii) Clear hardstanding routes between the cycle stores and the site access

Thereafter, the approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

## 17. Electric Vehicle Charging Points

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The development hereby approved shall not be occupied until details of EV charging points are submitted and approved in writing by the Local Planning Authority. Details shall include each of the proposed dwellings being provided with a fully operational fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply).

Thereafter, the approved spaces shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

#### **18. Suds Verification Report**

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

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

#### **19. Foul Water Drainage**

The development hereby permitted shall not be first occupied unless and until confirmation has been provided that either:

- a) foul water capacity exists off site to serve the development; or
- b) a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
- c) all foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: To ensure adequate utility connections are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

#### **20. Water Network Upgrades**

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The development associated with the residential scheme hereby permitted shall not be first occupied unless and until confirmation has been provided that either:

- a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: To ensure adequate utility connections are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

## **21. Travel Plan**

The development permitted shall not be first occupied until a Travel Plan is submitted to and approved in writing by the Local Planning Authority in accordance with the submitted and approved Framework Travel Plan dated June 2025 (report ITB200788-002a). The Travel Plan shall broadly be in line with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". The approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development thereafter, maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

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

## **Compliance Conditions**

### **22. Biodiversity Net Gain Plan**

The statutory Biodiversity Net Gain Plan shall be prepared in accordance with the details set out in the Biodiversity Impact Calculation prepared by The Ecology Co-Op, dated July 2025.

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

### **23. Monitoring of HMMP**

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

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

**24. Compliance with Arboricultural Impact Assessment and Method Statement**

The development hereby permitted shall be carried out in strict accordance with the tree protection measures set out in the Arboricultural Impact Assessment and Method Statement (AIA) prepared by Arbortrack Systems Limited, reference jwmb/rpt1/langleybottomfarm/AIAAMS and dated 09 July 2025.

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

**25. Compliance with Ecological Survey**

The development hereby permitted shall be carried out in strict accordance with the biodiversity compensation and enhancement measures set out in the Ecological Impact Assessment (EclA), prepared by The Ecology Co-op, reference P2851 and dated 27 June 2025. All biodiversity compensation and enhancement measures shall be implemented prior to first occupation of the development hereby permitted and thereafter maintained.

Reason: To enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007.

**26. Unexpected Contamination**

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development

site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

## 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. Working Hours

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

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

### 4. Burning of Material

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

### 5. Control of Dust

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

## **6. 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.

## **7. Protected Species**

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

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

## **8. Breeding Birds**

Under the Wildlife and Countryside Act 1981, it is illegal to intentionally destroy or disturb active bird nests, eggs, or young. Vegetation clearance and demolition shall not be carried out during bird breeding season (1 March to 31 August). If it is necessary for these works to occur between 1 March - 31 August, then a qualified ecologist must survey the site for nesting birds. If a nest is found, a buffer zone must be established and works suspended in that area until the chicks have fledged.

## **9. Biodiversity Net Gain**

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

## **10. Wheel Washing**

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleansed wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and prosecutes persistent offenders (Sections 131, 148 and 149 of the Highways Act 1980).

## **11. Works to the Highway**

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. In instances where the applicant is not the Highway Authority the applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

## **12. Damage to Highway**

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

## **13. Design Works to the Highway**

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

#### **14. Electric Vehicle Charging Points**

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2024. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

#### **15. Electric Bike Charging Points**

It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in [a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises / in non-domestic buildings the premises should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-1 of the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

#### **16. Surface Water Flow Routes**

The applicant is advised that any alterations to existing highway infrastructure should be designed so there is no adverse effect on surface water flow routes and should not increase flood risk on or off site. It is possible to check the long term flood risk on the following Government website [www.gov.uk/check-long-term-flood-risk](http://www.gov.uk/check-long-term-flood-risk).

#### **17. Ordinary Watercourse**

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

#### **18. Source Protection Zone Infiltration**

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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.

### **19. Sub Ground Structures**

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

### **20. Thames Water Surface Water Connection**

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer to our website:

<https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>.

### **21. Thames Water Public Sewers**

There are public sewers crossing or close to the development. If the applicant is planning significant work near our sewers, it's important that they minimize the risk of damage. Thames Water need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

### **22. Thames Water Underground Assets**

The proposed development is located within 15metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure workings are in line with the necessary processes you need to follow if the applicant is considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>. Should further information be required please contact Thames Water. Email: developer.services@thameswater.co.uk Phone:0800009 3921(Monday to Friday, 8am to 5pm). Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

### **23. Thames Water Water Mains**

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If significant works are planned near our mains (within 3m) Thames Water need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

## **24. Fire Risk Assessment**

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

## **25. Fire Safety Information**

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

## **26. Passive Fire Protection Measures**

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

## **27. Automatic Water Suppression Systems (AWSS) and Automatic Fire Suppression Systems (AFSS)**

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

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

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

## **28. Changes to the Approved Plans**

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

## **29. Naming and Numbering**

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

## **30. CIL Liable Development**

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

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

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

## **31. Section 106 Agreement**

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