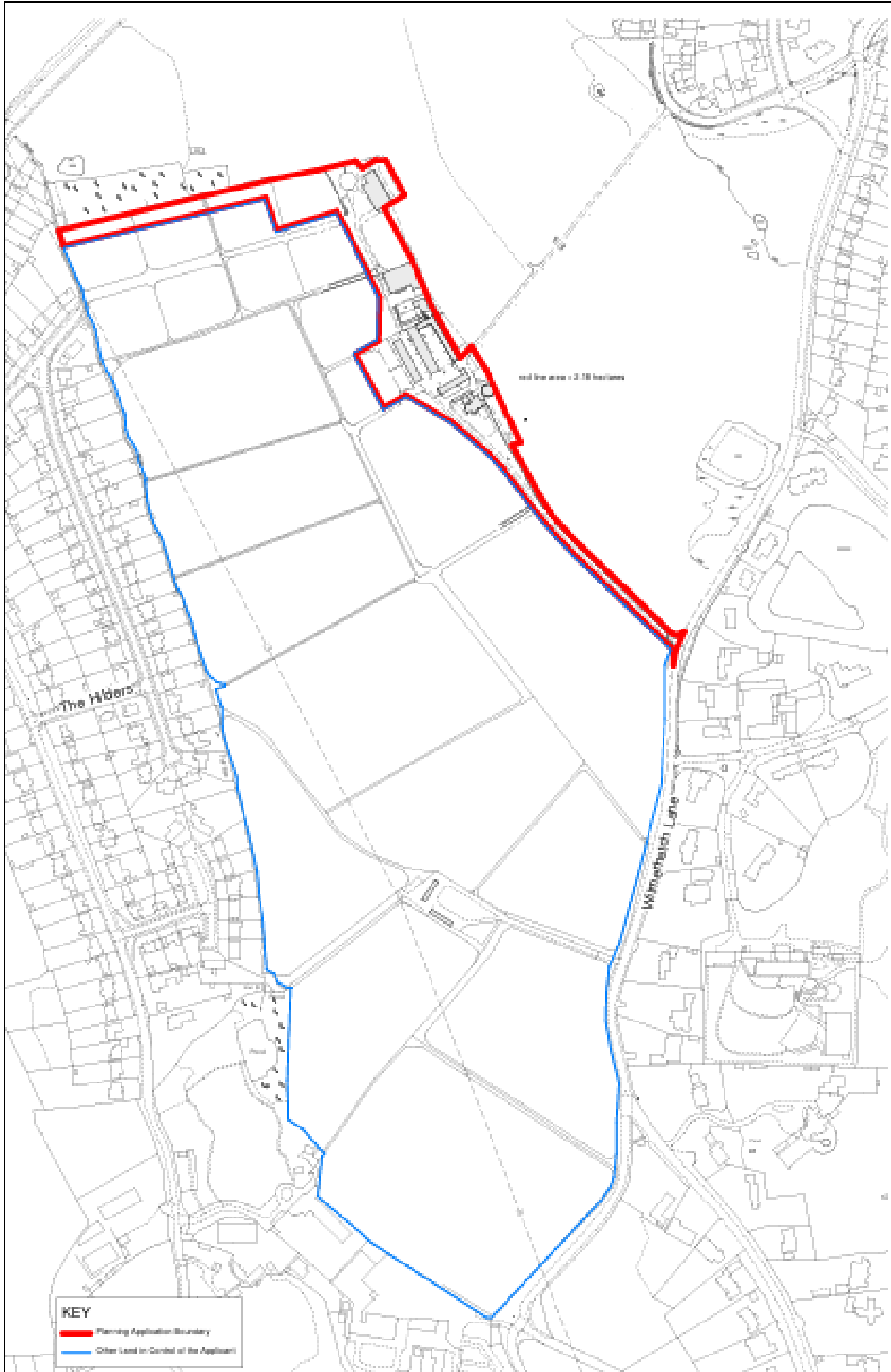


Planning Committee  
18 June 2026

Planning Application  
Number 25/01483/FUL

**25/01483/FUL Woodcote Stud, Wilmerhatch Lane, Epsom, KT18  
7UE**

<b>Application Number</b>	25/01483/FUL
<b>Application Type</b>	Full Planning Permission (Major)
<b>Address</b>	Woodcote Stud, Wilmerhatch Lane, Epsom, KT18 7UE
<b>Ward</b>	Woodcote and Langley Vale
<b>Proposal</b>	Demolition of all existing buildings and structures (excluding Woodcote House) and the construction of a new supported living building (Class C2), as an expansion to the retained Class C2 use at Woodcote House, and 14no residential dwellings (including 7no affordable dwellings) together with associated access, car parking and garages, landscaping and shared open space.
<b>Expiry Date</b>	15 July 2026
<b>Recommendation</b>	Approval, subject to conditions, informatives and s106 legal agreement
<b>Number of Submissions</b>	47 (44 against, 3 neutral)
<b>Reason for Committee</b>	Major development
<b>Case Officer</b>	Jack Summers, Planning Officer
<b>Contact Officer</b>	Simon Taylor, Head of Development Management and Planning Enforcement
<b>Plans, Documents and Submissions</b>	Available <a href="#">here</a>
<b>Glossary of Terms</b>	Available <a href="#">here</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 the Council's Scheme of Delegation.
- 1.2. Planning permission is sought for the demolition of all the buildings upon the land (with the exception of Woodcote House) and erection of a two-storey supported accommodation building (C2), and fourteen dwelling houses (7 of which would be affordable), and associated access improvements and landscaping.
- 1.3. The pre-existing stud farm (sui generis) operation ceased in 2021, and in the time since, several of the buildings on the land have been operated as supported accommodation (C2 use class). The permanent loss of the stud farm and its replacement with housing and an intensification of the supported accommodation use is acceptable as the stud farm is considered to be unviable, and the Borough has a shortage of the proposed uses.
- 1.4. 44 submissions have been received against the proposal with three in support.
- 1.5. The proposal is considered to have an acceptable impact on the Green Belt; it makes sustainable re-use of mostly previously developed land/Grey Belt and will deliver 50% affordable housing (7 units) and additional supported accommodation, whilst improving local highway infrastructure to make the scheme sustainable.
- 1.6. In terms of appearance, the development is also acceptable, replacing aging equestrian structures with residential buildings, final details on external materials are sought by condition to ensure a high-quality appearance, and the development includes ample landscaping that will provide screening in long views, maintaining the open and rural character of the site.
- 1.7. Vehicle access will be restricted to Wilmerhatch Lane, and the existing accessway to Woodcote Side to the east will be restricted to pedestrian and cycle traffic. No new accessways to the site are proposed.
- 1.8. The development will also deliver ecological improvements including additional planting as part of the statutory Biodiversity Net Gain. Measures are secured by condition ensuring that protected species in and around the site will be safeguarded from detrimental impacts, and a drainage strategy has been developed to ensure that the development will minimise its impact on local flooding and the water environment.

- 1.9. A Construction Transport Management Plan will be secured by condition to ensure that impacts from the delivery and construction periods are suitably mitigated, and the development causes minimal disruption to residents on site, and in the surrounding streets. Operational impacts of the development (i.e. post-occupation) on residents on the surrounding streets are acceptable given the separating distances.
- 1.10. For the above reasons the development is recommended for approval, subject to conditions and a S106 agreement

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves the following works:
- Demolition of existing buildings on the land, with the exception of Woodcote House. These buildings are all associated with the defunct equestrian use of the site as a stud farm, or in residential use ancillary to Woodcote House's use as (C2) supported accommodation.
  - Erection of a two-storey detached building for use as (C2) supported accommodation, extending the Woodcote House operation.
  - Erection of 14 (C3) dwellings, 7 of which would be affordable, in the following combination:
    - Five detached dwellings
    - Four semi-detached dwellings
    - One three-dwelling terrace
    - One building subdivided into two flats
  - Landscaping to improve access from Wilmerhatch Lane to service the development and provide communal open spaces and additional planting.
  - Associated access routes, fencing and other site works

### 3. Key Information

	Existing	Proposed
Site Area	2.18ha	
Units	1x Supported Accommodation Block (C2) 1x Equestrian Stud Farm	14x Dwellings (C3) 1x Supported Accommodation Block (C2)
Density	N/A	6.42 dwellings per hectare
Affordable Units	N/A	7

## SITE

### 4. Description

- 4.1. The site historically operated as an equestrian stud farm (sui generis) however this use ceased around 2021. Several buildings on the site, including Woodcote House, are currently in use providing supported accommodation (Use Class C2); with planning permission granted in January 2025.
- 4.2. The site is located 225-300m southwest of Epsom and 250m to the northeast of Ashtead, which lies within the administrative area of Mole Valley District Council. It is bounded by Epsom Common (dense woodland) to the north and east, and open fields associated with the defunct equestrian use to the south and west. Epsom Common is a Nature Conservation Site.
- 4.3. The main access to the site is via a driveway off Wilmerhatch Lane, and there is a secondary access via an unmade track that leads north through Epsom Common to Woodcote Side.

### 5. Constraints

- Green Belt
- Local Nature Reserve (Epsom Common) (Adjacent)
- Nature Conservation Site (Epsom Common) (Adjacent)
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (moderate habitat suitability)
- Bat Survey Area
- Gas Main (High)
- Classified Road (Other)
- Flood Zone 1

### 6. History

App No.	Description	Status
24/01439/FUL	Change of use of two dwellinghouses (Use Class C3) to supported living accommodation (Use Class C2), and change of use of an adjacent former foaling stables building (Sui Generis) to accommodate ancillary storage and staff areas for the supported living facility (Use Class C2)	Approved 15 January 2025
99/00802/FUL	Extension to barn for storage of farm equipment and replacement of 6 no. existing stables	Approved 14 December 1999

App No.	Description	Status
98/00582/GDO	Prior approval for installation of Personal Communications Network (PCN) comprising 15 metre slimline lattice tower supporting 3 dual polar antennae & 2 x 0.6m microwave dishes & a ground based equipment cabin, & 1800mm high fence.	Refused 7 September 1998
94/00091/FUL	Conversion of existing stable block into a specialist equine surgical facility	Approved 9 December 1994
94/00091/FUL	Non-illuminated sign at rear entrance drive.	Refused 29 July 1991
90/00129/FUL	Barn for hay storage.	Approved 21 May 1990

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Highway Authority	No Objection, subject to condition(s).
Flood Authority	No Objection, subject to condition(s).
Surrey Archaeology	No Objection
Trees	No Objection, subject to condition(s).
Ecology	No Objection, subject to condition(s).
Policy	No Objection
Land Contamination	No Objection, subject to condition(s).
Strategic Housing	No Objection, subject to affordable housing contribution, to be secured via S106 agreement.
Waste Officer	No Objection, subject to condition(s).
<b>External Consultees</b>	
Environment Agency	No Comment
Thames Water	No Objection, subject to informative being included.
Natural England	No Comment
Fire Service	No Objection
Surrey Police	No Objection, subject to condition(s).
<b>Public Consultation</b>	

Consultee	Comments
Neighbours	<p>The application was advertised by means of site notices and notification to three neighbouring properties, concluding on 02 February 2026.</p> <p><b>44 submissions have been received, objecting to the proposed development on the following grounds:</b></p> <ul style="list-style-type: none"><li>- Loss of equestrian land use and associated employment opportunities</li><li>- Detrimental impact on the character of the area</li><li>- Harm to the Green Belt, reduction in the gap between Epsom &amp; Ashtead</li><li>- Unsuitable scale, form and intensity of development</li><li>- Detrimental impact on existing C2 use from additional activity on the land</li><li>- Loss of light</li><li>- Noise nuisance</li><li>- Loss of outlook</li><li>- Increased risk of flooding</li><li>- Impact on protected waterway (Rye Brook)</li><li>- Loss of habitat and biodiversity</li><li>- The site is unsustainable due to the distance from town centres and inadequacy of public transport infrastructure</li><li>- Increased parking pressure</li><li>- Highway safety risks from access arrangements</li><li>- Increased pressure on local infrastructure</li></ul> <p><u>Officer comment:</u> These matters are discussed in the body of the report.</p> <ul style="list-style-type: none"><li>- Increased security risk to neighbouring dwellings</li></ul> <p><u>Officer comment:</u> This concern is based on the misunderstanding that the proposal includes a pedestrian link to Oak Way, Ashtead, which is not the case. Surrey Police have raised no concerns in terms of security.</p> <ul style="list-style-type: none"><li>- The viability of the existing land use should not be a consideration</li></ul> <p><u>Officer comment:</u> The viability of land uses as a material planning consideration is well established within the NPPF 2024.</p>

Consultee	Comments
	<ul style="list-style-type: none"><li>- Similar to proposed development at Ashtead Park Garden Centre, which was dismissed due to harm to the Green Belt.</li><li>- Approval would conflict with the rationale behind the previous application on the site</li><li>- Permitting the development would set an undesirable precedent</li></ul> <p><u>Officer comment:</u> Each planning application is assessed on its own specific merits; previous decisions on this or other land do not establish an automatic precedent for or against this development, and likewise the following decision does not set a precedent for or against future development.</p> <ul style="list-style-type: none"><li>- Detrimental impact on property value</li></ul> <p><u>Officer comment:</u> Property value is not a planning matter therefore has not been given any weight in the following assessment.</p> <ul style="list-style-type: none"><li>- Loss of views</li></ul> <p><u>Officer comment:</u> Specific views are not protected through planning; therefore, the reported loss of views has not been given any weight in the following assessment.</p> <p><b>3 submissions have been received, making the following comments on the proposed development:</b></p> <ul style="list-style-type: none"><li>- Access via the right of way between the application site and Woodcote Site should be restricted for vehicular traffic.</li><li>- Enhanced C2 Use Class facilities are welcomed.</li><li>- There are differences between the proposal and the refused scheme at Farm View, Langley Vale, in terms of site sustainability.</li><li>- Permitted development rights should be removed by condition, to prevent unmanaged extension of each dwelling in the future.</li></ul> <p><u>Officer comment:</u> These matters are discussed in the body of the report.</p> <ul style="list-style-type: none"><li>- Development should be restricted within the open land directly south and west of the application site.</li></ul>

Consultee	Comments
	<p><u>Officer comment:</u> It would not be reasonable to impose a total restriction on development upon land outside of the application site, as theoretical development there would be subject to its own planning assessment.</p>
Epsom Civic Society	<p>No Objection (neutral stance), though the following comments are noted:</p> <ul style="list-style-type: none"> <li>- Separation of Epsom and Ashted, as required by the NPPF, must be strictly enforced</li> <li>- Should not act as a precedent</li> <li>- Blue line could be a “hidden agenda”</li> </ul> <p><u>Officer comment:</u> The proposal accords with the requirements of the NPPF in that separation is maintained. Each planning application is assessed on its own specific merits. A blue line indicates land within the ownership but not within the site, as required as a minimum validation requirement.</p>

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Town and Country Planning (General Permitted Development) Order 2015 (GPDO)
- 7.3. Environment Act 2021
- 7.4. Community Infrastructure Levy Regulations 2010

### 8. Planning Policy

#### 8.1. 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 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed 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

#### 8.2. 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 CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS11: Employment Provision
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS16: Managing Transport and Travel

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

- Policy DM3: Replacement and Extensions of Buildings in 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 DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM26: Equestrian-Related Development in the Green Belt
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

### **8.4. Epsom & Ewell Local Plan 2022-2040 (LP) (Emerging)**

- Policy DM1 – Residential Space Standards
- Policy DM8 – Racehorse Training Zone
- Policy S19 – Transport

## **9. Supporting Guidance**

### **9.1. National Planning Policy Guidance (NPPG)**

- Biodiversity Net Gain
- Climate Change
- Community Infrastructure Levy
- Design: Process and Tools
- Determining a Planning Application
- Effective Use of Land
- Flood Risk and Coastal Change

- Green Belt
- Healthy and Safe Communities
- Historic Environment
- Housing Needs of Different Groups
- Housing for Older and Disabled People
- Housing: Optional Technical Standards
- Land Affected by Contamination
- Natural Environment
- Noise
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space
- Planning Obligations
- Travel Plans, Transport Assessments and Statements
- Use of Planning Conditions
- Viability
- Waste
- Water Supply, Wastewater and Water Quality

**9.2. Revised Developer Contributions Supplementary Planning Document 2014**

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

**9.3. Supplementary Planning Documents and Guidance**

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

**9.4. Other Documentation**

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Strategic Housing Market Assessment Update 2019
- Housing and Economic Development Needs Assessment 2023 (HEDNA)

## PLANNING ASSESSMENT

### 10. Presumption in Favour of Sustainable Development

- 10.1. 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.

- 10.2. Paragraph 11(d) 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.

## **11. Principle of Development**

### **11.1. Loss of Equestrian Use**

- 11.2. The current Local Plan policy in relation to Equestrian-Related Development in the Green Belt (DMPD Policy DM26) does not apply to the proposed development, as it only applies to new equestrian related development in the Green Belt and not its loss.
- 11.3. The emerging Local Plan 2020-2040 (at Examination Stage) contains Policy DM8: Racehorse Training Industry which sets out a criteria-based approach for proposals within the Racehorse Training Zone. Woodcote Stud Farm is identified as being located within the Racehorse Training Zone on the policies map supporting the LP.
- 11.4. A response to the Local Plan Regulation 19 consultation was received objecting to the inclusion of Woodcote Stud on behalf of the site owner. During the examination, including through its responses to the Inspectors Matters Issues and Questions and discussions during the Hearing Session on Matter 10 (Employment and Horse Racing), the Council has provisionally agreed that Woodcote Stud Farm should be removed from the Racehorse Training Zone through major modifications to the plan to reflect that the equestrian related use ceased in 2021 and that part of the site is providing supported living accommodation.
- 11.5. Therefore, the loss of the equestrian facilities in principle is acceptable.

### **11.6. Housing Delivery**

- 11.7. Paragraph 61 of the NPPF 2024 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum. The Council is currently preparing a new Local Plan for the Borough which will set a new housing requirement for the plan period (2022-2040). The Local Plan (2022-2040) is currently at examination stage and some of the policies can be afforded some weight at the present time.

11.8. The Council has calculated its five-year housing land supply position as being between 1.49-1.53 years supply as set out in the 2024/2025 Authority Monitoring Report. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply. The net increase of fourteen dwellings weighs in favour of the scheme.

#### **11.9. Development in the Green Belt**

11.10. The site is within Green Belt and Section 13 of the NPPF 2024 aims to prevent urban sprawl by keeping land permanently open with the purposes being to check unrestricted sprawl, prevent merging of towns, prevent encroachment within the countryside, preserve the setting of towns and encourage recycling of derelict sites.

11.11. Paragraph 153 of the NPPF 2024, reinforced in Policy CS2 of the CS states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 requires substantial weight to be applied to harm to the Green Belt.

11.12. The Green Belt considerations include the following:

*Whether the proposal would be inappropriate development for the purposes of Section 13 of the NPPF and development plan policy*

11.13. Paragraph 154 of the NPPF 2023 states that new buildings in the Green Belt are inappropriate, unless it involves limited infilling or complete redevelopment of previously developed land where there is no greater impact upon the openness of the Green Belt. .

11.14. Also, paragraph 155 of the NPPF 2024 states that the development of homes should 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 NPPF paragraphs 156-157.

11.15. CS policy CS2 protects the Green Belt's 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.

#### **11.16. Grey Belt**

11.17. 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.

11.18. Purpose (a) 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.

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

11.20. In considering the contribution of the site makes to purpose (a) of the Green Belt, regard is given to the advice in the Planning Practice Guidance (PPG). The site contains existing development, which the PPG states lead to a moderate contribution to purpose (a).

11.21. As such, the site does not strongly contribute to Green Belt purpose (a) of paragraph 143 of the NPPF.

11.22. Purpose (b) to prevent the coalescence of towns

11.23. The site does occupy a gap between Epsom and Ashted; however, the development would not result in these two settlements being physically joined. There would remain substantial barriers in the forms of the woodland to the north and east (~240m at its shortest width) and the fields to the west and south (~230m at their shortest width).

11.24. As such, it is considered that the site does not strongly contribute to Green Belt purpose (b).

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

11.26. The site does not form part of the setting of a historic town and cannot strongly contribute to Green Belt purpose (d).

### **11.27. Grey Belt Conclusion**

11.28. It is considered that the site meets the definition of grey belt as outlined in Annex 2 of the NPPF.

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

11.30. Paragraph 155 of the NPPF states that the development of dwellings 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;

11.31. In considering 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.

11.32. Epsom and Ewell Borough Council's Green Belt encompasses roughly 43% of the Borough's land. The development would replace a defunct equestrian use and maintain the undeveloped land around it; it is considered that it would not undermine the purposes of the remaining Green Belt within the Borough.

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

11.33. As aforementioned, the Council cannot demonstrate a five-year housing land supply, which demonstrates an unmet need and compliance with criterion (b). The creation of fourteen dwellings will have a positive impact on housing stock.

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

11.34. 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.

11.35. 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.

11.36. The site is some 2km from both Ashted and Epsom town centres. There are limited retail opportunities closer than the town centres, with only two small convenience stores on Dorking Road. The site is just over 2km from

both Ashted and Epsom Railway Stations. There are bus stops on the surrounding roads including Wilmerhatch Lane, Woodcote Side and Dorking Road. There is bus service E5 linking West Ewell, Epsom and Langley Vale, with services during the day with a frequency of 1-2 hours.

11.37. The closest northbound bus stop on Wilmerhatch Lane is poorly placed to serve occupants of the development as it lacks any footway or shelter, so would not be equally accessible and require two road crossings to safely reach from the site entrance. The Highway Authority have requested improvements to this bus stop via condition 16 to help mitigate the development's impact on the surrounding highway network.

11.38. It is considered that subject to the requested bus stop improvements, the proposed development would be in an acceptably sustainable location as required by criterion (c).

(d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.

11.39. The Golden Rules are as follows:

- a) affordable housing which reflects either:
  - (i) development plan policies produced in accordance with paragraphs 67-68 of the NPPF 2024; or
  - (ii) until such policies are in place, the policy set out in paragraph 157 of the NPPF 2024;
- b) necessary improvements to local or national infrastructure; and
- c) the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

11.40. The applicant has agreed to provide seven affordable homes out of fourteen, meeting the required 50% for this development. This is discussed further in Section 16 of this report.

11.41. As aforementioned, the applicant has also agreed to make the required improvements to local transport infrastructure, to provide an improved north-bound bus stop on Wilmerhatch Lane, to serve occupants of the new development.

11.42. The proposed development includes communal green spaces on the west side of the site (adjacent to the fields) that would meet the above requirements. This is discussed further in Section 13 of this report.

11.43. The above matters will be secured and/or maintained via a Section 106 Legal Agreement.

#### **11.44. Paragraph 155 Conclusion**

11.45. 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 residential development and would be in a sustainable location, thereby meeting the requirements (a) – (d) of paragraph 155 of the NPPF.

#### **11.46. Green Belt Conclusion**

11.47. For the reasons set out above, the proposal development would not be inappropriate development in the Green Belt and would accord with the provision of Green Belt policy within the NPPF, most notably paragraph 155.

11.48. It is not necessary to consider the effect of the proposed development upon the openness and remaining purposes of the Green Belt, as this is implicitly considered in this exception, nor would there be any very special circumstances needed to justify the proposed development.

#### **11.49. Specialist Accommodation**

11.50. Policy DM21 of the DMPD allows specialised forms of residential accommodation subject to robust demonstration of need, no over provision and flexible design to accommodate future conversion.

11.51. The council's Housing and Economic and Development Needs Assessment (HEDNA, 2023) states that the incidence of a range of health conditions is an important component in understanding the potential need for care or support for a growing older population.

11.52. Table 70 of the HEDNA (p.269) calculates the projected changes to Epsom and Ewell's population with a range of disabilities. Within the draft local plan period (2022 – 2040), the population of people between 18-64 years of age with Autistic Spectrum Disorders is expected to increase by 19% and the population with the same disabilities over the age of 65 is expected to increase by 42%. A similar pattern is forecast with people with learning difficulties; the population of ages between 15–64 is expected to increase by 19% and by 38% with the over 65 population. As such, there is a natural need for accessible and adaptable dwellings within the Borough, referred to as category M4(2) in The Building Regulations (2010).

11.53. For those living with a learning disability, the Mencap report notes that people known to local authorities live in one of three types of accommodation: with family and friends (38%), in a registered care home (22%), or in supported accommodation (16%). Despite the higher proportion, most people with a learning disability who live with friends and family want greater independence, with around 70% wanting to change

their existing living arrangements to achieve this. This demonstrates the need for supported accommodation outside the family home. Furthermore, the report highlights that there are several barriers to achieving independent living, including a general lack of accommodation of this tenure.

- 11.54. The HEDNA study does not aim to specify the exact location or number of units that should be provided for different groups. This is because some sorts of specialist accommodation could have a wider catchment and may be suitable for clients from outside Epsom and Ewell. However, the report does demonstrate an identified need due to rising demand for services and recommends that the council should encourage the provision of accommodation where opportunities arise.
- 11.55. The principle of increasing care provision by a small level will meet an identified and will not result in the overprovision of this type of care within the borough.

## **12. Design and Character**

### **12.1. Built Form, Pattern and Layout**

- 12.2. Paragraphs 130, 135 and 139 of the NPPF 2024 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 12.3. 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.
- 12.4. The existing equestrian buildings and hardstanding are of no great architectural merit and there is no objection to their loss.
- 12.5. The new dwellings upon Plots 1-5 are fairly unimaginative, generic new-builds and it is not clear that they have been designed with any specificity towards this particular rural location. Nevertheless, they are each of a suitable scale, and the form and materiality does lean towards traditional built forms which is acceptable in this instance.
- 12.6. These dwellings are sited in a line running perpendicular to the fields south and west of the site, which will reduce their visual prominence in long views from properties in Ashtead.
- 12.7. The dwellings within Plots 6-14 are of superior aesthetic appearance and several are notably designed to emulate rural character, with farm

building-like forms. They have been designed to have decent separating gaps between each property, which will help maintain openness within the wider development and reduce the appearance of overdevelopment. These are acceptable in terms of appearance.

- 12.8. It is necessary for development to be granted only subject to a condition restricting certain classes within the GPDO; this is to safeguard visual amenity and prevent the unmanaged enlargement of buildings within the Green Belt. The following classes within Schedule 2 of the GPDO will be restricted: Part 1, Classes A-F; and Part 2, Class A. A condition will also be attached requiring a schedule of external materials for each dwelling, to ensure that a high quality appearance is delivered.
- 12.9. The proposed supported accommodation block does not represent good design and there are concerns with its appearance; it is a large square building with awkward first floor projections at each end and asymmetrical fenestration. Furthermore, the white render cladding would add unsuitable visual prominence to it in long views; whilst this has been modelled on the adjacent Woodcote House, that building is a finely detailed period property, as opposed to the proposed block which appears overly large and bland in comparison. Natural tones that would complement the rural setting, are considered a more suitable choice.
- 12.10. The block does not meet the high standard of design that is expected within this development. However, permission could be granted subject to a condition requiring minor amendments to the design, including to the form, fenestration layout and external materials. This is specified in Condition 8.

#### **12.11. Density**

- 12.12. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 12.13. The development site has an area of 2.18 hectares; therefore, the creation of 14 dwellings would lead to a density of some 6.42 dwellings per hectare, which would be policy compliant and in context with and suitable for the wider rural setting.

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

- 13.1. Paragraph 136 of the NPPF 2024, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape

features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

- 13.2. The application was accompanied by an Arboricultural Impact Assessment (AIA) that states that seven trees (T5, T6, T7, T8, T9, T11 and T13), three marked stems on the western edge of G1, a small section of the east side of H1 and all of H2 require removal to facilitate the development. The Council's Arboriculture Officer has reviewed the document and has raised no objection subject to replanting.
- 13.3. The AIA specifies that twenty-four new trees would be planted to mitigate the loss of the above species and recommends a robust landscaping plan be prepared to confirm exact planting numbers, species and positions. Such a plan will be secured by condition, and will secure the implementation of good quality communal planted space at the west side of the site.
- 13.4. Trees to be retained on site during the delivery and construction period will be safeguarded in accordance with the submitted Arboricultural Method Statement & Tree Protection Plan; the implementation of the protection plan will be secured by condition 20.

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

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

- 14.2. Paragraphs 135 and 166 of the NPPF 2024, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing.
- 14.3. Each of the new dwellings is well laid out internally, with good circulation space and orientation, dual aspects and natural light and ventilation to each habitable room; the LPA has no concerns in this regard.
- 14.4. The new supported accommodation block includes kitchen, dining and living rooms at ground floor level, and seven bedrooms at first floor level, with some ancillary staff areas also on both levels. All habitable rooms have good circulation space and natural light and ventilation to each habitable room; the LPA has no concerns in this regard.
- 14.5. Concerns have been raised in the representations received that residents of the supported accommodation would have their amenity detrimentally impacted upon by the development.
- 14.6. The impacts of the delivery and construction period can be sufficiently mitigated through a robust Construction Transport Management Plan – which is discussed later in this report.

14.7. The C2 and C3 uses have some physical separation, with the former having private external amenity space. Residents of the supported accommodation are unlikely to be significantly impacted on by the day-to-day operations of the dwelling. These uses are commonly found in proximity to one another, and it is considered that both will be able to coexist harmoniously in the proposed arrangement.

#### 14.8. Internal Space

14.9. The Nationally Described Space Standards 2015 (NDSS) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m<sup>2</sup> and a single bedroom is required to have a floor area of at least 7.5 m<sup>2</sup>.

Unit	Beds	Persons	Floorspace (m <sup>2</sup> )		Storage (m <sup>2</sup> )		Complies	
			Provided	Required	Provided	Required	Yes	No
1	2	2	80.7	79	2	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	2	2	80.1	79	2	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	3	4	84.3	84	2.5	2.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	1	2	53.4	50	2.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	1	2	58.3	58	1.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	3	6	135.2	102	2.5	2.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	3	6	135.2	102	2.5	2.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	3	6	135.2	102	2.5	2.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	3	6	135.2	102	2.5	2.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	4	8	210	124	3	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	4	8	210	124	3	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	4	8	210.5	124	3	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	5	9	251.3	128*	3.3	3*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	5	9	260.2	128*	3	3*	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14.10. There is no five-bedroom, nine-person scenario within the NDSS, so the gross internal area and storage area requirements are based off the most similar scenario, that being five-bedroom, eight-person, though it could also be viewed as requiring a further 9m<sup>2</sup>. Irrespective, as the proposed dwellings on Plots 13 and 14 greatly exceed this minimum, the LPA has no concerns in this regard.

Unit	Bed 1 (m <sup>2</sup> )	Bed 2 (m <sup>2</sup> )	Bed 3 (m <sup>2</sup> )	Bed 4 (m <sup>2</sup> )	Bed 5 (m <sup>2</sup> )	Complies	
						Yes	No
1	14.7	11.4	-	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	14.6	14.2	-	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	14	8.4	7.5	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	12.4	-	-	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	12.6	-	-	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	16	13.6	13.3	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	15.9	13.5	13.2	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Unit	Bed 1 (m <sup>2</sup> )	Bed 2 (m <sup>2</sup> )	Bed 3 (m <sup>2</sup> )	Bed 4 (m <sup>2</sup> )	Bed 5 (m <sup>2</sup> )	Complies	
						Yes	No
8	16	13.6	13.3	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	15.9	13.5	13.2	-	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	19.9	19.9	13	15.7	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	19.9	19.9	13	15.7	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	16.6	19.7	17.5	16.5	-	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	18.5	16.1	18.6	15.7	11.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	18.4	18.2	12.6	12.4	10.9	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 14.11. Outdoor Space

14.12. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area dependent on the dwelling size.

Unit	Depth (m)		Area (m <sup>2</sup> )		Complies	
	Provided	Required	Provided	Required	Yes	No
1	11.7	10	149.4	40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	14.4	10	115.5	40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	11	10	116.1	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	5.6*	10	52.4	40	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	11.4	10	95.3	40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	18.1	10	286.1	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	17.9	10	193.2	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	13.6	10	188.6	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	13.4	10	195.4	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	14.6	10	378.3	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	13.4	10	313.9	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	15.1	10	382.5	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	12.1	10	616.8	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	10.6	10	372.9	70	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14.13. The garden of Plot 4 (one of the flatted units) has a depth of only ~5.6m, as measured from the rear façade of the building to the fence opposite. This fails to accord with DMPD policy DM12; however, the area of the garden itself exceeds the minimum requirement by 31% and is laid out in a well-proportioned manner. On balance it is considered that the space would provide a decent amenity space for up to two residents and the LPA would not wish to object on this basis.

14.14. The proposed dwellings are generally well designed to avoid side windows that might overlook neighbouring gardens; however, there is one window in the side elevation of the dwelling within Plot 6 which could be afforded unobstructed views into the rear gardens of Plots 3-5. It is considered necessary to restrict this window to be fitted with obscure

glazing and fixed shut to an internal height of 1.7m; this will be secured by condition 19.

## 15. Affordable Housing

- 15.1. Paragraph 64 of the NPPF 2024 states that affordable housing should be on site unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities. Paragraph 65 requires at least 10% affordable homes, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 15.2. Policy CS9 of the CS specifies a target of 40% affordable on sites larger than 0.5 hectares. Paragraph 157 of the NPPF 2024 states that to satisfy the 'Golden Rules' for development within the Green Belt, the requirement for affordable housing should be set at 'fifteen percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%'.
- 15.3. The applicant has agreed to provide 7 affordable dwellings, which meets the 50% quota; this will be secured via a Section 106 Legal Agreement.

## 16. Housing Mix

- 16.1. Paragraphs 63 of the NPPF supports the Government's objective of significantly boosting the supply of homes by requiring new development to meet an area's identified housing need, including an appropriate mix of housing types for the local community. Within this context of establishing need, the size, type, and tenure of housing needed for different groups in the community should be assessed.
- 16.2. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 16.3. Notwithstanding Policy DM22 of the DMDP, more recent evidence identified in the Council's HEDNA) 2023 update recommends the breakdown of dwellings by size, as follows:

Beds	Proposed	HEDNA Requirement (%)	Complies	
			Yes	No
Market Housing (7)				
1	0	10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	0	35	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	2 (29%)	35	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Beds	Proposed	HEDNA Requirement (%)	Complies	
			Yes	No
4	5 (71%)	20	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Affordable Home Ownership (2)				
1	0	20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	0	40	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	2 (100%)	30	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	0	10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Affordable Housing (rented) (5)				
1	2 (40%)	40	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	2 (40%)	35	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	1 (20%)	20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	0	5	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 16.4. In terms of market housing and affordable owned properties, the proposal overdelivers on larger homes at the expense of two-bedroom properties. However, the HEDNA also identifies that there is a strong demand for family homes, and the proposal would contribute towards that demand. The proposed housing mix would also be compliant with Policy DM22 of the DMPD as it would provide a minimum of 25% 3+ bedroom units.
- 16.5. In terms of rented affordable housing, the housing mix accords with the HEDNA, and the LPA has no concerns in this regard.
- 16.6. The proposal would therefore support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities.

## 17. Neighbour Amenity (Impacts on Persons Outside of the Development Site)

- 17.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 198 of the NPPF 2024 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.

### 17.2. Shadowing, Privacy, Outlook & Overbearingness

- 17.3. Due to the significant distances between the proposed development and the surrounding dwellings on Woodcote Side and Wilmerhatch Lane and within Ashtead, it is considered that it would create any significant impacts on the amenity of neighbouring residents in terms of shadowing, privacy, outlook and/or overbearingness; the LPA has no concerns in this regard.

#### **17.4. Noise/Odour Nuisance**

- 17.5. Post-construction, the development is unlikely to result in harm to neighbouring amenity from noise nuisance. It is suitably distant from neighbouring dwellings and does not contain any uses anticipated to cause significant noise output. Although there is likely to be an uptake in vehicular trip generation, this is considered to be mitigated by the aforementioned distance between sites, the intermittence of the noise generated, and the relatively low speed of traffic that is anticipated.

#### **18. Parking and Access**

- 18.1. 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.

#### **18.2. Car Parking**

- 18.3. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for parking spaces based on the size of each respective dwelling. Parking spaces are to be 2.4m x 4.8m or 3m x 5.5m within a garage.
- 18.4. The proposal includes a total of 34 spaces for the new dwellings, which includes three visitor spaces. This is in accordance with the adopted Local Plan and SPD, as well as the emerging LP policy S19 and Parking Standards, and is acceptable.
- 18.5. The proposed supported accommodation will include spaces for up to fifteen residents, and ten vehicle parking spaces are allocated for this use. This is acceptable; it will provide adequate infrastructure for residents, staff and visitors to the site.
- 18.6. EV charging ports will be secured by condition 17 to ensure that this infrastructure is available for future residents and visitors to the site, to encourage more sustainable modes of transport and reduction of reliance on fossil fuels.
- 18.7. Concerns have been raised that the development would lead to increased parking pressure in the surrounding area; however, sufficient parking for the need generated is being included within the design so the LPA does not share the concerns regarding overspill parking.

**18.8. Cycle Parking**

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

18.10. With regards to the dwellings, policy-complaint cycle parking is proposed within garaging or garden sheds; this is acceptable and will be secured by condition 13.

18.11. With regards to the supported accommodation, the Transport Statement clarifies that two Sheffield stands will be provided for short-term staff parking, and that there is potential for disabled access cycle parking for residents. Final details shall be secured by condition .

**18.12. Pedestrian and Vehicle Access and Manoeuvrability**

18.13. Paragraph 115 of the NPPF 2024 requires safe and suitable access, paragraph 116 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 117 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

18.14. Vehicular access to the site would continue from Wilmerhatch Lane acting as the primary access, providing access for vehicles, pedestrians and cyclists. This access is proposed to be widened to allow for two-way movement for refuse vehicles and a standard car, and to allow for a refuse vehicle to safely manoeuvre around the site without conflict. There are suitable visibility splays from this access so vehicles would be able to leave the site without creating unacceptable risk for themselves or other road users.

18.15. The second access via the right of way through the Common will be used for pedestrians and cyclists only which is taken from Woodcote Side, providing a traffic free route to the local highway network and local bus stops.

**18.16. Traffic Generation**

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

18.18. The applicant has submitted a Transport Statement which provides methodology predicting the change in vehicle trip generation from the development.

18.19. The net impact of the development proposals would result in a potential increase in both the AM and PM peak hour of up to 3 vehicles, when compared to the theoretical worst-case baseline trip generation

associated with the existing care home and re-activation of the currently vacant former stud buildings. Across a day the proposals are anticipated to generate 48 vehicular trips, 3 cycle trips, 15 pedestrian trips and 2 public transport trips when compared to this worse-case baseline. This equates to approximately 2 additional vehicles on the highway network per hour across a 24-hour period.

18.20. This level of additional trip generation is considered to be insignificant and would not constitute a severe impact as defined by the NPPF 2024.

#### **18.21. Site Sustainability**

18.22. Paragraphs 109, 115 and 117 of the NPPF 2024 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.

18.23. Paragraph 89 of the NPPF 2024 accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

18.24. As mentioned in Section 11, the site is acceptably sustainable subject to highways improvements to the northbound bus stop on Wilmerhatch Lane.

#### **18.25. Construction Management**

18.26. The delivery and construction phases of the development could have a detrimental impact on neighbouring amenity and local ecology if not carried out in a considerate manner; it is necessary for permission to be granted only subject to a condition requiring a Construction Transport Management Plan be submitted to and approved in writing by the LPA prior to the commencement of development. This document could secure sociable hours of construction, and measures to mitigate the impacts from noise, dust and other pollutants which might impact on the surrounding environment.

### **19. Ecology and Biodiversity**

#### **19.1. Ecological Impact**

19.2. Paragraphs 187 and 193 of the NPPF 2024, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

### **19.3. Protected Species**

- 19.4. An ecological survey was submitted with the application which indicates that three of the buildings to be demolished have 'low' suitability for roosting bats. The buildings are the bungalow, the U-shaped stables, and the office/day centre. As such, a mitigation strategy has been proposed to minimise impacts during construction and operation, and to provide suitable compensatory habitat to support the continued presence of bats on the site.
- 19.5. The Council's Ecology Officer raises no objections on ecological grounds subject to the mitigation strategy being implemented, which can be secured by condition 22.

### **19.6. Biodiversity Net Gain (BNG)**

- 19.7. Schedule 7A of the Town and Country Planning Act 1990 and Section 15 of the NPPF 2024 require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a better-quality natural habitat than there was before development.
- 19.8. The application is accompanied by a Biodiversity Impact Calculation prepared by Philips Ecology, dated 1st December 2025 demonstrating that the proposed development would create an onsite BNG increase of 2.4 habitat units (29.66%) and 0.61 hedgerow units (403.45%) exceeding the national requirements.
- 19.9. 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 5 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. Paragraphs 170 and 181 of the NPPF 2024, Policy CS6 of the CS and Policy DM19 of the DMPD state that 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. The site is within Flood Zone 1 and not subject to any additional flood-related constraints. The application was supported by a Flood Risk Assessment and Drainage Strategy.
- 20.2. The Lead Local Flood Authority has reviewed the documentation and raises no objection, subject to condition 6 requiring details of the final design of a surface water drainage strategy have been submitted to and approved by the LPA, following the principles of the submitted Drainage Strategy as well as National Standards and the aims of the NPPF 2024.

- 20.3. A second condition (Condition 12) will require a verification report be submitted to and approved in writing by the LPA, prior to occupation of the development, confirming that the abovementioned Drainage Strategy has been constructed. These conditions will also be sufficient to ensure that the development has an acceptable impact on the nearby Rye Brook (to the west of the site), which has been raised as a concern in the representations received.

## **21. Contamination and Remediation**

- 21.1. Paragraph 196 of the NPPF 2024 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.
- 21.2. The Council's Contamination Officer has raised no objection to the proposed development subject to, in the event permission is granted, condition 4 to secure a desk study, site investigation and risk assessment to determine the existence, extent 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 (Condition 21).
- 21.3. 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. Refuse and Recycling Facilities**

- 22.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 22.2. The site access from Wimerhatch Lane will be enlarged to be made accessible for refuse trucks, meaning that individual collections from each dwelling should be reasonably uncomplicated. Final details of refuse & recycling bin storage areas for each dwelling and the supported accommodation will be secured by condition 18 to ensure that suitable facilities are provided to reduce the amount of operational waste being sent to landfill, whilst bins cluttering the streetscene is avoided.

## **23. Environmental Sustainability**

- 23.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

- 23.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 23.3. A Sustainability & Energy Statement prepared by BlueSky Unlimited has been submitted to support the application; it details which energy efficiency measures have been incorporated into the development (both within the dwellings and the supported accommodation) to meet emerging policy requirements. These measures are considered to be acceptable, and compliance with said measures shall be secured by condition 25.

## **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. Emerging Local Plan Policy DM1 requires all new dwellings to be built to appropriate accessible and adaptable standards to meet Building Regulations Part M4(2), or as subsequently amended, unless it can be demonstrated it would not be possible to do so due to site specific circumstances. Furthermore, on sites of ten or more dwellings, a minimum of 10% of new market dwellings will be required to meet Building Regulations wheelchair adaptable dwellings standard (M4(3)(a)); unless it can be demonstrated it would not be possible to do so due to site-specific circumstances, and a minimum of 20% of new affordable dwellings will be required to meet Building Regulations accessible compliance standard (M4(3)b) unless it can be demonstrated it would not be possible to do so due to site-specific circumstances or the Council's housing register identifies that there is insufficient demand.
- 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. It is considered necessary to grant permission subject to a condition requiring the development to meet the following standards:
- All new dwellings (with the exception of the upper floor flat on Plots 4 & 5) to be built to meet the Building Regulations Part M4(2)
  - One of the market dwellings to be built to meet Building Regulations wheelchair adaptable dwellings standard (M4(3)(a))
  - Two of the affordable dwellings to be built to meet Building Regulations accessible compliance standard (M4(3)b)

- 24.5. If the above standards cannot be met, the condition will require evidence to be submitted to and approved in writing by the LPA to confirm as such, prior to occupation of any of the dwellings.

## **25. Planning Obligations and Community Infrastructure Levy (CIL)**

- 25.1. Paragraphs 56 and 58 of the NPPF 2024 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. CIL Contributions**

- 25.4. 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 for new dwellings, and £20/m<sup>2</sup> index linked for supported accommodation.

## **CONCLUSION**

### **26. Conclusion**

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

- 26.4. 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.
- 26.5. 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.
- 26.6. 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.
- 26.7. 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.
- 26.8. The application is recommended for approval.

## RECOMMENDATION

### PART A

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

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

**and the following conditions and informatives**

## PART B

If the Section 106 Agreement referred to in Part A is not completed by 18 September 2026, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policies CS6, CS9, CS12 & CS16 of the Core Strategy 2007 and DM4, DM7, DM10, DM36 & DM37 of the Development Management Policies Document 2015.”

### CONDITIONS

#### 1) Timescale

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

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

#### 2) Approved Plans

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

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

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

*Pre-Commencement Conditions:*

**3) Site Levels**

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

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

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

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

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

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

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

Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved statutory biodiversity gain plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

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

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

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

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

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

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

- a) Evidence that the receiving watercourse has onward connectivity and capacity to receive flows from the site.
- b) Evidence that the surface water drainage system meets the management of everyday rainfall (interception) requirements of the National Standards.
- c) Hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events and 10% allowance for urban creep. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 0.5 l/s for the bioswale, 1l/s

from the geo-cellular tank/rain garden for the East Catchment, for the West catchment post attenuating tree pits and bioswales 6.5l and outflow from cascading detention to watercourse 5.5 l/s.

- d) Detailed design drawings for all sustainable drainage elements including cross sections and detailed drainage layout plan.
- e) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.
- f) Evidence that the surface water drainage system meets the water quality requirements of the National standards.
- g) Evidence that the surface water drainage system meets the amenity requirements of the National standards.
- h) Evidence that the surface water drainage system meets the biodiversity requirements of the National standards.
- i) Details of drainage management responsibilities and maintenance regimes for all drainage elements.
- j) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational. Including details of how existing watercourse on and adjacent to the site will be protected.

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

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

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- (i) hours of operation.

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

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

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

## **8) Materials**

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

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

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

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

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

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

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

## **10) Accessible Dwellings**

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

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

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

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

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

*Pre-Occupation Conditions:*

### **11) Landscaping Scheme**

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

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

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

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

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

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

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

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

Reason: To ensure the Drainage System is constructed to the National standards for Sustainable drainage systems, in the interests of minimising flood risk in accordance

with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

### **13) Cycle Parking**

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

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

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

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

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

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Section 9 of the National Planning Policy Framework 2024, Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

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

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

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

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

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

- a) A new footway within Highway land on the western side of Wilmerhatch Lane leading from the existing access to the site in a southern direction for approximately 20 metres.

- b) A new uncontrolled pedestrian crossing within the footway to allow for safe pedestrian access to the eastern side of Wilmerhatch Lane.
- c) The bus stop currently located outside "Heron Island" on the western side of Wilmerhatch Lane to be relocated within the new footway.
- d) The bus stop currently located outside "Flintstones" on the western side of Wilmerhatch Lane to be removed.

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

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

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

Prior to occupation of the development hereby permitted, details of Electric Vehicle charging points for occupants of and visitors to the development site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include each of the proposed dwellings being provided with a fully operational fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply).

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

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

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

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

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

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

*Compliance Conditions:*

### **19) Obscure Glazing**

The side window serving the staircase of the dwelling within Plot 6 shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut

unless the parts of the window/rooflight which can be opened are more than 1.7m above the floor of the room in which the window is installed and shall thereafter be permanently retained as such:

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

## **20) Tree Protection**

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

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

Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled, or uprooted during the construction of the development hereby approved.

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

## **21) Unexpected Contamination**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **25) Sustainable Construction**

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

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

## **INFORMATIVES**

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

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory

policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## **2) Building Control**

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

## **3) Working Hours**

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

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

## **4) Burning of Material**

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

## **5) Control of Dust**

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

## **6) Asbestos**

The site should be assessed for any asbestos containing materials prior to any works of demolition or conversion. Any work with asbestos must be carried out in accordance with the Control of Asbestos Regulations (2012) and relevant Approved Code of Practice <http://www.hse.gov.uk/pubns/books/1143.htm>.

### **7) Pre Commencement Conditions**

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

### **8) Protected Species**

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

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

### **9) Biodiversity Net Gain**

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

### **10) Archaeological Artifacts**

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

### **11) Changes to the Approved Plans**

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

## 12) Naming and Numbering

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

## 13) CIL Liable Development

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

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

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

## 14) Works to the Highway

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

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

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

### **15) Wheel Washing**

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

### **16) Damage to Highway**

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

### **17) Scaffolding and Hoardings**

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

### **18) Section 38 Adoption**

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

### **19) Tree Works**

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

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

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

**20) Section 106 Agreement**

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

**21) Thames Water**

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