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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 13 January 2022 at 7.30 pm

Place: Council Chamber - Epsom Town Hall,
<https://attendee.gotowebinar.com/register/3780565599186237965>

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The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Monica Coleman (Chair)
Councillor Steven McCormick (Vice-Chair)
Councillor Kate Chinn
Councillor Nigel Collin
Councillor Neil Dallen
Councillor David Gulland
Councillor Previn Jagutpal

Councillor Jan Mason
Councillor Lucie McIntyre
Councillor Phil Neale
Councillor Humphrey Reynolds
Councillor Clive Smitheram
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink that reads 'K. Beldan'.

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

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- You should proceed calmly; do not run and do not use the lifts;
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Public information

Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: Democraticservices@epsom-ewell.gov.uk , telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on 9 December 2021 (to follow) and authorise the Chairman to sign them.

3. CLAYHILL LODGE, WEST HILL, EPSOM, SURREY, KT19 8JP (Pages 7 - 36)

Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.

4. CLAYHILL LODGE AND ALLONBY, WEST HILL, EPSOM, SURREY, KT19 8JP (Pages 37 - 72)

Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)

5. FRIARS GARTH, THE PARADE, EPSOM, KT18 5DH (Pages 73 - 102)

Erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom, and 2 x 3 bedroom) together with alterations to vehicular access, landscaping, and associated works, following demolition of existing dwelling.

6. 107-111 EAST STREET, EPSOM (Pages 103 - 144)

Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage.

7. TPO 2 MERROW ROAD (Pages 145 - 154)

Chestnut tree T16 of TPO 327 located in the front garden - Reduce crown height by up to 2m and lateral spread by up to 1.5m. Thin the crown by 10% and raise the crown by 1.5m.

Clayhill Lodge, West Hill, Epsom, Surrey, KT19 8JP

Ward:	Stamford Ward
Site:	Clayhill Lodge West Hill Epsom Surrey KT19 8JP
Application for:	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 This planning application seeks to demolish an existing single storey outbuilding and erect five terraced houses, with an integrated cycle store and associated landscaping works.
- 2.2 This application has been called to Planning Committee by Cllr Bridger, on the following grounds:
- Heritage impacts, contrary to Policy CS5 of the Core Strategy (2007) and Policy DM8 of the Development Management Policies Document (2015)
 - Backland development, contrary to Policy DM16 of the Development Management Policies Document (2015)
 - Massing of proposed development, contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 2.3 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.4 The proposal would provide two benefits: the provision of five houses and employment during construction.

- 2.5 The Application Site ('Site') comprises land with an existing outbuilding and garden, originally forming part of the grounds to Clayhill Lodge. It falls within the Stamford Green Conservation Area, which is characterised by multiple green spaces and low-density housing, which gives the Conservation Area an open and relative tranquil characteristic. It sits away from Epsom Town Centre, which comprises a very different characteristic.
- 2.6 Each application is assessed on its own merits and in this case, the amount of development proposed is considered to go beyond optimising the potential of the Site, with a high proportion of the Site being occupied by built form, with inadequate private and public amenity spaces, amounting to an overdevelopment. It would not represent good design because it seeks overdevelopment that would be harmful to the character and local distinctiveness of the area. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design, or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- 2.7 The proposal would not meet minimum private amenity space requirements, set out in local planning policy. The Covid-19 pandemic has highlighted the need for good-quality private amenity space. This is an overdeveloped site and the tightly constrained amenity spaces would unlikely be usable for future residents, specifically the ground floor front gardens, which are squeezed between car parking spaces. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).
- 2.8 The proposal fails to provide adequate amenity space for considered tree planting and growth. The proposal is considered to conflict with Policy DM5 of the Development Management Policies Document (2015).
- 2.9 The public benefits of this scheme are not considered to outweigh the adverse impacts, when considered against the NPPF as a whole. Officers recommend refusal of this planning application.

3 Site description

- 3.1 The Application Site ('Site') comprises land with an existing outbuilding and garden, originally forming part of the grounds to Clayhill Lodge. The overall Site measures approximately 0.11 hectares (0.27 acres) and is accessed via an existing access road, Court Lane.
- 3.2 The Site is bound by Birchdene, a three-storey flatted development to the north, Court Lane to the east, residential dwellings to the south and Clayhill House, a residential dwelling to the west. To the north-west of the Site is a historic brick wall.
- 3.3 The Site is located less than 0.5k from Epsom train station and in close proximity to bus stops, located on the B280 (approximately 1.6 kilometres from the Site, or a three-minute walk).
- 3.4 The Site is designated within the Built-Up Area. It is not listed, but it is within the Stamford Green Conservation Area. The area lies within the buffer of a Medium Gas Main.

3.5 The Site is located within Flood Zone 1 (low probability of flooding).

4 Proposal

- 4.1 The proposal seeks to demolish an existing single storey outbuilding and erect five terraced houses, with car parking and a cycle store. The proposal also seeks associated landscaping works.
- 4.2 The proposed terraces measure approximately 9.55 meters in height, 14.5 meters in width and 46.73 meters in depth. These are positioned approximately 3.5 meters from the house at Clayhill Lodge, 22.284 meters from the Birchdene development and 40.05 meters from Court Lodge.
- 4.3 The proposal equates to 43 dwellings per hectare (dph) (site area: 0.1158ha/5 units = 43 dph).
- 4.4 The proposal seeks two car parking spaces per dwelling, providing a total of ten car parking spaces. Each dwelling would also be provided with two cycle parking spaces. The Site includes an existing access road which forms part of the Birchdene development, which would remain as part of this proposed development.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 62 neighbouring properties. 110 letters of objection have been received regarding:

- Loss of a historic garden
- Overdevelopment/density
- Design
- Impact on character
- Impact on Conservation Area and listed wall
- Impact on neighbouring amenity
- Accommodation mix
- Private amenity space provision
- Traffic and car parking
- Trees and landscaping
- Ecology and biodiversity
- Refuse
- Flood risk and drainage

Epsom Civic Society (28 March 2021)

- Loss of a historic garden
- Impact on Conservation Area and listed wall
- Private amenity space provision
- Overdevelopment/density

Friends of Clayhill Green (16 March 2021, 24 March 2021, 26 March 2021, 14 April 2021, 22 April 2021, 23 April 2021, 28 April 2021)

- Impact on Conservation Area and listed wall
- Trees and landscaping
- Refuse and waste
- Traffic and car parking

5.2 Re-consultation took place on amended plans on 8 July 2021. 9 letters of objection have been received regarding:

- Overdevelopment/density
- Design
- Impact on neighbouring amenity
- Refuse and waste
- Private amenity space provision
- Traffic and car parking
- Flood risk and drainage
- Noise and disturbance

Friends of Clayhill Green (15 July 2021, 01 August 2021, 23 August 2021, 08 September 2021)

- Refuse and waste
- Trees and landscaping
- Ecology and biodiversity

5.3 Re-consultation took place on amended plans on 18 October 2021. The application was advertised by means of letters of notification, the application was re-advertised in the local paper and a new site notice was generated. 8 letters of objection have been received regarding:

- Private amenity space provision
- Impact on Conservation Area and listed wall
- Traffic and car parking
- Ecology and biodiversity

6 Consultations

Historic England: the design and density would not enhance or better reveal the Conservation Area's significance and would not make a positive contribution

SCC Archaeology: no objection

SCC Highways: no objection

EEBC Tree Officer: objection

EECB Ecology: no objection, subject to conditions

EECB Design and Heritage: no objection, subject to conditions

EECB Refuse and Waste: no objection

EEBC Environmental Health: no comment received

7 Relevant planning history

7.1 There is an extensive planning history relating to the Site. The below sets out recent (within five years) and relevant planning history.

- Application 20/00031/FUL for 'Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)'. Status in pending.

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

CS2	Conserving and Enhancing Open Space and Landscape Character
CS3	Biodiversity and Designated Nature Conservation Area
CS4	Open Spaces and Green Infrastructure
CS5	Conserving and Enhancing the Quality of the Built Environment
CS6	Sustainability in New Developments
CS7	Providing for Housing and Employment Development
CS8	Broad Location of Housing Development
CS9	Affordable Housing and meeting Housing Needs
CS16	Managing Transport and Travel

Development Management Policies Document November 2015

DM1	Extent of the Green Belt
DM4	Biodiversity and New development
DM5	Trees and Landscape
DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)

DM12	Housing Standards
DM13	Building Heights
DM16	Backland development
DM17	Contaminated Land
DM21	Meeting Local Housing Needs
DM24	Employment Uses Outside of Existing Employment Policy Areas
DM36	Sustainable Transport for New Development

Stamford Green Conservation Area Character Appraisal and Management Proposals (October 2007)

Parking Standards for Residential Development Supplementary Planning Document (2015)

9 Planning considerations

Principle of Development

Back land development

- 9.1 Concerns have been received setting out that this proposal constitutes back land development, as the Site originally formed part of the garden of Clayhill Lodge, a large, detached dwelling set adjacent to Clayhill Green.
- 9.2 Officers have considered this. The proposed development would be accessed off Court Lane, which does not serve Clayhill Lodge. Whilst this is a proposal within the original rear garden of Clayhill Lodge, due to the separate access (which serves the more recent flatted development too), it is not considered to constitute back land development.

Housing provision

- 9.3 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.4 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.5 The NPPF seeks sustainable development. Paragraph 11 sets out the decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (includes where a LPA cannot demonstrate a five year supply of deliverable housing sites), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.6 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.7 Policy DM11 sets out that the Council will, in principle, support proposals for new housing that makes the most efficient use of development sites located within the Borough's existing urban area.
- 9.8 The Standard Method Calculation indicates a high demand for new housing in the new plan period. Due to designations, primary constraints and overall land supply, there is a need to assess how every site can be optimised within the Borough.
- 9.9 The Site is designated as a Built Up Area, which is considered suitable for residential development, in line with Policy CS8. It is in a typically residential area, lending itself to residential development.
- 9.10 In summary, the principle of residential development at the Site is considered acceptable, given that it is designated as a 'Built Up Area' and located within a residential area. It complies with Policy CS8 of the Core Strategy (2007).

Affordable Housing

- 9.11 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should (inter alia) optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 9.12 Chapter 5 of the NPPF encourages the delivery and supply of homes. Paragraph 63 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
- 9.13 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities. Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.
- 9.14 The proposal is not subject to the provision of affordable housing as it is not classified as a major planning application. It is approximately 0.11 hectares (0.27 acres) in size and proposes five residential dwellings, falling below the threshold of affordable housing provision.

Design and Heritage

- 9.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

- 9.16 The NPPF attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.17 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.18 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.19 The application of the statutory duties within 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 9.20 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. The settings of these assets will be protected and enhanced. The policy also sets out that high quality and inclusive design will be required for all developments. Developments should (inter alia) create attractive, functional and safe environments, reinforce local distinctiveness and complement the attractive characteristics of the Borough and make efficient use of land.
- 9.21 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.22 Policy DM8 sets out that the Local Planning Authority will resist the loss of Heritage Assets and every opportunity to conserve and enhance these should be taken by new development.
- Dimensions and separation distances*
- 9.23 The proposal seeks a linear arrangement of five, two/three-storey terraced houses within the Site. The proposed terraces measure approximately 9.55 metres in height, 14.5 metres in width and 46.73 metres in depth.

9.24 The proposed terraces are positioned approximately 3.5 metres from the house at Clayhill Lodge, 22.284 metres from the Birchdene development and 40.05 metres from Court Lodge.

9.25 The development at Birchdene measures approximately 9.75 metres in height, 22.65 metres in width and 46.8 metres in depth. The development at Court Lodge measures approximately 9.5 metres in height, 22.02 metres in width and 38.48 metres in depth.

Design and Access Statement

9.26 The accompanying Design and Access Statement (DAS) provides the design approach for this proposal.

Relationship to surrounding developments

9.27 The DAS sets out that the existing Birchdene three-storey flatted development sits much lower in height than the house at Clayhill Lodge. This allows this proposal to sit lower than the house at Clayhill Lodge, respecting the bulk and massing of the surrounding properties. The proposed dwellings have been orientated to face the Birchdene three-storey flatted development, providing passive surveillance and limiting overlooking to the house at Clayhill Lodge.

9.28 The DAS sets out that the main mass of the proposed building is concentrated towards the rear (west), backing towards the house at Clayhill Lodge. The building form is articulated and stepped, to soften the proposal's relationship with adjacent properties and the wider street scene.

Design and materials

9.29 The DAS illustrates that there is further articulation to each dwelling, to result in a clear division of units. The articulation breaks up the façade, as well as creating front courtyards, which provides enclosure and private amenity space. A traditional 'Dutch roof' design is proposed, for the third-storey, providing a distinctive design.

9.30 The DAS illustrates that the application of material to the front façade of the terraces provides a series of undulating projections, which complement the curved form of the existing Birchdene and Court Lodge developments. The rear elevation of the terraces is also fragmented, to allow roof lights to bedrooms.

9.31 The DAS sets out that brick and render are the most commonly used materials at the adjacent dwelling (the house at Clayhill Lodge) and so it is proposed to continue this aesthetic, to help connect the proposed development to the surrounding area. A more traditional red brick is proposed to the rear elevation of the proposed terraces, facing the house at Clayhill Lodge and Clayhill Green. The DAS considers this more sympathetic with surrounding properties and the historic Wall, which bounds the Site.

9.32 The DAS sets out that towards the front of the Site, white render and buff brick is proposed, to associate the proposal to the contemporary Birchdene and Court Lodge developments.

Scale and massing

9.33 The DAS sets out that the first and second storey of the proposed dwellings are designed to replicate the curved forms implemented on the neighbouring developments, Birchdene and Court Lodge.

Heritage

- 9.34 The DAS contains a Heritage Statement. It seeks to detail the key buildings and spaces that form the context to the Site. By identifying and understanding the historic development of the surrounding built environment, the scheme was developed, aiming to contribute positively to the Stamford Green Conservation Area.
- 9.35 The DAS sets out that Clayhill Lodge is not listed or locally listed. Whilst Clayhill Lodge is over 80 years old, it is not considered to be a designated heritage asset. The building has been extended and altered over the years and sits on a site originally used for greenhouses to Westhill House.
- 9.36 The DAS sets out that Clayhill Green lies on the eastern side of the Stamford Green Conservation Area, acting as “a transitional area between the town centre and Epsom Common”. The green is enclosed and defined by a mix of 19th and 20th century buildings, which are predominantly dwellings. On the south side of West Hill, and to the north-west of Clayhill Green, the buildings are positioned in regimented lines and are closely distributed. To the east of the green, where this Site is located, there are only four dwellings, which have an informal layout, with irregular spacing between them.
- 9.37 The DAS sets out that to the south of Clayhill Lodge are four properties. Allonby, Friar’s Cottage and Cedar Cottage first appear on maps in the early 1970’s. The Sidings, which sits between Allonby and Friar’s Cottage, was constructed more recently, following planning permission being granted in 2008.
- 9.38 The DAS sets out that 38 West Hill (West Hill Cottage) is the closest listed building to the Site and easily identifiable with weather-boarded elevations and unusual round-headed sash windows. The Conservation Area Appraisal notes its attractive central porch built from trellis.
- 9.39 The DAS sets out that the wall that forms the boundary between Clayhill Lodge, Allonby and Clayhill Green is identified within the Conservation Area Appraisal as potentially available for Local Listing. This wall, which is constructed of soft red brick with blue brick headers, probably dates back to the 18th century. In some instances the historic wall extends to over three meters in height and it has a strong contribution to the character of Clayhill Green.
- 9.40 The DAS sets out that the proposed development is located on the eastern side of Clayhill Lodge. This opens a considerable gap between the new dwellings and Clayhill Green. Due to the height of the historic wall, only limited views of the development would be possible. Where such views can be glimpsed, they will be restricted to sections of roof, clad sympathetically in slate.

Historic England

- 9.41 Historic England commented on this application, on 09.12.2021. The response sets out that Clay Hill Green which is within a Conservation Area is a triangular green around which are relatively large 19th and early to mid-20th Century houses, which are set back from the road. The low density of buildings coupled with its multiple green spaces gives the Conservation Area its characteristic openness and relative tranquillity in comparison to the nearby town centre. The proposal is for five terraced houses on a small plot within the Conservation Area. Due to its design and high density, the proposal would likely cause less than substantial harm to the character and appearance of the Conservation Area.

- 9.42 Historic England considers in particular that paragraphs 197(c) and 206 of the NPPF should be considered in determining this application:
- 'In determining applications, local planning authorities should take account of: [...] c) the desirability of new development making a positive contribution to local character and distinctiveness'
 - 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'
- 9.43 Historic England consider that the design and density would not enhance or better reveal the Conservation Area's significance and would not make a positive contribution.

Local Planning Authority's Design and Conservation Officer

- 9.44 The Local Planning Authority's Design and Conservation Officer formally commented on this application, on 11 August 2021 (updated 21 September 2021). The comments set out that there are no Listed Buildings on the Site, though there are a number nearby, the closest being West Hill Cottage. The proposal would not affect the setting of this building. The proposed development is within the Stamford Green Conservation Area.

Heritage

- 9.45 The comment sets out that unlike the other proposal, ref: 20/00031/FUL, this application does not require the demolition of Clayhill Lodge, which should be regarded as a benefit of this scheme, in comparison to scheme ref: 20/00031/FUL. Clayhill Lodge forms a prominent and substantial feature on the northern corner of Clayhill Green, but it is not identified as a building of significance in the Conservation Area Appraisal. Whilst this building is not statutory or locally listed, nor is it regarded as a positive building in the Conservation Area appraisal, it does have some architectural, historic merit, with a strong arts and crafts design. The proposal does also not seek the demolition of Allonby, which is a post-war, sub-urban two-storey property, characteristic of much of the C20 development around Clayhill Green, of little Conservation significance.
- 9.46 The comment sets out that the Site's boundary wall, which is not listed or locally listed, but an C18 or early C19 wall should be regarded as of significance in the Conservation Area. But the proposal is not located too close to the wall to materially harm it.
- 9.47 The Grade II Listed West Hill Lodge and locally Listed Archway across Meadway are both opposite the Site and face the boundary wall and entrance to the Site. These should both be regarded as significant within the Conservation Area and the proposed development would have some impact on their setting. The locally Listed bridge is early C20 and connected to two houses either side. It is clearly a single composition and should all be regarded as of heritage significance. The scale of development is reduced (in comparison to scheme ref: 20/00031/FUL) so is the impact on this group and so would no longer make the locally listed buildings appear subordinate to them. Therefore, this should be regarded as less than substantial harm.

Design

- 9.48 The comment set out that the scale of the development is modest. Though at its tallest it is three storeys in height, this does not come up to the height of many of the neighbours, which typically have steeply pitched roofs and are some distance away. So, the houses should not dominate the streetscape, especially as most of the building is on sloping ground, with only the top two floors facing the nearest buildings.
- 9.49 The comment sets out that the more contemporary appearance contrasts with many of the arts and crafts or vernacular style of buildings, but the principle of this is acceptable. The massing is more broken up than the flats to the north and the materiality is more appropriate. Though the north side is rendered where it faces the flats, the south site, which is more in the setting of earlier brick buildings, is also in brick.
- 9.50 The comment sets out that it is unfortunate that so much parking is required for a development so near the railway station.

Conclusion

- 9.51 In conclusion, the Local Planning Authority's Design and Conservation Officer sets out that the development should be regarded as causing less than substantial harm to all of the nearby designated heritage assets and when considered against the scheme benefits, is not objected to on Conservation grounds. Most of all it benefits from the retention of Clayhill Lodge and there should be no objections on conservation grounds, subject to conditions.

Officer comments

- 9.52 Officers agree that the low density of buildings coupled with its multiple green spaces gives the Conservation Area its characteristic openness and relative tranquillity in comparison to the nearby town centre.
- 9.53 Officers recognise the proposed development's positioning between the traditional Clayhill Lodge and more recently constructed Birchdene. Officers agree that the proposal has connection to the style of adjacent Birchdene and Court lodge, but, that this contrasts with the more traditional style of Clayhill Lodge.
- 9.54 Officers agree that the proposal has been developed to respond to the surrounding built environment, by concentrating the building's main mass towards the rear, towards Clayhill Lodge (due to the sloping nature of the Site, the proposal is likely to be viewed more as a two-storey building from Clayhill Lodge, rather than a three-storey building). Officers also agree that the buildings' articulation results in the division of units, with a broken façade and front courtyards. There are also undulating projections, to replicate the curved form of Birchdene and Court Lodge.
- 9.55 Officers agree that the design and density would not enhance or better reveal the Conservation Area's significance and would not make a positive contribution. Officers consider that the design techniques used fail to mitigate the overdevelopment of the Site. The Site would represent a high proportion of built form, with limited amenity space. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area.

- 9.56 Officers recognise that the Local Planning Authority's Design and Conservation Officer is generally supportive of the scheme, setting out that the proposed development should be regarded as causing less than substantial harm to all nearby designated heritage assets. As the Local Planning Authority's Design and Conservation Officer has identified less than substantial harm, it must be weighed against the public benefits of the scheme, below.
- 9.57 In this case, there are several strands of harm (and concerns) identified by Officers, including overdevelopment of the Site, amounting to poor design, which would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal provides insufficient private amenity spaces and constrained amenity spaces that cause concern for meaningful tree planting and growth. The public benefits of this scheme is the provision of five houses and the creation of construction jobs. On balance, the harm to nearby designated heritage assets and the Conservation Area is considered to outweigh the public benefits of this proposal, as that harm cannot be successfully mitigated.
- 9.58 The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).

Neighbouring Amenity

- 9.59 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.
- 9.60 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:
- prevailing development typology, including housing types and sizes;
 - prevailing density of the surrounding area;
 - scale, layout, height, form (including roof forms), massing;
 - plot width and format which includes spaces between buildings;
 - building line; and
 - typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.61 The proposal seeks a linear arrangement of five, two/three-storey terraced houses within the Site. The proposed terraces measure approximately 9.55 metres in height, 14.5 metres in width and 46.73 metres in depth.
- 9.62 The proposed terraces are positioned approximately 3.5 meters from the house at Clayhill Lodge, 22.284 meters from the Birchdene development and 40.05 meters from Court Lodge.

- 9.63 Section 3.0 of the Design and Access Statement (DAS) illustrates the design approach taken to ensure that the scale, layout, height, form and massing of the proposed terraces respect the local character and distinctiveness of the area and gives regard to the amenities of neighbouring properties.
- 9.64 The DAS sets out that the overall height and position of the proposal is not considered to result in the loss of light or overbearing impact on any of the neighbouring properties. Due to the sloping nature of the Site, the proposal is viewed as a two-storey building from Clayhill Lodge and Clayhill Green.
- 9.65 The proposed terraces are positioned approximately 3.5 meters from the house at Clayhill Lodge, which Officers consider slight. However, there are no windows on the rear elevations at first or second floor level and due to the topography (sloping ground levels), the proposed terraces would likely be visible as two-storeys in height, rather than three-storeys in height.
- 9.66 The proposed terraces are positioned approximately 22.284 meters from the Birchdene development, with unit five positioned approximately 11.266 meters from the development. The unit does seek a terrace at first floor level. Subject to a condition requiring appropriate screening, the separation distance is considered appropriate.
- 9.67 The proposed terraces are positioned approximately 40.05 meters from Court Lodge, with Birchdene as an intervening development. This raises no concern with regards to impact on neighbouring amenity enjoyed at Court Lodge.
- 9.68 The proposal is considered to be positioned adequately from Allonby, by approximately 23.5 meters, therefore raising no concern with regards to adversely impacting the neighbouring amenity enjoyed at this property.
- 9.69 On balance, the proposal is not considered to adversely impact the neighbouring amenity enjoyed at neighbouring properties, complying with policies DM9 and DM10.

Housing Mix and Quality of Accommodation

- 9.70 The Nationally Described Space Standards (March 2015) sets out internal space standards for new dwellings. This requires a double (or twin bedroom) to have a floor area of at least 11.5m² and a single bedroom to have a floor area of at least 7.5m².
- 9.71 Supporting paragraph 3.35 of Policy DM12 (Housing Space Standards) sets out that for houses a minimum total private outdoor space of 70m² for 3 or more beds and 40m² for 2 beds are required. A minimum depth of 10m of domestic rear garden space is required. For flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings is required and an extra 1m² should be provided for each additional occupant.
- 9.72 Policy DM22 requires all residential development proposals for four or more units be comprised of a minimum of 25% three bedroom, or more, units. The Council would consider exceptions to this approach where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.

9.73 The proposal equates to 43 dwellings per hectare (dph) (Site area: 0.1158ha 5 units = 43 dph). Policy DM11 sets out exceptions to this, including if the Site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks. Also, if the surrounding townscape has sufficient capacity to accommodate developments of higher density. The Applicant has sought to justify the proposed density, setting out that the Site is located within 0.5km of Epsom Town Centre and is highly accessible.

9.74 The proposal seeks five x four-bedroom dwellings. The accompanying Design and Access Statement (DAS) sets out that this exceeds the minimum requirement for three bed unit provision, as required by Policy DM22 of the Development Management Policies Document (2015).

9.75 The below table sets out the floor areas of the bedrooms and overall units:

	Unit 1 (m ²)	Unit 2 (m ²)	Unit 3 (m ²)	Unit 4 (m ²)	Unit 5 (m ²)
Kitchen/Living/Dining	39.8	37	37	37	37
Bed 1	15.6	13.7	13.7	13.7	19.7
Bed 2	11.8	11.8	11.8	11.8	13.7
Bed 3	7.8	8.6	8.6	8.6	8.6
Bed 4	11.5	11.5	11.5	11.5	11.5

9.76 The total private amenity space per unit is listed in the table below:

	Unit 1 (m ²)	Unit 2 (m ²)	Unit 3 (m ²)	Unit 4 (m ²)	Unit 5 (m ²)
GF (Front Garden)	37.7	22.3	22.3	22.3	27.4
GF (Courtyard)	16.3	16.3	16.3	16.3	16.3
First Floor	12.8	0	0	0	9.9
Second Floor	30.6	19.9	19.9	19.9	26.9
Total	97	59	59	59	81

9.77 In line with the requirements of supporting paragraph 3.35 of Policy DM12, for houses, a minimum total private outdoor space of 70m² for 3 or more beds is required. Subject to the considerations of development viability and practicality, a minimum depth of 10 metres of domestic rear garden space is also required. The proposal fails to provide the minimum required private amenity space for three of the four-bedroom dwellings.

9.78 The Applicant submitted an Amenity Space Statement on 18.10.2021. This sets out that the proposed scheme is in a highly sustainable location, within walking distance of Epsom Town Centre, Court Lane Recreation Ground and Clayhill Green.

9.79 The Amenity Space Statement sets out that due to site constraints, replication of an existing urban grain or building typology would not be possible. The proposal seeks to introduce a building that transitions between the two different characters (of a traditional dwelling and three-storey contemporary building). The proposal is a 'stop-end' to the character of the contemporary development at Court Lodge and then continued through the neighbouring sites of Birchdene and Hollydene. This approach is achieved through massing and architectural detailing. Please note that a definition of 'stop-end' was not provided.

9.80 The Amenity Space Statement sets out that the strategy is to maximise private amenity space for each dwelling, through a mixture of courtyard and roof terrace spaces. This has been influenced by the work of Peter Barber, who has designed many mews style developments, such as Moray Mews in North London and Rochester Way in Greenwich.

9.81 The Amenity Space Statement sets out that the scheme comprises five terrace houses, with a key priority ensuring that overlooking is avoided between the terraced houses and from the existing properties to the west and south. All amenity space is provided on the eastern side of the development, to ensure that there is no overlooking to Clayhill Lodge. Every dwelling has a front and courtyard garden at ground floor, which is supplemented by one or two raised terraced. The scheme would demonstrate an average of just over 70m² of amenity space per unit.

9.82 Officers have considered the Applicant's Amenity Statement, noting minimum policy requirements and also the Covid-19 pandemic, which has highlighted the need for good-quality private amenity space.

9.83 Officers note that there is a shortfall of private amenity space proposed for three of the five units. Officers note that the Applicant has sought to justify this shortfall, stating that each dwelling provides a mixture of courtyard and roof terrace spaces and noting nearby green spaces.

- 9.84 Officers consider that this scheme is an overdevelopment of the Site, with a high proportion being occupied by built form and limited amenity space. Officers consider that the tightly constrained amenity space would unlikely be usable for future residents, specifically the ground floor front garden, which is squeezed between parking spaces. Officers do not consider that an appropriate level or quality of outdoor space and amenity space would be provided to meet future residents' needs.
- 9.85 The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).

Highways and Parking

- 9.86 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the site can be achieved for all users.
- 9.87 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.88 Paragraph 108 of the NPPF sets out that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) 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.
- 9.89 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non car modes as a means of access to services and facilities. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.90 Policy DM36 sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 9.91 The Parking Standards for Residential Development Supplementary Planning Document (December 2015) sets out minimum parking standards for residential development. For four plus bedroom houses located outside of the town centre, three car parking spaces per unit are required.
- 9.92 The accompanying Design and Access Statement (DAS) sets out that the Site is accessed from the existing pedestrian and vehicular access, off Court Lane.
- 9.93 The DAS sets out that the proposed parking provision is allocated based on the Council's Parking Standards document (2015). Each unit would benefit from two car parking spaces, located to the front of the property. The overall proposal therefore provides ten car parking spaces. Each proposed dwelling would also be provided with two cycle parking spaces.
- 9.94 Officers understand that the provision of two car parking spaces per dwelling falls below the requirements of the Residential Development Supplementary Planning Document (December 2015). Whilst the Applicant has not sought to justify the shortfall, Officers note that the Site is located less than 0.5 kilometres from Epsom's train station and is near bus stops, located on the B280 (approximately 1.6 kilometres from the Site). Given the Site's accessibility to public transport nodes and National and Local planning policy's encouragement of sustainable travel, Officers are satisfied that in this case, the provision of two car parking spaces and two cycle parking spaces per unit is acceptable.
- 9.95 Surrey County Council Highways formally commented on this application (25 March 2021). The response sets out that the application has been assessed on safety, capacity and policy grounds. The County Council raises no objection, but recommends conditions, should planning permission be granted. The response contains a "Note to Case Officer", which is provided below:

“The section of Court Lane that the application site is located on is private road and therefore is outside of the Highway Authorities jurisdiction. The above conditions seek to mitigate any impact of the development on the adjoining public highway.

The County Highway Authority understand that the Local Waste Collection Team have been consulted on the proposed refuse collection arrangements and understands that they are satisfied with the proposed arrangement.

The application seeks to utilise an existing access onto Court Lane which falls within the private section of Court Lane. The application proposes 5 x 4 bedroom houses. In accordance with Epsom and Ewell's Parking Standards 4+ bedroom houses outside of the town centre should be provided with 3 car parking spaces each. The applicant proposes to provide 2 parking spaces per dwelling, and in accordance with these standards the development would have a shortfall of up to 5 parking spaces. However, it is considered that there are suitable parking restrictions on street within the vicinity of the application site to prevent overspill parking from occurring in locations likely to cause a highways safety problem, and given the sustainable location of the proposed development it is not considered that residents of the proposed development would be reliant on use of the private motor vehicle. The County Highway Authority therefore raises no objection to the proposed development on these grounds”.

- 9.96 Whilst Court Lane may offer opportunities for the potential dispersal of vehicles from the development into unrestricted off-street parking, it is unlikely that this would significantly impact on the existing character of the area, given that vehicles already park on Court Lane, or cause the existing residents any further inconvenience beyond that currently experienced with the unrestricted off-street parking.
- 9.97 The proposal is considered to comply with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies Document (2015).

Refuse and Waste

- 9.98 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 9.99 The Design and Access Statement (DAS) sets out that refuse is proposed to be located within wheelie bins and recycle boxes on plot, within designated stores. There would be collected at the curtilage of accessible properties.
- 9.100 The Local Planning Authority's Transport & Waste Services Team formally commented on this application. Initially the Team raised concern regarding the access for waste vehicles, in relation to the potential for increased parking in Court Lane. The Applicant prepared additional drawings (ref: 1976_005 – Proposed Site Plan - Rev B and 1976_002 – Proposed Refuse Collection Area) to demonstrate that the refuse collection area is large enough to accommodate all waste containers from the 5-unit development, which include:
- 5 x 140-litre refuse bins
 - 5 x 240-litre mixed recycling bins
 - 5 x 55-litre glass recycling boxes

5 x 23-litre food waste recycling caddies.

9.101 The Local Planning Authority's Transport & Waste Services Team reviewed the amended drawings and confirmed on 28.06.2021 that the refuse collection area described (in the drawings) is suitable in terms of both location and capacity and resolves the outstanding waste collection issues for this development. Collections will be dependent on residents, whose bins will be stored outside their individual properties between collections, to place their bins in the refuse collection area on collection day. The Council cannot collect bins that have not been set out in the refuse collection area.

9.102 Concerns had been received from nearby residents, including whether collection operations would require Council refuse vehicles to be parked in Court Lane during refuse collection. The Local Planning Authority's Transport & Waste Services Team consider that the collection operations would not require the vehicles to be parked in Court Lane for such time to be considered as a blocking nuisance.

9.103 The proposal is considered to comply with policy CS6.

Trees and Landscaping

9.104 Chapter 12 of the NPPF concerns the achievement of well-designed places. Paragraph 131 sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

9.105 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

9.106 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

9.107 Policy DM5 of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

9.108 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

- 9.109 There are no trees on Site subject to a Tree Protection Order.
- 9.110 The accompanying Design and Access Statement (DAS) sets out that no major trees would be “demolished” as part of this application. The landscape strategy focuses on maximising the green spaces within the confines of the Site and should planning permission be granted, a planting strategy would be developed, to comply with the requirements set out in the Ecology Report.
- 9.111 The Local Planning Authority’s Tree Officer provided comments on this application on 13.09.2021, setting out the following concerns:
1. The development still appears to encroach into the root protection area of the Holm Oak at 4 Meadway. This tree is not marked on the tree protection plan (an Arboricultural Implications Assessment should have been submitted with the survey details of this tree so it features on the protection plan)
 2. There appears to be no calculation of total canopy cover lost and the mitigation for this direct loss with comparable new planting
 3. Hedge vegetation that currently provides landscape softening to Birchdene is lost. The planting of a buffer for the proposed new terrace housing appears to be outside of the Application Site. This directly demonstrates the need for provision of more amenity space and landscaping within the actual Site (to stop the landscape erosion and mitigate losses for environmental protection).
- 9.112 The Applicant’s Arboricultural Consultant (David Archer Associates) provided a rebuttal response on 13.09.2021, provided below:
1. It is our professional opinion that at the time of surveying the Site, the tree in question (Holm oak) was not considered to be of a close proximity to be accounted as an off-Site tree. It’s canopy did not encroach the Site at the time of the survey and if there is to be any root activity within the proposed Site which may conflict with the development, this would be so minor as to not cause any significant effects to the health and long term lifespan of this tree.
 2. There is no requirement for the calculation of canopy loss within the September 2015 Development Management Policies Document. However, as the removal of trees are within a Conservation Area, a landscape condition could be sought by the LPA to mitigate any low-quality tree removals for the benefit of the scheme.
 3. No response provided.
- 9.113 The Local Planning Authority’s Tree Officer provided a comment on 23.09.2021. There is a pending application for tree works, to fell the Holm Oak at 4 Meadway (ref: 21/00467/TPO). The application for tree works has not been determined and therefore, this application is assessed on the Holm Oak being in situ and therefore a consideration. The Local Planning Authority’s Tree Officer measured the stem of the tree, positioned approximately 4 metres from the boundary fence at 4 Meadway. It has a stem diameter of approximately 1.5 metres and approximately 900mm of the Root Protection Area overlaps the Site, by up to a metre. The tree should have been plotted on the Applicant’s tree survey as it is a significant specimen. But the impact of the development on the root system should be relatively minimal unless deeper excavation is planned. Weighing up the facts in relation to the Holm Oak, the Local Planning Authority’s Tree Officer confirms that this is a lesser point of his objection.

- 9.114 The Local Planning Authority's Tree Officer confirms that his objection is maintained as there is unsatisfactory planting to mitigate the tree loss on Site. The proposal involves the loss of large Category C trees (Leyland Cypress and hedging). There is little amenity space for new tree planting, so under this proposed layout, there is inadequate tree growing space to compensate tree loss. Without sufficient landscaping and treescape, the built form would appear too harsh. It is essential to secure more amenity space and given habitat mapping, some orchard planting and mature forest tree planting should be designed in.
- 9.115 The Applicant provided a further Arboricultural Method Statement (dated October 2021) on 18.10.2021. A mitigation calculation had been undertaken to ensure that adequate replanting is provided within the Site to offset the removal of trees necessary for the development to be undertaken. To achieve this, replanting the Site boundary had been slightly altered.
- 9.116 The Local Planning Authority's Tree Officer provided a comment on 18.10.2021. The provision of a canopy mass that promotes carbon neutrality is welcomed, with this issued now addressed. However, there is concern that the development does not provide adequate amenity space, questioning whether there is sufficient space both below and above ground for the new trees to be viable. Specifically, there may be future conflict with a shadow mask on the south-western side of the terrace and other conflicts concerning the proximity of trees near to structures. It is necessary to design the space in for trees from the outset, so that development harmoniously integrates with trees.
- 9.117 The Applicant's Tree Consultant considered the Local Planning Authority's Tree Officer's comments and provided a response on 26.10.2021, as follows:

Lack of amenity space: In addition to the front garden and courtyard areas at ground floor level, each of the units has a roof terrace at second-floor level with an associated garden room. Unit 1 has an additional roof terrace at first-floor level. Unit 5 has additional roof terraces at first and second floor levels. I don't, therefore, (professionally) agree with the contention that the development is seriously deficient in amenity space.

Lack of space above & below ground for tree growth: The tree species selected for the row to the south-west of the building have been chosen for their compact, narrow crown habits, so will be suitable for their proposed locations in terms of above-ground space, noting also that the configuration of the building is such that the upper floors slope away from the tree locations in a 'Dutch-style' fashion. There is ample available rooting volume for the trees, given that the land to the SW is open garden land with no obvious impediments to root growth, so this concern is also unsound, in my (professional) view.

Conflict from future shadow mask: It is not entirely clear what is meant by the term 'shadow mask', but it is assumed that the concern here is shading and obstruction of internal daylighting due to the trees. However, the plans make it clear that there is no fenestration on the south-west building elevation at all, other than ceiling lightwells at second floor level for the third bedrooms in each unit. All other fenestration is to the north-east and south-east facing elevations, away from where the row of trees is to be planted. This being so, it is hard to see how the trees will have any effect on internal daylighting of rooms. It is also worth noting that from its context, para 5.3 of BS 5837 is principally concerned with the effect of shading from existing trees as a constraint on development design, rather than that of 'future trees'. Clearly considerations of future shading are also relevant, but in this case, I don't (professionally) consider that the concern has substance, due to the design of the building itself and location/orientation of its windows.

Proximity of tree planting to building: The comments allege conflict with Annex A (specifically Table A.1) of BS 5837, but this is not correct. The BS recommendations for minimum distances between newly planted trees and structures such as buildings are 1.2m for trees of

mature trunk diameters of over 600mm and 0.5m for trees of mature trunk diameters of 300mm-600mm. In this case, the trees shown to the south-west of the building are at distances of between 1.5 - 1.7m at the north end of the proposed row, and 1.9m - 2.2m at the southern end of the row, so more than the minimum recommended. One could add that although for convenience the proposed trees are shown on plan to sit entirely within the red line boundary, they could be planted further towards the red line, thereby increasing their distances from the building, by up to 2.4m in the case of the northern end of the row and up to 3.5m for those along the southern section.

- 9.118 The Local Planning Authority's Tree Officer provided a final comment on 12.11.2021, maintaining his objection. Planning policy requires opportunities to incorporate trees within development and to ensure that the right trees are planted in the right places. The Tree officer has concern regarding the growth potential of trees, specifically to the south-west of the terrace. The Tree Officer estimates the mature crown radius of the proposed trees, as follows:

Species	Crown radius "type"	Estimated crown radius for variety
Acer campestre Elsrijk	5m	4m
Ginkgo biloba Princeton Sentry	7m	5m
Liriodendron tulipifera Fastigiatum	10m	6m

- 9.119 The Local Planning Authority's Tree Officer estimates the maximum possible separation for crown growth is 2.4 to 3.5m. The Tree Officer's professional view is that the tree planting on the south-western side of the housing terrace has been designed as an afterthought and is not compliant with good arboricultural planting design. This lack of consideration of future tree growth means the treescape mitigation proposed is very likely to be unsustainable and not compliant with acceptable planning practice.
- 9.120 Officers acknowledge the engagement between the Applicant and the Local Planning Authority's Tree Officer. The proposal does not seek to remove any Category A or B trees, but it does seek the felling/removal of Category C trees. Officers have considered the Local Planning Authority's Tree Officers concerns, specifically with regard to inadequate amenity space, to allow sufficient space both below and above ground for new tree growth, with specific reference to the south-west of the terrace of houses.
- 9.121 The proposal fails to comply with Policy DM5 of the Development Management Policies Document (2015).

Ecology

- 9.122 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

- 9.123 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.124 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

- 9.125 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
 - There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
 - There are imperative reasons of overriding public interest for the development.
- 9.126 A Preliminary Ecological Appraisal, dated October 2018, accompanies this application. It sets out that the proposed development is unlikely to be adversely detrimental to any designated areas, protected species or habitats, subject to recommendations. A number of considerations and enhancements are recommended, with respect to the overall biodiversity of the Site.
- 9.127 A Bat Survey Report, dated November 2019, accompanies this application. This sets out that a PEA of Clayhill Lodge and garden area was undertaken in October 2018. The main property was assessed as having high bat roost potential due to conducive features. Three emergence bat surveys were subsequently undertaken at the property during May, June and July 2019. A 'day roost' was confirmed by low numbers of common pipistrelle bats in the hanging tiles around the dormer window to the south-eastern elevation of the main property.
- 9.128 The Local Planning Authority's Ecologist commented on this application on 11.08.2021 setting out that there are concerns over bats, with the building requiring re-assessment for its bat potential. The Applicant submitted a further updated bat scoping report (23rd April 2021) as requested. The outbuilding to be demolished was confirmed to have 'negligible' potential for day-roosting bats.
- 9.129 The Local Planning Authority's Ecologist reviewed the updated report and confirmed on 01.09.2021 that the recommended enhancements and need for a bat friendly lighting scheme should be Conditioned, subject to planning permission being granted.
- 9.130 A nearby resident raised concern that the bat report includes a map at Figure 4, on Page 12, which shows an area of green that is outside of the Site boundary. The resident requested that the map was amended, to not include this area. Officers have considered this comment and notes that the map is provided under the open Government License, from the Magic Website: <https://magic.defra.gov.uk/MagicMap.aspx>. The area identified signifies land identified as traditional orchard, rather than semi-natural woodland on the priority habitat inventory.
- 9.131 The proposal is considered to comply with Policies CS3 and DM4.

Flood Risk and Drainage

- 9.132 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment
- 9.133 Paragraph 165 of the NPPF sets out major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the Lead Local Flood Authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.134 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) avoids increasing the risk of, or from, flooding.
- 9.135 Policy DM19 sets out that development on site of 1ha or greater in Flood Risk Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk to and from the development or at least be risk neutral. Where risks are identified through a Flood Risk Assessment, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 9.136 Policy DM19 expects development to reduce the volume and rate of surface water runoff through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.
- 9.137 A Flood Risk Assessment and Surface Water Drainage Strategy Report, dated February 2021, accompanies this application. The Flood lies within Flood Zone 1 and is not at flood risk from surface water, ground water, sewer or infrastructure failure flooding. The report sets out a strategy for surface water drainage and storage. This is considered acceptable, with the proposal according with Policies CS6 and DM19.

Sustainability

- 9.138 Chapter 2 of the NPPF relates to achieving sustainable development. Chapter 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.139 Chapter 8 of the NPPF sets out that there are three overarching objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.
- 9.140 Policy CS6 sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.141 An Energy and Sustainability Statement, dated January 2021, accompanies this application. It covers possible active and passive measures, including renewable energy sources, to ensure the development is sustainable and environmentally friendly. This includes installing a solar PV system to each dwelling.

- 9.142 The Local Planning Authority's Design and Conservation Officer does not have an in-principle objection to PV panels being attached to the roof. These would unlikely harm the setting of any listed building or locally listed building, though these would face into the Conservation Area and would be visible from the back garden of Clayhill Lodge (though not an area of public grounds). The panels would cause less than substantial harm if these are flush with the roof and not above the surface. Subject to planning permission being granted, a condition would be attached, requiring a section detail of the PV panels.
- 9.143 Officers consider that the proposal incorporates measures to ensure that the proposal is sustainable and environmentally friendly. The proposal is considered to comply with Policy CS6 of the Core Strategy (2007).

Community Infrastructure Levy (CIL)

- 9.144 The proposal is liable for CIL.

10 Conclusion

- 10.1 The Site falls within the Stamford Green Conservation Area, which is characterised by multiple green spaces and low-density housing, which gives the Conservation Area an open and relative tranquil characteristic. It sits away from Epsom Town Centre, which comprises a very different characteristic
- 10.2 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.3 The proposal would provide two benefits: the provision of five houses and employment during construction.
- 10.4 In this case, the amount of development proposed would go beyond optimising the potential of the Site, with a high proportion of the Site being occupied by built form, with inadequate private and public amenity spaces, amounting to an overdevelopment. It would not represent good design because it represents overdevelopment that would be harmful to the character and local distinctiveness of the area. Whilst there is an architectural connection to adjacent flatted developments, this would not justify the scheme failing to represent good, considered design, or the failure to create an opportunity to improve the character and quality of the area. Indeed, combined with Birchdene and Court Lodge, the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).

- 10.5 The proposal would not meet minimum private amenity space requirements, set out in local planning policy. The Covid-19 pandemic has highlighted the need for good-quality private amenity space. This is an overdeveloped site and the tightly constrained amenity spaces would unlikely be usable for future residents, specifically the ground floor front gardens, which are squeezed between car parking spaces. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015).
- 10.6 The proposal fails to provide adequate amenity space for considered tree planting and growth. The proposal is considered to conflict with Policy DM5 of the Development Management Policies Document (2015).
- 10.7 The public benefits of this scheme are not considered to outweigh the adverse impacts, when considered against the NPPF, as a whole. Officers recommend refusal of this planning application.

11 Recommendation

- 11.1 Officers recommend the refusal of this application.

Refusal

1. The proposal would constitute an overdevelopment of the Application Site, with a high proportion of built form and limited amenity space. The scheme fails to represent good, considered design, failing to create an opportunity to improve the character and quality of the area. The intensification of development would erode the openness and would harm the integrity of the Stamford Green Conservation Area. It would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015)
2. The proposal would not meet minimum private amenity space requirements, with constrained private amenity spaces that would unlikely be usable for future residents. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015)
3. The proposal fails to provide adequate amenity space for considered tree planting and growth, failing to ensure the longevity of tree and planting establishment, due to the overdevelopment of the Application Site, resulting in constrained amenity spaces. The proposal conflicts with Policy DM5 of the Development Management Policies Document (2015)

Informative(s):

- (1) Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- (2) The following drawings were submitted with this application:

1976_001A Site Location Plan – dated 14.10.21

- 1976_002B Existing Block Plan – dated 14.10.21
- 1976_003A Proposed Block Plan – dated 14.10.21
- 1976_004 Existing Outbuildings Plans and Elevations – dated 29.01.21
- 1976_005E Proposed Site Plan – dated 15.10.21
- 1976_010B Proposed Ground Floor Plan – dated 15.10.21
- 1976_011 Proposed First Floor Plan – dated 29.01.21
- 1976_012 Proposed Second Floor Plan – dated 29.01.21
- 1976_013 Proposed Roof Plan – dated 29.01.21
- 1976_020 Proposed East and West Elevations – dated 29.01.21
- 1976_021 Proposed South and North Elevations – dated 29.01.21
- 1976_022 Proposed Refuse Collection Area – dated 17.06.21
- 1976_023A Proposed Circulation Plan – dated 15.10.21

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Clayhill Lodge And Allonby, West Hill, Epsom, Surrey, KT19 8JP

Ward:	Stamford Ward
Site:	Clayhill Lodge and Allonby West Hill Epsom Surrey KT19 8JP
Application for:	Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q3SPVJGYGVY00>

2 Summary

- 2.1 The proposal seeks to demolish two 20th Century houses and one outbuilding, to construct a 4-storey block of 14 flats and a 3 to 3.5 storey terrace, to form 9 houses. These would sit behind an existing brick wall, which is a non-designated heritage asset.
- 2.2 The Site lies within the Stamford Green Conservation Area, which is between Epsom Town Centre and Epsom Common. The Conservation Area is formed of a series of dispersed open green spaces, which form a transitional area between Epsom Town Centre and the wider common. Clay Hill Green is a sub-area, where this Site lies. It comprises a triangular green, around which are relatively large houses that are set back from the road. Low density housing, coupled with green spaces, gives the Conservation Area a characteristic of openness and tranquillity, in comparison to the nearby Town Centre.
- 2.3 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 2.4 In terms of benefits, the proposal would make a valuable contribution to local housing supply and it would also provide employment opportunities throughout the construction phase. It would also result in additional local expenditure from incoming residents. These benefits weigh in favour of the proposal.
- 2.5 Set against this is the loss of Clayhill Lodge and housing intensification, which results in an overdevelopment (high density development) of this Site, with limited private and public amenity spaces, which amounts to poor design. As identified by the Local Planning Authority's Design and Conservation Officer, there would also be less than substantial harm to the setting of the boundary wall. The intensification of development would erode the openness and low-density qualities of the Conservation Area, causing a less than substantial harm to its significance. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- 2.6 Officers note that there is a difference of opinion by the Applicant's Viability Consultants and the Local Planning Authority's Viability Consultants. Although previously stating that the proposal would not be viable if providing affordable housing, the Applicant has since suggested in email correspondence that two affordable units could be provided on Site. However, in the absence of any further details to demonstrate and secure this, it has not been satisfactorily demonstrated to Officers that the proposed development would provide the Borough with much needed affordable homes. The provision of two units has not been considered by the Applicant's Viability Consultants (or indeed within an updated Independent Viability Review) or reviewed by the Local Planning Authority's Viability Consultants. This weighs negatively in the planning balance.
- 2.7 Not all proposed bedrooms would accord with The Nationally Described Space Standards (March 2015), which requires a double or twin room to have a floor area of at least 11.5m². The Covid-19 pandemic has highlighted the need for good-quality private amenity space, but this proposal fails to provide the minimum required private amenity space for each terraced house. Furthermore, the private amenity space is split over levels, which raises questions about usability for future residents. This weighs negatively in the planning balance.
- 2.8 Given the separation distances and orientation of buildings within the Site, the proposal would give rise to issues of overlooking or loss of privacy, between the proposed apartment block and housing. This weighs negatively in the planning balance.
- 2.9 Concerns are raised regarding a long-term solution for refuse and waste vehicles to manoeuvre in and out of the development for collections. This weighs negatively in the planning balance.
- 2.10 The Ecological Reports submitted with this Application would not obtain the necessary license, due to the date that surveys were carried out. Due to being out of the survey season, the Applicant confirmed that they would not revisit this prior to the determination of this application. Officers cannot be confident that the proposal would not cause harm to protected species as identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017
- 2.11 When considering the above adverse impacts of the scheme, the public benefits would not outweigh the adverse impacts, when considered against the NPPF, as a whole. Officers recommend refusal of this application.

3 Site description

- 3.1 The Application Site 'Site' comprises Clayhill Lodge and Allonby. The Site encompasses the access road from Court Lane, also shared with Birchdene and Court Lodge. The Site is approximately 0.4 hectares, or 0.99 acres, in size.
- 3.2 The Site is located less than 0.5k from Epsom train station and in close proximity to bus stops, located on the B280 (approximately 1.6 kilometres from the Site, or a three-minute walk).
- 3.3 The Site is designated within the Built-Up Area. It is not listed, but it is within the Stamford Green Conservation Area. The area lies within the buffer of a Medium Gas Main.
- 3.4 The Site is located within Flood Zone 1 (low probability of flooding).

4 Proposal

- 4.1 The proposal seeks demolition of unlisted buildings in a Conservation Area and full planning permission for:
- One four-storey flatted development, totalling 14 flats
 - One three to three and a half storey terrace, comprising nine no. three bedroom houses.
 - Construction of associated landscaping works.
- 4.2 The proposed heights of the apartments and houses is as follows:
- Apartment blocks – 65.995m ridge (above datum)
 - Houses – 64.695m ridge / 64.778m ridge (above datum)
- 4.3 The proposed density is 65.7 (or 66) dwellings per hectare (dph).
- 4.4 Two vehicular access points are proposed, from Court Lane. Primary pedestrian access to the Site is via Court Lane, with an additional pedestrian access point onto Meadway.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 65 neighbouring properties. To date, approximately 534 letters of objection have been received regarding:
- Height
 - Design
 - Density
 - Impact on heritage assets, including Conservation Area
 - Impact on character of surrounding area (adverse visual impact)
 - Impact on neighbouring amenity
 - Traffic and parking
 - Affordable housing
 - Ecology
 - Trees and landscaping.
- 5.2 Representation has been received from Friends of Clayhill Green, including (but not limited to):

- Impact on heritage assets, including Conservation Area and boundary wall
- Ecology
- Trees and landscaping
- Waste and recycling.

5.3 The application was advertised in the local paper and a site notice displayed.

5.4 The latest site notice, displayed on 23 December 2021, expires on 13 January 2022. Any further representations received up to 5pm on 13 January 2022 will be reported verbally to Planning Committee.

6 Consultations

- Surrey County Council Highways: no objections, subject to conditions and informatives
- Surrey County Council Local Lead Flood Authority: no objection, subject to conditions
- Thames Water (waste and water): no objection, recommend Informatives
- Surrey County Council Archaeology (09.03.2021): an archaeological response would not be proportionate should the scheme be permitted
- EEBC Ecology: No concerns regarding the mitigation plan. The surveys however would not be able to obtain the necessary licence and therefore, biodiversity issues cannot be dealt with favourably.
- EEBC Design and Conservation Area Officer: no objections
- EEBC Waste: Objection
- EEBC Contaminated Land Officer: no objection, subject to conditions

7 Relevant planning history

7.1 There is an extensive planning history relating to the Site. The below sets out recent (within five years) and relevant planning history.

- Application 20/00031/FUL for 'Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)'. Status in pending.

8 Planning PolicyNational Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

CS2	Conserving and Enhancing Open Space and Landscape Character
CS3	Biodiversity and Designated Nature Conservation Area
CS4	Open Spaces and Green Infrastructure
CS5	Conserving and Enhancing the Quality of the Built Environment
CS6	Sustainability in New Developments
CS7	Providing for Housing and Employment Development
CS8	Broad Location of Housing Development
CS9	Affordable Housing and meeting Housing Needs
CS16	Managing Transport and Travel

Development Management Policies Document November 2015

DM1	Extent of the Green Belt
DM4	Biodiversity and New development
DM5	Trees and Landscape
DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)
DM12	Housing Standards

DM13	Building Heights
DM16	Backland development
DM17	Contaminated Land
DM21	Meeting Local Housing Needs
DM24	Employment Uses Outside of Existing Employment Policy Areas
DM36	Sustainable Transport for New Development

Stamford Green Conservation Area Character Appraisal and Management Proposals (October 2007)

Parking Standards for Residential Development Supplementary Planning Document (2015)

9 Planning considerations

Principle of Development

Housing provision

- 9.1 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.2 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.3 The NPPF seeks sustainable development. Paragraph 11 sets out the decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (includes where a LPA cannot demonstrate a five year supply of deliverable housing sites), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.4 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.5 Policy DM11 sets out that the Council will, in principle, support proposals for new housing that makes the most efficient use of development sites located within the Borough's existing urban area.
- 9.6 The Standard Method Calculation indicates a high demand for new housing in the new plan period. Due to designations, primary constraints and overall land supply, there is a need to assess how every site can be optimised within the Borough.

- 9.7 The Site is designated as a Built-Up Area, which is considered suitable for residential development, in line with Policy CS8. It is in a typically residential area, lending itself to appropriate residential development.
- 9.8 In summary, the principle of residential development at the Site is considered acceptable, given that it is designated as a 'Built Up Area' and located within a residential area. It complies with Policy CS8 of the Core Strategy (2007). (Note, that the acceptability of development at this Site is subject to other material planning considerations).

Affordable Housing

- 9.9 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 130 of the NPPF sets out that planning decisions should (inter alia) optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 9.10 Chapter 5 of the NPPF encourages the delivery and supply of homes. Paragraph 65 sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³¹, 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.
- 9.11 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities. Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.
- 9.12 The Applicant submitted a Financial Viability Assessment, prepared by Affordable Housing 106, with this application, dated March 2020. This sets out that it is not viable for the Applicant to provide any affordable housing within the proposed development or make any financial affordable housing contribution towards meeting the Borough's affordable housing need.
- 9.13 The Applicant's assessment identified a net deficit of -£6,358,459 after allowing for a benchmark land value of £4,080,000. This represents an actual loss of just under £2.3m, in real terms.
- 9.14 The Council's independent Viability Assessors, BPS, produced an Independent Viability Review report on 23 June 2020. By contrast BPS conclude that the scheme generates a net deficit of £338,458 after allowing for a reduced benchmark land value of £2,185,000. The scheme on this basis would make a profit of £2,495,542 equating to 13.2% of scheme Gross Development Value (GDV).
- 9.15 BPS note that the suggested deficit reported by Affordable Housing 106 of £2,495,542 would be a loss in real terms not simply a shortfall on target profit.
- 9.16 The Applicant set out in an email dated 05/05/2021 that two units could be secured as affordable housing on the Site, Unit 10, a 1-bedroom flat and unit 16, a 2-bedroom flat.

- 9.17 Officers have considered the Independent Viability Review and note the concern that based on the Applicant's figures this application is unlikely to secure financial backing, given that it would make no profit, but a deficit. However, based on the BPS assessment the development appears much more viable and therefore the affordable housing contribution proposed would simply reduce the apparent profit below BPS' projected return of 13.2% of GDV.
- 9.18 In considering the above, Officers note that there is a difference of opinion by the Applicant's Viability Consultants and the Local Planning Authority's Viability Consultants.
- 9.19 The Applicant has suggested that two units could be provided on Site, but Officers cannot consider or accept this offer via an email. The provision of two units has not been considered by the Applicant's Viability Consultants (or indeed within an updated Independent Viability Review) or reviewed by the Local Planning Authority's Viability Consultants.
- 9.20 As it has not been satisfactorily demonstrated to Officers that affordable housing cannot be viably secured on the site, the proposal is considered contrary to Policy CS9.

Design and heritage

- 9.21 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
- 9.22 The NPPF attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.23 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.24 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.25 The application of the statutory duties within 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.

- 9.26 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. The settings of these assets will be protected and enhanced. The policy also sets out that high quality and inclusive design will be required for all developments. Developments should (inter alia) create attractive, functional and safe environments, reinforce local distinctiveness and complement the attractive characteristics of the Borough and make efficient use of land.
- 9.27 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.28 Policy DM8 sets out that the Local Planning Authority will resist the loss of Heritage Assets and every opportunity to conserve and enhance these should be taken by new development.

Dimensions and separation distances

- 9.29 The development at Birchdene measures approximately 9.75 metres in height, 22.65 metres in width and 46.8 metres in depth. The development at Court Lodge measures approximately 9.5 metres in height, 22.02 metres in width and 38.48 metres in depth.

- 9.30 The below sets out the separation distances of the proposed units to surrounding buildings:

Unit 9: 1.5 metres from The Sidings

Units 15 and 20: 12.2 metres from 2 MeadWay

Units 10 – 23: 19.5 metres from Birchdene

Units 10 – 23: 37.3 metres from Court Lodge

Design and Access Statement (December 2019)

- 9.31 A Design and Access Statement (DAS), dated December 2019, accompanies this application. This provides an overview of the Site, its surroundings and summaries the confidential pre-application discussions that have taken place.

Proposal/Mix

- 9.32 The DAS sets out that the final layout includes a total of:

- 9 no, 3 bedroom townhouses
- 3 no. 1 bedroom apartments
- 9 no. 2 bedroom apartments
- 2 no. 3 bedroom apartments.

- 9.33 The DAS sets out that a total of 28 units are proposed, where 13% are 1 bedroom dwellings, 39% are 2 bedroom dwellings and 48% are 3 bedroom dwellings.

Design Approach - Central Courtyard

- 9.34 The DAS sets out that apartments surround the central courtyard, their form broken into various gabled elements designed to pick out the individual properties and create a sense of identity and ownership. By varying the proportions of the façades, it is hoped that the building feels less homogeneous and monolithic and more like a cluster of separate dwellings at a domestic scale. The majority of units have a balcony fronting onto this central space. It is intended to create a safe communal garden by maximising passive surveillance.

Design Approach – Housing Courtyard

- 9.35 The DAS sets out that the terraced houses are arranged around a rear courtyard that provides vehicular access to each unit. The majority of dwellings have integral double garages, whilst three have parking within the courtyard itself.
- 9.36 All units have private amenity space arranged around the courtyard. Passive surveillance from living spaces and gardens is intended to create a safe secure environment within the courtyard.

Design and Materials – Apartment Block

- 9.37 The DAS sets out that Birchdene and Court Lodge are clad in white render, buff brickwork and dark aluminium windows. These materials are replicated on the apartment block, however the massing of the building is different. The new apartment block is primarily composed of rectangular forms, with double pitched roofs, replacing the curved flat roofed buildings of Court Lodge and Birchdene. Common features have been transposed from Court Lodge and Birchdene to help create a unified feel to the Site. These include horizontal banding of soldier courses, pronounced square bay windows and asymmetric recessed window panels, with angled brick framing.

Design and Materials – Terraced Housing

- 9.38 The DAS sets out that the terraced housing sits between the apartments and the neighbouring dwellings that front Clayhill Green. Brick and render are the most commonly used materials on adjacent dwellings and it is proposed to continue this aesthetic to help connect the development to the surrounding area.

DAS Design Summary

- 9.39 The DAS sets out that the proposal seeks to provide:
- A new development, with a layout, form and architectural style to bridge between the traditional dwellings that characterise the area and the strong contemporary forms of Birchdene and Court Lodge
 - A vibrant mix of unit types, in a highly sustainable location
 - Create a new pedestrian link from Clayhill Green to Court Recreation Ground
 - Create a new green space at the heart of the development.

Heritage Statement (December 2019)

- 9.40 The Heritage Statement is contained within the DAS, dated December 2019.

Clayhill Lodge and Allonby

- 9.41 The Heritage Statement sets out that neither Clayhill Lodge nor Allonby are listed or locally listed. Whilst Clayhill Lodge is over 80 years old, it is not considered to be a significant heritage asset. The building has been extended and altered over the years, and sits on a site originally used for greenhouses to Westhill House. Allonby is a much more recent construction and not considered to be of any architectural or historic value.

Stamford Green Conservation Area

- 9.42 The Site is within the Stamford Green Conservation Area. The Conservation Area Appraisal describes Stamford Green as a truly special place, characterised by 'a patchwork of green open spaces and built development (which) combine to provide a unique character.' The Conservation Area is centred on Stamford Green, however five other distinctive open spaces or greens are identified by the appraisal. Clayhill Green (sometimes referred to as Clayfield Green in the document) is one of those named.
- 9.43 The Heritage Statement sets out that A key aspect of the proposal is to introduce new green spaces within the Site, as part of the wider network of green spaces that give the Conservation Area its unique identity. A central green space is proposed at the heart of the new development at Clayhill and Allonby, providing a shared communal garden for use by both the houses and apartments, and forming part of the wider pedestrian route linking Clayhill Green to Court Recreation Ground.

Adjacent Properties

- 9.44 The Conservation Area Appraisal notes that Clayhill Green lies on the eastern side of the Conservation Area and acts as 'a transitional area between the Town Centre and Epsom Common'. The green is enclosed and defined by a mix of 19th and 20th century buildings, which are predominantly dwellings. On the south side of West Hill and to the north-west of Clayhill Green, the buildings are positioned in regimented lines and are closely distributed. To the east of the Green, where this Site is located, there are four dwellings, which have an informal layout with irregular spacing between them.
- 9.45 To the south of Allonby are three properties. Friar's Cottage and Cedar Cottage were both constructed around a similar time to Allonby and appear on maps first in the early 1970's. The Sidings, which sits between Allonby and Friar's Cottage, was constructed much more recently following planning permission being granted in 2008.
- 9.46 The Heritage Statement sets out that the introduction of The Sidings resulted in a much closer distribution of dwellings in the row of houses from Cedar Cottage through to Allonby. The wide gap left between Allonby and Clayhill Lodge is now out of character with the rest of the street and this proposal seeks to develop these underused plots of land.

Key buildings

- 9.47 The Heritage Statement identified the key buildings that surround Clayhill Green, including Hookfield Mews, Kingswood House School and 38 West Hill.

Clayhill Green

- 9.48 Clayhill Green has a triangular shape, which is bisected by a road called Meadway. This road was introduced in the 1930's to allow access to a housing estate constructed to the north-eastern end of the Green. Whilst the houses are no longer evident, the gateway entrance to the estate remains. This gateway is identified in the Conservation Area Appraisal as a positive feature.

- 9.49 The Heritage Statement sets out that the proposal has a pedestrian access point from Meadway, through an opening in the existing brick wall, which is viewed in relation to the historic estate gateway. Due to proximity, the mass of the buildings have been set back from the road. The nearest units are angled to create two double pitched volumes reminiscent of the original dwellings either side of the 1930s gateway. This approach seeks to create a wider, more defined view along Meadway towards the existing arch, whilst also creating a small courtyard at the entrance of this Site.
- 9.50 The wall which forms the boundary between Clayhill Lodge, Allonby and Clayhill Green is identified within the Conservation Area Appraisal as potentially available for Local Listing. The wall is constructed of soft red brick with blue brick headers, which dates back to probably the 18th century and was formerly the boundary to West Hill House.
- 9.51 The Heritage Statement sets out that in some instances the historic wall extends to over three meters in height and it has a strong contribution to the character of Clayhill Green. The proposal should have minimal impact upon the wall. It is proposed to retain the wall in its entirety along the boundaries of the two sites and to use the existing archway as the gateway to a new pedestrian route through the Site. The new built form visible above the wall has been broken down to appear as a collection of separate double pitched volumes.

Heritage Statement conclusions

- 9.52 The Heritage Statement concludes that the proposal has been driven by a desire to create a development that contributes positively to the Conservation Area, through the following design approaches:
- Introducing a new green space at the heart of the Site, to tie in with the wider patchwork of green areas that characterises the Conservation Area
 - Massing and articulating the proposed new dwellings, to better continue the pattern and distribution of neighbouring buildings
 - Addressing specific architectural characteristics of the area, creating a gateway to the Site, which references the access to the historic Meadway Estate and ensuring that the proposed development remains subservient to the wall, which forms the boundary to the Green.

Historic England

- 9.53 Historic England formally commented on this application, on 14 May 2021, with concerns regarding the application on heritage terms. The response is provided below:

The site at Clayhill Lodge sits within the Clay Hill Green (referred to as Clayfield in the Conservation Area appraisal) area of the Stamford Green Conservation Area. This Conservation Area between Epsom town centre and Epsom Common is formed of a series of dispersed open green spaces, the central area being Stamford Green. Further green spaces are found at Clay Hill Green and Fair Green to the east, and Goose Green, Osbourne's Green and Laundry Green to the south. Together these form a transitional area between the built up area of Epsom town and the wider common. The sub-area around Clay Hill Green is a triangular green around which are relatively large 19th and early to mid 20th century houses, which are set back from the road. The low density of buildings coupled with its multiple green spaces gives the conservation area its characteristic openness and relative tranquillity in comparison to the nearby town centre.

It is proposed to demolish two 20th century houses and one outbuilding, and construct a 4 storey block of 14 flats and a 3 to 3.5 storey terrace to form 9 houses. These

would be set behind the existing brick wall, which is considered a non-designated heritage asset.

The demolition of the existing buildings and construction of 23 new units on the site would cause a low degree of harm to the character and appearance of the conservation area. This is because the development would intensify the density of housing surrounding Clay Hill Green, the openness and low density of which is an important characteristic of the conservation area. We note that the applicants have tried to minimise the impact to the conservation area by retaining the existing brick wall, and breaking down the roof structures so that they appear as separate double pitched roofs when viewed from the green, which makes the development appear less dense.

Chapter 16 of the National Planning Policy Framework (NPPF) sets out policies specific to the historic environment. Paragraph 184 states that heritage assets are “an irreplaceable resource; and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

The NPPF goes on to require that a proposal should avoid or minimise harm to avoid conflict between the conservation of heritage assets and any aspect of a proposal (Paragraph 190).

If your Council concludes that the development cannot be delivered in a less harmful form, then you will also need to be satisfied that the remaining harm has clear and convincing justification as required by Paragraph 194, before weighing the harm against the public benefits in the manner described in Paragraph 196.

In reaching your decision, your Council will need to be mindful of Paragraph 193 which sets out the need to give great weight to the conservation of designated heritage assets (and the more important the asset the greater the weight should be). It notes this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.

In reaching a decision on this proposal your Council will also need to consider whether the proposed development meets the criteria of paragraph 200 which states that “Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

Historic England considers that the development would cause less than substantial harm to the character and appearance of the conservation area and does not enhance its significance. This is due to the high density of development proposed, although we do note that some attempt has been made to reduce the impact by locating the development behind the wall and breaking up the roof line. We question

whether such a high density of development is required and if the prevailing character of the conservation area could be better sustained through a less dense proposal.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 194, 196 and 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. And section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Local Planning Authority's (LPA) Design and Conservation Officer

- 9.54 The LPA's Design and Conservation Officer formally commented on this application, on 15.04.2021. The response is summarised below:

The proposed development is in the Stamford Green Conservation Area. There are no listed buildings within the Site though a number exist, the closest being West Hill Cottage. To the south west is 23-25 West Hill and to the south east 1 Hookfield, though both of these are a way to the south of the Site on the other side of Clayhill Green and the Site will be partly separated from these by the boundary wall running along the north side of Clayhill Green.

However, though unlisted, the wall is of historic significance, being a key structure within the Conservation Area. Clayhill Lodge is also unlisted but has a strong arts and crafts architectural quality, though it is not identified of historic significance in the Conservation Area Appraisal. Allonby is a post-war sub-urban two storey house and is characteristic of much of the C20 development around Clayhill Green.

Historic Environment:

The wall to the south east of the site and which faces the Clayhill Green is perhaps early C19 or late C18 and appears as a boundary on the 1840's map. It is in relatively good condition serving as the boundary to the south east of Clayhill Lodge and Allonby. This wall should be considered of historic significance, but the proposed development would not result in any loss of its fabric. The alteration in its setting with the new development behind it would have an impact on its setting and would be visible in Clayhill Green. However, the height of the wall and its prominence in the Green as well as the broken up of the massing of the development will reduce its

impact on views from the Green over the wall. The harm to the setting of the wall is therefore less than substantial.

Clayhill Lodge forms a prominent and substantial feature on the northern corner of Clayhill Green, but it is not identified as a building of significance in the Conservation Area appraisal. Its total loss therefore should be regarded as less than substantial harm to the Conservation Area.

The listed Grade II West Hill Lodge and locally listed Archway across Meadway are both opposite the Site and face the boundary wall and entrance to the Site. These should both be regarded as significant in the Conservation Area and the development will have some impact on their setting. The locally listed bridge is early C20 and connected to two houses either side and is clearly a single composition and these should all be regarded as of heritage significance. As the scale of the development has been reduced and broken into smaller elements on the north east of the Site this reduces the impact on this group to a minimum and no longer would make the locally listed buildings appear subordinate to them. This therefore should be regarded as less than substantial harm.

Allonby probably dates from the 1960's and is not of special historic significance and its demolition would not be considered as causing any substantial harm.

Design:

This is a medium density development that increases the intensity of the housing development on the Site and increases the height of any building on the Site. However, the massing of the buildings, though they remain connected as terraces or blocks of flats is less dominant in townscape, partly as a result of the roofline being broken up into gabled pitched roof and partly by the southern and western end of the development being one storey lower rise of the development, behind the wall of Clayhill gardens. However, the topography of the Site also reduces the height of the northern end of the development.

The more contemporary appearance will significantly change this southern view; however the varied architecture and period of the local existing houses is such that that this is no great innovation in architectural language over and above what is already present in the Conservation Area. Only the scale and massing is greater and this is successfully finessed by the roofline and rhythm of each element.

The mix of roof terraces and open landscaped courtyard at the centre of the development complements the quality of the internal environment and this benefits from use of the existing boundary wall as an entrance to entrance to the development. The houses all have roof terraces rather than gardens except for Unit 9 which has no private amenity space, though it is a 3-bed house.

A more detailed landscape design with specifications for all materials and finishes as well as planting should be provided. Where a new boundary is constructed, the LPA should first see a detailed design of its structure.

The materials of the development consist of mainly brick and render. Samples of these should be provided to ensure their quality. The images the Design and Access statement provide are not very informative. This document certainly appears to show natural slate, which is welcomed. The bricks are not clearly shown in the images, though buff bricks suggest a rather washed out look that may not suit the building. The render is said in the application to reference the render of other buildings in the area. If this is the case it should be a traditional render mix more like that of buildings in the area.

Conclusion:

On balance the development should be regarded as causing less than substantial harm to all of the nearby designated heritage assets and considered against the benefits of creating 23 new homes is not objected to on Conservation Grounds.

The design is broadly acceptable, but some details of the design and materials must be submitted in conditions.

Court Lodge and Birchdene

- 9.55 Whilst each application is assessed on its own merits, Officers have considered the adjacent flatted developments, Birchdene and Court Lodge, when assessing this application.

Court Lodge

- 9.56 The Appeal Decision for Court Lodge has been reviewed by Officers (ref: APP/P3610/W/15/3138792, dated 9 June 2016). This was allowed and planning permission granted for a 3-storey flatted development. The main issues identified within the Appeal Decision were whether the development represented an appropriate density of development for the Appeal Site, whether the development would provide appropriate access and layout for servicing and the effect of the proposed development on the character and appearance of the surrounding area. These are discussed below.

Character and appearance

- 9.57 The Appeal Site is not within the Stamford Green Conservation Area. The Inspector set out that nothing within the Character Appraisal indicated that the Conservation Area would be materially affected by the proposed development. Although the Appeal Site can be seen in views when looking out of the Conservation Area, these are not identified as important views and therefore the proposed development would not detract from the character or appearance of the Conservation Area, notwithstanding its contemporary design.
- 9.58 The Inspector felt that local character lacked uniformity and that the Applicant had taken the opportunity to address the requirements of Policy DM9, with a distinctive architectural form, which was considered an appropriate scale and massing and neither dominant nor incongruous within its local setting. With regard to the setting of the Appeal Site, through its visual connection to its surroundings, the inclusion of locally distinctive features and the use of appropriate materials, the Inspector found that the contemporary design of the scheme would be acceptable, given the limited local building context.

Density

- 9.59 The Appeal decision references policies, including the Epsom and Ewell District Wide Local Plan (2000), which is now superseded. Nonetheless, Policy HSG3 had designated the Appeal Site, together with Hollydene and Birchcroft, as a housing site to deliver residential properties.
- 9.60 The Inspector found that the Appeal Site was within a highly sustainable location, within convenient walking distance of the Town Centre. The Inspector therefore found that the scheme, being approximately 66 dph, would not conflict with policy DM11. Moreover, given the Site's sustainable location, the proposal would accord with Policy CS8 of the Core Strategy (2007), directing higher density development to central locations and close to existing services and facilities accessible by public transport, walking and cycling.

- 9.61 The Inspector agreed with the Local Planning Authority's assessment of the area (a suburban low density residential area, where surrounding properties are detached houses set within generous plots and providing high levels of residential amenity), but set out that the Appeal Site should be considered in the context of the properties to the east of Court Lane, including West Hill Court, which would suggest that a higher density would be appropriate.

Birchdene

- 9.62 Planning permission was granted at Birchdene, for a 2-storey flatted development, under ref: 16/01145/FUL, on 20.09.2017. The Site is not within the Stamford Green Conservation Area.
- 9.63 The Committee Report sets out that the density was considered appropriate, given the Site is in near a bus stop, a cycle route, as well as within easy walking distance of Epsom railway station. The scheme was not considered to have a harmful impact on the street scene, or the character and appearance of the wider area.

Officer comments

- 9.64 The proposal seeks to demolish two 20th Century houses and one outbuilding, to construct a 4-storey block of flats and a 3 to 3.5 storey terrace, to form houses. These would sit behind an existing brick wall, which is a non-designated heritage asset.
- 9.65 The Site lies within the Stamford Green Conservation Area, which lies between Epsom Town Centre and Epsom Common. The Conservation Area is formed on a series of dispersed open green spaces, which form a transitional area between Epsom Town Centre and the wider common. Clay Hill Green is a sub-area, where this Site lies. It comprises a triangular green, around which are relatively large houses that are set back from the road. Low density housing, coupled with green spaces, gives the Conservation Area a characteristic of openness and tranquillity, in comparison to the nearby Town Centre.
- 9.66 Each application is assessed on its own merits, but Officers have considered the adjacent flatted developments, Court Lodge and Birchdene. Neither flatted development falls within the Conservation Area and as stipulated within the Appeal Decision for Court Lodge, it, together with Hollydene and Birchdene, were identified as housing sites to deliver residential properties. Nevertheless, the density proposed at this site is similar to that of Court Lodge and Birchdene and therefore has been given consideration by Officers.
- 9.67 Officers recognise the comments made by Historic England, specifically that the proposed development would cause a low degree of harm to the character and appearance of the Conservation Area. This is because the development would intensify the density of housing surrounding Clay Hill Green, the openness and low density of which is an important characteristic of the Conservation Area. Historic England considers that the proposal would cause less than substantial harm to the character and appearance of the Conservation Area and does not enhance its significance. This is due to the high density of development proposed.
- 9.68 Officers recognise the comments made by the Local Planning Authority's Design and Conservation Officer, specifically that the development should be regarded as causing less than substantial harm to all of the nearby designated heritage assets.

- 9.69 Officers recognise that the Applicant has sought to design the scheme to reduce its impact by locating the development behind the wall and breaking up the roof line of the proposed dwellings, for example. But Officers consider that these design techniques fail to mitigate this high density of development, which comprises a high proportion of built form, with limited amenity space. Furthermore, combined with Court Lodge and Birchdene, Officers consider that the proposed development would contribute towards a collectively isolated grouping, causing a further erosive division from the overall traditional character and appearance of the Conservation Area.
- 9.70 In line with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.71 In terms of benefits, the proposal would make a valuable contribution to local housing supply and it would also provide employment opportunities throughout the construction phase. It would also result in additional local expenditure from incoming residents. These benefits weigh in favour of the proposal.
- 9.72 Set against this is the loss of Clayhill Lodge, housing intensification, which results in an overdevelopment (high density development) of this Site, with limited private and public amenity spaces, which amounts to poor design. As identified by the Local Planning Authority's Design and Heritage Officer, there would also be less than substantial harm to the setting of the wall. The intensification of development would erode the openness and low-density qualities of the Conservation Area, causing less than substantial harm to the significance of the Conservation area and would fail to either preserve or enhance the character and appearance of the Conservation Area.
- 9.73 Careful consideration has been given to paragraph 11 of the NPPF and to footnote 8 to that paragraph, and it is concluded that the harm to nearby designated and non-designated heritage assets, including the Conservation Area, provide a clear reason for refusing the development proposed. Furthermore, careful consideration has also been given to the requirements of paragraph 202 of the NPPF, referred to above and it is concluded that any public benefits, including its optimum viable use, do not outweigh the harm that would be caused by the proposed development.
- 9.74 The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).

Neighbouring Amenity

- 9.75 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.
- 9.76 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:

- prevailing development typology, including housing types and sizes;
- prevailing density of the surrounding area;
- scale, layout, height, form (including roof forms), massing;
- plot width and format which includes spaces between buildings;
- building line; and
- typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

Dimensions and separation distances

- 9.77 The development at Birchdene measures approximately 9.75 metres in height, 22.65 metres in width and 46.8 metres in depth. The development at Court Lodge measures approximately 9.5 metres in height, 22.02 metres in width and 38.48 metres in depth.
- 9.78 The proposed heights of the apartments and houses is as follows:
- Apartment blocks: 65.995 ridge
 - Houses: 64.695 ridge/64.778 ridge
- 9.79 The below sets out the separation distances of the proposed units to surrounding buildings:
- Unit 9: 1.5 metres from The Sidings
 - Units 15 and 20: 12.2 metres from 2 MeadWay
 - Units 10, 16 and 22: 9.5 metres from Birchdene
 - Units 11, 12, 17, 18, 22, 23: 19.5 metres from Birchdene
 - Units 10 – 23: 37.3 metres from Court Lodge.
- 9.80 There is considered sufficient separation distance between the proposal and Birchdene. There is concern however that the use of balconies could give rise to issues of overlooking or loss of privacy.
- 9.81 There is considered sufficient separation distance between the proposal and 2 MeadWay.
- 9.82 Unit 9's south-eastern elevation comprises two windows on the south east elevation, which serves a bathroom at 1st floor level. Subject to planning permission be secured, this could be obscure glazed. The distance from The Sidings is slight, but, considered acceptable. For reference, the apartment blocks and houses are +2.595m and +1.295m/1.378m higher than The Sidings, respectively.
- 9.83 There is concern however that internally, there could be issues of overlooking or loss of privacy, between the proposed apartment block and housing, at the Court Lane side of the Site.
- 9.84 The proposal is considered to raise issues of overlooking and loss of privacy, failing to comply with Policy DM10.

Housing Mix and Quality of Accommodation

- 9.85 Policy DM12 requires all housing development to comply with external and internal space standards.
- 9.86 The Nationally Described Space Standards (March 2015) sets out internal space standards for new dwellings. This requires a double (or twin bedroom) to have a floor area of at least 11.5m² and a single bedroom to have a floor area of at least 7.5m².

9.87 Supporting paragraph 3.35 of Policy DM12 (Housing Space Standards) sets out that for houses a minimum total private outdoor space of 70m² for 3 or more beds and 40m² for 2 beds are required. A minimum depth of 10m of domestic rear garden space is required. For flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings is required and an extra 1m² should be provided for each additional occupant.

9.88 Policy DM22 requires all residential development proposals for four or more units be comprised of a minimum of 25% three bedroom, or more, units. The Council would consider exceptions to this approach where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.

Schedule of Accommodation

9.89 In accordance with the DAS (December 2019), the schedule of accommodation is as follows:

- 9 x 3-bedroom townhouses
- 3 x 1-bedroom apartments
- 9 x 2-bedroom apartments
- 2 x 3-bedroom apartments

9.90 There is a total of 23 units, with the following mix:

- 13% 1-bedroom
- 39% 2-bedroom
- 48% 3-bedroom.

9.91 The above mix exceeds the minimum requirement for 3 bedrooms units, set out in Policy DM22.

Internal room sizes

9.92 The below provides a breakdown of unit sizes:

Unit	Bed 1 (m ²)	Bed 2 (m ²)	Bed 3 (sqm)
1	19.8	10.2	10.1
2	19.8	10.2	10.1
3	19.8	10.2	10.1
4	19.8	10.2	10.1
5	11.5	12.5	11.8
6	11.5	12.5	11.8
7	10.2	10.1	7.7
8	10.2	10.1	7.7

9	10.2	10.1	11.2
10	11.9		
11	11.5	10	
12	11.5	10	
13	10.7	11.2	
14	11.5		
15	10.4	10.8	
16	13	9.5	
17	10.7	10.4	
18	11.5	10	
19	10.7	11.2	
20	11.5		
21	11.5	13.8	
22	27.7	14.2	14
23	21.9	17.4	19.5

- 9.93 In accordance with the proposed floor plans, all bedrooms proposed, other than bedroom 2 of unit 16, bedroom 3 of units 7 and 8, show double beds. A double or twin room requires a floor area of at least 11.5m² and therefore in accordance with the above table, not all bedrooms proposed accord to the required standard. As such, adequate living standards are not provided.

Amenity spaces

- 9.94 In accordance with the DAS (December 2019), the Site is arranged to maximise a variety of private and shared amenity spaces.
- 9.95 The DAS sets out that all townhouses are provided with their own private garden amenity space. There are a variety of different house types, the majority of which have their amenity space split over two levels. The exception to this is Unit 9, which is an end of terrace unit and enjoys a larger garden, entirely at ground floor.
- 9.96 The DAS sets out that all apartments have use of a communal shared courtyard garden in the centre of the proposed development. This is supplemented by the provision of both recessed and juliet balconies across all apartments.

- 9.97 The private amenity spaces attributed to each unit, as clarified by the Applicant on 02.12.2021, is captured within the below table.
- 9.98 The Covid pandemic has highlighted the need for good-quality private amenity space. The proposal fails to provide the minimum required private amenity space for each terraced house, as demonstrated in the below table. Furthermore, the private amenity space provided is split over levels, which raises questions about how usable this would be for future residents. Officers recognise that the proposal seeks a communal shared courtyard garden, but as stipulated within the DAS at paragraph 3.19, this is primarily for the enjoyment of the proposed flats.
- 9.99 Officers consider that this scheme is an overdevelopment of the Site, with a high proportion being occupied by built form, with limited private amenity spaces. The quality and usability of the private amenity spaces, especially attributed to the houses with split levels, is also questioned.
- 9.100 The proposal is considered to conflict with Policy DM12 of the Development Management Polices Document (2015).

Unit	Type	Private Amenity space (sq.m)
1	3b terraced house	38.4
2		38.4
3		38.4
4		38.4
5		51.5
6		51.5
7		38.4
8		38.4
9		19.2
10	1b apartment	5
11	2b apartment	8
12		8
13		8
14	1b apartment	8
15	2b apartment	29.6
16		5

Unit	Type	Private Amenity space (sq.m)
17		8
18		8
19		8
20	1b apartment	8
21	2b apartment	5
22	3b apartment	13
23		23.3

Highways and Parking

- 9.101 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the site can be achieved for all users.
- 9.102 Paragraph 110 of the NPPF encourages sustainable transport nodes within development proposals.
- 9.103 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.104 Paragraph 112 of the NPPF sets out that applications for development should (inter alia) give priority to pedestrian and cycle movements, both within a scheme and with neighbouring areas.
- 9.105 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.106 Policy DM36 sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 9.107 The Parking Standards for Residential Development Supplementary Planning Document (December 2015) sets out minimum parking standards for residential development:

Type of Development	Epsom Town Centre	Elsewhere in the Borough
1 & 2 bedroom flats	0.75 spaces per unit	1 space per unit
3+ bedroom flats	1 space per unit	1.5 spaces per unit
1 & 2 bedroom houses	1 space per unit	1 space per unit
3 bedroom houses	1 space per unit	2 spaces per unit
4+ bedroom houses	2 spaces per unit	3 spaces per unit

Vehicular strategy

- 9.108 The DAS (December 2019) sets out a vehicular strategy. The Site is split into two distinct halves, with separate vehicular strategies.
- 9.109 The apartment block to the north-east (units 10 – 23) are serviced from the same access road as Birchdene and Court Lodge. Residents of the apartments would be allocated parking spaces predominantly in the Undercroft.
- 9.110 The townhouses (units 1 – 9) are served via a separate rear courtyard with its own access onto Court Lane. Unit 1 – 4 and 7 – 8 have integral double garages, which are accessed from the courtyard. Units 5 – 6 and 9 all have parking within the courtyard space. All units have direct or gated access to the vehicular courtyard.

Car parking provision

- 9.111 Each three-bedroom terraced house would be provided with two car parking spaces and two cycle spaces. This accords with local planning policy car parking standards.
- 9.112 Units 10 – 21 (1b and 2b flats) would be provided with one car parking space and one cycle space. Units 22 – 23 (3b flats) would be provided with 1.5 car parking spaces and two cycle spaces. This accords with local planning policy car parking standards.
- 9.113 SCC Highways commented on this application on 10 February 2020, requiring further information, including visibility splays from the proposed new access and vehicle tracking, for refuse collection. A Transport Statement was submitted by the Applicant, dated 11.03.2020, including visibility splays. SCC Highways formally responded on 03.04.2020, setting out that the County Highways Authority has assessed the application on safety, capacity and policy grounds and recommends that conditions are imposed on any planning permission granted.

Court Lane – car parking

- 9.114 Whilst Court Lane may offer opportunities for the potential dispersal of vehicles from the development into unrestricted off-street parking, it is unlikely that this would significantly impact on the existing character of the area, given that vehicles already park on Court Lane, or cause the existing residents any further inconvenience beyond that currently experienced with the unrestricted off-street parking.
- 9.115 The proposal is considered to comply with Policies CS16 and DM36.

Refuse and Waste

- 9.116 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

- 9.117 The DAS (December 2019) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 9.118 The DAS (December 2019) sets out a refuse strategy. Units 10 – 23 (apartments) have refuse storage, within the Undercroft. Refuse is accessed through a door off the main stair core, or from an independent door in the Undercroft. A third door from the refuse store opens onto the shared space and it is intended that this would allow refuse collectors to park their lorry on the shared space and collect the refuse, with minimum travel distance.
- 9.119 The DAS sets out that as part of the proposed development, two existing small refuse stores that served Birchdene are being demolished. Provision for these bins has been integrated within the larger store in the proposed apartment building. The access door to the refuse store in the Undercroft ensure it is located a similar distance to Birchdene as the previous refuse store.
- 9.120 Units 1 – 9 (houses) have their own private refuse and cycle stores. Units 1-4 and 7-8 have refuse and cycle stores within their integral double garages. Units 5,6 and 9 all have refuse and cycle stores within purpose built structures inside the courtyard space. A collection zone is provided adjacent to the gateway to the courtyard for residents to place their wheelie bins on collection day.
- 9.121 A Transport Statement was submitted by the Applicant, dated 11.03.2020. It sets out that servicing and refuse collection would take place from on-street, via Court Lane. Refuse vehicles would turn within the car park, at the far end of Court Lane.
- 9.122 The Transport Statement sets out that bin stores for the flats would be in a close walking distance, to Court Lane, at a dedicated bin collection point.
- 9.123 The Local Planning Authority's Waste Team has engaged extensively with the Applicant, regarding this proposal. The scheme remains unresolved from a waste collections perspective. The Waste Team raise concerns that the proposed waste arrangements would require confirmed, long-term parking restrictions on both sides of Court Lane, around the entrance to the development:
- On the opposite side the Waste Team has not had confirmation that the double yellow lines painted on the road are actually enforceable (there has been a suggestion that they were painted by a private individual/company and are not actually enforceable)
 - On the Development side, the Waste Team would need to review the long-term enforceability of proposed parking restrictions by the Developer (to be enforced privately, and therefore of concern in the long term).
- 9.124 The Waste Team's objections remain without these issues being resolved on a long-term basis, as without such restrictions, the Local Planning Authority could not guarantee to manoeuvre vehicles in and out of the development for collections.
- 9.125 The Waste Team have also expressed concern around the suggested reprofiling of the Site's border and the need to reposition an existing streetlight.
- 9.126 It has been suggested that the land adjacent to the Site is owned by EEBC. The lines painted onto the line are not likely to be enforceable. Given this, the proposal cannot be supported as it has not been satisfactory demonstrated that the Site could be accessed and serviced by refuse vehicles. It fails to comply with Policy CS6.

Trees and Landscaping

- 9.127 Chapter 12 of the NPPF concerns the achievement of well-designed places. Paragraph 131 sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 9.128 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.129 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.130 Policy DM5 of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.131 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 9.132 In accordance with the DAS (December 2019), the landscape strategy focuses on maximising green spaces within the confines of the Site, especially along the route connecting Clayhill Green to Court Recreation Ground.
- 9.133 The DAS sets out that the terraced housing that lines the route is separated above ground floor level, with private gardens sandwiched between the building mass, to soften the overall built form.
- 9.134 The DAS sets out that where trees are necessarily removed as part of the development, it is proposed to replant mature trees within the courtyard spaces.
- 9.135 The DAS sets out that should planning permission be granted, a planting strategy would be developed to comply with the requirements, set out in the Ecology Report.
- 9.136 A Tree Survey Schedule, dated April 2019 and a Tree Removal Plan (TRP 01, dated May 2019), accompanies this application. In accordance with the Tree Removal Plan, two Category A trees are proposed to be removed: 20- Copper Beech and 24- Hornbeam.

Local Planning Authority's Tree Officer comments

- 9.137 The Local Planning Authority's Tree Officer objects to the proposal, specifically to the loss of the large Hornbeam and Copper Beech trees, both assessed as Category A trees on the Arboricultural Survey. The loss of the trees would cause significant landscape harm. Additionally, there should be more room for semi-mature trees to be planted, with space to grow, so the Tree Officer suggested the building line be set back on Clayhill Green side. For information, the Tree Officer informally considers that these trees are approximately 18-19 metres tall and are estimated to be around 75 – 85 years old.
- 9.138 Category A trees are the highest quality in the BS5837 tree quality assessment matrix and the most desirable to retain. The loss of the trees would cause significant landscape harm and would be contrary to planning duty, to make provision for the protection and planting of trees. The Hornbeam and Copper Beech are commanding trees in the landscape when viewed from both Clayhill Green and Court Lance. They would have the potential for even greater impact, as they grow larger.
- 9.139 A Tree Planting Schedule was submitted on 12.07.2021 in response to the Local Planning Authority's Tree Officer comments. It seeks a mix of species and sizes across the Site, proposing 44 trees in total.
- 9.140 The Local Planning Authority's Tree Officer provided a response to the Tree Planting Schedule on 12.07.2021. The main objection relates to the removal of the mature Hornbeam and Beech trees on the Site. The following comments were also made:
- *It would be useful if you can mark buildings in brown on the Tree Planting Schedule and hardscape in grey*
 - *In order to ensure your proposal is sustainable and potentially more compliant to policy DM5, you should calculate the existing and projected canopy volume of trees on Site*
 - *You then need to calculate the proposed canopy volume at planting and the volume potential. To demonstrate the potential, it will be necessary to show the realistic crown spread and shadow impact to confirm the trees have growing space and will not provide nuisance to future occupants making them un-viable.*
 - *The palate of tree species seems broadly acceptable but please consider there should be a presumption in favour of large canopy trees and you could check the selection against the Forest Research Right Trees for Changing Climate database for Biosecurity and resilience.*
 - *We would prefer larger specimen stock for trees in more prominent positions*
 - *The designers will need to demonstrate adequate soil volumes for new planting*
 - *The designers will need to ensure planting is compliant with the recommendations in BS5837 in relation to planting separation from structures/surfaces and utilities to avoid direct damage*
 - *Building foundations of any approved scheme will need to be designed and constructed to take account of trees and the tree planting scheme to ensure no subsidence risk.*
- 9.141 A response has not been received from the Applicant's Arboriculturist to date to address the above.

Officer Comments

- 9.142 In accordance with the Tree Removal Plan, two Category A trees are proposed to be removed, to accommodate the development, which the Local Planning Authority's Tree Officer objects to. 44 new trees are proposed to be planted, but the Local Planning Authority's Tree Officer has raised concern that the proposal does not provide adequate spacing for meaningful tree planting and growth.

9.143 Officers recognise that the removal of trees, particularly two Category A trees would alter the main arboricultural features of the Site and would have a notable impact on the verdant character and appearance of the Site and surrounding area. Whilst the Applicant's Arboriculturist has put forward a Tree Planting Schedule, with a mix of species and sizes across the Site, Officers are concerned that there is not enough space within the Site to make a meaningful contribution in replacement trees. The location of proposed foundation works or pressure from future occupants to improve amenity are constraints that could prevent new trees from successfully flourishing. It has not been demonstrated to the satisfaction of Officers that any replacement trees would have longevity in this development.

9.144 The proposal is not considered to comply with DM5.

Ecology

9.145 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

9.146 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.147 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

9.148 Policy DM4 sets out the development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted where (inter alia) the development would enhance the nature conservation potential of the Site. Development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity. Mitigation and compensatory measures will be secured through planning obligations or conditions, with priority for such measures to be provided within the development. Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.

9.149 A Preliminary Ecological Appraisal, dated June 2019, accompanies this application. It sets out that the proposed development would unlikely adversely impact any designated areas, protected species or habitats, provided that the recommendations proposed are followed.

9.150 The Local Planning Authority's Ecologist formally commented on this application on 30.01.2021. The survey for Clayhill Lodge assessed the building as high potential for bats. As such, a further survey was required.

- 9.151 The Applicant prepared a Bat Survey Report, dated November 2019. Three emergence bat surveys were undertaken and a "day roost" was confirmed by low numbers of common pipistrelle bats, in the hanging tiles around the dormer window, to the south-eastern elevation of the main property. The report sets out that an EPS license would be required.
- 9.152 The Local Planning Authority's Ecologist reviewed the Bat Survey Report and confirmed on 03.03.2020 that the licensing regime sits separately to the planning process and to determine the application, details of mitigation and enhancement proposed should be submitted to the Local Planning Authority for consideration. Additionally, to comply with Policy DM4, there should be no net loss of biodiversity.
- 9.153 An Additional Bat Mitigation Statement, dated 16 March 2020 and Bat Scoping Report, dated 23 April 2021 was submitted by the Applicant and reviewed by the Local Planning Authority's Ecologist, who confirmed that the reports are adequate. The Ecologist queried whether the surveys carried out in 2019 would be acceptable to obtain the necessary license and requested confirmation from the Applicant's Ecologist on this. If it can be obtained, then the biodiversity issues would be dealt with favourably. The Applicant provided a response on 15.12.2021, setting out that the surveys would need to be revisited to obtain the necessary licence. Due to being out of the survey season, the Applicant will not be able to revisit this prior to determination.
- 9.154 The Local Planning Authority have a duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017, which is to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. In order to fulfil that duty, Officers would need to be satisfied that there are appropriate measures in place to mitigate against harm to protected species on the site. Without the necessary accurate or current surveys, Officers cannot be satisfied that the proposal would not cause harm to protected species. As such, the proposal is not considered to comply with Policy DM4.

Flood Risk and Drainage

- 9.155 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment
- 9.156 Paragraph 165 of the NPPF sets out major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the Lead Local Flood Authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.157 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) avoids increasing the risk of, or from, flooding.

- 9.158 Policy DM19 sets out that development on site of 1ha or greater in Flood Risk Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk to and from the development or at least be risk neutral. Where risks are identified through a Flood Risk Assessment, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 9.159 Policy DM19 expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.
- 9.160 A Flood Risk Assessment and Surface Water Drainage Strategy Report, dated May 2019, accompanies this application. The Site lies entirely within Flood Zone 1. Based on the assessment, the Site is not at flood risk from surface water, ground water, sewer or infrastructure failure flooding. The drainage system would be retained and maintained by a private management company.
- 9.161 Thames Water formally commented on this application, on 22 January 2020, with no objection, with regards to waste. Thames Water advises that if the developer follows the sequential approach to the disposal of surface water, there is no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services would be required. Subject to planning permission being granted, an Informative is encouraged, to set out that the proposed development is located within 15 metres of the underground waste water assets.
- 9.162 Thames Water also provided a comment with regards to water, with no objection. An informative is recommended, should planning permission be granted, regarding providing customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute, at the point where it leaves Thames Waters pipes.
- 9.163 SCC Local Lead Flood Authority (LLFA) formally commented on the application on 30.01.2020, with an objection to the proposed drainage scheme. An updated Flood Risk Assessment (May 2019, Rev 1) was submitted by the Applicant. This was reviewed by SCC LLFA on 06.02.2020, which confirmed no objection, subject to conditions being attached to any planning permission granted.
- 9.164 The proposal is considered to comply with Policies CS6 and DM19.

Sustainability

- 9.165 Chapter 2 of the NPPF relates to achieving sustainable development. Chapter 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.166 Chapter 8 of the NPPF sets out that there are three overarching objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.
- 9.167 Policy CS6 sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.

- 9.168 An Energy and Sustainability Statement (Rev A), dated 03.06.2019, accompanies this application. It sets out possible active and passive measures, including renewable energy sources, to make the proposed development sustainable and environmentally friendly.
- 9.169 Subject to planning permission being granted, Officers would recommend a condition, to ensure that the measures proposed are secured. The proposal is considered to comply with Policy CS6.

Contaminated Land

- 9.170 A Phase 1 Preliminary Risk Assessment (Desk Study), dated 02 May 2019 was submitted with this application. It was formally considered by the Local Planning Authority's Contaminated Land Officer who confirmed on 13 January 2020 that should planning permission be granted, two conditions should be imposed.
- 9.171 The proposal is considered to comply with Policy DM17.

Community Infrastructure Levy

- 9.1 The proposal is liable for CIL.

10 Conclusion

- 10.1 The proposal seeks to demolish two 20th Century houses and one outbuilding, to construct a 4-storey block of flats and a 3 to 3.5 storey terrace, to form nine houses. These would sit behind an existing brick wall, which is a non-designated heritage asset.
- 10.2 The Site lies within the Stamford Green Conservation Area, which is between Epsom Town Centre and Epsom Common. The Conservation Area is formed of a series of dispersed open green spaces, which form a transitional area between Epsom Town Centre and the wider common. Clay Hill Green is a sub-area, where this Site lies. It comprises a triangular green, around which are relatively large houses that are set back from the road. Low density housing, coupled with green spaces, gives the Conservation Area a characteristic of openness and tranquillity, in comparison to the nearby Town Centre.
- 10.3 The approach to decision making set out in paragraph 11(d) of the NPPF applies because of the Housing Delivery Test position and because of the absence of a five-year housing land supply. In these circumstances, the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.4 In terms of benefits, the proposal would make a valuable contribution to local housing supply and it would also provide employment opportunities throughout the construction phase. It would also result in additional local expenditure from incoming residents. These benefits weigh in favour of the proposal.

- 10.5 Set against this is the loss of Clayhill Lodge and housing intensification, which results in an overdevelopment (high density development) of this Site, with limited private and public amenity spaces, which amounts to poor design. As identified by the Local Planning Authority's Design and Conservation Officer, there would also be less than substantial harm to the setting of the boundary wall. The intensification of development would erode the openness and low-density qualities of the Conservation Area, causing a less than substantial harm to its significance. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- 10.6 Officers note that there is a difference of opinion by the Applicant's Viability Consultants and the Local Planning Authority's Viability Consultants. Although previously stating that the proposal would not be viable if providing affordable housing, the Applicant has since suggested in email correspondence that two affordable units could be provided on Site. However, in the absence of any further details to demonstrate and secure this, it has not been satisfactorily demonstrated to Officers that the proposed development would provide the Borough with much needed affordable homes. The provision of two units has not been considered by the Applicant's Viability Consultants (or indeed within an updated Independent Viability Review) or reviewed by the Local Planning Authority's Viability Consultants. This weighs negatively in the planning balance.
- 10.7 Not all proposed bedrooms would accord with The Nationally Described Space Standards (March 2015), which requires a double or twin room to have a floor area of at least 11.5m². The Covid-19 pandemic has highlighted the need for good-quality private amenity space, but this proposal fails to provide the minimum required private amenity space for each terraced house. Furthermore, the private amenity space is split over levels, which raises questions about usability for future residents. This weighs negatively in the planning balance.
- 10.8 Given the separation distances and orientation of buildings within the Site, the proposal would give rise to issues of overlooking or loss of privacy, between the proposed apartment block and housing. This weighs negatively in the planning balance.
- 10.9 Concerns are raised regarding a long-term solution for refuse and waste vehicles to manoeuvre in and out of the development for collections. This weighs negatively in the planning balance.
- 10.10 The Ecological Reports submitted with this Application would not obtain the necessary license, due to the date that surveys were carried out. Due to being out of the survey season, the Applicant confirmed that they would not revisit this prior to the determination of this application. Officers cannot be confident that the proposal would not cause harm to protected species as identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017
- 10.11 When considering the above adverse impacts of the scheme, the public benefits would not outweigh the adverse impacts, when considered against the NPPF, as a whole. Officers recommend refusal of this application.

11 Recommendation

- 11.1 Officers recommend the refusal of this application.

Refusal reasons:

1. The proposal does not satisfactorily demonstrate that affordable housing cannot be viably secured on the Application Site, failing to comply with Policy CS9 of the Core Strategy (2007)
2. The proposal would constitute an overdevelopment of the Application Site, with a high proportion of built form and limited amenity space. The intensification of development would erode the openness and low-density qualities of the Stamford Green Conservation Area. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area. It would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015)
3. The proposal would not fully meet internal space standards or minimum private amenity space requirements, with constrained private amenity spaces that would unlikely be usable for future residents. The proposal would give rise to issues of overlooking or loss of privacy, between the housing block and houses. The proposal conflicts with Policies DM10 and DM12 of the Development Management Policies Document (2015) and The Nationally Described Space Standards (March 2015)
4. The proposal fails to provide adequate amenity space for considered tree planting and growth, failing to ensure the longevity of tree and planting establishment, due to the overdevelopment of the Application Site, resulting in constrained amenity spaces. The proposal conflicts with Policy DM5 of the Development Management Policies Document (2015)
5. In the absence of updated Ecological surveys, the proposal could cause harm to protected species as identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. The proposal also fails to accord with Policy DM4 of the Development Management Policies Document (2015).
6. The Local Planning Authority has a statutory duty to provide refuse and recycling collections to residential units within the Borough. It has not been demonstrated that the proposed development could be accessed and serviced in the long-term by the Local Planning Authority's Refuse and Waste Vehicles, contrary to Policy CS6 of the Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016).

Informative(s):

- (1) Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- (2) The following drawings were submitted with this application:
 - 1750_001A Site Location Plan
 - 1750_002A Existing Block Plan
 - 1750_003C Proposed Block Plan
 - 1750_005D Proposed Refuse & Parking Layout
 - LA/1708061 Topographical Survey 1750_007 Existing Floor Plans (Clayhill Lodge)

1750_008 Existing Elevations (Clayhill Lodge)

5200_01A Site Survey and Ground Floor (Allonby)

5200_02A Site Survey and Ground Floor (Allonby)

5200_04A Floor Plans (Allonby)

5200_05A Elevations (Allonby)

5200_06A Elevations (Allonby)

5200_07A Sections (Allonby)

1750_009 Existing Outbuildings

1750_010F Proposed Site Plan

1750_011A Proposed Lower Ground Floor Plan (Houses)

1750_012C Proposed Upper Ground Floor Plan (Houses)

1750_013A Proposed First Floor Plan (Houses)

1750_014A Proposed Second Floor Plan (Houses)

1750_015A Proposed Roof Plan (Houses)

1750_016 Proposed Housing Block Elevations N and NE

1750_017 Proposed Housing Block Elevations SW and SE

1750_018 Proposed Housing Block Elevations

E 1750_019 Proposed Housing Block Courtyard Elevations S and NE

1750_025 Proposed House Unit Elevations

1750_026 Proposed House Unit Elevations

1750_027 Proposed House Unit Elevations

1750_030A Proposed Lower Ground Floor Plan (Apartments)

1750_031B Proposed Upper Ground Floor Plan (Apartments)

1750_032A Proposed First Floor Plan (Apartments)

1750_033A Proposed Second Floor Plan (Apartments)

1750_034B Proposed Roof Plan (Apartments)

1750_035 Proposed Apartment Block Elevations SW and SE

1750_036 Proposed Apartment Block Elevations NE and NW

1750_037 Proposed Apartment Block Elevations W

1750_044 Existing and Proposed Site Section A

1750_045 Existing and Proposed Site Section B

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Ward:	Town Ward;
Site:	Friars Garth, The Parade, Epsom, Surrey, KT18 5DH
Application for:	Erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom, and 2 x 3 bedroom) together with alterations to vehicular access, landscaping, and associated works, following demolition of existing dwelling
Contact Officer:	Euan Cheyne

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QS0PJ2GYKIU00>

2 Summary

- 2.1 The application is classified as a minor planning application, which has been called in to Planning Committee by Councillor McCormick on 19/07/2021, on density grounds and conflict with Policy DM11 (Housing Density).
- 2.2 The application seeks planning permission for the erection of a three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) together with alterations to vehicular access, landscaping and associated works, following demolition of existing dwelling.
- 2.3 The proposal would substantially increase the density and exceed the 40 dpha (103.4 dpha) set out in Policy DM11 (Housing Density), however there is a need to optimise sites and the proposed density is considered to relate to the higher densities leading back to the Town Centre. It is considered that the design, scale and massing of the proposal would make a positive contribution to the character and appearance of the surrounding area.
- 2.4 The proposal, by reason of its siting (sufficiently set in from the respective shared boundaries) in relation to the neighbouring built form, is not considered to have any significant impact upon neighbouring residential amenities.

- 2.5 The proposal would provide 9 on-site car parking spaces, an increase of 1.5 spaces above the minimum standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015). The County Highway Authority (CHA) have advised that future residents would not be able to apply for a local parking permit as the development site is not included in the existing Traffic Regulations Order (TRO).
- 2.6 The loss of the existing trees and soft landscaping (rear lawn) is given minor negative weight. The proposal would comprise of some replacement tree planting and other soft landscaping to help mitigate against the loss.
- 2.7 There is a presumption in favour of granting sustainable development unless the application of policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.8 The application is recommended for APPROVAL subject to planning conditions being imposed.

3 Site Description

- 3.1 The site comprises a two storey detached dwelling located on the south side of the Parade. The site is located within the Town Centre Boundary.
- 3.2 The surrounding area is mixed in character and appearance, comprising of residential, offices and a hotel. The heart of the town centre, which is located in close proximity to the site, is commercial in character and appearance.
- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area. The site is located within an Area of High Archaeological Potential and is partly located within a Critical Drainage Area.

4 Proposal

- 4.1 The application proposes the erection of a three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) together with alterations to vehicular access, landscaping and associated works, following demolition of existing dwelling.
- 4.2 The submitted drawings have been amended (minor changes to design and layout, and amended footprint incorporating a 1 metre set in distance from the side shared boundary) as part of the application process.

5 Comments From Third Parties

5.1 The application was advertised by means of letters of notification to 15 neighbouring properties. To date (09.12.2021) 36 letters of objection (not including duplicate response from the same objector or address) have been received regarding:

- adverse visual impact; destruction of beautiful old historic building
- impact on character; out of keeping with the area, negative impact on the character of The Parade
- overdevelopment; scale of the proposed blocks of flats are too big for the site
- generation of noise and disruption; increased comings and goings, existing use is a moderate sized family home
- impact on ecology/wildlife etc.; loss of existing orchard and bat roosts
- impact on drainage, flooding etc.
- unnecessary destruction of most of the existing trees and shrubs
- rear garden area lost to hard surfacing/tarmac
- loss of light
- loss of outlook
- loss of privacy; rear balconies will look down onto No's. 7, 8 and 9 The Cressinghams
- overbearing
- traffic/parking implications; increased demand for on-street car parking, more congestion and subsequent detrimental impact on air quality due to increased number of units, no parking for visitors, deliveries, and disabled users, suggestion that underground car parking should be provided
- development should have an exclusion from the RPZ scheme which operates on The Parade
- lack of construction management plan
- contrary to local plan policies e.g. DM11
- restrictive covenant

- improvement on previous scheme in terms of scale and design

Epsom Civic Society: No objections, provided that several conditions are attached. We consider that the classical design is suitable for this location and that the new building will enhance the nature of this delightful location.

6 Consultations

- 6.1 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions. The proposed visibility splays will be an improvement on the existing situation at this access and the applicant has shown evidence that the splays traverse public highway or land in their control. A 1.2 metre wide footway has been agreed to be dedicated as public highway front the whole width of the site. This will provide a continuation of the existing footway along the south of The Parade.

The proposed vehicular and cycling parking provisions are in accordance with the Epsom and Ewell Parking Standards. Future residents at this development will not be able to apply for a local parking permit as the development site is not included in the existing TRO (Traffic Regulations Order).

The CHA considers that the proposal is unlikely to have a material impact on highway safety issues.

Surrey County Council Lead Local Flood Authority (LLFA): The final strategy has not been determined at this stage of the application due to lack of information including ground conditions, specifically infiltration rates and ground water levels. As such, the applicant has proposed alternative drainage strategies: Option 1 – Infiltration based SuDS techniques and Option 2 – Discharge into the public water sewer. We are satisfied that the proposed options for the drainage scheme meet the requirements set out in the aforementioned documents and are content with the development proposed, subject to planning conditions.

Surrey County Council Archaeological Officer: No objections, subject to a planning condition.

Epsom and Ewell Borough Council Contaminated Land Officer: No objections, subject to planning conditions.

Epsom and Ewell Borough Council Design and Conservation Officer: No objections, subject to planning conditions (e.g. section drawings and samples of all external materials including roofing, windows and rainwater goods).

Epsom and Ewell Borough Council Ecology Officer: The submitted ecology report and surveys found that the building is used as a bat roost. The recommendations in the survey report need to be conditions, one condition is to require a plan to set out the detailed proposals developed from the recommendations and a preoccupation condition requiring a report of the successful implementation of the plan.

Epsom and Ewell Borough Council Transport and Waste Services Manager: No objections.

Epsom and Ewell Borough Council Arboricultural Officer: No response received.

7 Relevant Planning History

7.1 None.

8 Planning Policy

The National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS1 Creating Sustainable Communities

Policy CS5 The Built Environment

Policy CS6 Sustainability in New Development

Policy CS7 Housing Provision

Policy CS8 Housing Delivery

Policy CS9 Affordable Housing

Policy CS16 Managing Transport and Travel

LDF Development Management Policies Document (2015)

Policy DM4 Biodiversity and New Development

Policy DM5 Trees and Landscape

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

Policy DM11 Housing Density

Policy DM12 Housing Standards

Policy DM13 Building Heights

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

Technical Housing Standards – Nationally Described Space Standards (2015)

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Revised Sustainable Design SPD (2016)

9 Planning Considerations

9.1 The main issues for consideration in relation to the determination of this application are:

- Principle of Development
- Quality of Accommodation
- Housing Mix
- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Trees and Landscaping
- Biodiversity and Ecology
- Flood Risk and Surface Water Drainage
- Sustainability
- Land Contamination
- Affordable Housing

- Community Infrastructure Levy (CIL)
- Other Matters
- Conclusion/Planning Balance

Principle of Development

- 9.2 Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.3 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.4 Policy CS7 (Housing Provision) of the Council's LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the LDF Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 (including 20% buffer) new residential dwellings per year.
- 9.5 Meeting any increase in the annual housing target will be challenging, by reason that the Borough is mostly comprised of existing built up areas, strategic open spaces or Green Belt, therefore the supply of available development sites is now extremely limited. As such, it is important that available sites are optimised for housing delivery.
- 9.6 Paragraph 3.1 of the Council's Making the Efficient Use of Land – Optimising Housing Delivery Report (2018) states [inter alia] that in order to achieve sustainable housing growth on sites that are available, deliverable and developable, housing should be fully optimised to ensure that the Borough responds positively to the requirement to provide as a minimum for its objectively assessed needs for housing and other development.
- 9.7 The application proposes a net gain of 8 residential units, therefore helping to contribute to these annual housing targets. In addition, the Council are currently unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.

- 9.8 The surrounding area is predominantly residential in character and appearance, therefore current planning policy would not preclude the redevelopment of the site within an already developed urban residential area. As such, the principle of creating additional residential units is acceptable, subject to the below other material planning considerations.

Quality of Accommodation

- 9.9 Policy DM12 (Housing Standards) of the Council's LDF Development Management Policies Document (2015) states that all new developments, including conversions, are required to comply with external and internal space standards.
- 9.10 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.
- 9.11 Paragraph 3.36 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5sqm of private amenity space for 1-2 person units should be provided and an extra 1sqm should be provided for each additional occupant e.g. a 4 person unit would be required to provide a minimum of 7sqm of private amenity space.
- 9.12 The application proposes 1 x 1 bedroom, 6 x 2 bedroom flats and 2 x 3 bedroom flats.

Unit	Number of Bedrooms (b) / Number of Bed Spaces (p)	Minimum Gross Internal Area (GIA)	Proposed GIA	Private Amenity Space (Approx)
1 (GF)	2b/3p	61sqm	72.7sqm	13.5sqm
2 (GF)	2b/3p	61sqm	65.2sqm	16.4sqm
3 (GF)	2b/3p	61sqm	74.5sqm	39sqm
4 (FF)	3b/4p	74sqm	79.2sqm	5sqm
5 (FF)	3b/4p	74sqm	78.5sqm	5sqm
6 (FF)	2b/3p	61sqm	74.5sqm	6.7sqm
7 (SF)	2b/3p	61sqm	61.5sqm	5.1sqm
8 (SF)	1b/2p	50sqm	58.9sqm	5.1sqm
9 (SF)	2b/3p	61sqm	61sqm	7.1sqm

- 9.13 The proposed flats would all either meet or exceed the minimum internal space standards set out in the Nationally Described Space Standards (2015), therefore in terms of GIA would provide adequate living arrangements. It is acknowledged that the outlook and light provision to the master bedroom and bedroom 2 of Unit 2 would be restricted should a boundary fence/wall be erected, however it is considered by reason of the set in distance of approximately 1 metre that there would still be adequate provision.
- 9.14 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that development proposals should (ix) have regard to the amenities of future occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.15 Policy DM12 (Housing Standards) of the Council's LDF Development Management Policies Document (2015) states that amenity space for all new dwellings should be:
- (i) private, usable, functional, safe and bio-diverse;
 - (ii) easily accessible from living areas;
 - (iii) orientated to take account of the need for sunlight and shading;
 - (iv) of a sufficient size to meet the needs of the likely number of occupiers; and
 - (v) provide for the needs of families with young children where the accommodation is likely to be occupied as such.
- 9.16 The proposed flats would all be provided with either a small garden area or a balcony in addition to two small communal amenity areas (approximate total of 45.5sqm) to the front and rear of the site curtilage. It is noted that a number of balconies would fall slightly short of the minimum standards set out in Paragraph 3.36 of the LDF Development Management Policies Document (2015), however the communal amenity space and town centre location is considered to offset the shortfall in private amenity space.
- 9.17 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) and the Technical Housing Standards – Nationally Described Space Standards (2015).

Housing Mix

- 9.18 Policy DM22 (Housing Mix) of the Council's LDF Development Management Policies Document (2015) states that the Council require all residential development proposals for four or more units be comprised of 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.
- 9.19 Chapter 3 (Housing Need Assessment) of the Council's Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.
- 9.20 The proposed housing mix would be 1 (11%) x 1 bedroom flat, 6 (67%) x 2 bedroom flats and 2 (22%) x 3 bedroom flats. It is acknowledged that the housing mix would marginally conflict with Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015), however it must be considered against the requirement to make effective use of land and the site. As such, the failure to fully comply with Policy DM22 (Housing Mix) is given little weight when assessing the proposal as a whole.

Impact upon Character and Appearance of the Area

- 9.21 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment.
- 9.22 Paragraph 130 of the NPPF (2021) sets out that planning decisions should ensure that developments [inter alia] add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.23 Paragraph 134 of the NPPF (2021) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 9.24 Paragraph 3.7.5 of the Council's LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.

- 9.25 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.26 Policy DM11 (Housing Density) of the Council's LDF Development Management Policies Document (2015) states that in principle, the Council will support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area. The density of new housing development will in most cases not exceed 40 dwellings per hectare, however exceptions will be considered if it can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 9.27 In May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded little weight in the presumption of sustainable development.
- 9.28 The site comprises a two storey mid C20 detached dwelling of no historic special significance. Its scale and domestic character reflect the properties to the east of the site which are all residential dwellings of a similar or smaller scale e.g. C19 cottages.

- 9.29 The proposed replacement three storey apartment building would be designed in a traditional form (pastiche Georgian approach) that is considered to reflect and relate to the adjacent Listed Building; The Old Pines. The layout would effectively comprise of two blocks linked together by the vertical circulation (lift and staircase).
- 9.30 It would have a maximum height of approximately 9.25 metres, fully complying with Policy DM13 (Building Heights). The eaves height would be substantially similar to the eaves of The Old Pines. The facades would feature two full storeys with a parapet wall and mansard roof above. The proposed dormers are considered to be modest in scale and would not overwhelm the roofslope. The proposed front block would a width of approximately 12.9 metres and the proposed rear block would have a width of approximately 10.9 metres.
- 9.31 It is evident from Dwg No. P300 Rev H – Proposed Site Plan that the footprint would be substantially larger than the existing footprint with the built form extending further towards the rear of the site curtilage. There are a number of large developments within close proximity to the application site, therefore it is not considered to be out of keeping with the general pattern of development and surrounding urban grain, particularly to the west of the site towards the Town Centre.
- 9.32 The proposal would increase the density of residential development on the site from approximately 11.5 dwellings per hectare (dpha) to approximately 103.4 dpha. This would substantially exceed the 40 dpha set out in Policy DM11 (Housing Density), however this is given less weight in the planning assessment as there is a need to optimise sites and it is inconsistent with the objectives of the NPPF (2021). The proposed density is considered to relate to the higher densities leading back to the Town Centre.
- 9.33 There is not considered to be any significant impact upon the setting of the adjacent Grade II Listed Building.
- 9.34 The choice of materials will be particularly important in terms of designing a high quality development and to ensure that the design is appropriate within the surrounding local context. The proposed materials and finishes would comprise of red/orange multi colour brickwork, pointed with a paler mortar for the external walls, natural slate tiles for the roof, lead cheeks to the dormers and painted timber windows and doors. These are considered contextually appropriate, however it is considered that further details should be secured via a planning condition (as requested by the Council's Design Officer) to ensure a high quality appearance of completion of the development.

- 9.35 As such, it is considered that the design, scale and massing of the proposal would make a positive contribution to the character and appearance of the surrounding area and would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 9.36 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.
- 9.37 The proposed apartment building would be located approximately 4.2 metres from the side shared boundary with The Cressinghams, and in excess of 20 metres from the front elevation windows of No's 1-3 The Cressinghams.
- 9.38 The proposed apartment building would be located approximately 1 metre from the side shared boundary with the parcel of land between the application site and The Old Pines.
- 9.39 The proposed apartment building would be located between approximately 7.8 metres and 8.7 metres from the rear shared boundary, nearest to No. 10 The Cressinghams.
- 9.40 The proposed apartment building, by reason of its siting in relation to the neighbouring built form, is not considered to give rise to any significant impact in terms of overbearing, loss of daylight/sunlight, overshadowing or loss of outlook. There may be some overshadowing to No. 7 The Cressinghams in the morning due to the site orientation, however any impact would be minimal and not significant enough to warrant grounds for refusal.
- 9.41 It is considered that there may be some increased intervisibility between the proposed east and south flank elevation first and second floor windows and the existing front elevation windows of No's. 1-9 The Cressinghams, however it is considered that the distance is sufficient as to not give rise to any significant overlooking or loss of privacy. Furthermore, the proposed windows and balconies would be at an oblique angle to No's. 7-9 The Cressinghams, however to further mitigate any overlooking or loss of privacy impacts it is considered that the side west edge of the balconies shall incorporate a suitable privacy screen. This aspect will be secured via a planning condition. There is not considered to be any undue overlooking or issues regarding privacy to the private rear gardens of the properties located in The Cressinghams.

- 9.42 There would be some overlooking into the rear of The Old Pines, however as the rear is hardstanding with dedicated car parking spaces, there is not considered to be any impact upon neighbouring residential amenities.
- 9.43 There would be more comings and goings in comparison to the existing set up, however any increase in noise and disturbance would be compatible within a residential setting and would not be significant enough to warrant grounds for refusal.
- 9.44 As such, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Highways, Parking and Cycle Parking

- 9.45 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.46 Policy CS16 (Managing Transport and Travel) of the Council's LDF Core Strategy (2007) states [inter alia] that development proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.47 Policy DM37 (Parking Standards) of the Council's LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.48 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) requires a minimum 0.75 space per 1 and 2 bedroom flats and 1 space per 3+ bedroom flats for development within Epsom Town Centre. As such, in accordance with Table 1 the proposal should provide a minimum of 7.5 car parking spaces.
- 9.49 Dwg No. P300 Rev H – Proposed Site Plan demonstrates that the proposal would be provided with 9 car parking spaces, therefore complying with the above standards. There is concern that the proposal would increase on-street car parking demand/stress, however the CHA have advised that future residents would not be able to apply for a local parking permit as the development site is not included in the existing Traffic Regulations Order (TRO).

- 9.50 Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 1 cycle space for 1 and 2 bedroom units and 2 cycle spaces for 3 or more bedroom units. As such, the proposal should provide a minimum of 12 cycle parking spaces.
- 9.51 Dwg No. P300 Rev H – Proposed Site Plan demonstrates a covered bike storage located on the west side of the site accessed through the central lobby to improve security.
- 9.52 Surrey County Council Highway Authority raised no objections to the proposal, subject to planning conditions.
- 9.53 As such, it is considered that the proposal would not give rise to any severe highway impacts and would comply with the NPPF, Policy (CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

Refuse and Recycling Facilities

- 9.54 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 9.55 The proposed refuse and recycling facilities stores would be located near to the respective entrances (on The Parade and adjacent to the shared boundary with The Cressinghams) and would be able to accommodate the following:
- 6 x 1100L refuse/recycling bins
 - 4 x 240L glass recycling bins
 - 2 x 180L food waste recycling bins
- 9.56 The applicant has confirmed that all bins can be placed in the bin collection area (on The Parade frontage) at the same time. The placement of bins at the bin collection area will be the responsibility of the residents of the building either directly or through the management company.
- 9.57 The Council's Transport and Waste Services Manager has confirmed that the proposal is acceptable.
- 9.58 As such, it is considered that the proposal would comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016)

Trees and Landscaping

- 9.59 Policy DM5 (Trees and Landscape) of the Council's LDF Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 9.60 It is imperative that where possible every effort is made to incorporate as much soft landscaping as possible to avoid an over dominance of hard landscaping.
- 9.61 The applicant has submitted an Arboricultural Impact Assessment & Method Statement [prepared by ACD Environmental].
- 9.62 The following trees are to be removed to facilitate the development:
- T2 – Leyland Cypress (Category C)
 - T3 – Italian Cypress (Category C)
 - T4 – Honey Locust (Category C)
 - T6 – Yew (Category C)
 - T8 – Sour Cherry (Category C)
 - T10 – Persian Ironwood (Category C)
 - T11 – Indian Bean Tree (Category C)
 - T13 – Variegated Chinese Privet (Category C)
- 9.63 The following trees are to be pruned to facilitate the development:
- T5 – Locust Tree (approximately 1 metre reduction to the western aspect of crown)
 - T7 – Blue Atlas Cedar (approximately 1.5 metres to the eastern aspect of crown)

- 9.64 The proposal would comprise of some replacement tree planting and other soft landscaping. There would be three cherry trees (two within the front amenity space and one within a private garden) along the frontage with The Parade and a further two unspecified trees within the rear amenity space. There would also be native hedging and other shrubbery throughout the site.
- 9.65 It is acknowledged that there would be a loss of soft landscaping, particularly to the rear of the site, however it is considered that the replacement tree planting and shrubbery would help mitigate against the loss. The existing trees within the site are not subject to any Tree Preservation Orders.
- 9.66 The loss of the existing trees and soft landscaping (rear lawn) is given minor negative weight.
- 9.67 It is considered that further details of hard and soft landscaping should be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Biodiversity and Ecology

- 9.68 Policy CS3 (Biodiversity) of the Council's LDF Core Strategy (2007) states [inter alia] that wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 9.69 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) states that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if [inter alia] the development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site.
- 9.70 Policy DM4 (Biodiversity and New Development) of the Council's LDF Development Management Policies Document (2015) further sets out that development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 9.71 The applicant has submitted a Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants]. The report states that the building was assessed to have 'moderate' potential to support bat roosts. It states that enhancements including green roofs, living walls and invertebrate boxes are recommended to increase the biodiversity at the site, to provide benefits to invertebrates and foraging bats and birds. It is considered that these ecological enhancements should be secured via a planning condition.
- 9.72 As such, it is considered, subject to further information secured via a planning condition, that the proposal would comply with Policy CS3 (Biodiversity) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

Flood Risk and Surface Water Drainage

- 9.73 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.
- 9.74 Paragraph 168 of the NPPF (2021) sets out that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 9.75 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that the Council will ensure that new development avoids increasing the risk of, or from, flooding.
- 9.76 Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015) states [inter alia] that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 9.77 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the front and west of the site curtilage is located within a Critical Drainage Area. The site is 0.0835 hectares in size.
- 9.78 The applicant has submitted 201322/FRA/MK/RS/01 Rev B Flood Risk Assessment [prepared by Lanmor Consulting].

- 9.79 The Lead Local Flood Authority (Surrey County Council) have reviewed the submitted Flood Risk Assessment and have raised no objections, subject to planning conditions. As such, it is considered that the proposal would comply with the NPPF (2021), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

Sustainability

- 9.80 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.81 It is considered that environmental sustainability should be integral to all development.
- 9.82 It is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2021), Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) and Policy CS6 of the LDF Core Strategy (2007).

Land Contamination

- 9.83 Paragraph 185 of the NPPF (2021) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.84 Policy DM17 (Contaminated Land) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 9.85 The Council's Contaminated Land Officer has reviewed the proposal and stated that a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off site is needed. This aspect will be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015)

Affordable Housing

- 9.86 The proposal is for 9 residential units with a floorspace of less than 1,000sqm (835sqm), therefore it is not appropriate to seek affordable housing contribution from this small scale development (NPPG).

Community Infrastructure Levy (CIL)

- 9.87 The proposal would be CIL liable.

Other Matters

- 9.88 The concern about a restrictive covenant raised in the third party representations is not a material consideration. This is a private matter between the owner of the site and those wishing to enforce the covenant(s).

Conclusion/Planning Balance

- 9.89 Paragraph 11(d) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.90 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.91 The provision of 9 residential units (a net gain of 8 units) each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 9.92 In addition, other benefits must be identified, these being economic from the construction project and CIL.
- 9.93 Taking all the matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the minor negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

CONDITION(S):

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

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

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

E100 Rev B Location Plan and Block Plan (Received 03/12/2021)
P300 Rev H Proposed Site Plan (Received 03/12/2021)
P301 Rev C Proposed Ground Floor Plan (Received 03/12/2021)
P302 Rev C Proposed First Floor Plan (Received 03/12/2021)
P303 Rev C Proposed Second Floor Plan (Received 03/12/2021)
P304 Rev A Proposed Roof Plan (Received 03/12/2021)
P310 Rev B Proposed North Elevation (Received 03/12/2021)
P311 Rev B Proposed East Elevation (Received 03/12/2021)
P312 Rev C Proposed West Elevation (Received 03/12/2021)
P313 Rev A Proposed South Elevation (Received 03/12/2021)
P350 Rev B Proposed Street Elevation (Received 03/12/2021)
2021/5827/005 Rev P2 Delivery Vehicle Swept Path Analysis (Received 08/12/2021)
201322/FRA/MK/RS/01 Rev B Flood Risk Assessment (Received 21/10/2021)
Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants (Received 27/04/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, details and samples of all external materials (including roofing, windows and rainwater goods) to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (5) Before any beneficial use of the proposed first and second floor balconies serving Units 6 and 9 hereby permitted, details of an appropriate privacy screen along the side west edge of the balcony (nearest to the shared boundary with No. 7 The Cressinghams) shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed prior to beneficial use and shall be thereafter retained as such.

Reason: In order to ensure the privacy and visual amenities of the adjoining residential occupiers is retained in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (6) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (7) Prior to above ground works, details of a scheme of hard and soft landscaping (to include appropriate replacement trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the National Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.9l/s for the 1 in 1 year rainfall event and 2.9 l/s for the 1 in 100 year (+CC) rainfall event.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the National Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (9) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water

drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy CS6 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (10) No part of the development shall be first occupied unless and until the proposed modified access to The Parade has been constructed and provided with visibility zones in accordance with the approved plans (Dwg No. P300 Rev H) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metre high.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Dwg No. P300 Rev H) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (12) No development shall commence until a Construction Transport Management Plan, to include details of:

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

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (13) Prior to the first occupation of the development a Sustainable Travel Information Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers. The approved Sustainable Travel Information Pack shall be issued to the first-time and any future occupier thereafter of each dwelling, prior to first occupation.

The pack should include:

- Details of local public transport services and location of rail stations and local bus stops
- Details of lift sharing schemes
- Maps showing local walking and cycling routes and maps showing accessibility to public transport, schools and local community facilities
- Information to promote the take-up of sustainable travel

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (15) The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (16) Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

- (i) a 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 scope and detail of these are subject to the approval in writing by the Local Planning Authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

Reason: To 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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (17) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 16 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

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

Reason: To ensure that 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (19) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of archaeological significance and to accord with Paragraph 205 of the NPPF (2021).

- (20) Prior to above groundworks a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To safeguard and enhance biodiversity in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

INFORMATIVE(S):

- (1) 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) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) When undertaking demolition and/or 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) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".
- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway

surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- (7) Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause 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.

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Ward:	Town Ward;
Site:	107-111 East Street, Epsom, Surrey, KT17 1EJ
Application for:	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage
Contact Officer:	Euan Cheyne

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1KUEZGYLZN00>

2 Summary

- 2.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 2.2 The application seeks planning permission for the demolition of the existing buildings and erection of a part 3 storey, part 4 storey stepped building comprising 21 residential flats (7 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage.
- 2.3 The proposal is not able to viably provide a policy compliant provision of 8.4 affordable units, based upon current costs and values. A review mechanism will be secured via a S106 legal agreement which will allow for an appraisal which reflects actual costs and values and the opportunity for an additional contribution as schemes may become more or less viable over time.
- 2.4 The proposed part 3, part 4 storey building would substantially increase the height and footprint of the existing development upon the site. The design of the proposed building is considered acceptable, subject to further details and finishes being secured by a planning condition, and would not have a harmful impact upon the character and appearance or visual amenities of the surrounding area.

- 2.5 The proposal would provide 25 cycle spaces and 16 on-site car parking spaces; a shortfall of 7 on-site car parking spaces. The applicant has submitted a Transport Statement which states that the proposed 16 on-site car parking spaces would match the identified census (2011) level of car ownership and given the sustainable location that there is sufficient on-site car parking. Surrey County Council Highway Authority have raised no objections.
- 2.6 The site would be accessed via an access road off Kiln Lane. The access road would be widened from approximately 4.2 metres to 5 metres which is considered to be of sufficient width to accommodate two cars to pass at the site entrance. A dedicated footpath with a width of between approximately 1.5 metres and 3 metres would be provided adjacent to the access road.
- 2.7 The refuse/recycling bins would be stored in two dedicated bin stores on the lower ground level and would be moved to a holding pen at ground floor level by a private management company prior to collection from the Council on East Street.
- 2.8 There is a presumption in favour of granting sustainable development unless the application of policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.9 **The application is recommended for APPROVAL subject to planning conditions being imposed and a legal agreement.**

3 Site Description

- 3.1 The site is 0.124 hectares in size and comprises a single storey detached bungalow and a two storey detached property, sub-divided into self-contained flats, located on a corner plot on the north west side of East Street and the north east side of Kiln Lane.
- 3.2 The site is located within a prominent position with its frontage facing both East Street and Kiln Lane. It is also visible from Middle Lane. The site is mixed in character and appearance, however it is predominantly surrounded by two and three storey residential buildings. There are a number of flatted developments in close proximity. The site is located approximately 190 metres from the edge of the Town Centre Boundary.
- 3.3 The site is currently accessed via East Street (No. 111 East Street) and via a short cul-de-sac at the rear accessed from Kiln Lane which serves the site and the neighbouring properties. The rear access road is owned by Epsom and Ewell Borough Council.
- 3.4 The ground level slopes down considerably from East Street to the rear of the site by approximately 2.7 metres.

- 3.5 The site does not contain a Listed Building and is not located within a Conservation Area. The site is located within EA Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site does not contain any Tree Preservation Orders (TPOs).

4 Proposal

- 4.1 The application proposes the demolition of the existing buildings and the erection of a part 3 storey, part 4 storey building comprising 21 residential flats (7 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage.
- 4.2 The proposed building would be broken down into a number of block types as illustrated in the image (Figure 1) below:

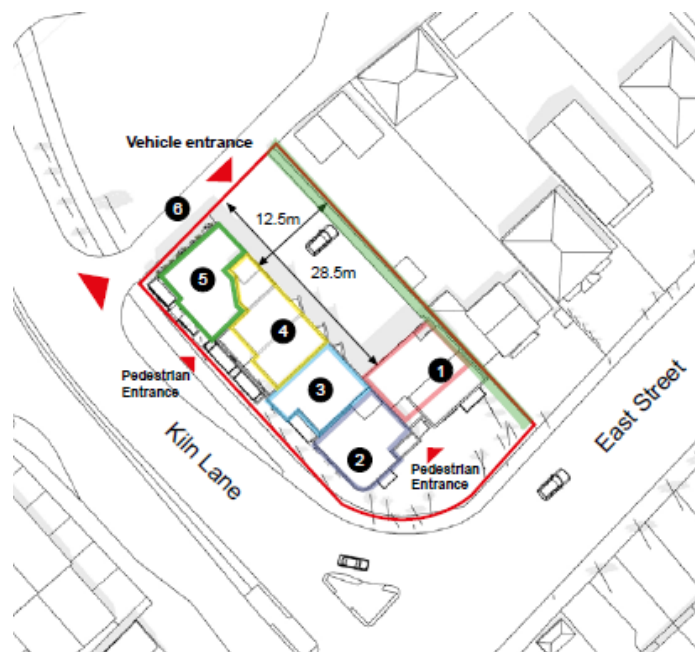


Figure 1: Diagram Site Entrances, Massing and Key Dimensions

- 4.3 The proposed building would have an L-shaped footprint and would have a width of approximately 22.5 metres (East Street frontage) and 39.2 metres (Kiln Lane Frontage). It would be designed with a flat roof form and would have a staggered height of between approximately 9.33 metres and 13.15 metres measured from the Ground FFL on East Street. The staggered height seeks to integrate with the surrounding street context which typically features two and three storey buildings.
- 4.4 The external finish of the building would primarily comprise of two tones of brickwork, yellow and red.

5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 24 neighbouring properties. 4 letters of objection (including 2 from the same address) have been received to date (15/12/2021) regarding:

- adverse visual impact
- impact on character
- design
- overbearing
- overshadowing
- loss of daylight/sunlight
- loss of outlook
- loss of privacy
- noise and disturbance
- traffic/parking implications; increase in on-street parking pressure where surrounding roads are already highly congested; the amount of parking proposed is inadequate
- highway and pedestrian safety concerns
- impact on ecology/wildlife; fail to see how there is a net gain in biodiversity
- lack of need for flats of this type in the local area, by reason that there are at least 15 flats for sale on East Street
- failed to sufficiently address any of the four previous reasons for refusal
- inaccuracies with submitted application form/documentation (existing housing typology/units, existing trees/hedges, existing access, sunlight report etc.)

A neutral representation was received question the tone colour of the brickwork and the boring, uninspiring square block with no 'pretty or character' features.

Epsom Civic Society: Objection. Not entirely convinced that refusal reasons 1 (unsatisfactory road access) and 2 (insufficient car parking) are fully overcome. Refusal reasons 3 (bulk and mass) and 4 (absence of affordable housing) have not been addressed. Too much is being crammed into the site; a scheme of much lesser intensification is required.

Epsom Town Resident's Association: Objection. The whole proposal makes no positive contribution to the locality, and represents a significant loss of green space and biodiversity. The design is poor quality and out of character with prevailing two storey properties, adverse impact on neighbouring residential amenities, lack of affordable/social housing, unsuitable housing mix, inadequate pedestrian and cyclist access, inadequate private amenity space.

- 5.3 A number of planning site notices were displayed in close proximity to the site on 10/11/2021.

6 Consultations

- 6.1 **Epsom and Ewell Borough Council (EEBC) Design and Conservation Officer:** No objections, subject to planning conditions. The proposal is acceptable in design terms and would enhance the present townscape in materials and with a massing that is compatible with local character as required by Policy DM9. It will contribute to the local distinctiveness and local character of the street. It should also add to the overall quality of the area and establish a strong sense of place as required by Paragraph 130 of the NPPF (2021).
- 6.2 **EEBC Arboricultural Officer:** No objections.
- 6.3 **EEBC Ecology Officer:** The surveying has been completed which is good. The reports both outline a number of proposed mitigated and enhancement recommendations. A report of the actual mitigation/enhancement that is proposed and a plan of its implementation is required.
- 6.4 **EEBC Transport & Waste Services Manager:** No objections.
- 6.5 **EEBC Environmental Health Officer:** No response received.
- 6.6 **EEBC Contaminated Land Officer:** No objections, subject to planning conditions.
- 6.7 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions.

The applicant has carried out a Stage 1 Road Safety Audit to assess the use of this access and proposed modifications to the access. The Road Safety Audit has picked up a number of items which will be addressed at detailed design stage when a request for S278 Agreement is submitted to the CHA for to the highway. The proposals include widening of the existing private access road to a width of 5 metre to assist turning movements.

16 car parking spaces are proposed to serve the residential units. In accordance with Epsom and Ewell's Parking Standards this is a shortfall of 7 car parking spaces. Given the adequate on street parking restrictions within the vicinity of the application site, and sustainable nature of the application site the CHA raises no objection to the application on these grounds.

The applicant has engaged in discussion with the County Highway Authority and Epsom and Ewell refuse collection team. It is proposed that waste will be collected directly from East Street, as per the existing waste collection arrangements for the existing dwellings on East Street. The CHA raises no objection to this proposal.

As parking spaces are to be allocated the CHA recommends that all car parking spaces are provided with electric vehicle charging infrastructure.

- 6.8 **Lead Local Flood Authority (SuDS):** No objections, subject to recommended planning conditions.

7 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
20/00797/FUL	12/08/2021	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage	Refused, Appeal Lodged
20/00514/FUL (107 East Street)	28/04/2020	Erection of single storey rear extension	Permitted
20/00375/PDE (107 East Street)	06/04/2020	Erection of single storey rear extension (4.1m in depth, maximum height of 3m and eaves height of 3m)	Refused
20/00221/FUL (117 East Street)	02/04/2020	<i>Amendments to approved scheme (18/01513/FUL) to allow for a loft conversion to provide an additional flat</i>	<i>Permitted</i>
18/01150/FUL (111 East Street)	28/03/2019	Amendments to 17/00244/FUL	Permitted
18/01513/FUL (117 East Street)	22/03/2019	<i>Redevelopment and refurbishment of the site to provide 7no. self-contained flats with associated parking, amenity space, refuse store and cycle store</i>	<i>Permitted</i>
18/00714/FUL (111 East Street)	10/10/2018	Demolition of bungalow and erection of a two storey building comprising of 1 x 3 and 3 x 2 bedroom flats and associated parking	Refused
17/00244/FUL (111 East Street)	21/11/2017	Demolition of bungalow and erection of a two storey building comprising 1 x 3 and 3 x 2 bedroom flats with associated parking	Permitted

8 Planning Policy

National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS1	Creating Sustainable Communities
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Development
Policy CS7	Housing Provision
Policy CS8	Housing Delivery
Policy CS9	Affordable Housing
Policy CS16	Managing Transport and Travel

LDF Development Management Policies Document (2015)

Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM13	Building Heights
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Technical Housing Standards – Nationally Described Space Standards (2015)

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Surrey Design: A Strategic Guide for Quality Built Environments: Technical
Appendix (2002)

Revised Sustainable Design SPD (2016)

9 Planning Considerations

9.1 The main planning considerations material to the determination of this application are:

- Principle of Development
- Impact upon Character and Appearance of the Area
- Impact upon Neighbouring Residential Amenities
- Affordable Housing
- Quality of Accommodation
- Housing Mix
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Landscaping
- Biodiversity and Ecology
- Sustainability
- Flood Risk and Surface Water Drainage
- Land Contamination
- Community Infrastructure Levy (CIL)
- Legal Agreements

Principle of Development

Presumption in Favour of Sustainable Development

- 9.2 The National Planning Policy Framework (NPPF) was updated in July 2021 and sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 9.3 The site is located within a built up area and does not affect any assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF (2019). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 9.4 In accordance with Paragraph 12 of the NPPF (2021), development proposals that 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.

- 9.5 Paragraph 11d of the NPPF (2021) is engaged via Footnote 7 in circumstances, for applications involving the provision of housing, where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. The practical application and consequence of this is that unless the site is located 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 impact would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Housing Need

- 9.6 Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.7 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.8 Policy CS7 (Housing Provision) of the LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 new residential dwellings per year under the Housing Delivery Test.
- 9.9 Meeting any increase in the annual housing target will be challenging, by reason that the Borough is mostly comprised of existing built up areas, strategic open spaces or Green Belt, therefore the supply of available development sites is now extremely limited. As such, it is important that available sites are optimised for housing delivery.
- 9.10 The surrounding area is predominantly residential in character and appearance, therefore current planning policy would not preclude such types of developments. As such, given the significant housing need within the Borough, it is considered that the redevelopment of this site at a higher density creating additional residential units within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

Impact upon Character and Appearance of the Area

- 9.11 The National Planning Policy Framework (NPPF) (2019) attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 9.12 Paragraph 3.7.5 of the LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.13 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 9.14 Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) states that in principle, the Council will support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area. The density of new housing development will in most cases not exceed 40 dwellings per hectare, however exceptions will be considered if it can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 9.15 It is acknowledged that the proposed 21 dwellings would substantially exceed the 40 dwellings per hectare (approximately 156dpha (21/0.135ha proposed)), however this is given less weight in the planning assessment as there is a need to optimise available sites and it is inconsistent with the objectives of the NPPF (2021).
- 9.16 Policy DM13 (Building Heights) of the LDF Development Management Policies Document (2015) states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations. It is acknowledged that although the site falls outside the Town Centre Boundary it is nevertheless located approximately 190 metres from the edge of the Town Centre Boundary and therefore the above policy is applicable.
- 9.17 In May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded little weight in the presumption of sustainable development.
- 9.18 The site is located within a prominent position with its frontage facing both East Street and Kiln Lane. It would also be visible from Middle Lane. The immediate area consists of two and three storey detached, semi-detached and terraced properties (some sub-divided into self-contained flats) of varying architectural style, however there are a number of flatted developments in close proximity.

- 9.19 The existing detached bungalow and two storey detached property would be demolished and along with the wider site curtilage be replaced with a two – four storey stepped building of a contemporary design. The proposed building would be broken down into a number of block types. It would have a staggered height of between approximately 9.33 metres and 13.15 metres measured from the Ground FFL on East Street. It would be designed with a flat roof form with a varied roofline of setbacks and integral balconies/terraces (upper floors) and private terraces (ground floor). The design of the proposed building is illustrated in the images (see Key Views 1 and 2) below:



Key View 1: East Street looking at junction with Kiln Lane



Key View 2: East Street looking north at junction to Kiln Lane

- 9.20 It is evident that the proposal would be of a much higher density in comparison to the existing built form. The proposed building would have a meaningful visual gap between the two/three storey block and the corner block, a curved corner feature and a staggered elevation building line with integral balconies. The stepped design, incorporating the fall in street level (see Figure 2 below) along with the pushing and pulling of the façade with deep recessed balconies are considered to help break down the bulk and mass of the building.



Figure 2: Kiln Lane

- 9.21 It is acknowledged that the proposed maximum height of approximately 13.15 metres would exceed the 12 metre height considered appropriate in Policy DM13 (Building Heights), however again this is given less weight in the planning assessment as there is a need to optimise available sites and it is inconsistent with the objectives of the NPPF (2021). Furthermore, each application is considered on a case by case basis and on its own individual merits.
- 9.22 In terms of local context, there is a three storey apartment block (Acer House) on East Street on the opposite side of Kiln Lane and from the application site and diagonally from the application site and on the opposite side of East Street is a newly constructed four storey apartment block (Epsom Reach/former Kings Arms Public House) extending to an approximate height of 13.4 metres. It is considered that the proposed density and height of the proposal would relate to the higher densities in East Street, particularly leading back to the Town Centre.
- 9.23 The choice of materials are particularly important in terms of designing a high quality development and to ensure that the design is appropriate within the surrounding local context helping to develop a modern vernacular for the edge of the town centre. The external finish of the building would primarily comprise of two tones of brickwork, yellow and red, which would be reflective of the surrounding area where a variety of different brickwork tones are used. It would also help break up the massing of the proposed building and avoid the long elevation becoming monotonous. The proposed materials are considered acceptable in principle, however to ensure a high quality appearance upon completion of the development further information on all proposed materials and finishes (including boundary treatment) will be secured via a planning condition.
- 9.24 It is considered that the design, scale and massing of the proposal, whilst clearly visible within the streetscene, would make a positive contribution to the character and appearance of the surrounding area, and would comply with the NPPF (2021), Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenity

- 9.25 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.
- 9.26 The proposed building would be stepped in height away from the shared boundary with No. 113 East Street. Block Type 1 (part two, part three storey in height) would be located approximately 0.5 metres from the shared boundary with No. 113 East Street. Block Type 2, 3 and 4 (four storey in height) would be located approximately 12.5 metres from the shared boundary with No. 113 East Street.
- 9.27 The proposed boundary treatment to the rear with No. 113 East Street would comprise of a low level brick wall to the inside face of the existing approximate 1.9 metre neighbouring fence and an approximate 2.5 metre (measured from the car park level) high boundary hedgerow planting.

Daylight and Sunlight

- 9.28 The application has submitted a Daylight and Sunlight Report [prepared by Waterslade].
- 9.29 The Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' by Paul Littlefair is the normal criteria adopted when assessing the sunlight and daylight impact of new development on existing buildings.
- 9.30 It is usual to only consider the main habitable spaces (i.e. living rooms, bedrooms and kitchens) within residential properties. As such, the following properties have been considered (applicant's assessment in italics):

- No. 113 East Street

The assumed habitable room assessed within this property experiences a small proportional VSC reduction of 11% to a rear window, which is well within the 20% allowance specified in the BRE guidelines. This combined with the excellent retained VSC of 35%, means that the impact comfortably complies with the BRE guidelines.

- No. 103B East Street

The assumed habitable room assessed within this property experiences a negligible reduction in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

- No's. 1, 3, 5, 7, 9 and 11 Kiln Lane

The assumed habitable rooms assessed within these properties experience small proportional VSC reductions of between 7% and 10%, which is well within the 20% allowance specified in the BRE guidelines. This combined with the excellent retained VSCs of around 33%, means that the impact comfortably complies with the BRE guidelines.

- Chossy House, No. 168 East Street

The assumed habitable rooms assessed within this property experience negligible reductions in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

- No's 1 and 2 Ede Court

The assumed habitable rooms assessed within these properties experience negligible reductions in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

Overshadowing

- 9.31 The BRE guidance suggest that for an amenity area, e.g. garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive two hours of sunlight on 21st March (21st March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria).

- No. 113 East Street

- 9.32 *Drawing W1242_SHA_01 shows the percentage of the neighbouring garden that receives at least two hours of direct sunlight on March 21st before and after development. The results show that the garden of 113 East Street achieves 74% after development, which comfortably exceeds the BRE recommended target of 50%. Therefore, the overshadowing impact of the proposed development fully complies with the BRE guidelines.*

Privacy/Overlooking

- 9.33 The proposed building has been designed so that the private amenity space (balconies/terraces) has been sited so they face East Street and Kiln Lane. It is stated that most habitable room windows and balconies would be located on the north west, south east and south west elevations, however some bedroom windows would be located on the north east elevation facing No. 113 East Street. These windows would be of an oriel design angled away from No. 113 East Street.
- 9.34 It is considered that consideration has been given to minimise any undue overlooking and loss of privacy and there would be no direct overlooking into neighbouring habitable room windows, therefore any impact is not considered to be significant enough to warrant grounds for refusal.

- 9.35 The proposed separation distance between the proposed balconies and the front windows on No's. 1, 3, 5, 7, 9 and 11 Kiln Lane would be in excess of 30 metres. It is considered, by reason of this separation distance, that there would not be any undue overlooking or significant loss of privacy to the properties located on Kiln Lane.

Outlook

- 9.36 The proposed side flank elevation wall of the four storey block would be located approximately 12.5 metres from the shared boundary with No. 113 East Street. It is considered that there would be some visual impact and loss of outlook, however by reason of the set in distance, any impact is not considered to be significant enough to warrant grounds for refusal.

Noise and Disturbance

- 9.37 It is acknowledged that the proposed building would result in an increased number of comings and goings in comparison to the existing arrangements, however the level of noise would not be unusual within a built up environment adjacent to an 'A' classified road.
- 9.38 The submitted Daylight and Sunlight Report concludes that *the level of daylight and sunlight impact to all assumed habitable rooms assessed within the neighbouring properties, and the overshadowing impact to the rear garden of [No.] 113 East Street, is very small and fully compliant with the BRE guidelines.*
- 9.39 It is concluded that Officers accept the findings of the Daylight and Sunlight Report and Shadow Path Analysis submitted by the applicant. The proposal is not considered to diminish the living conditions of any neighbouring occupiers to an extent that would be material or warrant grounds for refusal. As such, it is considered that the proposal would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Affordable Housing

- 9.40 Paragraph 63 of the NPPF (2021) states that where a need for housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objectives of creating mixed and balanced communities

- 9.41 Paragraph 65 of the NPPF (2021) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, 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.
- 9.42 Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) states that the Council has a target that overall, 35% of new dwelling should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.
- 9.43 In this regard, to be fully compliant, the proposal would be required to provide 8.4 affordable units.
- 9.44 Paragraph 3.12.11 of the LDF Core Strategy (2007) states that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 9.45 The applicant, DWD, have undertaken a viability appraisal, submitted in support of the planning application. This concluded that the proposed scheme would result in a deficit of circa. £1,320,000 and therefore the scheme cannot viably deliver any on-site affordable housing or provide an off-site affordable in lieu payment. The applicant's viability appraisal has been independently reviewed by a viability assessor, BPS, on behalf of the Council.
- 9.46 BPS have concluded that the scheme shows a deficit of circa. £165,132, which is a significant improvement in viability against DWD's position, but still a 'non-viable' position that suggests the scheme cannot viably contribute towards affordable housing based upon current costs and values. The recent increases in construction costs are a key reason for this deficit compared to the conclusions made in BPS's reporting of the previously refused scheme (ref. 20/00797/FUL).
- 9.47 BPS have recommended that a review mechanism is included in the S106 agreement, to be worded as follows:
- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- 9.48 A review mechanism can offer several advantages e.g. an appraisal which reflects actual costs and values and the opportunity for an additional contribution as schemes may become more or less viable over time.

- 9.49 The net gain provision of 18 residential units, although without a policy compliant level of affordable housing is a benefit, which weighs in favour of the proposal in the planning balance. The lack of a policy compliant level of affordable housing is given minor negative weight.

Quality of Accommodation

- 9.50 Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) states that all new housing developments, including conversions, are required to comply with external and internal space standards.
- 9.51 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.
- 9.52 Paragraph 3.36 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5sqm of private amenity space for 1-2 person units should be provided and an extra 1sqm should be provided for each additional occupant e.g. a 4 person unit would be required to provide a minimum of 7sqm of private amenity space.
- 9.53 The application proposes 7 x 1 bedroom flats, 10 x 2 bedroom flats and 4 x 3 bedroom flats.

Flat	Number of Bedrooms (b) / Number of Bed Spaces (p)	Gross Internal Area (GIA)	Private Amenity Space
G-01	1b/2p	50sqm	8sqm
G-02	1b/2p	55sqm	17sqm
G-03	1b/2p	50sqm	11sqm
1-02	1b/2p	50sqm	6sqm
1-06	1b/2p	50sqm	5sqm
1-07	1b/2p	51sqm	5sqm
2-02	1b/2p	50sqm	6sqm
1-01	2b/3p	62sqm	6sqm
1-03	2b/3p	61sqm	6sqm
1-04	2b/3p	61sqm	6sqm
2-01	2b/3p	62sqm	6sqm
2-03	2b/3p	61sqm	6sqm
2-04	2b/3p	61sqm	6sqm
2-06	2b/3p	62sqm	40sqm
3-01	2b/3p	73sqm	14sqm
3-02	2b/3p	68sqm	6sqm
3-03	2b/3p	61sqm	11sqm

G-04	3b/4p	78sqm	35sqm
G-05	3b/4p	86sqm	30sqm
1-05	3b/4p	74sqm	8sqm
2-05	3b/4p	74sqm	8sqm

- 9.54 The proposed flats would all either meet or exceed the minimum internal and external space standards set out in the Nationally Described Space Standards (2015), therefore providing adequate living and private amenity arrangements. The ground floor flats would be provided with a small garden space and the upper floor flats would be provided with either a balcony or terrace.
- 9.55 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) and the Technical Housing Standards – Nationally Described Space Standards (2015).

Housing Mix

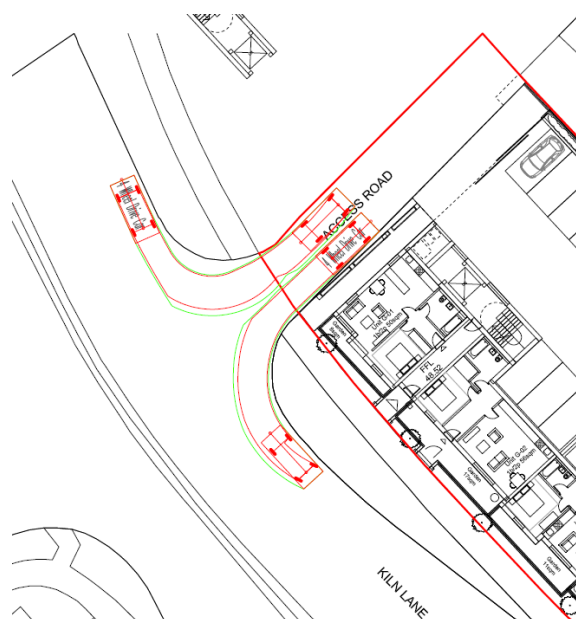
- 9.56 Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015) states that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 9.57 Chapter 3 (Housing Need Assessment) of the Council's Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.
- 9.58 The proposed housing mix would be 7 (33%) x 1 bedroom units, 10 (48%) x 2 bedroom units and 4 (19%) x 3 bedroom units. It is acknowledged that the housing mix for 3+ bedroom units would be slightly short of that set out above, however by reason that the proposal is located within a sustainable town centre location and that the proposal is flatted development, it is considered that the housing mix is appropriate within this location. Furthermore, the mix of units includes a majority of 2 bedroom units suitable for small families.
- 9.59 The housing mix not being fully policy compliant is given negative minor weight.

Highways, Parking and Cycle Parking

- 9.60 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

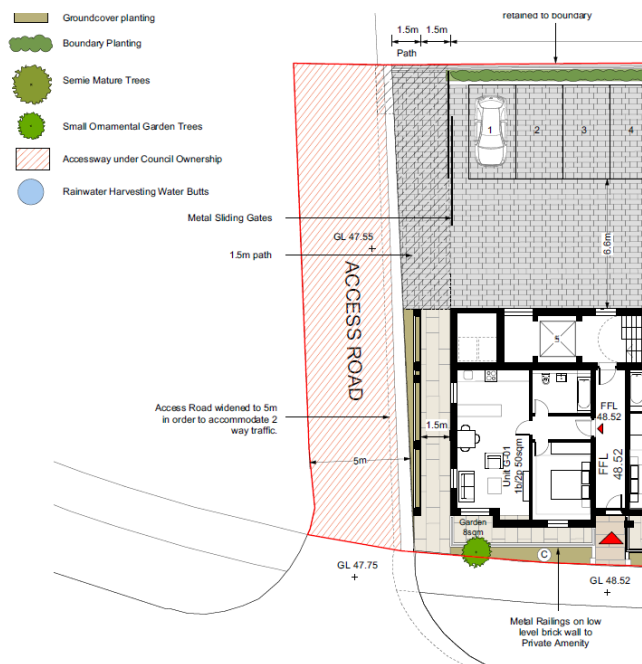
- 9.61 Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.62 Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of streetscene or availability of on-street parking.
- 9.63 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) states that 1 & 2 bedroom flats require a minimum of 1 off-street car parking space and 3+ bedroom flats require a minimum of 1.5 car parking spaces. As such, in accordance with Table 1 the proposal should provide a minimum of 23 car parking spaces.
- 9.64 The proposal would be provided with 16 on-site car parking spaces. As such, in accordance with Table 1 there is a shortfall of 7 on-site car parking spaces. The applicant has submitted a Transport Statement (Job Number 2688, Rev F). It concludes, by way of robustly justifying the shortfall, that the proposed 16 on-site car parking spaces proposed matches the identified census (2011) level of car ownership and given the sustainable location that there is sufficient parking proposed on-site and as a result overspill parking will not be required. It is considered that future occupiers would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including train, bus, cycling and walking. Furthermore, it is considered that the proposal would not significantly exacerbate or worsen any existing parking problems in the area.

- 9.65 It is argued by the applicant that the proposed 16 on-site car parking spaces would ensure that the private car is not prioritised over more sustainable modes of travel, in accordance with the objectives of Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007). The applicant has further stated that it is anticipated that the car parking will be allocated, however it would be offered at a yearly charge with a yearly review, in order to further limit demand to only apartments that require a parking space.
- 9.66 Surrey Design: A Strategic Guide for Quality Built Environments: Technical Appendix (2002) states that the minimum carriageway widths for 0-25 dwellings is 4.1 metres, and for 26-50 dwellings is 4.8 metres.
- 9.67 It is proposed to use the existing access off Kiln Lane for vehicular access into the site. The existing access road would be widened from approximately 4.2 metres to 5 metres, which is considered to be of sufficient width to accommodate two cars to pass at the site entrance as demonstrated by the swept path analysis (Dwg No. SK13 Rev A), and would comply with the minimum carriageway widths set out above.



Extract of Dwg No. SK13 Rev A

- 9.68 A 1.5 metre to 3 metre wide footpath is proposed along the access road (partly located under the proposed apartment building) and would provide a dedicated pedestrian route towards Sainsbury's (see Dwg No. (GA)02-PL2 Rev A). The entrance to the on-site car parking spaces would comprise of metal sliding gates.



Extract of Dwg No. (GA)02-PL2 Rev A showing footpath arrangements

- 9.69 Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 1 cycle space per 1 & 2 bedroom unit and 2 cycle spaces per 3 + bedroom unit. As such, in accordance with this guidance the proposal should provide a minimum of 25 cycle parking spaces.
- 9.70 The proposal would be provided with storage for 25 cycle spaces. The cycle storage has been designed so that it would be an integral part of the building and would be accessible and secure. This is considered acceptable.
- 9.71 Surrey County Council Highway Authority have raised no objections to the proposal, however recommend that all car parking spaces are provided with electric vehicle charging infrastructure. This aspect will be secured via a planning condition.
- 9.72 As such, it is considered that the proposal would comply with the NPPF, Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).
- 9.73 The shortfall in car parking is given minor negative weight.

Refuse and Recycling Facilities

- 9.74 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

- 9.75 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 9.76 The proposed refuse and recycling stores (one for each core) have been designed so that they are integral to the building. These would be accessed from the car park. It is proposed that approximately 509 litres/flat has been allocated for refuse and recycling materials as follows:
- 3 x 1100L refuse bins
 - 5 x 1100L mixed recycling bins
 - 1 x 1100L and 1 x 240L glass recycling bins
 - 3 x 180L food waste recycling bins
- 9.77 It should be noted that the above requirement has been calculated in accordance with Annex 2 of the Council's Sustainable Design SPD (2016).
- 9.78 Dwg No. (GA)03-PL2 A demonstrates Bin Store A and Bin Store B. The bin stores would be located at lower ground level and within 30 metre horizontal travel distance of all flats. It is further proposed that a private management company will move the bins via a dedicated bin lift to a holding pen at ground floor level, ready for collection from East Street (Dwg No. (GA)02 C).
- 9.79 The Council's Transport and Waste Services Manager has stated that this arrangement would necessitate the Council's collection vehicles to park roughly outside No. 113 East Street during collections which is considered suitable in terms of general traffic flow, distance from the junction with Kiln Lane, and the locations of the existing dropped kerb.
- 9.80 The proposed 509 litres/flat would exceed the guidance of 495 litres/flat set out in the Council's Sustainable Design SPD (2016).
- 9.81 The Council's Transport and Waste Services Manager has raised no objections. Surrey County Council Highway Authority (CHA) have also raised no objections to the proposal.
- 9.82 A refuse, deliveries and servicing waste management plan will be secured via a planning condition, to be implemented and for each and every subsequent occupation of the development, and an informative added stating that the private waste management company is expected to move the bins to the holding pen at ground floor level and that the Council will not be responsible for missed collections in the event waste management processes is not in place.

- 9.83 As such, it is considered that the proposal would comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016).

Landscaping

- 9.84 Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
- requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.

- 9.85 It is noted that there has been a recent loss of trees within the site curtilage resulting in the site having a bare and exposed appearance.

- 9.86 The proposal is complemented with some soft landscaping and tree planting proposed along the street frontage, with larger specimens on East Street. A landscape buffer has been proposed along the shared boundary with No. 113 East Street.

- 9.87 It is considered that further details of hard and soft landscaping should be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Biodiversity and Ecology

- 9.88 Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF Core Strategy (2007) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.

- 9.89 Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 9.90 The applicant has submitted an Ecological Appraisal Report [prepared by Wychwood Environmental Ltd]. The Council's Ecology Officer has advised that the surveys all seem good. It is acknowledged that the development does result in the loss of habitat including dense scrub and amenity grassland. The Appraisal Report recommends a number of mitigation and enhancement proposals, including a green roof, 'bee bricks', bird boxes and native species planting. It is considered that further details should be secured via a planning condition to enhance the biodiversity of the site in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

Sustainability

- 9.91 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.92 The applicant has submitted an Energy and Sustainability Report [prepared by Envision]. The report demonstrates how the development will incorporate a number of sustainability and energy efficiency measures. The proposal would include a 40 square metre photovoltaic (PV) array mounted to the roof of the proposed building.
- 9.93 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2019) and Policy CS6 of the LDF Core Strategy (2007).

Flood Risk and Surface Water Drainage

- 9.94 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 9.95 Paragraph 169 of the NPPF (2021) sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

- 9.96 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.
- 9.97 Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015) sets out that development on sites of 1ha or greater in Zone 1 will not be supported unless [inter alia]:
- ii) it can be demonstrated through a site Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and,
 - iii) where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 9.98 Policy DM19 further states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 9.99 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site is 0.124 hectares in size.
- 9.100 The applicant has submitted a Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited].
- 9.101 The Lead Local Flood Authority (Surrey County Council) have reviewed the submitted surface water drainage strategy for the proposed development and have raised no objections, subject to planning conditions. As such, it is considered that the proposal would comply with the NPPF (2019), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

Land Contamination

- 9.102 Paragraph 186 of the NPPF (2021) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

9.103 Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

9.104 The applicant has submitted a Preliminary Investigation Report (Ref. 18318/PIR_R26/V1.0). The Council's Contaminated Land Officer has reviewed this and agrees that an intrusive investigation is required. This aspect will be secured via a planning condition.

Community Infrastructure Levy (CIL)

9.105 The proposal will be CIL liable.

Legal Agreements

9.106 The following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impact of the development:

- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- monitoring fee (drafting of Section 106 agreement) of £1,200

10 Conclusion

10.1 Paragraph 11(d)(ii) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10.2 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.

10.3 The provision of 21 residential units (a net gain of 18 units) each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is development without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

- 10.4 The provision of affordable housing in developments is afforded significant weight in the planning balance. The lack of policy compliant affordable housing provision, is given minor negative weight in the planning balance. The applicant has undertaken a viability appraisal which conclude that the scheme cannot viably contribute towards affordable housing, therefore minor negative weight is given as opposed to negative weight.
- 10.5 The housing is mix is not fully compliant and therefore given minor negative weight.
- 10.6 The shortfall in on-site car parking spaces is given minor negative weight, by reason that the applicant has justified the shortfall and that the site is located within a sustainable location with good public transport accessibility. Increasing on-site parking provision would not optimise the residential use of the site, an important objective in view of housing need.
- 10.7 In addition, other benefits must be identified, these being economic from the construction project and CIL.
- 10.8 Taking all these matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

11 Recommendation

PART A

- 11.1 Subject to a Section 106 Legal Agreement being completed and signed by 13th April 2022 to secure the following Heads of Terms:
- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted;
 - monitoring fee (drafting of S106 Legal Agreement) of £1,200

The Committee authorise the Head of Place to grant planning permission subject to the conditions detailed below.

PART B

- 11.2 In the event that the Section 106 Legal Agreement referred to in Part A is not completed by 13th April 2022, the Head of Place 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 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) in relation to the review mechanism associated with the provision of affordable housing.

CONDITION(S):

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

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

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

(GA)01-PL2 Rev A Proposed Block Plan (Received 01/11/2021)

(GA)02-PL2 Rev A Proposed Site Plan (Received 01/11/2021)

(GA)03-PL2 Rev A Proposed Floor Plans Sh1 (Received 01/11/2021)

(GA)04-PL2 Rev A Proposed Floor Plans Sh2 (Received 01/11/2021)

(GA)05-PL2 Rev A Proposed Floor Plans Sh3 (Received 01/11/2021)

(GA)06-PL2 Rev A Proposed Elevations Sh1 (Received 01/11/2021)

(GA)07-PL2 Rev A Proposed Elevations Sh2 (Received 01/11/2021)

14687 Planning Statement [October 2021] (Received 01/11/2021)

Design and Access Statement – Part 1 & 2 [October 2021] (Received 01/11/2021)

Daylight and Sunlight Report [prepared by Waterslade] [May 2020] (Received 01/11/2021)

Daylight and Sunlight Addendum [prepared by Waterslade] (Received 01/11/2021)

2688 Rev F Transport Statement [prepared by EAS] (Received 01/11/2021)

SK05 Rev B Visibility Splay (Received 01/11/2021)

Ecology Appraisal Report [prepared by Wychwood Environmental Ltd] [May 2020] (Received 01/11/2021)

Energy and Sustainability Report [prepared by Envision] [October 2021] (Received 01/11/2021)

Reptile Survey [June 2020] (Received 01/11/2021)

Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited] [October 2021] (Received 01/11/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, sample panels showing examples of all principle areas of brickwork, soffits, reveals, curved surfaces and parapets shall be prepared for inspection and approval by the Location Planning Authority. These shall be maintained on site during construction work and used as models for colour, texture as well as brick module, bond, pointing and mortar colour. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) Prior to above ground works, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (5) Prior to above ground works, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of the materials used for the widened access road with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (6) The approved areas of hardstanding shall be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policies CS6 (Sustainability in New Developments) and DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (7) Prior to above ground works, details of all boundary treatment to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) Before any occupation of the development hereby permitted, the side facing windows on the north east elevation facing No. 113 East Street, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

Reason: To protect the amenities and privacy of the proposed new residential property in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (9) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the development, and finished external surface levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (10) No part of the development shall be first occupied unless and until the proposed modified access to Kiln Lane has been constructed and provided

with visibility zones in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority (in general accordance with SK05 Rev B) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (11) The development shall not be first occupied unless and until the existing private access road has been widened to 5m between Kiln Lane and the access to the proposed parking area, in general accordance with (GA)02-PL2 Rev A, and thereafter shall be kept permanently retained and maintained.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (12) The development hereby approved shall not be first occupied unless and until the existing access from the site to East Street has been permanently closed and any kerbs, verge, footway fully reinstated.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (13) No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operative and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) HGV deliveries and hours of operation
- (e) on-site turning for construction vehicles
- (f) measures to prevent the deposit of materials on the highway

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the

NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (17) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of 25 bicycles have been provided in accordance with the approved plans and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable

Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (18) Upon first occupation residents shall be provided with a travel information pack, including information for residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs and include a £50 oyster card contribution as set out in the Transport Statement (Oct 2021) to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (19) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any occupation of the site, in accordance with current best practice guidance:
- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
 - (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (20) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

- (21) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

- (22) No construction shall take place within 5 metres of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to

impact on the local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- (23) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme of works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on the local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- (24) The development hereby approved shall not commence until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved by, the Local Planning Authority in consultation with the water undertaker. The development shall be constructed in line with the recommendations of the strategy.

Reason: To ensure that the water resource is not detrimentally affected by the development. More detailed information can be obtained from Thames Waters' Groundwater Resources Team email GroundwaterResources@Thameswater.co.uk. Tel: 0203 577 3603.

- (25) Prior to the occupation of the development, a refuse, deliveries and servicing waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse, deliveries and service waste management plan shall be implemented and for each and

every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2019) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (26) Prior to occupation of the development, details of how the proposed recycling strategy would meet national waste strategy targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

- (27) No development shall take place until a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Appraisal Report [prepared by Wychwood Environmental Ltd] has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To safeguard and enhance biodiversity in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

- (28) The site and building works required to implement the development hereby approved shall only take place between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (29) Prior to the first occupation of any part of the development, details of water efficiency measures shall be submitted to and approved in writing by the local planning authority. The details shall show a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. The measures shall be installed in accordance with the approved details and thereafter maintained as for as long as the development is in use.

Reason: To ensure that the development is sustainable and makes efficient use of water in accordance with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

- (30) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

Reason: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

- (31) Prior to any construction above slab level taking place, all residential units and their communal areas hereby approved shall comply with Regulation 38 of the Building Regulations – Fire Safety.

Reason: In order to comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

INFORMATIVE(S):

- (1) 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) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining

owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

- (4) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/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/floodingadvice.
- (5) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (6) Section 59 of the Highways Act 1980 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.
- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

- (9) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (10) 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 for which a licence must be sought from the Highway Authority Local Highways Service.
- (11) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

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

If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

- (12) CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
- (13) Please be advised, the private waste management company is expected to move the bins via a dedicated bin lift to a holding pen at ground floor level, ready for collection from East Street as shown in Dwg No. (GA)02-PL2 Rev A. Thereafter, all bin arrangements must be put in place to allow for the waste collection service to operate effectively and the Council will not be responsible for missed collections in the event waste management process is not in place.

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21/01429/TPO 2 Merrow Road

Ward:	Nonsuch Ward;
Site:	2 Merrow Road Cheam Surrey SM2 7LU
Application for:	Chestnut tree T16 of TPO 327 located in the front garden - Reduce crown height by up to 2m and lateral spread by up to 1.5m. Thin the crown by 10% and raise the crown by 1.5m
Contact Officer:	Jeremy Young

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?keyVal=QYI75IGYLKA00&activeTab=summary>

2 Summary

- 2.1 This item is for the Planning Committee to consider whether to approve an application for tree works to a tree protected by a Tree Preservation Order. The application is brought before the Planning Committee because the applicant (tree owner) is a Borough Councillor.

3 Site description

- 3.1 2 Merrow Road is a detached, extended house built by Gleasons in 1936 and is situated in a pleasant residential street. The house is the end of four detached houses of similar style. No. 2 has been extended above the garage.
- 3.2 The chestnut tree subject of this application is not the common horse chestnut or sweet chestnut species but a more unusual Indian horse chestnut *Aesculus indica*. It is situated in the front garden approximately 3m from the right front corner of the property. There are no other mature trees of note in the front gardens on this side of the road and some mature street trees in the verge have been removed in recent years and not replaced. The lack of trees makes the Indian horse chestnut a more eye catching tree-scape feature of high visual amenity.

- 3.3 The front garden of No.2 is mainly covered with a block paved hard standing but with generous landscaped borders containing a scattering of ornamental grasses, shrubs and small trees including *Stipa*, *Pittoporum*, *Ceanothus* and *Cupressus* species. The Indian horse chestnut is located in a raised bed with brick retaining wall. Even though the tree is close to hardscape feature there is no visible damage of concern to these structures.

4 Proposal

- 4.1 The proposed tree work had to be clarified as it was not defined in sufficient detail in the original application. Officer were satisfied that the further pruning details submitted on 10th November 2021 are clear. Details included a photograph illustrating the proposed reduction level and a specification as set out below:

Chestnut - Crown reduce lateral spread by 1.5m. Reduce crown height by 2m, raise the crown by 1.5m and thin the crown by 10%.

- 4.2 The reason given for the tree work is because the tree is considered to have grown out of proportion with its setting, growing over the roof and the front of the house. Periodic crown reduction has been undertaken since 1996 as part of the routine maintenance regime and the proposed tree work is a continuation of this maintenance.

5 Comments from third parties

- 5.1 The application was publicised on 22/11/2021. To date no comments have been received from any third parties.

6 Consultations

- 6.1 There are no relevant statutory consultees for this tree work proposal.

7 Planning History

Application number	Decision date	Application detail	Decision
14/01786/TPO	21/04/2015	Chestnut tree (TPO327 T16) in front garden, reduce and thin crown.	Permitted
07/01346/TPO	11.03.2008	Crown reduction and crown thinning to chestnut tree in front garden, T16 TPO327	Permitted
96/00444/TPO	19/08/1996	Surgery to Chestnut tree T16	Granted (old code)

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Core Strategy 2007

Development Management Policies Document November 2015

CS3: Biodiversity and designated nature conservation areas

CS5: The built environment

DM4: Biodiversity and new development

DM5: Trees and landscape

DM8: Heritage assets

DM9: Townscape character and local distinctiveness

9 Planning considerations

Background

9.1 This notification is being reported to the Planning Committee because the applicant (the tree owner) is a Borough Councillor.

Tree details and impact on visual amenity

9.2 The Indian horse chestnut is a mature specimen of 16m height with a stem diameter of approximately 900mm at 1.5m above ground level. The tree was probably planted within a decade of the house being built, making it about 80 years old. It is in a good physiological and biomechanical condition. Vitality levels appear high. Although the tree has been crown reduced in the past this has been carried out sensitively and there are no historic pollard points. Re-growth of the branches since the last crown reduction has formed a well- balanced crown of dense branch tracery. There is up to 3m shoot extension growth since the last crown reduction was performed.

9.3 Indian Horse Chestnut are native to Kashmir and the Western Nepal and were introduced to Britain in the mid 19th Century. They are a desirable tree which deserve more widespread planting. Ultimately, Indian Horse Chestnut is a large growing specimen tree which can exceed 20m in height. Juvenile leaves are tomato red in colour and quite striking. They unfurl to form bold leaves with a silver underside giving a lively effect. Anecdotal evidence suggests that Indian Horse Chestnut may be less susceptible to bleeding canker which troubles our more ubiquitous horse chestnut trees. Indian Horse Chestnut thrives on a variety of different soil types.

9.4 This tree work proposal will reduce some of the stature of the tree and will partially denude the crown periphery. However, the dense crown means that it should be possible to prune retaining many growing points and the tree should infill quickly with new growth as it has done in the past.

- 9.5 The extent of the crown reduction specified in this proposal is not excessive and pruning wounds will be well under the 100mm maximum diameter specified in the British Standard for Tree Work BS3998. This means the wounds should callous over quickly with wound wood. The Tree Officer is not that familiar with the wounding response of this particular species. Horse chestnut normally have a soft heartwood and a poor resistance to fungal invasion. As a consequence they are damaged by large pruning wounds. Inspection of previous pruning wounds on this Indian Horse Chestnut shows a good wounding response where branches have been removed and reduced previously. Officers are therefore confident the proposed tree works will not cause any harm to the health of the tree or have any adverse impact on visual amenity.
- 9.6 Given the potential ultimate height and spread of the tree and the close proximity to the house, it appears both justified and prudent to undertake periodic containment pruning. In addition crown lifting by 1.5m is proportionate with the overall reduced height and removes the low hanging, potentially more obstructive branches. Crown thinning by 10% is also tolerable works as this will thin some of the over-crowded branch tracery.
- 9.7 The proposed tree works will have no adverse impact on protected wildlife, and will accord with council planning policy and policy contained within the National Planning Policy Framework.

10 Conclusion

- 10.1 The pruning proposed is justified to manage the portions of a large growing tree in a confined setting. The works specified are unlikely to damage the health of the tree and the impact on landscape amenity will be limited. Accordingly Officers recommend the application should be approved.

11 Recommendation

- 11.1 Epsom & Ewell Borough Council has considered your application for the above works to protected trees and GRANTS CONSENT to the proposed work subject to the following conditions

Condition(s):

- (1) All tree work shall be carried out in accordance with the following specification:

Chestnut tree T16 of TPO 327 located in the front garden - Reduce crown height by up to 2m and lateral spread by up to 1.5m. Thin the crown by 10% and raise the crown by 1.5m

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015, British Standard BS 3998 2010 and guidance to protect and enhance the natural

environment contained within the National Planning Policy Framework 2021.

- (2) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral branch

Reason: In the interests of the trees continued vitality, health and to accord with current industry guidelines and sound arboricultural practice and in accordance Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015.

- (3) The agreed pruning operation/s shall comply with the following recommendations contained within BS3998:

4.4 Avoiding damage from tree work operations

7.1 Pruning and related work (General)

7.2 Minimising the potentially undesirable effects of pruning

7.6 Crown Lifting

7.7 Crown reduction and reshaping

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015.

Informative(s):

- (1) Control of tree pest and diseases - When engaging contractors or arborists to work on your trees, you are advised to ensure that your chosen contractor recognises the importance of bio-security in arboriculture and that they adhere to good industry practice as promoted by organisations such as the Arboricultural Association and the Forestry Commission. Simple measures such as disinfecting equipment and appropriately disposing of arisings can help prevent the introduction and spread of pests and pathogens. A free downloadable guidance booklet on the application of bio-security in arboriculture is available from the Arboricultural Association at [https://www.trees.org.uk/Book-Products/Application-of-Bio security-in-Arboriculture-en](https://www.trees.org.uk/Book-Products/Application-of-Bio-security-in-Arboriculture-en)


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2 Merrow Road
1:250

EPSOM & EWELL
BOROUGH COUNCIL



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