

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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