

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no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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

13 January 2022

20/00031/FUL

1750_044 Existing and Proposed Site Section A

1750_045 Existing and Proposed Site Section B