

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 22 April 2021 at 7.30 pm

Place: Remote Meeting

**PLEASE NOTE:** this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/4746139109888192014>  
Webinar ID: 438-119-595

**Telephone (listen-only): 020 3713 5012, Telephone Access code: 577-369-901**

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

Councillor Clive Woodbridge (Chair)  
Councillor Monica Coleman (Vice-Chair)  
Councillor Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## Public information

### Information & Assistance:

#### Please note that this meeting will be a 'virtual meeting'

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

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

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

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

#### Exclusion of the Press and the Public

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

#### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

**Deadline for public speaking registration: Noon, 19 April.**

## **Guidance on Predetermination /Predisposition**

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

### **Predisposition**

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

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

### **Pre-determination / Bias**

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

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

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

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

### **2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 14)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 1 April (attached) and authorise the Chairman to sign them.

### **3. EPSOM GENERAL HOSPITAL, DORKING ROAD, EPSOM, SURREY, KT18 7EG (Pages 15 - 62)**

Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road.

### **4. EPSOM GENERAL HOSPITAL, DORKING ROAD, EPSOM, SURREY, KT18 7EG (Pages 63 - 140)**

Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.

### **5. DEVELOPMENT SITE AT 65 LONDON ROAD EWELL SURREY KT17 2BL (Pages 141 - 186)**

Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.

### **6. MONTHLY APPEALS REPORT (Pages 187 - 196)**

The Planning Service has received the following Appeal decisions from 18 December 2020 to 8 April 2021.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 1 April 2021**

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**PRESENT -**

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Alex Coley, Neil Dallen, David Gulland, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Phil Neale and Clive Smitheram

Absent: Councillor Peter O'Donovan

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Mehdi Rezaie (Interim Planning Development Manager), Lance Penman (Conservation and Design Officer), John Robinson (Senior Planner), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**38 DECLARATIONS OF INTEREST**

The following declarations were made in relation to items of business to be discussed at the meeting:

Councillor Steven McCormick: In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of Epsom Civic Society and Woodcote Epsom Residents' Society. He stated that he came to the meeting with a clear and open mind.

24 South Street Epsom Surrey KT18 7PF

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he was involved as a Councillor in recommending the purchase of South Street a number of years ago. Councillor Neil Dallen also declared that he is a member of Epsom Civic Society, and stated that he came to the meeting with a clear and unbiased mind.

**39 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous Meeting of the Committee held on 18 February were agreed as a true record and the Committee authorised the Chair to sign them.

40 CHALK LANE HOUSE, CHALK LANE, EPSOM SURREY KT18 7FE

Description

Conversion of hotel and various alterations and extensions to the listed buildings to accommodate 21 dwelling units, car and cycle parking and private and communal gardens. (Listed Building Consent).

Decision

The Committee received a presentation from the Planning Officer.

The following matters were raised by the Committee:

- a) **Listed building status:** Following a question from a Member, the Officer confirmed that only part of the building is registered as Listed. It was noted that, should the Application be approved, works would start as soon as possible to prevent any further deterioration in fabric.
- b) **Confidential comments from residents:** Following a question from a Member, the Officer confirmed the process in following GDPR rules when compiling a Committee report. It was noted that public comments are redacted to omit sensitive information from concerns regarding an application. The Officers work hard in dealing with concerns from local residents when creating their reports.
- c) **Monitoring:** Members noted the possibility that, should the Application be approved, a condition being included for the Developer/owner to make a contribution for the future monitoring of this site. The Officer noted that a condition would not be suitable, but this may be arranged by way of a S106 Agreement. This may also state that should the fabric of the building begin to deteriorate, the Council may step in and intervene at their own cost.

The Head of Planning proposed the following additional:

**Informative:**

- (2) 'Under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence, without consent, to demolish a Listed Building, or to alter or extend such a building in a way that would affect its character. The penalties for this can be heavy, both for the person who carries out the work and for whoever commissions it. The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the property and/or the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Historic Buildings and Conservation Area Officer prior to the commencement of the works.

Following consideration, the Committee resolved with 10 Members voting for, 2 abstentions and the Chair not voting that:

Listed Building Consent be **GRANTED** subject to the following:

**Condition(s):**

- (1) The works hereby granted shall be commenced before the expiration of three years from the date of this consent

**Reason: To comply with Section 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2005.**

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

Proposed Elevation

- 19311-CL-LAW-W-Z-DR-A-500301-P01 – Proposed Elevations – Sheet 1
- 19311-CL-LAW-W-Z-DR-A-500302-P00 – Proposed Elevations – Sheet 2
- 19311-CL-LAW-W-Z-DR-A-500303-P00 – Proposed Elevations – Sheet 3
- 19311-CL-LAW-W-Z-DR-A-500304-P00 – Proposed Elevations – Sheet 4
- 19311-CL-LAW-W-Z-DR-A-500305-P00 – Proposed Elevations – Sheet 5
- 19311-CL-LAW-H-Z-DR-A-500306-P00 – Proposed Elevations – Sheet 6
- 19311-CL-LAW-H-Z-DR-A-500307-P00 – Proposed Elevations – Sheet 7
- 19311-CL-LAW-H-Z-DR-A-500308-P00 – Proposed Elevations – Sheet 8

Proposed Plans

- 19311-CL-LAW-Z-G00-DR-A-500101-P01 – Proposed General Plan – Ground Floor
- 19311-CL-LAW-Z-U01-DR-A-500102-P00 – Proposed General Plan – First Floor
- 19311-CL-LAW-Z-U02-DR-A-500103-P00 – Proposed General Plan – Second Floor
- 19311-CL-LAW-Z-R01-DR-A-500104-P00 – Proposed General Plan – Roof Level
- 19311-CL-LAW-H-G00-DR-A-500201-P00 – Proposed Plan – Heathcote House – Ground Floor

19311-CL-LAW-H-U01-DR-A-500202-P00 – Proposed Plan – Heathcote House – First Floor

19311-CL-LAW-H-U02-DR-A-500203-P00 – Proposed Plan – Heathcote House – Second Floor

19311-CL-LAW-W-G00-DR-A-500204-P00 – Proposed Plan – Woodcote House West – Ground Floor

19311-CL-LAW-W-G00-DR-A-500205-P00 – Proposed Plan – Woodcote House East – Ground Floor

19311-CL-LAW-W-U01-DR-A-500206-P00 – Proposed Plan – Woodcote House West – First Floor

19311-CL-LAW-W-U01-DR-A-500207-P00 – Proposed Plan – Woodcote House East – First Floor

19311-CL-LAW-W-U02-DR-A-500208-P00 – Proposed Plans – Woodcote House West – Second Floor

19311-CL-LAW-W-U02-DR-A-500209-P00 – Proposed Plan – Woodcote House East – Second Floor

## Proposed Sections

19311-CL-LAW-W-Z-DR-A-500401-P00 – Proposed Section – Section AA

19311-CL-LAW-W-Z-DR-A-500402-P00 – Proposed Section – Section BB

19311-CL-LAW-W-Z-DR-A-500403-P00 – Proposed Section – Section CC

19311-CL-LAW-W-Z-DR-A-500404-P00 – Proposed Section – Section DD

19311-CL-LAW-W-Z-DR-A-500405-P00 – Proposed Section – Section EE

19311-CL-LAW-W-Z-DR-A-500406-P00 – Proposed Section - Section FF

19311-CL-LAW-H-Z-DR-A-500407-P00 – Proposed Section – Section GG

19311-CL-LAW-H-Z-DR-A-500408-P00 – Proposed Section – Section HH

19311-CL-LAW-H-Z-DR-A-500409-P00 – Proposed Section – Section JJ

## Demolitions

19311-CL-LAW-W-G00-DR-A-500501-P00 – Proposed Demolition Plan– Woodcote House West – Ground Floor

19311-CL-LAW-W-G00-DR-A-500502-P00 – Proposed Demolition Plan– Woodcote House East – Ground Floor



19311-CL-LAW-H-G00-DR-A-500503-P00 – Proposed Demolition Plan – Heathcote House – Ground Floor

19311-CL-LAW-W-U01-DR-A-500504-P00 – Proposed Demolition Plan– Woodcote House West – First Floor

19311-CL-LAW-W-U01-DR-A-500505-P00 – Proposed Demolition Plan– Woodcote House East – First Floor

19311-CL-LAW-H-U01-DR-A-500506-P00 – Proposed Demolition Plan– Heathcote House -First Floor

## Window Details

19311-CL-LAW-Z-Z-DR-A-500700-T01 – Double Casement Window in Existing brick wall

19311-CL-LAW-Z-Z-DR-A-500701-T01 – Double Casement Window in Existing render wall

19311-CL-LAW-Z-Z-DR-A-500702-T01 – Double Casement Window in Existing Wall (Hanging Tiles)

19311-CL-LAW-Z-Z-DR-A-500703-T00 – Single Sash Window in Existing Render Wall

## Material Samples

19311-CL-LAW-Z-Z-SC-A-500901-T01 – Materials Samples – Sheet 1

19311-CL-LAW-Z-Z-SC-A-500902-T01 – Materials Samples – Sheet 2

19311-CL-LAW-Z-Z-SC-A-500903-T00 – Materials Samples – Sheet 3

19311-CL-LAW-Z-Z-SC-A-500904-T00 – Materials Samples – Sheet 4

19311-CL-LAW-Z-Z-SC-A-500905-T00 – Materials Samples – Sheet 5

19311-CL-LAW-Z-Z-SC-A-500906-T00 – Materials Samples – Sheet 6

19311-CL-LAW-Z-Z-SC-A-500907-T00 – Materials Samples – Sheet 7s

**Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.**

- (3) Prior to the commencement of external alterations to the rendered finish of, Woodcote House and Heathcote House details and samples of the external materials to be used for those parts of the development shall be provided as full size samples on site and submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy(2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

- (4) The removal of any external partitions and divisions and insertion of new partitions and all making good shall be carried out using hand only tools only.

**Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy(2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

- (5) No work shall take place to the joinery elements forming parts of the retained fabric to Woodcote House and Heathcote House, until detailed drawings and/or samples of all new internal and external joinery details, have been submitted to and approved in writing by the local planning authority, including:

Windows (frames, depth of reveal common sight line with no trickle vents, through glazing bars, method of opening, details of heads, cills and lintels);

Doors frames (architraves, linings, mouldings and beading),

Weatherboarding (type, lap, fastening and finishing edges);

Eaves verge boards, external posts and brackets, staircases and balconies (including balusters, newel posts and handrails);

Beading and skirting boards

The submitted details of sample elevations shall be at a scale of not less than 1:20, and horizontal/vertical frame sections (including sections through glazing bars) at a scale of not less than 1:2. The works shall be carried out in accordance with the approved details.

**Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy(2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

- (6) Prior to any roof finishing works to the retained roof areas of Woodcote House and Heathcote House taking place, samples of all new roof finishing materials for the development shall be submitted to and approved in writing by the local planning authority. Roof slates shall be natural Welsh slate, rainwater goods to existing and altered roofs shall be in cast Iron and leadwork to stepped flat roofing / gutters shall be no less than Code 6 with leadwork used for flashings, and soakers no less than Code 4.

**Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy(2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

- (7) Prior to the commencement of works a schedule of works for the alteration to the listed building shall be prepared and submitted to the local planning authority in writing which shall itemise all works, alterations and materials affecting the fabric of the building, this schedule shall identify significant alterations to be made to the building, which shall include:
- a) All new windows and doors.
  - b) All other joinery including roof and internal and external walls
  - c) All new proposed brickwork including lintels.
  - d) Alterations to masonry.
  - e) Method and execution of works.

The local authority shall be advised when these itemised works are about to commence and be 14 days' notice given in writing prior to full execution of each of the itemised works to inspect the materials and/or method/execution of works before those works begin in full.

**Reason: To safeguard the special architectural and historic interest of the listed building in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
- (2) Under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence, without consent, to demolish a Listed Building, or to alter or extend such a building in a way that would affect its character. The penalties for this can be heavy, both for the person who carries out the work and for whoever commissions it. The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the property and/or the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's

Historic Buildings and Conservation Area Officer prior to the commencement of the works.

**41 24 SOUTH STREET EPSOM SURREY KT18 7PF**

**Description**

Conversion of the 3-storey office building into 2 one-bedroom dwellings on the first and second floor and commercial unit on the ground floor.

**Decision**

The Committee received a presentation from the Planning Officer.

The following matters were raised by the Committee:

- a) Reference to previous application:** Members noted the previous application regarding this site, and its reference to DM12 water efficiency and CS6 energy efficiency. The Officer confirmed that these were initially referred to with discretion, as they usually apply to new developments. The Officer also noted that should the Committee wish, a condition could be implemented that the development is compliant with these.
- b) Refuse collection arrangements:** Members noted the arrangements for refuse collections. The Officer noted that these had been arranged due to difficulties regarding access, and confirmed that the Waste Services Manager had no objection to arrangements.

Following consideration, the Committee resolved unanimously that:

Planning Permission be **GRANTED** subject to the following:

**Condition(s):**

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

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

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

24SSRP002/2 Proposed plans

24SSRP002/4 Proposed elevations

24SSRP002/6 Proposed elevations and roof plan

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

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form.

**Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

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

**Reason: The above condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019 and Policy DM37 of the Development Management Policies Document 2015.**

- (5) Soundproofing shall be provided to ensure that the flats for residential purposes sharing a party element with the ground floor premises to which this planning permission relates shall receive a minimum airborne sound insulation on the party element which achieves DnT'w of 60 dB before the first use of the development hereby approved. The soundproofing shall be retained thereafter in perpetuity.

**Reason: To ensure that the occupiers of the flat units do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the premises in the National Planning Policy Framework 2019 and Policy DM10 of the Development Management Policies Document 2015.**

**Informative(s):**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favorably.
- (2) The applicant is advised of the following with regard to waste servicing:

- All new tenants will need to be advised of the limited waste collection service:
- Collections will be for refuse and mixed recycling (in separate sacks) only.
- On collection days, sacks must be left out for collection on the pavement in front of the building from 6.30am.
- Sacks must not be left on the pavement in between collections.
- For domestic occupants collections will take place once a week.
- For trade occupants, collections frequency will be negotiable, with the cost reflecting the frequency as per the Council's prevailing fees and charges.

## 42 THANKS TO JOHN ROBINSON

The Committee wish to place on record it's thanks to John Robinson for all of his contributions to Planning Committee over the years, and wish him a long and happy retirement.

*The meeting began at 7.30 pm and ended at 9.08 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG

<b>Ward:</b>	<b>Woodcote Ward</b>
<b>Site:</b>	<b>Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG</b>
<b>Application for:</b>	<b>Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 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=Q5NDX2GYH7100>

## 2 Summary

- 2.1 The Site at present comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area.
- 2.2 The proposal seeks the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces, the reconfiguration of the existing surface car parking surrounding the proposed structure, providing an additional 104 car parking spaces and improvements to the access road for vehicles and pedestrians, from Dorking Road.
- 2.3 The proposed MSCP would undeniably have a visual presence, but consideration is given to the requirements for this and the associated public benefits, which include:
- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
  - Improving pedestrian routes
  - Improving patient and staff experiences.

- 2.4 In considering the requirement for the scheme and its associated public benefits, Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. Officers are satisfied that the proposal has evolved to respond to its surrounding context, to help mitigate adverse impacts, but do accept that there is a degree of harm caused to the setting of the Conservation Area. In balancing this less than substantial harm against the public benefits of the scheme, the requirements for a parking solution at the hospital and the public benefits arising from the MSCP are in this case, considered to outweigh the adverse heritage impacts of the proposal, in considering paragraph 196 of the NPPF.
- 2.5 Officers recommend approval, subject to a completed S106 Legal Agreement and Conditions.

### **3 Site description**

- 3.1 The Application Site ('Site') comprises car parking spaces. It is broadly triangular in shape, measuring approximately 0.77 hectares in size. It forms part of the Epsom General Hospital wider site.
- 3.2 To the north and east of the Site is Epsom Hockey Club's building and Epsom Cricket's Club's green, to the north-east of the Site are two storey residential properties, lining Dorking Road, to the south of the Site is Epsom Lawn Tennis Club's courts and to the west of the Site is Epsom General Hospital and its various buildings, car parking and hardstanding.
- 3.3 The wider area comprises a mix of uses, including housing and schools. Epsom Town Centre is located approximately 1.3 kilometres to the north of the Site (approximately a 15 minute walk).
- 3.4 Dorking Road is to the north-west of the Site, which provides existing access to the Site.
- 3.5 The Site is designated as a Built Up Area. It is not Listed, nor is it within a Conservation Area, but it is adjacent to Woodcote Conservation Area.
- 3.6 The Site is within Flood Zone 1 (low probability of flooding), but partly within a Critical Drainage Area.
- 3.7 There are no tree preservation orders relating to the Site or relating to trees on its boundaries.

### **4 Proposal**

- 4.1 The proposal seeks
- the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces
  - the reconfiguration of surface parking surrounding the MSCP, providing 104 car parking spaces; and
  - improvements to the access road for pedestrians and vehicles, from Dorking Road.



- 4.2 In accordance with the accompanying Design and Access Statement (DAS), the proposed MSCP provides a total of 631 spaces, including 27 disabled parking spaces. The Trust intends to split the MSCP car parking between staff, patients and visitors, although the exact operational strategy is still in development. Any division internally will be achieved through signage and management, rather than barriers. Patients and visitors are likely to be allocated to the lower levels, with staff on upper levels.

- 4.3 In accordance with the DAS, the general arrangement is as follows:

	Disabled	Non-disabled
Level 05	2	88
Level 04	2	88
Level 03	2	88
Level 02	2	88
Level 01	2	88
Level 00	2	75
	727	
Surface car parking	15	89
	631	

- 4.4 In accordance with submitted drawings, the proposed MSCP measures approximately 21 metres in height, 70 metres in width and 32 metres in depth. It is set over 6 storeys.

## 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 70 neighbouring properties. A Site Notice was displayed and the application advertised in the local paper.
- 5.2 1 letter of support was initially received, with the following comment:
- Car parking arrangements are inadequate for patients at present
- 5.3 89 letters of objection were initially received, with the following concerns:
- Inappropriate height and mass
  - Inappropriate design
  - Adverse impact on neighbouring amenity
  - Adverse visual impact
  - Adverse impact on adjacent Sports Club
  - Traffic generation and impact
  - Adverse environmental impact
  - Adverse ecological impact

Woodcote Epsom Residents' Society

- Accepts the principle of a multi-storey car park on the Site, to address existing vehicle movement and parking problems and to replace lost car parking
- Inappropriate height and massing
- Inappropriate design
- Adverse impact on neighbouring heritage assets
- Adverse visual impact

The Board (Committee) of Epsom Sports Club

- Inappropriate height and massing
- Inappropriate design
- Overlooking to the club grounds, raising a safeguarding and welfare risk
- Adverse environmental impact
- Traffic generation and impact

Epsom Civic Society

- Recognise requirement for a car park
- Would recommend green living walls
- Inappropriate height and massing
- Adverse impact on adjacent Conservation Area and nearby listed buildings on Dorking Road
- Adverse impact on and from adjacent sports club's ground
- No sustainability credentials
- Public health risks
- Limited charging points for electric vehicles

5.4 Amended plans were received and re-consultation took place on 05.02.2021. 26 letters of objection were received, with the following concerns:

- Inappropriate height and mass
- Inappropriate design
- Adverse impact on adjacent Sports Club and Cricket Club
- Traffic generation and impact
- Adverse environmental impact

Woodcote (Epsom) Residents' Society

- Inappropriate height and mass
- Adverse visual impact
- Inappropriate materials, visually incongruous
- Out of character
- Adverse impact on heritage assets
- Parking requirements
- Limited sustainability credentials

The Board (Committee) of Epsom Sports Club

- Initial objection remains (including previous comments)
- Noise and disturbance

Epsom Civic Society

Adverse impact on adjacent sports club

- Inappropriate height and mass
- Inappropriate design

5.5 Updated drawings were received on 29.03.2021, with design amendments. The new drawings show the following design amendments:

- Reduction in jump height protection by 1 metre. This revised height level does remain within the recommended height limits
- Introducing four living walls on the building (one each on the north and south elevations and two on the eastern elevation)
- Removal of perforated panels on the top floor
- Standardised the colour of all galvanised items.

5.6 The Local Planning Authority has re-consulted on the amended drawings for 14 days. Consultation is on-going, but due to expire prior to planning committee on 22 April 2021. All updated representation received will be considered by Officers. An update report will be prepared, ahead of planning committee.

## **6 Consultations**

- SCC Highways (25.03.2021): recommend S106 Obligation and conditions
- SCC Fire and Rescue (14.04.2020): the application demonstrated compliance with the Fire Safety Order in respect of means of warning and escape in case of fire
- SCC Archaeology (16.02.2020): recommend condition
- SCC LLFA (05.02.2020): recommend conditions
- Environment Agency: the application has a low environmental risk and so no comments to make
- Thames Water (18.02.2021): recommend condition and informative
- EEBC Ecology: recommend condition
- EEBC Trees: no formal comment provided
- EEBC Environmental Health (15.02.2021): design needs to be properly considered to promote natural surveillance and avoid areas that could be exploited for anti-social behaviour and other illegal activities. There is an adverse noise impact predicted, with mitigation suggested. This should be installed
- EEBC Contaminated Land: (02.03.2020): recommend condition
- EEBC Design and Conservation Area Officer: objection
- Crime Reduction Advisor & Design Out Crime Officer: the MSCP would be a positive move in terms of safe and available car parking.

## **7 Relevant planning history**

7.1 There is an extensive planning history relating to Epsom General Hospital. The below details relevant and recent planning applications only. It does not provide a comprehensive list of all planning applications at the wider site.

Application number	Decision date	Application detail	Decision
21/00252/FUL	Pending	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	Pending
20/01322/DEM	12.10.2020	Demolition of the existing buildings and structures on site	Prior Approval Required and Approved
20/01093/DEM	03.09.2020	Demolition of the existing buildings and structures on site	Prior Approval Required and Approved
20/00885/DEM	22.07.2020	Prior Notification of the proposed demolition of buildings at Epsom General Hospital, including York House, Woodcote Lodge, Rowan House, Beacon Ward, the boiler house and ancillary buildings and structures, under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)	Prior Approval Required and Approved
20/00108/FUL	30.07.2020	Part-demolition, construction of a three-storey extension to the rear of Langley Wing, a bridge link between Langley Wing and Wells Wing at second floor level, a roof garden at ground floor level, internal and external alterations of Langley Wing and plant	Granted
19/01722/FUL	23.11.2020	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people	Refused

Application number	Decision date	Application detail	Decision
		arranged in two buildings, comprising 302 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	
19/00865/FUL	11.10.2019	Installation of a new Boiler House, CHP, Standby Generator and associated plant on Well's Wing second floor terrace, with acoustic screen	Granted
19/00295/FUL	12.08.2019	Covered walkway, new boundary fence section, relocation of cycle facility, re-provision of VIE oxygen storage facility, double stacking of A&E modular building and paved access route to the North East of Woodcote Wing (Retrospective)	Granted
19/00063/FUL	19.07.2019	Two oil tanks, a generator with a flue and a mast structure	Granted
18/01571/FUL	14.06.2019	Retrospective 3 storey Modular Office Accommodation Building	Granted
18/00990/FUL	10.12.2018	Proposed extension to accommodate new bed lift	Granted
16/00719/FUL	20.10.2016	Erection of 2No glass curtain wall link corridors with 5 degree roof. Alterations to existing doors and windows to suite new layout.  Landscaping to Fenby Ward, level existing secure garden, lay half with new Astro Turf and creation of play area	Granted
15/00910/FUL	03.11.2015	Re-cladding of the "Wells Wing" building, comprising installation of new external wall insulated render system, replacement new double-glazed uPVC/PPC aluminium windows and upgraded roof finish and insulation	Granted

Application number	Decision date	Application detail	Decision
14/00494/FUL	09.09.2014	Excavation to external areas of Elgar Ward and Delius Ward to enable the provision of secure fenced outdoor areas together with associated hard and soft landscaping.	Granted
10/00876/FUL	02.02.2011	Single-storey extension and alteration to existing endoscopy day-case unit	Granted

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving Sustainable Development

Chapter 4 Decision Making

Chapter 6 Promoting a Strong and Competitive Economy

Chapter 8 Promoting Healthily and safe communities

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

Policy CS1 – Sustainability

Policy CS3 - Biodiversity

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS12 - Infrastructure

Policy CS13 - Community facilities

Policy CS16 - Managing transport and travel

### Development Management Policies Document November 2015

Policy DM4 - Biodiversity

Policy DM5 - Trees and landscape

Policy DM7 - Footpath, cycle and bridleway network

Policy DM8 - Heritage assets

Policy DM9 - Townscape character and local distinctiveness

Policy DM10 - Design requirements

Policy DM17 – Contaminated land

Policy DM19 - Development and flood risk

Policy DM34 - New social infrastructure

Policy DM35 - Transport and New Development

Policy DM36 - Sustainable transport.

Policy DM37 – Parking Standards

## **9 Planning considerations**

- Principle of development
- Design, heritage and visual impact
- Transport
- Neighbouring Amenity and Noise
- Air Quality
- Trees and Landscaping
- Ecology
- Archaeology
- Flood Risk and Drainage
- Contamination.
- Crime and Community Safety

## **10 Principle of development**

10.1 The main principle considerations include:

- The need for a MSCP; and
- The impact of the MSCP on heritage assets.

MSCP need

- 10.2 A letter, dated 03.02.2020 accompanies this application, which sets out the reasoning for the proposed MSCP. It sets out that that Epsom and St Helier University Hospitals NHS Trust ('The Trust') are part way through a significant investment programme at Epsom General Hospital. At peak times there are queues on Dorking Road, for access to the hospital's public car park. This scheme seeks to address this, by creating new lanes (or "reservoirs") for cars entering and leaving the Site, to reduce pressure on Dorking Road. This also provides swifter access for ambulances.
- 10.3 The letter sets out that alternative methods of travel for staff and patients will be promoted and improvements to public transport access to Epsom General Hospital will be explored. But, to ensure that the existing number of car parking spaces for staff and visitors are retained, it's essential that the MSCP is built.
- 10.4 The letter sets out that the programme of improvements is partly funded by the recent sale of part of the Epsom General Hospital site to Guild Living. As a result of this sale, the amount of surface car parking available to The Trust will reduce and so to ensure that the car parking capacity is retained, this scheme seeks to replace the car parking and accommodate additional car parking, required for impatient and therapy services, which will move from West Park (New Epsom and Ewell Cottage Hospital and The Poplars) (NEECH) to Epsom General Hospital. Additionally, the proposal seeks to re-provide car parking spaces that have been removed as a result of other permitted schemes on the hospital site.
- 10.5 The cover letter makes reference to the 'Guild Living scheme', but Officers note that this was refused on 23.11.2020, under ref: 19/01722/FUL. A revised planning application has been submitted, under ref: 21/00252/FUL.
- 10.6 The accompanying DAS reiterates the contents of the letter, but further sets out that the proposal also seeks a much-improved pedestrian route from the Dorking Road entrance, through to the Wells Wing and Emergency Department entrances on the eastern elevation of the hospital.
- 10.7 An email presentation was received on 07.04.2021 from the Applicant, providing a "social benefits case" for the proposed scheme. The presentation sets out a summary of future options and strategies for Epsom General Hospital, including, for example, proposed refurbishments to existing buildings and proposed investments to expand emergency and urgent care facilities. It sets out the need for the proposed MSCP, stating that approximately 250 car parking spaces has been lost as a result of a sale of land to Guild Living, 50 additional car parking spaces being required for the NEECH move to Epsom General Hospital, to improve patient and staff experience and future proofing the car parking needs for the hospital.
- 10.8 The presentation sets out that concerns had been raised regarding the height of the proposed MSCP, so the Applicant did explore a scheme with a reduced height, but this would require a larger footprint, pushing the proposed building closer to the Site boundary, which in part comprises the boundary of the adjacent Conservation Area..
- 10.9 The presentation does set out that in response to representation received on this application, the following changes have been sought:
- proposing more trees on the Site



- jump height protection has been removed on the top floor of the building;
- perforated panels have been removed;
- galvanised items have been standardised to improve aesthetics;
- alterations to materials; and
- a green living wall has been introduced.

10.10 In considering the case put forward, Officers understand that a car parking solution is required at Epsom General Hospital. The proposed MSCP and surface car parking would replace lost car parking and accommodate future car parking needs. Subject to material considerations, the principle of a MSCP at Epsom General Hospital is considered acceptable.

Impact of MSCP on heritage assets

10.11 At present, the Site comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the boundary of the Woodcote Conservation Area, which in this location relates to the back gardens of residential properties facing onto Dorking Road. The residential properties referred to are Grade II Listed Buildings but are located further away from the proposed MSCP.

10.12 Officers appreciate the Site's key constraints, the practical consideration that has led to the siting of the proposed MSCP and the required height of this to allow for required car parking numbers. During the course of this planning application, the Applicant has sought to provide reasoning and justification for the proposed MSCP and the recently amended drawings seek to reduce the height of the jump height protector, to decrease the height of the overall building. The introduction of living walls and additional tree planting on the Site boundary has sought to soften the building's appearance and impact. In essence, the Applicant has altered the design of the proposal to further mitigate the adverse impacts on the surrounding context.

10.13 Officers acknowledge that the proposed building would undeniably have a visual presence, but consideration is given to the requirements for the proposed MSCP and the public benefits arising from this, which include:

- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
- Improving pedestrian routes
- Improving patient and staff experiences.

10.14 In considering the requirement for the scheme and its benefits, Officers accept the principle of a proposed MSCP, to provide a parking solution for Epsom General Hospital. Officers are satisfied that the proposal has evolved to respond to the surrounding context, to help mitigate the adverse impacts on the surrounding context, but do accept that there is a degree of harm caused. But, the requirements for and the public benefits arising from the proposed MSCP are in this case, considered to outweigh the adverse impacts of the proposal, in considering paragraph 196 of the NPPF.

## 11 Design, Heritage and Visual Impact

- 11.1 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 189 sets out that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 11.2 Paragraph 190 sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 11.3 Paragraph 192 sets out that in determining applications, Local Planning Authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character, and distinctiveness.
- 11.4 Paragraph 193 sets out 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.
- 11.5 Paragraph 196 sets out 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
- 11.6 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this

- 11.7 Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should be sympathetic to local character and history, including the surrounding built environmental and landscape setting, establish or maintain a strong sense of place and optimise the potential of a Site to accommodate and sustain an appropriate amount and mix of development. Furthermore, places should be created that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.
- 11.8 Paragraph 128 sets out that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
- 11.9 Paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 11.10 Paragraph 131 sets out that in determining applications, great weight should be given to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 11.11 Policy CS5 sets out that the Local Planning Authority 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.
- 11.12 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.
- 11.13 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance. In assessing this, the following is considered:
- 11.14 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.

- 11.15 The Chalk Lane Conservation Area and the Woodcote Conservation Area fall to the southeast and northeast of the Site (less than 0.1 miles from the Site).
- 11.16 Both the Chalk Lane Conservation Area Appraisal and the Woodcote Conservation Area Appraisal sets out that *"in future, in order that the special architectural and historic interest of the conservation area is protected, the Borough Council will need to be especially vigilant when considering applications for new development"*.
- 11.17 Concerns have been received from neighbours regarding the height, design and massing of the proposal and its impact on surrounding heritage assets. This has been taken into consideration by Officers in the assessment of this application.

Heritage Desk-Based Assessment

- 11.18 A Heritage Desk-Based Assessment, dated February 2020, accompanies this application.
- 11.19 A Design and Access Statement (DAS) accompanies this application, dated 07.02.2020, providing the design rationale for the proposed MSCP. With regards to the Woodcote and Chalk Lane Conservation Areas and the Grade II Listed Buildings along Dorking Road (including White Horse Public House and the 67 and 69 Dorking Road), the assessment sets out that the proposed redevelopment would introduce a degree of change in the setting, through the introduction of new built form. However, the key contributors to the significance of these assets would be preserved, and this change needs to be considered given to the existing urban settings of these assets. As such, the impact of the proposal on the Listed Buildings and Conservation Areas would be limited, due to the existing modern context in which the assets are experienced and the design treatments that aim to respond to the local materials and palette. When all aspects are considered, the proposed development would result in some limited harm to those designated heritage assets, falling within the lower end of the spectrum of less than substantial harm. In accordance with the NPPF, when less than substantial harm (lower end) to designated heritage assets has been identified, *'this harm should be weighed against the public benefits of the proposal'* (Para. 196).

Constraints and opportunities

- 11.20 The DAS sets out that the Site's key constraints include the shared approach lane and minimal reservoir within the Site. The Site is also overlooked from most directions, particularly from the cricket club to the east. The northern end of the Site borders a private residential garden. The key opportunities include the Site's proximity to key hospital entrances and the opportunity to provide an improved pedestrian experience. As part of the proposal, existing pavements would be improved and pedestrian crossings proposed, which would improve wayfinding and safety.

MSCP positioning

- 11.21 The DAS sets out that consideration has been given to the siting of the proposed MSCP, which is broken down into the following four steps:

Step 1	The footprint of the MSCP is pushed away from sensitive boundaries, positioned closer to the hospital. This gives easier access to and from the hospital for pedestrians and intrudes less onto neighbouring residential properties/sports premises
Step 2	The positioning of the MSCP enables a “reservoir” for cars entering/exiting the hospital, to move away from blue light route. This helps to mitigate congestion along an important access road
Step 3	MSCP cores are positioned to ease pedestrian access to the hospital, whilst protecting the blue light route.  Remaining surface parking layout is revised, providing a simpler layout with less confusion.
Step 4	The MSCP employs a Vehicular Circulation Module (VCM) to maximise spatial efficiency of the building, whilst ensuring the built volume is as compact as possible.

Vertical Circulation Module

- 11.22 In order to provide maximum spatial efficiency and a high quality user experience, the proposed layout of the proposed MSCP is based on a Vertical Circulation Module (VCM). This creates two one-way circulating routes through the car park. The aisles are one way, with a shared central ramp, split using a painted line, in order to improve ease of use for drivers and to maintain the free flow of vehicles. This provides good visibility and clarity of navigation for vehicles and pedestrians.
- 11.23 Car parking spaces are sized at 2.4m x 4.8 m and clear heights at a minimum of 2.1, below any obstruction (e.g. steel beams or signage). Disabled car parking bays have an additional margin of 1.2m to each side and the rear of each space and are located on flat areas only.

Updated drawings (29.03.2021)

- 11.24 Updated drawings were received on 29.03.2021, with design amendments. The new plans seek the following design amendments:
- Reduction in jump height protection by 1 metre. This revised height level does remain within the recommended height limits
  - Introducing four living walls on the building (one each on the north and south elevations and two on the eastern elevation)
  - Removal of perforated panels on the top floor
  - Standardised the colour of all galvanised items.
- 11.25 The materials key on the updated drawings show the following proposed materials:
- Red multi brick
  - Powder coated aluminium fins in four colours (green RAL 6025, Grey RAL 7047, copper RAL 3016 and red RAL 3001)
  - Steel doors
  - Aluminium windows
  - Precast concrete (smooth finish)
  - Galvanised steel structure

- Green wall (subject to fire engineering and building control approval).

11.26 The Local Planning Authority has re-consulted on the amended drawings for 14 days. Consultation is on-going, but due to expire prior to planning committee on 22 April 2021. All updated representation will be considered by Officers. An update report will be prepared, ahead of planning committee.

Fire safety

11.27 A formal response was received from Surrey Fire & Rescue Service on 14.04.2020. This sets out that the application has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

Local Planning Authority Design and Conservation Officer comments (09.03.2021)

11.28 The Local Planning Authority's Design and Conservation Officer commented on this application on 09.03.2021. The comments are summarised below.

11.29 The proposed MSCP would be located in close proximity to a group of Twentieth Century hospital buildings, which are of limited architectural or historic interest. The proposed MSCP would however be within the setting of the Woodcote Conservation Area. On the northern side of Dorking Road, opposite the entrance to the hospital, there are a small group of one and two storey Grade II Listed buildings. At present, the Site is not built on and is used for ground level parking.

11.30 The proposed MSCP would be clearly visible, given its substantial mass, behind two-storey suburban housing. Its scale, character and materiality would relate in no way to these buildings and given its location next to the Woodcote Conservation Area, it can be regarded as harmful to the setting of this designated heritage asset.

11.31 The scale of the proposed MSCP remains excessive. This is described as a 6 storey building, however this is deceptive, as the top floor is not simply a roof, but a floor with enclosing walls, making it effectively a 7 storey building. This should be regarded as excessive, so close to a Conservation Area of mostly suburban character. The proposal is as excessive as that presented at pre-application stage and is unacceptable.

11.32 Views from the Chalk Lane Conservation Area may also be affected by such a large proposed development. The development may not be seen from the Chalk Lane Conservation Area, but the Applicant has not demonstrated this, by not preparing longer views.

11.33 The design of the proposed MSCP is dependent on the articulation of the cladding surfaces, to massage its bulk. This is partially successful, but it does not conceal the sheer scale of the building and its dynamic texturing of surfacing, drawing attention to the building, making it more noticeable from the Conservation Area.

11.34 Though the elevations may have some strong architectural interest, this would mainly be as a result of different colours and forming of metal shapes in the cladding. That interest is very out of character with the architecture of the Conservation Area. Its more dynamic surface articulation would serve to dominate the small scale suburban architecture in the Conservation Area. The exact material finish is so critical to the appearance of the building it is perhaps not something that could be left to conditions.

- 11.35 On balance, the proposal is considered unacceptable and the Applicant is advised to reconsider the scale of the building and reduce its height. However, a much larger footprint, with a slightly reduced height, might also be harmful to the setting of the local context. The proposal is considered to be unacceptable, under Policy DM10, as its scale, layout, height, form (including roof forms) and massing does not respect local character and local distinctiveness. The proposal would also be harmful to the setting of the Conservation Area, contrary to paragraph 190 of the NPPF.
- 11.36 The Design and Conservation Officer has not provided updated comments in response to the revised drawings, received 29.03.2021.

Officer comments

- 11.37 At present, the Site comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area and Listed Buildings on Dorking Road.
- 11.38 Officers appreciate the Site's key constraints, the practical consideration that has led to the siting of the proposed MSCP and the required height of this to allow for required car parking numbers. During the course of this planning application, the Applicant has sought to provide reasoning and justification for the proposed MSCP and the recently amended drawings seek to reduce the height of the jump height protector, to decrease the height of the overall building. The introduction of living walls and additional tree planting on the Site boundary has sought to soften the building's appearance and impact. In essence, the Applicant has altered the design of the proposal to further mitigate the adverse impacts on the surrounding context.
- 11.39 Officers acknowledge that the proposed building would undeniably have a visual presence, but consideration is given to the requirements for the proposed MSCP and the public benefits arising from this, which include:
- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
  - Improving pedestrian routes
  - Improving patient and staff experiences
- 11.40 In considering the requirement for the scheme and its benefits, Officers accept the principle of a proposed MSCP, to provide a parking solution for Epsom General Hospital. Officers are satisfied that the proposal has evolved to respond to the surrounding context, to help mitigate the adverse impacts on the surrounding context, but do accept that there is a degree of harm caused. But, the requirements for and the public benefits arising from the proposed MSCP are in this case, considered to outweigh the adverse impacts of the proposal, in considering paragraph 196 of the NPPF.

## 12 Transport

- 12.1 Chapter 9 of the NPPF relates to the promotion of sustainable transport.
- 12.2 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 12.3 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 (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 12.4 Policy DM36 out that to secure sustainable transport patterns across the Borough, the Local Planning Authority will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 12.5 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 12.6 Concerns have been received from neighbours regarding the generation of additional traffic and the impact of the development on the surrounding highway. This has been taken into consideration by Officers in the assessment of this application.

**Transport Assessment**

- 12.7 A Transport Statement dated February 2020, accompanies this application. This was updated in July 2020, following comments from SCC Highways.

**Existing parking provision**

- 12.8 The Transport Statement sets out that information provided by the Trust states that there are 801 car parking spaces at Epsom General Hospital, divided between staff and visitors. The breakdown of car parking spaces is as follows:

Visitor spaces	254
Disabled spaces	40
Staff spaces	507
Total car parking spaces	801



Useable spaces

- 12.9 The Transport Statement sets out that the number of space recorded on site as part of surveys undertaken in May 2019 were slightly below that recorded in the above table. Most car parking spaces were lost due to the installation of a modular office building. The resulting observed car parking spaces were as follows:

Visitor spaces	248
Staff spaces	528
Total car parking spaces	776

Visitor car parking

- 12.10 The Transport Statement sets out that the visitor car is located to the left of the main access road from Dorking Road.

General accessibility

- 12.11 The Transport Statement sets out that Epsom General Hospital is in an accessible location and can be accessed by modes of transport other than the private car.

Proposal

- 12.12 The Transport Statement sets out that Epsom General Hospital's site-wide parking capacity, carried out in 2017, has been used as a baseline parking position. In 2017 there were a total of 801 parking spaces across the hospital site, with 256 located within the visitor car park.
- 12.13 The Epsom General Hospital site has undergone numerous changes within the years and in accordance with surveys undertaken in May 2019, there are currently a total of 776 useable parking spaces within the wider hospital site, including 248 spaces in the visitor car park.

Car parking requirements

- 12.14 The Transport Statement sets out that 241 car parking spaces would be lost as a result of redevelopment of an area to the south-west of the Epsom General Hospital site. Additionally, further car parking spaces would have been lost as a result of the following:

Reference	Description of development	Decision	Decision date	No. of car parking spaces lost
18/01571/FUL	Retrospective 3 storey Modular Office Accommodation Building	Granted	14.06.2019	12
19/00063/FUL	Two oil tanks, a generator with a flue and a mast structure	Granted	19.07.2019	23

- 12.15 The Transport Statement sets out that additionally, 66 car parking spaces associated with Woodcote Lodge are required to be relocated and existing NHS services, located at New Epsom and Ewell Community Hospital (NEECH), are to be relocated to Epsom General Hospital, resulting in 46 additional staff and demand for approximately 50 extra car parking spaces.
- 12.16 The Transport Statement sets out that as a result of the above, there is a requirement for 851 car parking spaces across the Epsom General Hospital site, which is an increase of 50 car parking spaces above the baseline position.
- 12.17 The development proposals seek to provide a total of 631 parking spaces within the proposed MSCP site boundary/existing visitor car park, with 527 located within the proposed MSCP and a further 104 surface level spaces, all accessed via the existing priority junction on Dorking Road. A further 220 spaces would be retained elsewhere on the Epsom General Hospital site resulting in the total parking capacity of 851 spaces.

Proposed MSCP

- 12.18 The Transport Assessment sets out that the proposed MSCP has been designed on the standard of:
- 2.4m x 4.8m non-disabled car parking bays; and
  - 3.6m x 4.8m disabled car parking bays.
- 12.19 The aisle width is 6m, allowing for a 1.2m pedestrian walkway across the car parking deck. The car parking deck is a Vertical Circulation Module (VCM), meaning that the car parking aisles form part of the ramps of the proposed MSCP. The cross falls are 1:50 and the falls along the aisles are 1:26.

- 12.20 The Transport Assessment sets out that proposed entrance to the car park and the entrance and exit barriers are located in roughly the same position as that in the existing car park, but the area in-between has been redesigned, so that all surface level car parking in this area is removed, to provide two entry and exit lanes.

Car parking management during construction

- 12.21 The Transport Assessment sets out that during the construction of the proposed MSCP, a total of 174 spaces will be retained on Site for use by hospital staff. This area will only be accessible from and to Dorking Road. The remaining staff vehicles will be accommodated off-site at a number of locations with shuttle buses taking staff to/from Epsom General Hospital.
- 12.22 The Transport Assessment sets out that visitors would use the parking spaces within the area for disposal, with access from Woodcote Green Road, with exiting onto Dorking Road. There are 221 spaces proposed within the area for disposal, plus an additional 28 disabled spaces located in the consultant's car park in front of the Woodcote Wing resulting in 249 which is roughly equivalent to the existing visitor car park (256 spaces in 2017).
- 12.23 Figures were updated during the course of the planning application. The correct numbers are 67 staff parking spaces and 132 visitor parking spaces to be provided on Site during construction, whereas previously it was indicated that during construction 174 staff and 249 visitor spaces would be provided on Site.

Construction traffic

- 12.24 The Transport Assessment acknowledges that a separate 'Traffic Management Plan' dated 22.11.2019 accompanies this application. Construction working hours are anticipated to be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays. There shall be no works on Sundays (unless by prior agreement with Epsom General Hospital).
- 12.25 The preference shall be for operatives to cycle and/or take public transport to the Site. Cycle hoops shall be provided beside the Site officers, to promote cycling to work. There shall be no car parking within Epsom General Hospital, apart from short-term car parking within the construction site boundary, for deliveries and collections.

Post development trips and car parking demand

- 12.26 Subject to the proposed MSCP being granted planning permission, the Transport Assessment sets out that the hospital arrivals and departures from Dorking Road would consist of:
- existing trips (Table 5.1 of the Transport Assessment)
  - trips from Woodcote Green Road (Table 5.12 of the Transport Assessment); and
  - NEECH trips (Table 5.13 of the Transport Assessment).

- 12.27 The resulting peak hour arrivals and departures, along with net changes, are shown below:

	Arrival	Departure	Total	Change
AM peak (07:30 – 08:30)	301	153	454	+106
PM peak (16	122	313	435	+108

- 12.28 The Transport Assessment sets out that the existing parking accumulation data for both the visitor car park and the wider Epsom General Hospital site (Figures 5.2 and 5.3) demonstrate that the existing car park reaches full capacity (or close to full capacity). Additionally, the relocation of staff/services from NEECH would result in an increase in demand for on-site car parking, of 50 spaces.
- 12.29 The Transport Assessment therefore considers that the proposed increase in car parking, as a result of the proposed MSCP (from 801 to 851 total spaces) is appropriate to accommodate the additional demand from NEECH.

Traffic impact

- 12.30 The Transport Assessment sets out that the proposed MSCP is not predicted to have a significant impact on traffic on Dorking Road. Whilst there will be an increase in vehicles queuing to exit the proposed MSCP, the number is not considered to be unusual for a car park of this size during the peak hour. The route to and from the entry/exit barriers has been designed to accommodate queuing traffic away from other hospital traffic (such as ambulances).

Summary

- 12.31 In summary, the Transport Assessment sets out that the proposal seeks to provide 527 car parking spaces within the proposed MSCP and an additional 104 surface level car parking spaces. With a further 220 car parking spaces being retained elsewhere on the Epsom General Hospital site, the total car parking spaces increases from 801 to 851 car parking spaces.
- 12.32 The Transport Assessment sets out that Epsom General Hospital is located in an accessible location and can be accessed by different modes of transport.
- 12.33 The Transport Assessment sets out that due to the reassignment of trips currently accessing Epsom General Hospital's car park within the area for disposal from Woodcote Green Road, plus the relocation of staff/services from NEECH to Epsom General Hospital, there will be an increase in trips as result of the proposals.
- 12.34 Junction capacity assessment demonstrate that Dorking Road/Epsom General Hospital's access would operate with a minimal impact on Dorking Road, following the implementation of the proposed MSCP, whilst the increase in queuing within the Epsom General Site could be accommodated by the proposed layout.

- 12.35 The Transport Assessment sets out that the proposed car parking provision is appropriate to accommodate the additional demand from NEECH, whilst also providing an extra amount of car parking spaces, to prevent overspill onto surrounding residential roads.
- 12.36 The Transport Assessment concludes that the proposed MSCP would not have a material traffic impact or a detrimental impact on local highway safety. Therefore, it is considered that there are no highway or transport reasons that would support refusal of the planning application.

Travel Plan

- 12.37 A Travel Plan, dated February 2020, accompanies this application. An updated Travel Plan was provided on July 2020, as a result from SCC Highways's formal consultation response.
- 12.38 It provides a long-term strategy with the aim of promoting and facilitating trips to and from the Site using the most sustainable modes of travel available and in turn, reducing private car travel and associated car parking demand. The primary objective of the Travel Plan is to reduce unnecessary vehicular trips undertaken by staff and visitors through the promotion and facilitation of suitable alternative modes of travel when accessing the Site.
- 12.39 The Travel Plan sets out a range of physical and managerial measures to implement the long-term strategy. It is not a fixed document and the strategy and measures may require reviewing over the period of the Plan, to accommodate any changes in circumstances. Notwithstanding this, the objectives of the Travel Plan to encourage sustainable travel will not change.
- 12.40 SCC Highways raised concern with the updated Travel Plan, specifically that there was not enough content to make it acceptable. SCC Highways recommended that a new Travel Plan is secured by condition, should planning permission be granted.

SCC Highways

- 12.41 SCC Highways requested the models used in the Transport Assessment, for review by SCC Highways Modelling team. In addition, SCC Highways provided a formal response, dated 06 May 2020, requiring additional information from the Applicant.
- 12.42 The Applicant provided a Technical Note and updated Transport Assessment and Travel Plan on 24.07.2020 to address concerns raised by SCC Highways.
- 12.43 SCC Highways raised additional concerns with regards to the temporary reduction in car parking spaces at the Epsom General Hospital site. SCC Highways also queried whether there would be any changes to the main hospital access on Dorking Road. The Applicant's transport consultant confirmed in an email, dated 14.10.2020, that there are no current plans to make alterations to the main hospital access on Dorking Road.
- 12.44 A note was prepared by the Applicant's transport consultant, on 11.12.2020, comparing the existing/observed arrivals and departures at the Epsom General Hospital site, with those predicted to take place during the construction phase of the MSCP. SCC Highways responded on 06.01.2021, requiring additional information from the Applicant.

- 12.45 SCC Highways Modelling team's concerns regarded the impact of trips on Dorking Road. The Applicant sought to address this and dialog was had between SCC Highways and the Applicant's Transport Consultant regarding suitable mitigation for increased queuing at Epsom General Hospital.
- 12.46 SCC Highways confirmed on 12.02.2021 that it is content that a Temporary Visitor Car Park Management Plan could be secured by planning condition, subject to planning permission being granted.
- 12.47 SCC Highways provided a final response, dated 25.03.2021, recommending that an appropriate agreement should be secured, before the grant of planning permission. The response comprises Obligations and Conditions and also an extensive 'Note to Case Officer'. This is provided below.

*"This application seeks planning permission for the erection of a MSCP and the reconfiguration of some of the existing car parking within the Application Site at Epsom General Hospital. It is proposed 527 car parking spaces will be provided within the MSCP and that the reconfiguration of existing at grade car parking within the red line edging of the Application Site will provide 104 car parking spaces. The number of car parking spaces within the Epsom General Hospital site (including those 220 spaces retained elsewhere on the hospital site, outside of the red line edging) would total 851 parking spaces.*

*Parking surveys were carried out at the site in 2017, to determine a baseline position for parking at Epsom General Hospital prior to the redevelopment works. These surveys confirmed that there were 801 parking spaces available at Epsom General Hospital (254 visitor parking spaces, 40 disabled parking spaces and 507 staff car parking spaces). The proposal for 851 car parking spaces is therefore a net increase of only 50 car parking spaces at the hospital site.*

*The need for a MSCP largely results from the sale of part of the Epsom General Hospital site fronting Woodcote Green Road to a third party. The land sold comprises areas previously used for staff car parking and redundant hospital buildings. Owing to the sale of this land, Epsom General Hospital has lost 241 parking spaces. To re-provide these car parking spaces the Applicant proposes to build a MSCP. The demand for a net additional 50 car parking spaces within the Epsom General Hospital results from the relocation of NHS services currently provided at the New Epsom and Ewell Community Hospital (NEECH) which are to be relocated to the Epsom General Hospital site. The relocation of this service will see 46 additional staff based at Epsom General Hospital and therefore justify demand for 50 additional car parking spaces within the Site.*

*The County Highway Authority highlights that this application would therefore only increase the numbers of parking spaces at Epsom General Hospital by 50. The proposed MSCP condenses the area within which these spaces are provided as the hospital has already sold land used for hospital parking to a third party. An existing point of access on Woodcote Green Road that does not fall within the land sold to the third party will be retained and be used as a servicing route for the hospital, and shall be subject to a one-way (south to north) operation.*

*It is proposed that vehicles accessing the MSCP will use the existing eastern most access on Dorking Road (A24). It is understood that prior to the sale of part of the Epsom General Hospital site, most staff accessed Epsom General Hospital via the Woodcote Green Road entrance. The proposed development would therefore see*

*intensification in use of the Dorking Road entrance to Epsom General Hospital as existing trips, relocated trips from Woodcote Green Road and new trips associated with the relocated services from the NEECH would all be accessing on-site car parking using this access. The Applicant has provided the figures for the below table, which details the number of arrivals and departures and net change in vehicle movements in the AM and PM peak hour. The majority of these are not new trips on the network, but are redistributed trips all accessing the site via Dorking Road, whereas previously, the trips would have been split between Dorking Road and Woodcote Green Road.*

	<i>Arrival</i>	<i>Departure</i>	<i>Total</i>	<i>Change</i>
<i>AM peak (07:30 – 08:30)</i>	301	153	454	+106
<i>PM peak (16</i>	122	313	435	+108

*The County Highway Authority has raised concern about the impact of additional traffic using the existing Epsom General Hospital access on Dorking Road. The Applicant has carried out Paramics Modelling to assess the impact of both reassigned trips from Woodcote Green Road and additional trips associated with the proposed development. The modelling has passed audits carried out by SCC Highways Modelling team.*

*The modelling report provided by the Applicant acknowledges that there are unreleased vehicles within Epsom General Hospital and that there will be a significant increase in queuing levels in the hospital exits between base and 2025 scenarios. Left unmitigated in a worst-case scenario, the greatest number of unreleased vehicles from the hospital access is 137 in the 2025 plus development scenario. The unreleased vehicles are vehicles trying to get onto the network, but because of queuing, are unable to join the network. Because these are not in the model, it is hard to quantify these, but this could be interpreted as vehicles that need to be released, and therefore this can be thought of as an additional queue of vehicles waiting to leave the site.*

*To address these concerns the Applicant has modelled preventing those vehicles that would be turning left when leaving the site from using the main Epsom General Hospital exit, and reassigning all left turning traffic to the existing egress only junction further west onto Dorking Road. This mitigation reduces the level of queuing at the main junction, however, does not entirely remove queuing within the Application Site. The below summary table provided by the Applicant sets out the mitigation impact of redirecting left turning vehicles exiting the site to the westernmost egress. It should be noted that a queue length of 0 does not mean there is no queuing, but instead that any queuing is within the extents of the model, which allows for approximately 12 vehicles at the main junction and approximately 10 at the egress.*

Main Junction	No Mitigation	Mitigation
Base	0	NA
Base + Dev	90, PM, 1715	50, PM, 1715
2025	20, PM, 1630	NA
2025 + Dev	125, PM, 1715	70, PM, 1715

Egress only	No Mitigation	Mitigation
Base	0	NA
Base + Dev	0	0
2025	10, AM, 945	NA
2025 + Dev	10, AM, 945	30, AM, 945

*The mitigation (redistribution of left turning vehicles from the main hospital junction to the egress only junction to the west) does reduce the number of unreleased vehicles from the main Epsom General Hospital junction in the 2025 plus development scenario. However, the proposed mitigation does increase the number of unreleased vehicles travelling north bound on Dorking Road at certain times of the day, for example increasing from 220 in the unmitigated scenario to 250 in the mitigated scenario at 18:15 (please see table below which demonstrates worst case number of unreleased vehicles on Dorking Road). As the below table highlights, in the worst case scenario, the proposed development could increase the number of unreleased vehicles on Dorking Road from 150*



*(2025 without any development) to 250 (2025 with development and mitigation to reduce extent of queuing within the site). The PM period sees the highest growth in unreleased vehicles and the audits suggest this occurs around 18:00 (+/- 15 minutes).*

	AM Unreleased Vehicles	IP Unreleased Vehicles	PM Unreleased Vehicles
2025 Base	130	20	150
2025 + dev	100	15	220
2025 + mit	100	-	250

*Increases in the +mitigation scenarios could be due to both variability within the model and 'letting out behaviour' on the main carriageway. A more constant stream of right turners from the main Epsom General Hospital exit may be slowing traffic on the main carriageway slightly. However, this is considered the worst-case scenario, which is unlikely to be reached*

*The Applicant has confirmed that to further reduce queuing within the Application Site and reduce the impact on Dorking Road, they will stagger staff shift patterns, to be tied into the Travel Plan. This will spread staff departure times from the hospital across several hours and further reduce the extent of queuing within the Application Site. The modelling does not account for this and is hence a worst-case scenario. The Applicant has also advised that they will continue to provide approximately 25% of outpatient appointments virtually after the COVID-19 pandemic, so in-person outpatient appointments at the hospital will be reduced further, reducing queuing within the Application Site, which again has not been modelled. The modelled scenario is therefore a worst-case situation, and, the impact of the development is likely to be less than the modelling predicts. The County Highway Authority understands the Applicant may be considering reducing the amount of parking provided within the proposed MSCP. Should this be the case the impact would be further reduced.*

*On balance the County Highway Authority does not consider that the impact of the proposed development on Dorking Road would be severe if the above mitigation measures are secured, with the proposed mitigation (redirecting left turning vehicles to the egress, staggering staff shift patterns and providing 25% of appointments virtually) combined with a Travel Plan (a strategy for reducing car travel to the Application Site, and measures for implementing the strategy) will suitably reduce the impact of the proposed development on the highway.*

*As Epsom General Hospital have already sold the land used for staff car parking to a third party, the Applicant has confirmed it will not be possible to use this area for parking whilst the proposed MSCP is under construction. Additional parking will be temporarily lost within the red line edging of the Application Site whilst the proposed car park is under construction. It is therefore important that both staff and visitor car parking is carefully managed during construction to ensure that demand for parking within the Application Site does not exceed the reduced parking capacity. The County Highway Authority recommends a condition for a Visitor Temporary Parking Management Plan.*

*With regards to Temporary Staff parking, the Applicant has agreed with Epsom & Ewell Borough Council at the October 2020 Environment and Safe Communities Committee*

*that Epsom & Ewell Borough Council can provide 450 car parking spaces to Epsom General Hospital Staff on a temporary basis whilst the proposed MSCP is under construction within existing Borough Council car parks, however the County Highway Authority was not involved in this committee or agreement.*

*The County Highway Authority also recommends a permanent car parking management plan be provided, which should address the management and allocation of staff and visitor car parking at the site on a permanent basis.*

Officer comments

12.48 The proposal seeks a MSCP, which has been assessed by SCC Highways, who have no objection, subject to S106 Obligations and Conditions. Officers are satisfied that the proposal meets the relevant policy tests.

**13 Neighbouring Amenity and Noise**

13.1 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.

13.2 Policy DM10 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.

13.3 Concerns have been received from residents that the proposed buildings will adversely impact neighbouring amenity enjoyed at properties surrounding the Site. This has been taken into consideration by Officers in the assessment of this application.

13.4 Concerns have also been received regarding the impact the proposed MSCP would have on the adjacent Epsom Sports Club (hockey, cricket, tennis, lacrosse and croquet). This has been taken into consideration by Officers in the assessment of this application.

- 13.5 The Site currently comprises surface car parking, so the proposed addition of a MSCP would have a greater visual presence. Considering must be given to the potential impact of this on surrounding residential amenity and other facilities.
- 13.6 The proposed MSCP is to be sited over the current surface level car park located at the north eastern side of Epsom General Hospital. To the immediate south and west of the proposed siting of the proposed MSCP are the main hospital buildings and to the north and east is Epsom Sports Club (Hockey and Cricket) and Epsom Lawn Tennis Club. The nearest residential properties are set approximately 40m to the north in Elmslie Close and approximately 63m to the north for those on the south side of Dorking Road.
- 13.7 The nearest residential properties to the proposed MSCP are numbers 39 to 47 Dorking Road and 1 to 5 Elmslie Close. As above, the development is spaced between 40 and 70 metres from these residential properties. Due to the height, mass and bulk of the proposed MSCP and its positioning within the Epsom General Hospital site, it is likely that the proposed MSCP would have a minor adverse impact upon the existing outlook enjoyed at the closest residential properties. But, the separation distances are considered adequate and the potential loss of outlook is not considered to be unduly harmful or cause an overbearing impact. Furthermore, at these distances, it is considered that the proposal would not have a significant impact upon the daylight, sunlight or privacy enjoyed at these properties.
- 13.8 Epsom Sports Club are recreations grounds comprising open space for playing fields, sports courts and pitches, with associated pavilions and facilities. The proposed MSCP would be visible from the adjacent open spaces, but is not considered to adversely impact the recreational uses, including the sport and leisure uses, at the grounds. Concerns have been raised, stating that the proposal could raise a safeguarding issue. Officers acknowledge that Epsom Sports Club is a mixed club, for use by men, women and children. The nature of the proposed MSCP is not considered to raise safeguarding issues.
- 13.9 Epsom General Hospital comprises a number of buildings, of varying heights, many of which have been altered over time. Generally, the buildings are considered to be of poor quality, lacking any coherent masterplan. The proposed MSCP is considered an appropriate and compatible use to Epsom General Hospital and is not considered to adversely impact the services or care provision at the existing hospital buildings.
- 13.10 In summary, the proposal is not considered to adversely harm neighbouring amenity enjoyed at neighbouring properties. It is considered to comply with Policy DM10 of the Development Management Policies Document (2015).
- 13.11 Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development minimises the emission of pollutants, including noise, water and light pollution, into the wider environment.
- 13.12 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

- 13.13 A Noise Impact Assessment, dated 10.02.2020, accompanies this application. It reviews the likelihood of an adverse noise impact as a result of the proposed MSCP. The Assessment has considered BS8233:2014 and the World Health Organisation guidance for assessing noise level from the play areas which offer acceptable external amenity and is applicable to the gardens of the nearest neighbouring property. A reasonable standard of external amenity is considered to be 55 dB(A) LAeq,16hour and below.
- 13.14 The main new noise source associated with the proposed MSCP would be from be additional cars, some of those being raised to a higher position on the top deck of the MSCP. Also, a higher density of cars located closer to Epsom General Hospital. The overall level of sound from the proposed MSCP, with the change in levels compared with existing conditions, has the potential to noticeably impact the noise level within the wards of Epsom General Hospital. Recommendations have been provided, where possible, to reduce the impact of the proposed MSCP.
- 13.15 The Local Planning Authority's Environmental Health team commented on this application on 15.02.2021. It sets out that there is an adverse noise impact predicted, with mitigation suggested within the Noise Impact Assessment. Subject to planning permission being granted, this should be installed (captured within a condition).

#### **14 Air Quality**

- 14.1 Paragraph 105e of the NPPF required adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 14.2 Paragraph 110e of the NPPF sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 14.3 Paragraph 170 of the NPPF sets out that planning decisions should prevent new development from contributing to, or being put at unacceptable risk from, or being adversely affected by (inter alia) unacceptable levels of air pollution.
- 14.4 Paragraph 181 of the NPPF sets out that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and management.
- 14.5 Policy CS1 sets out that the Council should expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations.
- 14.6 Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development minimises the emission of pollutants, including noise, water and light pollution, into the wider environment.

- 14.7 An Air Quality Assessment, dated February 2020, accompanies this application. It sets out that the proposed development does not raise any significant or other residual adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of any anticipated changes to air quality. It is considered that the proposed development complies fully with air quality related National and Local planning policy and any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions.
- 14.8 The Local Planning Authority's Environmental Health provided a comment on this application on 15.02.2021. This does not specifically reference the Air Quality Assessment. Officers have therefore used their professional judgement and subject to planning permission being granted, a condition should be included, capturing the recommendations and mitigation measures recommended within the Air Quality Assessment.
- 14.9 SCC Highways formally provided a response on 25.03.2021. It has recommended a planning condition, should planning permission be granted, requiring at least 20% of the available parking spaces to be provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply).
- 14.10 The Applicant responded to the requirement for this on 07.04.2021 via email. The Applicant sets out currently there are four electric charging points at Epsom and St Helier University Hospitals (ESTH) and that these are "not in 100% use Monday to Friday 09:00 – 17:00". The Applicant sets out that the installation of fast charge sockets is not a financially sound option, which would require additional electrical works and prevent the funding of other clinical service improvements. So, the Applicant considers that the condition is unreasonable. The Applicant would be content for a condition that requires 10% of active/passive charging points to be in from day one and a further 30 that could be brought in within a few months, if required. The Applicant would also want to split the percentage between fast and slow charging points. For staff parking, most park on Site all day and therefore the slow charging point would meet their need. The Applicant would accept fast charging for visitors and patients. The Applicant suggests a 30/70% split for fast/slow points.
- 14.11 Officers have considered the Applicant's request to amend the condition wording. But, the provision of at least 20% of the available parking spaces to be provided with a fast charge socket would accord with sustainability principles required by local and national planning policy, encouraging a shift to low-carbon and electric cars from traditional fuel. The condition wording is considered reasonable, to ensure that active/passive charging points are installed and to ensure that this is enforceable from a planning perspective. The scheme presents limited sustainability credentials, but the provision of fast charging sockets would encourage more sustainable forms travel. The imposition of the condition is therefore considered reasonable.
- 14.12 The proposal, subject to imposition of conditions, is considered to comply with Policies CS1 and CS6 of the Core Strategy (2007).

## **15 Trees and Landscaping**

- 15.1 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.

- 15.2 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.

Policy DM5 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.

- 15.3 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.

Trees

- 15.4 There are no tree preservation orders relating to the Site or relating to trees on its boundaries.
- 15.5 A Tree Survey and Arboricultural Integration Report, dated 01.11.2019, accompanies this application.
- 15.6 There is very limited vegetation within the Site, with 19 trees. four trees are of moderate quality and landscape value, all of which are outside of the application boundary. 15 trees are of low arboricultural quality and no more than moderate landscape value and of those one is Category B, 10 are Category C and four are Category U.
- 15.7 The proposal does not seek to prune trees and it does not seem to make any incursions into the Root Protection Areas (RPA) of trees to be retained. Therefore, no trees to be retained would be directly harmed by the proposal.
- 15.8 The proposal seeks to remove three individual trees, comprising two Category C trees and one Category U tree and one group of Category U common ash. The three individual trees and the group of trees are required to be removed for maintenance reasons and not to facilitate the proposed MSCP. All of the trees to be removed are self-seeded in a narrow verge between the existing car park and the chain link boundary fence. There are no trees proposed to be planted in replacement for the trees to be removed.
- 15.9 The Local Planning Authority's Tree Officer has not commented on this application, so Officers have used their professional judgement in assessing this. As the trees proposed to be removed are young and of low quality and landscape value, it is not considered that their removal will detract from the landscape, nor have a detrimental visual impact on the character or appearance of the area. The Report sets out measures to protect retained trees in accordance with current standards and guidance, which would be secured within a planning condition, subject to planning permission being granted.
- 15.10 The proposal, subject to imposition of conditions, is considered to comply with Policy DM5 of the Development Management Policies Document (2015).

Landscaping

- 15.11 Officers recognise that due the nature of the proposal (a proposed MSCP over an existing surface level car park), there are limitations with regards to improvements to proposed landscaping. These gains are balanced and limited, in line with needs and aims of maximising car parking at Epsom General Hospital.
- 15.12 A Soft Landscaping Plan (BD0035-STRIFE-00-00-DR-LA-3001 – P04 – dated 20.01.2021) accompanies this application. It includes a tree planting schedule.
- 15.13 The soft landscaping is considered an improvement upon the current levels of planting and given that the majority of tree species will be retained, this would result in a net gain. As such, the soft landscaping scheme is considered acceptable.
- 15.14 The submitted landscaping scheme does not cover the final hard surface finish of the development. The Design and Access Statement at page 4.11 shows the intention to have a tarmac surface tied into the existing, where appropriate.
- 15.15 The application is not specific about the final finishes pedestrian areas within and leading around the car park and tying into Epsom General Hospital. As such, should planning permission be granted, a landscaping condition shall be imposed, to ensure a full specification of surfacing, soft and hard landscaping, planting and retention. The proposal is considered to comply with Policy DM5 of the Development Management Policies Document (2015).

## **16 Ecology**

- 16.1 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
- 16.2 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.
- 16.3 Policy CS3 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.
- 16.4 Policy DM4 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity.
- 16.5 An Ecological Impact Assessment, dated 16.01.2020, accompanies this application.
- 16.6 The Assessment sets out that the Site mainly comprises hardstanding, with small areas of amenity grassland, which does not offer suitable habitats for protected or notable species. The construction of the proposed MSCP represents an impact that is significant at Site level only, given the absence of any habitats of value. The precautionary mitigation, to avoid the removal of vegetation during the nesting bird season, must be followed to ensure that there is not a breach of the Wildlife and Countryside Act.

- 16.7 The Assessment sets out enhancement opportunities, resulting in new opportunities for nesting birds and a likely gain for biodiversity at the Site. If any protected species are found during proposed works (subject to planning permission being granted), work should be stopped immediately and an ecologist contacted for advice.
- 16.8 The Local Planning Authority's Ecologist confirmed that the proposal does not result in any notable loss of biodiversity. As such, no mitigation is required, but, local planning policy does require proposals to improve biodiversity, so enhancements should be required. Officers consider that this could be required by a planning condition.
- 16.9 The proposal, subject to imposition of conditions, is considered to comply with Policy CS3 and DM4.

## 17 Archaeology

- 17.1 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 17.2 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 17.3 Policy DM8 (seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 17.4 A Heritage Desk Based Assessment, dated February 2020, accompanies the application. It sets out that the physical and non-physical effects, summarised below:

### Physical effects

- 17.5 The proposal would not directly affect any designated heritage assets and no heritage assets of archaeological interest of comparable significance have been identified within the Site as part of the assessment. It also sets out that the assessment identified limited potential for presence of archaeological remains of prehistoric to medieval date within the Site. The Site has been subject to previous development, including stripping to facilitate construction of the car park. Such activity is likely to have compromised the survival of potential archaeological remains within the Site.

### Non-physical effects

- 17.6 The Site does not constitute a key element of the setting of the majority of designated heritage assets located within the surrounding landscape and following a detailed assessment, it has been ascertained that development of the Site would not alter the setting of a group of listed buildings located along Dorking Road, over 100m west of the Site.



- 17.7 With regard to Woodcote and Chalk Conservation Areas, and associated Listed Buildings, and Grade II Listed Buildings along Dorking Road, including White Horse Public House and the 67 and 69 Dorking Road, this assessment has established that the proposed redevelopment would introduce a degree of change in the setting through the introduction of new built form. However, the key contributors to the significance of these assets would be preserved, and this change needs to be considered given the existing urban settings of these assets. As such, the impact of the proposal on the Listed Buildings and Conservation Areas would be limited, due to the existing modern context in which the assets are experienced and the design treatments which aim to respond to the local materials and palette. When all aspects are considered, the proposed development would result in some limited harm to those designated heritage assets, falling in within the lower end of the spectrum of less than substantial harm. In accordance with the NPPF, when less than substantial harm (lower end) to designated heritage assets has been identified, *'this harm should be weighed against the public benefits of the proposal'* (Para. 196).
- 17.8 SCC Archaeology commented on the application on 16.03.2020, stating that the Applicant's assessment considered the available archaeological and historical resource to assess the potential of the Site. SCC Archaeology considers that the archaeological potential of the Site is unknown and so further work in the form of an archaeological trial trench evaluation is required, to properly determine whether heritage assets of archaeological significance remain within the Site.
- 17.9 Subject to planning permission being granted, SCC Archaeology recommend a planning condition, to secure the required archaeological work.
- 17.10 The proposal, subject to imposition of conditions, is considered to accord with policy CS5.

## **18 Flood Risk and Drainage**

- 18.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). 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.
- 18.2 Policy CS6 out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage and avoids increasing the risk of, or from, flooding.
- 18.3 The Site is within Flood Zone 1 (Low Probability of Flooding) and partly within a Critical Drainage Area.

- 18.4 The application is accompanied by a Surface Water Drainage Strategy Report, dated February 2020. It recognises that the Site is within flood zone 1 and there is no evidence to show previous flooding events at the Site.
- 18.5 The proposal sets out that the surface water system would discharge into the public surface water sewer at a restricted rate. The report demonstrates that the proposed drainage measures means that no property would be at risk of flooding if the development was to proceed and that suitable means of surface water and foul drainage can be achieved for the proposed development.
- 18.6 Surrey County Council Local Lead Flood Authority (LLFA) commented on the application on 05.03.2020, setting out that it is satisfied with the proposed drainage scheme, subject to conditions, should planning permission be granted.
- 18.7 A formal response from the Environment Agency outlines that the application has a low environmental risk and so there are no comments to make.
- 18.8 Thames water confirmed in its response dated 18.02.2021 that there are no public sewers crossing or close to the development but the proposed development is located within 15 metres of a strategic sewer and therefore a condition should be added to any planning permission granted.
- 18.9 Thames Water sets out that it would recommend petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Thames Water sets out that with regards to the water network infrastructure capacity, there would be no strong objection to the planning application, but that an Informative should be added to any planning permission granted.
- 18.10 The proposed development is considered to comply with Policy CS6 of the Core Strategy (2007).

## **19 Contamination**

- 19.1 Policy DM17 sets out that where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the following criteria are satisfied:
- all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants which could cause unacceptable risk to health or to the environment;
  - it is demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 19.2 The Local Planning Authority's Contamination Land Officer commented on 02.03.2020, with no objection, recommending a full ground contamination and ground gas condition should planning permission be granted.
- 19.3 The proposal, subject to imposition of conditions, is considered to comply with Policy DM17.

## **20 Crime and Community Safety**

- 20.1 A response was received from the Crime Reduction Advisor & Design Out Crime Officer, setting out that the car parking at Epsom General Hospital is assessed regularly by the British Parking Associated Safer Parking Scheme, who is aware of the plans for a proposed MSCP. At the present time, this would be a positive move in terms of safe and available car parking.

## **21 Community Infrastructure Levy**

- 21.1 The scheme is not liable for community infrastructure levy.

## **22 Conclusion**

- 22.1 The Site at present comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area.
- 22.2 The proposal seeks the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces, the reconfiguration of the existing surface car parking surrounding the proposed structure, providing an additional 104 car parking spaces and improvements to the access road for vehicles and pedestrians, from Dorking Road.
- 22.3 The proposed MSCP would undeniably have a visual presence, but consideration is given to the requirements for this and the associated public benefits, which include:
- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
  - Improving pedestrian routes
  - Improving patient and staff experiences.
- 22.4 In considering the requirement for the scheme and its associated public benefits, Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. Officers are satisfied that the proposal has evolved to respond to its surrounding context, to help mitigate adverse impacts, but do accept that there is a degree of harm caused to the setting of the Conservation Area. In balancing this less than substantial harm against the public benefits of the scheme, the requirements for a parking solution at the hospital and the public benefits arising from the MSCP are in this case, considered to outweigh the adverse heritage impacts of the proposal, in considering paragraph 196 of the NPPF.
- 22.5 Officers recommend approval, subject to a completed S106 Legal Agreement and Conditions.

## **23 Recommendation**

- 23.1 Part A: Grant planning permission, in accordance with the proposed conditions and subject to a Section 106 Agreement being signed by 22 June 2021, and securing Heads of Terms and conditions (detailed below).
- 23.2 Part B: In the event the Section 106 Agreement referred to in Part A is not completed by 22 June 2021, the Head of Planning is authorised to refuse the application for the following reason:

- 23.3 In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990) as amended), failing to provide a financial monitoring fee to Surrey County Council towards future auditing of the site travel plan.

**Heads of Terms**

- A financial monitoring fee to be paid by the Applicant/Developer to Surrey County Council within three months of the multi-storey car park being first occupied, of £6,150 towards future auditing of the site travel plan.

**Conditions**

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

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

- (2) In accordance with approved plans, the development shall provide 527 car parking spaces within the multi storey car park and 104 car parking spaces at surface level

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

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

J1250-STRIFE-WP-XX-PL-AX-91003 P1 – Location Plan – dated 05.02.2020

J1250-STRIFE-WP-XX-PL-AX-91002 P2 – Existing Site Plan – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-90601 P1 – Existing Site Sections A and B – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-90602 P1 – Existing Site Sections C and D – dated 05.02.2020

J1250-STRIFE-WP-XX-PL-AX-P3050 P6 – General Arrangement Elevations East and West – dated 26.03.2021

J1250-STRIFE-WP-XX-PL-AX-P30502 P6 – General Arrangement Elevations North and South – dated 26.03.2021

J1250-STRIFE-XX-01-PL-AX-30601 P2 – General Arrangement Sections A and B – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-30602 P2 - General Arrangement Sections C and D – dated 05.02.2020

J1250-STRIFE-WP-00-PL-AX-P30100 P3 – General Arrangement Plan Level 00 – dated 25.01.2021

J1250-STRIFE-WP-01-PL-AX-P30101 P3 – General Arrangement Plan Level 01 – dated 25.01.2021

J1250-STRIFE-WP-02-PL-AX-P30102 P3 – General Arrangement Plan Level 02 – dated 25.01.2021

J1250-STRIFE-WP-03-PL-AX-P30103 P3 - General Arrangement Plan Level 03 – dated 25.01.2021

J1250-STRIFE-WP-04-PL-AX-P30104 P3 – General Arrangement Plan Level 04 – dated 25.01.2021

J1250-STRIFE-WP-05-PL-AX-P30105 P3 - General Arrangement Plan Level 05 – dated 25.01.2021

1250-STRIFE-WP-RL-PL-AX-P30106 P3 - General Arrangement Plan Roof Plan – dated 25.01.2021

J1250-STRIFE-WP-XX-PL-AX-91001 P3 – Proposed Site Plan – dated 25.01.2021

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

- (4) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (6) Prior to the commencement of the façade of the building, details and samples of the external materials to be used for the development shall be made available to be approved by the local planning authority on site. The work shall not be carried out otherwise than as to conform to approve samples

Reason: In the interest of the character and appearance of the conservation area, in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (7) Prior to commencement of above ground works/the relevant part of the development hereby permitted, a sample of each of the proposed brick finishes (1m X 1m panel) shall

be constructed on site for inspection and approval by the local planning authority on site. These shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour proposed for the building and shall be retained on site as a model for the work on site. The work shall not be carried out otherwise than as to conform to approve samples

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (8) No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied/brought into use and shall thereafter be retained.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (9) Prior to the first use of the new areas of hard surfacing, details shall be submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details and so maintained.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (10) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the details set out in the Tree Report and Tree Protection Plan (dated 01.11.2019), without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site

d) The arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. The development thereafter shall be implemented in strict accordance with the submitted details

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

- (11) Before development takes place tree protection measures shall be installed and any further information provided in accordance with the submitted arboricultural information. The applicant shall arrange a pre-commencement meeting after the installation of the tree protection between the Borough Council and the applicant's project arboriculturist to allow inspection and verification of the protection measures

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

- (12) A hard and soft landscaping plan and a soft landscaping plan is submitted with this application (J1250-STRIFE-WP-XX-PL-AX-91004 P1 – Hard and Soft Landscaping Plan – dated 05.02.2020 and BD0035-STRIFE-00-00-DR-LA-3001 – Soft Landscaping Plan – dated 20.02.21

No development, above ground floor slab level, shall commence until a finalised scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (13) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (14) Prior to the first occupation of the proposed development a Travel Plan, to include the staggering of staff shift patterns, shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation of the Multi-storey car park and for each and every subsequent occupation of the development, and thereafter, maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019

- (15) The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply). This required infrastructure shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the Multi-storey Car Park, and once provided, shall be permanently retained and maintained to the satisfaction of the Local Planning Authority

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019

- (16) Prior to the first occupation of the Multi-storey car park the applicant shall design and implement a scheme in consultation with The County Highway Authority to direct all vehicles turning left onto Dorking Road when leaving the application site to exit only using the westernmost egress onto Dorking Road to mitigate queuing within the application site.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (18) The development hereby approved shall not be first occupied unless and a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be implemented upon the first occupation of the multi-storey car park and retained in perpetuity

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (19) The development hereby approved shall not be first occupied unless and until directional signage has been erected within the hospital site to direct staff, visitors, ambulances, deliveries and drop-offs to ensure the free flow of vehicles within the application site, in accordance with a scheme to be submitted to and approved in writing by The Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (20) No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials



- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) HGV deliveries and hours of operation
- (f) vehicle routing
- (g) measures to prevent the deposit of materials on the highway
- (h) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (21) No development shall commence until a Temporary Visitor Car Parking Management plan, to include details of management of visitor parking during construction of the multi-storey car park has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (22) No development shall commence until a Temporary Staff Car Parking Management plan, to include details of:
- a) management of staff parking during construction of the multi-storey car park
  - b) temporary park and ride facilities have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (23) The scheme shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Impact Assessment, dated 16.01.2020 prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (24) Prior to occupation of the building, a scheme to enhance the biodiversity interest of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full and thereafter maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (25) No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure

- (26) The development shall accord with the recommendations and mitigation suggested within the Noise Impact Assessment (10.02.2020)

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (27) The development shall accord with the recommendations and mitigation suggested within the Air Quality Assessment (February 2020).

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

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

Reason: The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007)

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 6.8 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

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

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

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

- (31) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:
- (32) A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

Informative(s):

- (1) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149)
- (2) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (3) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric->

vehicle-infrastructure.html for guidance and further information on charging modes and connector types

- (4) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
- (5) All bridges, buildings or apparatus (with the exception of projecting signs) which project over or span the highway may be erected only with the formal approval of the Transportation Development Planning Team of Surrey County Council under Section 177 or 178 of the Highways Act 1980
- (6) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (7) There are public sewers crossing or close to the development. If significant work is planned near to sewers, it's important that the risk of damage is minimised. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services it provides in any other way. The applicant is advised to read the guide working near or diverting pipes
- (8) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses
- (9) Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, IT would not have any objection to the planning application, based on the information provided
- (10) Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, IT would not have any objection to the planning application, based on the information provided
- (11) On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, IT would not have any objection to the planning application. Thames Water will aim to provide 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. The developer should take account of this minimum pressure in the design of the proposed development
- (12) If the applicant is planning on using mains water for construction purposes, it's important it lets Thames Water know before this is used, to avoid potential fines for improper usage
- (13) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order
- (14) Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order

- (15) Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005
- (16) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application
- (17) Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:

protect life;

protect property, heritage, the environment and our climate;

help promote and sustain business continuity; and

permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

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**Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG**

Ward:	<b>Woodcote Ward</b>
Site:	<b>Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG</b>
Application for:	<b>Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.</b>
Officer:	<b>Ginny Johnson</b>

## **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=QOM65RGY0BY00>

## **2 Summary**

- 2.1 This is a major planning application and in accordance with Epsom & Ewell Borough Council's Scheme of Delegation, it is referred to Planning Committee. The proposal seeks the demolition of existing buildings, proposing a care community (Use Class C2), 24 replacement key worker units (Use Class C3), a children's nursery (Use Class E), as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.

- 2.2 The Application Site ('Site') comprises healthcare and accommodation buildings and surface level car parks, which are of poor quality, lacking any coherent masterplan. In line with the accompanying Planning Statement (paragraph 2.3), Legal & General acquired the Site following a decision by the 'NHS Epsom Hospital Trust', to sell a portion of the Epsom General Hospital Site, which was surplus to their requirements.
- 2.3 People are living longer. There are now around 12 million older people (aged 65 or over) in the UK, in accordance with 'The Health Foundation'. While many live healthy lives, as we age, the likelihood of needing acute care or on-going care grows. The ageing population creates new challenges for society, as demonstrated by the increase in demand for NHS services and social care.
- 2.4 The variety of extra-care accommodation reduces pressure on local hospitals, GPs and emergency centres. Not only does extra-care accommodation provide a positive health influence on all senior residents, it also directly impacts on and improves a range of social factors, such as loneliness and isolation.
- 2.5 This Site is located within the built up area of Epsom and is appropriate for housing redevelopment, as it is comprised of previously developed land. The proposed use is compatible with existing uses, specifically the adjacent hospital. There is no existing concentration of comparable C2 provision in the immediate locality, ensuring that the scheme supports the creation of a mixed, inclusive and sustainable community.
- 2.6 Surrey County Council (SCC) Adult Social Care recognises that further extra-care accommodation is required. It is possible that the future operator will attract interest from people living beyond the Borough's borders.
- 2.7 The proposal contributes towards the need for specialist retirement housing in the Borough. It seeks 305 care units, equating to approximately 57 units above the minimum need of 248 units within the Borough (in accordance with the SHMA Update).
- 2.8 The Local Planning Authority cannot presently demonstrate five years housing land supply. This scheme would generate 292 units towards housing numbers, as a result of applying the "Housing Delivery Test Measurement Rule Book". Officers give this positive weight within the planning balance. Furthermore, this proposal would enable older people to move out of their existing homes into extra care accommodation, which would free up existing housing stock for the next generation.
- 2.9 There is existing (now vacant) key worker accommodation on the Site, located within Woodcote Lodge. This is proposed to be re-provided as part of this application and subject to planning permission being granted, tied into the S106 Agreement. This is given positive weight by Officers.
- 2.10 The proposal seeks to address the reasons for refusal, associated with planning application ref: 19/01722/FUL, dated 23 November 2020. The overall massing and scale of the proposed buildings have been reduced, by decreasing the number of units by 39, by revising the height of all buildings and increasing the setbacks from Woodcote Green Road.
- 2.11 Internally, the proposed units have been designed to cater for residents requiring care and support. The overall scheme provides a focus on communal spaces and facilities, which would be accessible to residents, but also to the public, including for example, the children's nursery. Various uses within the development encourage social interaction. Officers give positive weight to the social and community benefits arising from this scheme.



- 2.12 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11(d)(i) of the NPPF). Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.

### 3 Site description

#### *Application Site ('Site')*

- 3.1 The Site comprises an area of approximately 1.5 hectares of land to the south of Epsom General Hospital. The land is currently developed with a number of healthcare and accommodation buildings and surface level car parks, which have been declared surplus to requirements by the NHS.
- 3.2 The existing buildings on the Site comprise:
- A four storey brick building, occupying the frontage to Woodcote Road (Rowan House), which measures 18.4m in height (ridge height), 69.5m in width and 54.8m in depth
  - A three storey residential block, currently providing doctors and nurses' accommodation (Woodcote Lodge), which measures 10.8m in height, 33.5m in width and 13.9m in depth. This is the existing (and vacant) key worker housing building.
  - The site of a demolished four-storey apartment block formerly used by Trust staff, as well as other office administration buildings, temporary structures and a boiler house with its associated chimney stack.
- 3.3 The building styles and functions reflect their previous healthcare use and are practical and utilitarian in appearance. Whilst some of the buildings display some limited positive materials and detailing, these do not have architectural merit. None are designated or non-designated heritage assets.
- 3.4 The Site does not comprise any listed buildings and is not located within a Conservation Area. But, the Site is visible and affects the setting of two Conservation areas: Chalk Lane Conservation Area and Woodcote Conservation Area, which fall to the south east and north east of the Site (under 0.1 miles from the Site).

#### *Surroundings*

- 3.5 To the north of the Site is Epsom General Hospital, with land and buildings remaining in operation. The hospital buildings are a mix of modern and post-war construction. The tallest building is positioned immediately to the north and is six storeys in height, with roof plant structures. To the east and occupying the Woodcote Green Road frontage, the buildings drop down to two storeys in height and are set back from the street.
- 3.6 To the west and south west of the Site are two-storey detached and semi-detached dwellings, on Woodcote Green Road: Digdens Rise and Hylands Close. Properties on the east side of Digdens Rise and Hylands Close have rear gardens extending to the Site boundary.
- 3.7 Beyond the Site to the south is Woodcote Millennium Green, providing green open space. Further to the south of this is Woodcote Estate, comprising residential dwellings.

*Access and connection*

- 3.8 Access and egress to the site is proposed via separate entrance and exit points on Woodcote Green Road, with the entrance located near the south-western corner of the site and the exit located further to the east. A one-way internal route under the west building provides access to a drop-off area to allow residents and visitors to drop off/collect their cars. Drop off/collection for the nursery is provided via the main access where parking bays are provided with vehicles departing via the separate egress.
- 3.9 The Site is considered a highly sustainable location, located approximately 1km from Epsom train station (approximately a 15 minute walk). There are two bus stops located on Woodcote Green Road, a very short walking distance from the Site.

*Designations*

- 3.10 The Site is designated:
- Within the built up area of Epsom;
  - Partly within a critical drainage area; and
  - Partly within the buffer of a medium gas main.
  - The Site is located within Flood Zone 1 (low probability of flooding).
  - There are no Tree Protection Orders relating to the Site.

**4 Proposal**

- 4.1 Planning permission was refused on 23.11.2020, under ref: 19/01722/FUL, for:

*“Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 302 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space”*

- 4.2 The reasons for refusal are provided below:

1. The proposed development by reason of its height, mass, scale and design would adversely impact and harm the character and appearance of the area (including the built environment and landscape setting), failing to comply with Policy CS5 of the Core Strategy (2007), Policies DM9, DM10 and DM11 of the Development Management Policies Document (2015) and paragraphs 122 and 127 of the NPPF (2019)
2. The siting of the development leaves insufficient landscaping opportunities to the frontage of Woodcote Green Road and along the south-western boundary with neighbouring residential property to mitigate the impact of the proposed development, presenting an over-developed and hard edge to the appearance to the development, which would cause harm to the character and appearance of the area. Causing harm to the character and appearance of the area fails to comply with Policy DM5 of the

Development Management Policies Document (2015) and the NPPF (2019)

3. The proposed development by reason of its height, massing and design would adversely impact on the neighbouring amenities of the occupiers at 40 and 46 Woodcote Green Road, by means of overbearing, loss of privacy and loss of outlook, failing to comply with Policy DM10 of the Development Management Policies Document (2015)
  4. In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure an affordable housing contribution, the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) of the Core Strategy (2007) and the NPPF (2019)
- 4.3 This proposal seeks the demolition of the Site's existing buildings and redevelopment, comprising:
- 267 care residences
  - 10 care apartments
  - 28 care suites
  - Replacement 24 key worker units
  - A Children's nursery
  - Back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.
- 4.4 This proposal seeks to address the reasons for refusal of scheme ref: 19/01722/FUL.

*Proposed buildings (height, massing and scale)*

- 4.5 The proposal comprises two main blocks: West Block and East Block.
- 4.6 Following the refusal of planning application ref: 19/01722/FUL, the Applicant has amended the height of the proposed buildings. The principle change is the reduction of the height of the two taller elements of the east and west blocks by 6 metres (equivalent to a two storey reduction). The reduction in height has been achieved by removing the uppermost level of accommodation, optimising the construction build-up and making minor changes to the ground levels. In addition to the reduction in the height of the two tallest elements of the scheme, the height of the frontage building on the western side of the Site has been reduced by 5 metres through the removal of the upper storey fronting Woodcote Green Road, as well as optimising the construction build-up and ground levels. Overall, the optimisation of the construction build-up has allowed all of the buildings on the site to be lowered by between 1.7 and 6 metres.
- 4.7 The overall massing and scale of the proposed buildings has been reduced substantially by reducing the number of units by 39, by reducing the height of all buildings and increasing the setbacks from Woodcote Green Road.

4.8 Dimensions are clarified below:

*West block (A)*

- The massing of the West block varies in storey heights from 2 to 8 storeys, with lower elements towards sensitive the more street scape and residential boundary frontages.
- A four storey frontage to residential boundary (facing west), measures 15m in height, 42m in width and 18.5m in depth
- A two storey frontage to drop-off and car park entrance (facing south), measures 8m in height, 40.8m in width and 22.7m in depth
- An eight storey frontage to hospital boundary (facing north), measures 27m in height, 60m in width and 18.5m in depth
- An eight storey frontage to hospital boundary and central landscape plaza (facing east), measures 27m in height, 78.8m in width and 18.5m in depth
- A five storey frontage to residential boundary (facing west), measures 19m in height, 15m in width and 18.5m in depth
- A four storey frontage to Woodcote Green Road boundary (facing south), measures 15m in height, 18.5m in width and 6.5m in depth.
- The key worker units forms part of the West block, facing the Site's west and north boundary.

*East block (B)*

- Massing to the East Building varies in storey heights from 4 to 9 storeys, with the lower element fronting Woodcote Green Road.
- An eight storey frontage to hospital boundary (facing north), measures 27m in height, 48m in width and 18.5m in depth
- An eight storey frontage to hospital boundary and central landscape plaza (facing east), measures 27m in height, 34m in width and 18.5m in depth
- A four storey frontage to Woodcote Green Road boundary (facing south), measures 14m in height, 56.6m in width and 18.5m in depth.

*Landscaping/public spaces*

- 4.9 The proposal seeks to address the reasons for refusal, associated with planning application ref: 19/01722/FUL. The proposal seeks to setback buildings fronting Woodcote Green Road. The setback of the west building has increased from 7 metres to 16 metres and the setback from the east building has been increased from between 22 and 5.5 metres to between 5 metres and 10 metres. Additionally, a step has been incorporated in the frontage to provide additional depth and articulation to the Site frontage.

*Proposed access*

- 4.10 Currently, the main access to the Site is located on Woodcote Green Road. This is a staff-only access to the southern parts of the Epsom General Hospital site.

- 4.11 Access and egress to the Site is provided via separate entrance and exit points on Woodcote Green Road, with the entrance located near the south western corner of the Site and the exit located to the west of the existing hospital access, which is being stopped up. The hospital access that is being retained is located further to the east of the proposed exit.
- 4.12 Drop off/collection for the nursery provided as part of the scheme will be accessed via the main access where parking bays are provided with vehicles departing via the separate egress.
- 4.13 The Site has been designed in a pedestrian friendly manner with vehicle-free access throughout and with links the existing footway and cycle-lane on Woodcote Green Road.

## 5 Consultation

### *Comments from third parties*

- 5.1 Consultation of immediate neighbours is required on most applications by legislation. The consultation process includes letters to immediate neighbours affected by a proposal. For major schemes, site notices and newspaper advertisements are also used.
- 5.2 The application was advertised by means of letters of notification to 174 neighbouring properties, a site notice displayed and advertised in the Local Newspaper. 7 letters of support were received and 457 letters of objection.

The support representation comprises:

- Housing provision (including variety of homes)
- Additional tree planting and new green areas
- Community assets
- Reduction on pressure on the NHS
- Community facilities

The objection representation comprises:

- No difference between this scheme and that previously refused (ref: 19/01722/FUL)
- Principle/need of Use Class C2 development
- Height, mass, bulk and density
- Design and materials
- Out of character
- Adverse impact on neighbouring amenity (including overbearing, loss of outlook, loss of privacy, loss of light)
- Trees and landscaping and impact on Woodcote Millennium Green
- Traffic and parking
- Noise and disturbance
- Ecological/biodiversity impact
- Sustainability
- Lack of affordable housing provision

#### *Woodcote Millennium Green Trust:*

- Request compensation payment of £25,000 included as a S106 Obligation

#### *Woodcote (Epsom) Residents' Society:*

- No difference between this scheme and that previously refused (ref: 19/01722/FUL)
- Adverse visual impact from height and massing
- Adverse impact arising from layout and density

- Inappropriate design and appearance
- Lack of affordable housing
- Impact on traffic, access and parking

*Epsom Civic Society:*

- Development considered very large, wedged into a modest site, presenting excessive height, bulk and massing
- Adverse impact on neighbouring amenity
- Concern regarding Fire Engineering Report
- Concern regarding the findings of the Heritage, Townscape and Visual Impact Assessment
- Principle/need of Use Class C2 development
- Community assets (e.g. leisure facilities) competing with town centre
- Consideration given to London Plan policies (Officers note that these are not relevant to development falling within the authoritative area of Epsom & Ewell Borough Council)

*Statutory consultations*

- Historic England (25.03.2021): no comments to make
- SCC Highways (29.03.2021): recommend S106 Obligations and conditions
- Thames Water (19.03.2021): recommend conditions and informatives
- Environment Agency (08.03.2021): recommend conditions
- SCC Lead Local Flood Authority (LLFA) (08.03.2021): recommend conditions
- SSC Archaeology (05.03.2021): recommend condition
- SCC Adult Social Care (25.03.2021) concerns raised regarding need
- Surrey Fire & Rescue (04.03.2021): recommend informatives
- Health and Safety England
- EEBC Conservation and Design Officer (08.04.2021): recommend conditions
- EEBC Contaminated Land Officer (24.03.2021): recommend conditions
- EEBC Environmental Health: recommend conditions
- EEBC Waste Team: concern raised
- EEBC Tree Officer: no comment received
- EEBC Ecologist: recommend condition

## 6 Relevant planning history

- 6.1 The below table sets out recent and relevant planning history pertaining to this Site. There is an extensive planning history, so, the below excludes minor full planning applications, non-material amendment applications, approval of details applications or tree applications.

Application number	Decision date	Application detail	Decision
19/01722/FUL	23.11.2020	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 302 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	Refused
20/01322/DEM	12.10.2020	Demolition of the existing buildings and structures on site	Prior approval required and approved
20/01093/DEM	03.09.2020	Demolition of the existing buildings and structures on site	Prior approval required and approved
20/00885/DEM	22.07.2020	Prior Notification of the proposed demolition of buildings at Epsom General Hospital, including York House, Woodcote Lodge, Rowan House, Beacon Ward, the boiler house and ancillary buildings and structures, under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)	Prior approval required and approved

Application number	Decision date	Application detail	Decision
20/00249/FUL	Pending consideration	Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road	Pending consideration
19/01655/SCR	EIA not required	EIA Screening Opinion pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings comprising 307 care residences and ancillary communal and support services including a restaurant, café, shop, wellness centre, gym, library, craft room, therapy and treatment rooms (Use Class C2), 40 transitional care suites (Use Class C2), 24 key worker units (Use Class C3), childrens nursery (Use Class D1) together with associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	EIA not required

## 7 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving Sustainable Development

Chapter 4 Decision Making

Chapter 5 Delivering a Sufficient Supply of Homes

Chapter 6 Promoting a Strong and Competitive Economy

Chapter 8 Promoting Healthily and safe communities



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

Epsom & Ewell Core Strategy 2007

Policy CS1 – Sustainability

Policy CS3 - Biodiversity

Policy CS4 - Open Spaces

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS7 - Housing Need

Policy CS8 - Housing Delivery

Policy CS9 - Affordable Housing

Policy CS10 – Employment provision

Policy CS12 - Infrastructure

Policy CS13 - Community facilities

Policy CS14 – Supporting Epsom Town Centre and Local Centres

Policy CS16 - Managing transport and travel

Epsom & Ewell Development Management Policies Document 2015

Policy DM4 - Biodiversity

Policy DM5 - Trees and landscape

Policy DM6 - Open space provision

Policy DM7 - Footpath, cycle and bridleway network

Policy DM8 - Heritage assets

Policy DM9 - Townscape character and local distinctiveness

Policy DM10 - Design requirements

Policy DM12 - Housing standards

Policy DM17 – Contaminated land

Policy DM19 - Development and flood risk

Policy DM21 - Housing needs

Policy DM22 – Housing mix

Policy DM24 – Employment uses outside of existing employment policy areas

Policy DM31 – safeguarding small-scale retail provision

Policy DM34 - New social infrastructure

Policy DM35 - Transport and New Development

Policy DM36 - Sustainable transport.

## **8 Planning considerations**

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

- Principle of Development
- Proposed C2 use
- Provision/need of accommodation for older people
- Design and heritage
- Townscape/Character of Area
- Affordable Housing
- Quality of Accommodation
- Ancillary uses
- Trees and Landscaping
- Neighbouring amenity
- Highways and Parking
- Refuse
- Ecology
- Flood risk
- Contamination
- Archaeology
- Sustainability and Climate Change
- Other
- CIL
- Planning Balance/Conclusion

## **9 Principle of Development**

*Presumption in favour of sustainable development*

- 9.1 The revised National Planning Policy Framework ('NPPF' or 'Framework') was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. This is a very positive aim.
- 9.2 The Site is located within the built up area of Epsom and does not affect any assets of particular importance, including SSSI, AONB, European or National ecological designations or Green Belt. These would be given additional weight to by the NPPF. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 9.3 Paragraphs 7 and 8 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental:
- 9.4 The social role of the planning system is to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment, with accessible local services that reflect communities' needs, supporting health, social and cultural wellbeing.
- 9.5 The economic objective is to help build a strong, responsive economy and to ensure that the right type of land is available in the right places.
- 9.6 The environmental objective is making efficient and effective use of land and to improve the environment.
- 9.7 In accordance with paragraph 12 of the NPPF, development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, planning permission should not usually be granted.
- 9.8 Paragraph 11d and footnote 7 of the NPPF sets out that development policies that are the most important for determining a planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or where the housing delivery test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.
- 9.9 Existing planning policies should not be considered out-of-date simply because they were adopted or made prior to the first publication of the NPPF (and its reissue in 2019). Due weight should be given to them according to their degree of consistency with the policies of the NPPF (paragraph 213). The NPPF is therefore an important material consideration that may override development plan policies that were adopted prior to the publication of the NPPF and which are not consistent with it.
- 9.10 Chapter 5 of the NPPF relates to the delivery of a sufficient supply of houses. Paragraph 73 required Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement set out in adopted policies, or against local housing need where strategic policies are more than five years old.

- 9.11 Paragraph 61 of the NPPF provides the overarching objective in promoting housing choices. It states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 9.12 Paragraph 91 of the NPPF sets out that planning decisions should aim to achieve healthy, inclusive and safe places, which (inter alia) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 92 of the NPPF calls for planning decisions to provide social, recreational and cultural facilities and services the community needs.
- 9.13 Policy CS7 of the Core Strategy is considered out of date under the terms of the NPPF. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 9.14 The Epsom & Ewell Core Strategy pre-dates the NPPF and in accordance with paragraph 213 of the NPPF, the policies of the Core Strategy should be given due weight according to their degree of consistency with the NPPF. In the case of old housing targets within CS7, no weight should be given to it.
- 9.15 The standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five year housing land supply, this increases to 695 under the housing delivery test, published 13 February 2020. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 9.16 Paragraph 11d of the NPPF is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless a site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then planning permission must be granted, unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 9.17 The proposal seeks a quantity of care residences, falling under Use Class C2. It does not seek "standard housing", which would fall under Use Class C3.
- 9.18 The tilted balance of paragraph 11d cannot be disapplied due to the proposed use class of development. Epsom & Ewell Borough Council has a requirement to provide specialist housing, with Use Class C2 development counted at a reduced rate towards the Borough's housing supply.
- 9.19 The National Planning Practice Guidance outlines that authorities should count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.
- 9.20 In this case, the proposal seeks numerous public benefits, including:
- Regenerating an underutilised site derelict site and optimising the use of land
  - Provision of specialist care accommodation
  - Re-provision of key worker units
  - Affordable housing provision

- Employment opportunities through provision of nursery and ancillary uses
- Upgrades to existing bus stops on Woodcote Green road and Dorking Road.

9.21 In considering paragraph 11d of the NPPF, as the adverse impacts do not demonstrably outweigh the benefits when assessed against the NPPF, as a whole.

*Loss of hospital buildings and re-provision of key worker housing*

9.22 Paragraph 8 of the NPPF sets out the objectives for sustainable development, which includes the need to support vibrant and healthy communities.

9.23 Paragraph 91 of the NPPF calls for decisions that achieve healthy, inclusive and safe places, promoting social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and where this would enable and support healthy lifestyles.

9.24 Policy CS12 sets out that service and community infrastructure necessary to serve a development is available and that the necessary provision should be made available where there is an existing shortage of where development would exacerbate under provision.

9.25 Policy CS13 relates to community facilities. It resists the loss of community, cultural and sports facilities (particularly for the young and elderly) unless:

- It can be clearly demonstrated that there is no longer a need for such a facility in either its current use, or in any other form of community use; or
- There is an appropriate alternative means of providing an equivalent facility.

9.26 The policy goes on to encourage new facilities where they address a deficiency in provision

9.27 Policy DM34, whilst primarily dealing with new social infrastructure, outlines that the Local Planning Authority will resist the net loss of community facilities, unless

- the proposal is supported by clear and robust evidence that demonstrates that the facility is no longer needed;
- where appropriate, it has been vacant and marketed for a community use without success for at least 18 months; or
- it can be re-provided elsewhere or in a different way.

9.28 The existing hospital use can be considered a community facility, the loss of which is subject to Policy CS13. The accompanying planning statement sets out that the land is no longer occupied or used by the hospital, save for parking purposes (under license), following being declared surplus to requirements by the NHS. At the same time, the sale of the land enables wider improvements to the existing hospital.

9.29 The planning statement sets out that the Site was identified by the NHS for sale on the basis that it contained derelict accommodation, as surplus to current and future needs of the NHS.

9.30 The planning statement sets out the merits of the proposed scheme, which include (inter alia):

- Providing specialist accommodation in Epsom and providing housing choice

- Contributing 292 units towards housing delivery within the Borough
- Contributing towards the local five-year housing land supply and housing targets within Epsom
- Providing purpose-built key worker accommodation
- Improving wellbeing and social interaction and integrating care facilities into the local community through the shared use of services
- Creating local employment opportunities.

9.31 In considering the above, Officers recognise that the Site comprises redundant buildings and that the land is deemed surplus to requirements. The proposal is considered to offer an opportunity to redevelop this Site, providing public benefits, including specialist accommodation for older people, contributing towards housing requirements and creating local employment opportunities.

9.32 Additionally, the proposal seeks to re-provide 24 key worker houses, to be controlled within the S106 Agreement, should planning permission be granted.

9.33 In this case, the loss of derelict accommodation on a Site declared surplus to requirements by the NHS is considered acceptable when considering the proposal put forward and its associated public benefits.

9.34 The proposal is considered to comply with policies CS13 and DM34.

## **10 Proposed C2 use**

10.1 The proposal seeks (inter alia):

- Up to 267 Guild Living Residences, including 1, 2 and 3 bedroom apartments for both sale and rent
- Up to 38 Guild Care Residences and Suites
- 24 key worker accommodation.

10.2 All of the accommodation types proposed within this scheme will accommodate residents with a range of needs, including low dependency (2.5 hours of care per week), medium dependency (between 2.5 and 15 hours of care per week) and high dependency (over 15 hours of care per week). The level of care would increase as the scheme matures.

10.3 Generally, the accommodation providing the lowest level of care support would be provided in the Guild Living Residences with the Care Residences providing higher care and the Care Suites providing the highest levels of care. There will be occasions where residents may elect to move into a Care Residency or Care Suite, even when their care needs are relatively low. This could be either for long term occupation or short term, while recovering from infirmity or for post-operative rehabilitation.

10.4 The Care Residences include a kitchenette, which will allow a higher level of independent living. The Care Suites do not provide food preparation spaces, but all meals in Care Suites would be provided either in communal dining.

	Guild Living Residence (GLR)	Guild Care Residence (GCR)	Guild Care Suite (GCS)
Eligibility requirements	Eligibility from 65 years old. Generally over 65 (plan to live independently in an active community unless they are partners of another living in the GLR)	Eligibility from 65 years old, but residents expected to be over 70 (require a greater level of care such as personal care, nursing care, dementia care and domiciliary care)	Eligibility from 65 years old, but residents expected to be over 75 (but regulators will be flexible on this if it is demonstrated how Guild Living will meet their needs both physically and emotionally)
Level of care needed	<p>There is a minimum care package for residents of the GLR of support of around 2.5 hours per week.</p> <p>Support for the resident may include the following:</p> <p>Personal care (support with washing, dressing, bathing food)</p> <p>Household tasks</p> <p>Advice or support with aspects of wellbeing</p> <p>Transportation</p> <p>Assistance in organising, arranging or facilitating tasks and appointments.</p>	<p>There is a minimum care package for residents of the GLR of support of around 2.5 hours per week.</p> <p>Support for the resident may include the following:</p> <p>Personal care (support with washing, dressing, bathing food)</p> <p>Household tasks</p> <p>Advice or support with aspects of wellbeing</p> <p>Transportation</p> <p>Assistance in organising, arranging or facilitating tasks and appointments</p>	<p>There is a minimum care package for residents of the GCS of support of around 2.5 hours per week.</p> <p>The GCS model of care is provided by teams that supports both nursing and personal care up to 24 hours a day.</p> <p>Support for the resident may include the following:</p> <p>Personal care (support with washing, dressing, bathing food)</p> <p>Household tasks</p> <p>Advice or support with</p>

	Guild Living Residence (GLR)	Guild Care Residence (GCR)	Guild Care Suite (GCS)
	The resident receives this care from a home care support team. If more care is provided such as nursing, the resident would be supported through a district nursing team.	The resident receives this care from a home care support team. Care is arranged and planned in advance, but an emergency responder would also be on hand 24 hours a day should immediate support be required. If nursing is required, this would be supported through a district nursing team.	<p>aspects of wellbeing</p> <p>Transportation</p> <p>Assistance in organising, arranging or facilitating tasks and appointments</p> <p>GCS also includes the following nursing care:</p> <p>Dressing, injections, medication, checking blood sugar levels</p>

- 10.5 Class C2 is defined by the Town and Country Planning (Use Classes) Order 1987 as “Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses). Use as a hospital or nursing home. Use as a residential school, college or training centre.”
- 10.6 “Care” is defined by Article 2 of the Use Classes Order as: “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”
- 10.7 It is considered clear cut that the Care Suites by reason of their high dependence, facilities and type of care, demonstrably fall within Use Class C2.
- 10.8 Paragraph 10 of NPPG on Housing for Older and Disabled People indicates that there are a number of different types of specialist housing for older people, including “extra care housing or housing-with-care”, as proposed in this case.
- 10.9 Paragraph 14 of NPPG confirms that “it is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provide.



- 10.10 When assessing the level of care, it should be noted that the guidance produced by the Housing Learning and Improvement Network consider that many of the characteristics and facilities of this proposal point towards a Use Class C2 classification.
- 10.11 The Guild Care Suites, for those with greatest care needs, clearly fall within Use Class C2. They provide 24-hour care, a full range of medical services and will be directly registered as a nursing home.
- 10.12 The Guild Living Residence and Guild Care Residence and can be treated together for they offer similar packages of support to residents. While they do provide for more independent living, there are several features which bring Officers to the view that they should be classified as Use Class C2, rather than Use Class C3 accommodation. This includes the assessment of care needs, the minimum care requirement, the additional cost in paying for care, restricted occupancy and minimum age requirements and the range of communal facilities.
- 10.13 The proposed development being properly classified as C2 accommodation is contingent on the care element of the scheme. Subject to planning permission being granted, this would be secured through a S106 Agreement. This should require a minimum level of care to be provided to residents per week. The 2.5 hours would likely meet the requirements of "care" in the Use Class Order. The obligation should apply to both the rented and purchased properties.
- 10.14 In summary, all of the elements of the proposed development incorporating care are C2 (excluding the key worker accommodation), subject to securing of an appropriate S106 Agreement that would include a minimum care requirement of 2.5 hours a week for each resident. This conclusion is consistent with the broad definition of care in the Use Class Order, the application of that definition in practice as recorded in appeal decisions and by Epsom & Ewell Borough Council's own development control decisions.

## **11 Provision/Need of accommodation for older people**

- 11.1 Understanding the size and characteristics of the UK population is vital when it comes to planning and delivering services such as healthcare. The ONS sets out that in mid-2018, the population of the UK reached an estimated 66.4 million. In 50 years' time, there is projected to be an additional 8.2 million people aged 65 years and over in the UK, a population roughly the size of present-day London. As the UK's population continues to grow there has been a shift in the age structure towards later ages, meaning we have an ageing population.
- 11.2 In accordance with the 2011 census, Epsom and Ewell Borough Council's population is just over 75,000 people. In line with the Core Strategy, it has a diverse and ageing population, with a range of housing needs.
- 11.3 Chapter 5 of the NPPF encourages the delivery and supply of homes.
- 11.4 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 117 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.
- 11.5 Policy CS7 sets out that Borough seeks the provision of sufficient housing.
- 11.6 Policy DM21 sets out that planning permission will be granted for specialised forms of residential accommodation, subject to the following requirements being met:

- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation;
- The delivery of the new accommodation does not result in an overprovision of that particular type of accommodation; and
- The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses, either residential or non-residential, in the event that the need for the permitted use declines.

11.7 This section of the Committee Report is structured as follows:

- The Site's location
- (Recent and relevant) previously permitted and pending extra-care developments
- The Applicant's Planning Need Assessment
- EEBC's evidence base
- Surrey County Council (SCC) Adult Social Care response
- EEBC Housing need/calculating net homes delivered
- Officer assessment.

*The Site's location*

- 11.8 The Site is located within the built up area of Epsom and is appropriate for housing redevelopment, being comprised of previously developed land.
- 11.9 The Site is compatible with existing uses, specifically the adjacent hospital. There is no existing concentration of comparable C2 provision in the immediate locality, ensuring that the scheme supports the creation of a mixed, inclusive and sustainable community.
- 11.10 Purpose-built retirement communities are generally located in suburban areas or the countryside. By contrast, this scheme takes over a redundant hospital site, to create a vibrant community in close proximity to the town centre, to support town centre uses.
- 11.11 The site is well-connected to public transport with Epsom railway station located within the town centre (800 metres to the north). There are bus stops immediately adjacent to the site both Dorking Road and on Woodcote Green Road.
- 11.12 In line with the above, the provision of C2 accommodation at this Site is considered acceptable and appropriate.

*(Recent and relevant) previously permitted and pending extra-care developments*

- 11.13 It is important to understand other C2 Use Schemes that have been granted planning permission within the Borough. This is to enable us to understand the number of units permitted, the location of the schemes and whether development has commenced.
- 11.14 The below table sets out recent (within 5 years) and relevant planning permissions:

Ref	Address	DOD	Decision	Units	Development commenced
18/00743/FUL	Lower Mill, Kingston Road, Ewell	Demolition of existing office building and redevelopment to provide 53 no. extra-care	Granted 18.07.2019	53	Yes

Ref	Address	DOD	Decision	Units	Development commenced
		apartments with associated facilities (within Class C2), including conversion and alteration of the Grade II Listed Mill House and Granary Buildings, with parking, access, landscaping and other associated works.			
15/00845/FUL	Salesian College Sports Ground, Old schools Lane, Ewell	Demolition of existing buildings. Erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all weather surface, the erection of a two storey pavilion and provision of associated car and cycle parking. Provision of	07.06.2016	60	Yes

Ref	Address	DOD	Decision	Units	Development commenced
		altered access onto Old Schools Lane. (Amended drawings received 11.11.2015)			

*The Applicant's Planning Need Assessment*

- 11.15 A Planning Need Assessment by Carterwood, dated January 2021, accompanies this application. It sets out that based on its assessment, there is a shortfall of 1,059 units in a 5-mile market catchment and 463 units in a 3-mile market sensitivity catchment, as at 2024, the earliest the proposed care community could be made available.
- 11.16 The Planning Need Assessment sets out that by 2031, shortfalls are expected to be 1,245 and 530 private extra care units, rising to 1,668 and 675 units by 2041 in a 5-mile market catchment and a 3-mile market sensitivity catchment respectively, on the basis that prevalence rates and existing provision remain unchanged and all currently planned (granted and pending) provision is developed.
- 11.17 The Planning Need Assessment considers that there is a significant and growing need for additional private extra care within both a 5-mile market and a more local 3-mile market sensitivity catchment, and the proposed care community seeks to address this need
- 11.18 Officers do not have the expertise to analyse markets in health and social care or the data insight into care homes, older people's housing and specialist care. Carterwood, regulated by the RICS, specialises in this field and has put forward its need assessment, to support this application. Officers cannot analyse the findings, so this report is accepted. It has been reviewed by Surrey County Council (SCC) Adult Social Care, detailed below.

*EEBC's evidence base*

- 11.19 The Local Planning Authority's Planning Policy team was formally consulted on this application and considered the evidence base.
- 11.20 The SHMA Update sets out a minimum need of 248 units, between 2020 and 2035. This is worked out using a nationally recognised methodology, which is based on population projections. Based on the population projections that were used at the time, the population of over 75s by 2035 would be 9,900. The minimum need therefore equates to 248 units.

*Surrey County Council Adult Social Care response (25.03.2021)*

- 11.21 Surrey County Council (SCC) Adult Social Care formally commented on this application. Surrey County Council produced an Accommodation with Care Commissioning Statement for Epsom & Ewell Borough Council. This includes estimates of the future demand for extra care (including assisted living) provision in the Borough, which is based on the Housing LIN's methodology of 25 units per 1,000 population, aged 75 plus.

- 11.22 The response sets out that further leasehold extra-care development in Epsom is required. It is less clear whether the proposed development would be fully occupied unless the future operator attracts interest from people living beyond the Borough's borders.
- 11.23 The response sets reviews the C2 Use Class classification. It sets out clarity is needed with regards to the terms on ownership of the leasehold units (e.g. age restriction, minimum care and support needs, etc) and how the management charges operate for leaseholders.
- 11.24 The response also sets out that the Applicant refers to the need for C2 development in broad terms, to justify the scale of the development. But, ignores the diversity of provision under this banner (e.g. care home provision, residential and nursing, supported living and other independent living models to support people with disabilities, in addition to extra care/assisted living settings). The needs basis should therefore not be on C2 development alone, but on need for a particular accommodation with a care model being presented.
- 11.25 The response sets out that given the size of the Site and singular focus on one type of provision, it may be worth exploring how future needs would be met in the local area. The Applicant should respond on this.
- 11.26 The Applicant provided an email response on 07.04.2021. This sets out that the need for the facility was assessed on the basis of a 3 mile and 5 mile catchment. The 5 mile catchment is based on the average distance that residents travel to move into such a scheme. The submitted Care Need Assessment shows that, for both the 5 mile and the 3 mile catchments, there is considerable need for the proposed extra care scheme.
- 11.27 The response sets out that the Guild Living Residences will be offered on both a Leasehold and Rental basis (mostly leasehold) while the Guild Care Residences and Guild Care Suites will be for Rental (on AST). The minimum care package, age restrictions, support and facilities are set out in the Guild Living Operator statement and would be set out within S106 Heads of Terms, to ensure that the scheme falls under Use Class C2.
- 11.28 The response sets out that the in respect of the question regarding the use class, all units fall within the description of Extra Care and fall under Use Class C2. The scheme will not include accommodation registered as a Nursing or Residential Care Home, similarly the scheme does not provide for other forms of age restricted sheltered accommodation. Further details on this matter are set out in the Planning Statement, DAS and Operator Statement.
- 11.29 The response sets out that there are three forms of accommodation, as well as a range of care, provided within the Guild Living Residences, Guild Care Suites and Guild Care Residences (in addition to the Key Worker Accommodation).

*EEBC housing need/calculating net homes delivered*

- 11.30 The standard method for calculating the Borough's assessed housing need identifies a minimum housing requirement of 579 new homes each year. In the absence of a five year housing land supply, this increases to 695 under the housing delivery test, published 13 February 2020. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

- 11.31 The Standard Method Calculation indicates a high demand for new housing in the new plan period. The provision of 'extra-care' at the Site falls under Use Class C2 (Residential Institution). It does not fall under Use Class C3 (Dwellinghouse). The "Housing Delivery Test Measurement Rule Book", dated July 2018, is the basis of calculating the 'net homes delivered' for communal accommodation, including Care Homes. The scheme would generate 292 units towards housing numbers. The calculation is provided below:

- The “*Net increase in bedrooms*” calculates at 524 bedrooms, as shown in the table below:

Type of C2 Use Class Accommodation	Number of Units	Size	Number of Bedrooms
Guild Living Residences	69	1-bed	69
Guild Living Residences	177	2-bed	354
Guild Living Residences	21	3-bed	63
Apartments: Guild Care Suites [GCS]	28	1-bed	28
Apartments: Guild Care Residences [GCR]	10	1-bed	10
<b>TOTAL</b>	<b>305</b>	<b>-</b>	<b>524</b>

- The “*average number of adults in households in England*” is 1.8, as set out in paragraph 11 of the Housing Delivery Test Measurement Rule Book and page 9 of the AMR.
- 524 divided by 1.8, equals 291.11, which is then then rounded up to 292 units.
- The proposed scheme also seeks to deliver 24 apartments for key workers (C3 Use Class). While these do not technically contribute towards the “Net Homes Delivered”, as these would re-provide key worker accommodation previously located within Woodcote Lodge, it is worth noting that these units are currently vacant and would be reprovided through the scheme.

#### *Officer assessment*

- 11.32 People are living longer. There are now around 12 million older people (aged 65 or over) in the UK, in accordance with ‘The Health Foundation’. While many live healthy lives, as we age, the likelihood of needing acute care or on-going care grows. The ageing population creates new challenges for society, as demonstrated by the increase in demand for NHS services and social care.
- 11.33 The variety of extra-care accommodation reduces pressure on local hospitals, GPs and emergency centres. Not only does extra-care accommodation provide a positive health influence on all senior residents, it also directly impacts on and improves a range of social factors, such as loneliness and isolation.
- 11.34 The Site currently comprises healthcare and accommodation buildings and surface level car parks, which are of poor quality, lacking any coherent masterplan. The buildings have been declared surplus to requirements by the NHS, with the land no longer needed for healthcare purposes. Officers therefore identify this Site as an opportunity for redevelopment.
- 11.35 It is recognised that extra-care accommodation within the Borough is required. The proposal is contributing towards the need for specialist retirement housing in the Borough. It seeks 305 care units, equating to approximately 57 units above the minimum need of 248 units within the Borough (in accordance with the SHMA Update).
- 11.36 The Local Planning Authority cannot presently demonstrate five years housing land supply. This scheme would generate 292 units towards housing numbers, as a result of applying the “Housing Delivery Test Measurement Rule Book”. Officers give this positive weight within the planning balance. Furthermore, this proposal would enable older people to move out of their existing homes into extra care accommodation, which would free up existing housing stock for the next generation.

- 11.37 Purpose-built retirement communities are generally located in suburban areas or the countryside. By contrast, this scheme takes over an underutilised hospital site, to create a vibrant community in close proximity to the town centre, to support town centre uses. The proposed use is compatible with existing uses, specifically given the adjacent hospital. There is no existing concentration of comparable C2 provision in the immediate locality, ensuring that the scheme supports the creation of a mixed, inclusive and sustainable community.
- 11.38 There is existing (now vacant) key worker accommodation on the Site, located within Woodcote Lodge. This is proposed to be re-provided as part of this application and subject to planning permission being granted, tied into the S106 Agreement. This is given positive weight by Officers.
- 11.39 Internally, the units have been designed to cater for residents requiring care and support. The overall scheme provides a focus on communal spaces and facilities, which will be accessible to residents, but also to the public, including for example, the children's nursery. Various uses within the development encourage social interaction. Officers give positive weight to the social and community benefits arising from this scheme.
- 11.40 The proposal has been designed to respond to its immediate surroundings, including local views. The proposed buildings are framed around public realm spaces, linked to surrounding uses by active and permeable routes, which integrates the scheme into its surroundings. This scheme combines good design and landscaping, which is viewed positively, specifically when judged against the Site's existing situation.
- 11.41 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11(d)(i) of the NPPF). Taking the relevant facts of this application into consideration, the benefits arising from this scheme are considered to outweigh the slight overprovision of extra-care units, against the minimum evidence based need. Officers are therefore, on balance, satisfied in supporting this scheme.

## 12 Design and heritage

- 12.1 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 12.2 Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should be sympathetic to local character and history, including the surrounding built environmental and landscape setting, establish or maintain a strong sense of place and optimise the potential of a Site to accommodate and sustain an appropriate amount and mix of development. Furthermore, places should be created that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.



- 12.3 Paragraph 128 sets out that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
- 12.4 Paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 12.5 Paragraph 131 sets out that in determining applications, great weight should be given to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 12.6 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 189 sets out that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 12.7 Paragraph 190 sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 12.8 Paragraph 192 sets out that in determining applications, Local Planning Authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character, and distinctiveness.
- 12.9 Paragraph 193 sets out 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.
- 12.10 Paragraph 196 sets out 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

- 12.11 Policy CS5 sets out that the Local Planning Authority 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.
- 12.12 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.
- 12.13 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance. In assessing this, the following is 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
- 12.14 The Chalk Lane Conservation Area and the Woodcote Conservation Area fall to the southeast and northeast of the Site (less than 0.1 miles from the Site).
- 12.15 Both the Chalk Lane Conservation Area Appraisal and the Woodcote Conservation Area Appraisal sets out that *"in future, in order that the special architectural and historic interest of the conservation area is protected, the Borough Council will need to be especially vigilant when considering applications for new development"*.
- 12.16 The Woodcote Conservation Area Appraisal states that *"in future, in order that the special architectural and historic interest of the conservation area is protected, the Borough Council will need to be especially vigilant when considering applications for new development"*.

#### *Representation*

- 12.17 Concerns have been received from neighbours regarding the heights, massing, design and materiality of the proposed scheme, with concern that this scheme is not that different from the previously refused scheme. This has been taken into consideration by Officers in the assessment of this application.

#### *Scheme design*

- 12.18 The accompanying Design and Access Statement (DAS), dated February 2021, provides information about the design of the proposal.

The proposal seeks:

- Up to 267 Guild Living Residences
- Up to 38 Guild Care Residences and Suites
- 24 Key Worker Accommodation.

- 12.1 The existing buildings on Site range in height from 5 metres to 30 metres.

*Updates to the proposed development*

- 12.2 In consideration of the Planning Committee's reasons for the refusal of the previous application (ref: 19/01722/FUL), a number of changes have been made to the application. This includes revising the heights of proposed buildings.
- 12.3 The height of the taller/rear elements of the East and West blocks have been reduced by 6 metres in height, achieving the equivalent to a two storey reduction in building height. This reduces the height of the building to lower than that of the adjacent main hospital building (The Wells Building).
- 12.4 The height of the frontage element of the Western building has been reduced by around 5 metres, by removing a storey off the part of the building closest to Woodcote Green Road and by reducing the building composition. The lower elements of the West building, from two to four storeys have been reduced in height, by around 1.7 metres, through compressing the makeup of the building.
- 12.5 The frontage element of the Eastern building has been reduced by 1.7 metres in height by optimising the building composition, including reduced floor to ceiling heights, creating efficiencies in slab heights and service runs and modifying the ground levels.
- 12.6 In overall terms, the proposed buildings now sit lower on the Site and the height differential between the adjacent buildings have been reduced. The taller elements of the proposed buildings are now lower than the hospital buildings and the height along Woodcote Green Road and the adjacent dwellings along Woodcote Green Road has been reduced.
- 12.7 Dimensions are clarified below:

*West block (A)*

- The massing of the West block varies in storey heights from 2 to 8 storeys, with lower elements towards sensitive the more street scape and residential boundary frontages.
- A four storey frontage to residential boundary (facing west), measures 15m in height, 42m in width and 18.5m in depth
- A two storey frontage to drop-off and car park entrance (facing south), measures 8m in height, 40.8m in width and 22.7m in depth
- An eight storey frontage to hospital boundary (facing north), measures 27m in height, 60m in width and 18.5m in depth
- An eight storey frontage to hospital boundary and central landscape plaza (facing east), measures 27m in height, 78.8m in width and 18.5m in depth
- A five storey frontage to residential boundary (facing west), measures 19m in height, 15m in width and 18.5m in depth
- A four storey frontage to Woodcote Green Road boundary (facing south), measures 15m in height, 18.5m in width and 6.5m in depth.
- The key worker units forms part of the West block, facing the Site's west and north boundary.

*East block (B)*

- Massing to the East Building varies in storey heights from 4 to 9 storeys, with the lower element fronting Woodcote Green Road.
- An eight storey frontage to hospital boundary (facing north), measures 27m in height, 48m in width and 18.5m in depth

- An eight storey frontage to hospital boundary and central landscape plaza (facing east), measures 27m in height, 34m in width and 18.5m in depth
- A four storey frontage to Woodcote Green Road boundary (facing south), measures 14m in height, 56.6m in width and 18.5m in depth.

*Materials and articulation*

- 12.8 In addition to the design changes in respect of height, massing, scale, setbacks and landscaping, the overall design and appearance of the scheme has been altered, to reduce the amount of metal cladding, with an updated materials palette, to reflect more closely on local materials and colour tones.
- 12.9 The Site geology and existing brick buildings (Rowan House & Boiler House) has inspired the selection of masonry and metal cladding colours. Studies of the Site's ground geology from borehole samples reveal the presence of London Clay to the western half of the Site and the eastern half of the Site reveals the presence of Lambeth Group/ Lambeth Sand.
- 12.10 3.0 (Design Appearance) of the accompanying DAS sets out details of the proposed articulation and material choice for the proposed buildings. It sets out that the proposal seeks brick frame expressions, to establish vertical facade rhythms, breaking up the mass and articulating elevation treatment. Proportions of brick bay expressions and the introduction of Juliet balconies as a distinct feature create a residential streetscape within the Site. Colours are referenced from the Site's unique geology, giving each block a distinct identity.
- 12.11 The DAS sets out that profile metal panels are introduced to act as a neutral material between brick bays to complete the overall facade expression. C
- 12.12 The DAS sets out that curtain wall glazing panels are introduced with subtle shifts between heights as another layer that responds to the ground level programme of accommodation, whilst providing variation, transparency and enhancing the overall facade articulation.

*Design strategy for safer places*

- 12.13 The proposal has been designed to promote public safety, taking into account wider security and defence requirements. Details of the scheme's design strategy to ensure a safe place can be found on pages 93 – 95 of the accompanying DAS. It sets out that a formal security risk assessment (SRA) was undertaken, to determine the security requirements across the development, which provided a robust, auditable methodology to identify the security risks posed to the Site or assets and subsequent treatment measures. Throughout the process, the Applicant engaged with development stakeholders, including Surrey Police Designing Out Crime Officers, who were consulted in October 2019. Aspects including access and connectivity, structure and spatial arrangements, surveillance, physical protection, ownership and activity, adaptability and operation and management has been considered.

*Crime Reduction Advisor & Design Out Crime Officer (DOCO)*

- 12.14 A response was received from the DOCO on 26.03.2021. It queries the consultation that took place between the Applicant and DOCO in October 2019. That said, there has been considerable assessment in relation to security, according to the principle of Secured by Design and crime design through environmental design concepts. This is very positive, but it would have been preferred to see that the developer was intending to apply for Secured by Design accreditation. This could be subject to a condition, if planning permission is granted.
- 12.15 Officers have considered the response from the DOCO and subject to planning permission being granted, a planning condition would be required to satisfy safe design requirements.

*Scheme Audit*

- 12.16 A scheme audit was received on 29.03.2021, by DEFINE. This examines this proposal, following the refusal of planning permission for application 19/01722/FUL, reviewing the specific reasons for refusal.
- 12.17 Whilst referenced in the DAS, the scheme audit clarifies the main changes that have taken place from the previously refused scheme (ref: 19/01722/FUL) and this proposed scheme, which are summarised below:

*HEIGHT AND MASSING CHANGES*

- Overall building heights revised by 6m on largest elements to ensure the revised proposal is below the height of the hospital building.
- Height of proposed building facing Woodcote Green Road revised and set back to protect against impact on local character, townscape and amenity.

*BUILDING SITING & LANDSCAPING*

- Additional building setbacks to Woodcote Green Road boundary, now aligned with adjacent no.40 and neighbours to eastern boundary.
- Additional and improved landscape screening/buffer and tree planting towards
- Woodcote Green Road and the western boundary
- Enhanced ecological and pedestrian connection through site with additional public realm
- Additional and improved landscape screening/buffer to sensory garden roof edge

*DESIGN AND APPEARANCE CHANGES*

- Revised building heights to align with hospital and reduce impact to neighbouring properties.
- Changes to proposed material palette to enhance response to local context and townscape

*HIGHWAYS CHANGES*

- 156 Car Parking Spaces, compliant with SCC guidelines
- 132 Stacker Parking System [SPS] operated by concierge/valet, all spaces are blue badge compliant
- EV charging provided to 40% of parking spaces.
- Car Cubs are provided for the revised scheme
- Provision of minibus to reduce reliance on car use

*Local Planning Authority Design and Conservation Officer comments*

- 12.18 The Local Planning Authority's Design and Conservation Officer initially commented on this application, on 16.03.2021, but provided updated comments on 08.04.2021. The updated response is provided below:

**Context:**

*This site consists of a number of unlisted buildings on the south end of Epsom General Hospital, between the largest 1960's 5 storey block of the hospital and Woodcote Green Road.*

*The site is not within any conservation areas and there are no listed buildings that it would have a significant impact on in the immediate area. However, distant views from within Chalk Lane Conservation Area at the junction with Woodcote Road and Chalk Lane the development may be just visible. To the south, the site faces onto the woodland in Woodcote Green.*

*There are some more distant listed buildings which may be affected by views of the taller buildings in this development in long views. However, the reduction of some elements of the development's height have significantly reduced this. The most important view would be from the junction of Chalk Lane with Woodcote Green Road, but this more distant view*

**Comments:**

*The comparative increase in height over the existing buildings in this amended application, is now significantly reduced in height on the principle blocks, from what was previously proposed. However, the majority of the building is still 8 storeys, substantially larger than any in the area including any of the larger blocks in Epsom General Hospital.*

*The building will be visible from a substantial distance away including in conservation areas and around listed buildings. However, there are no important heritage assets within close proximity of the building. The only impact will be longer distance views from conservation areas, most notably from the Chalk Lane Conservation Area where some (less than substantial) harm will be caused to views to the west. Though slightly reduced from the original application the impact will be evident. However because of the distance and the direction of view the harm will be less than substantial.*

*The general arrangement of the landscape remains largely unchanged from previous iterations, however conditions should require more specific designs and material details of all landscape furniture.*

*The use of brick as the principle external cladding material is an appropriate choice. Materials with a lighter weight appearance such as aluminium could make the building appear insubstantial and too many different materials could make it appear excessively busy, especially if there are intended to be significant areas of green wall.*

*The images show deep brick faced reveals and soffits. It is important that this is put into practice in the construction and that these will be confirmed in conditions.*

*The drop-off entrance should also have more detail drawings showing the details of the doors and glazing and soffit sections.*

*The landscape centres on the public but also provides vehicle access through the site which will disrupt to some extent this Semi-public space. Another area taken for vehicle access is through the central court, which surrounds the children's play area, cutting it off from the rest of the public space and although this will not be a busy route, it will tend to segregate the play area into the smaller isolated space. Some of this area is given over to parking and access, whereas in pre-application discussions suggested the access areas to the west of the building were to be given over to amenity space including allotments, these now seem to have disappeared. Samples of all landscape materials should be provided with specifications of all outdoor furniture such as benches, light and bollards.*

**Conclusion:**

*The proposal remains a very substantial massing for the site but impact on heritage assets will only be distant and less than substantial. The impact on green space on*

*the other side of Dorking Road will be significant as a marker to its edge, but in my view not a harmful one, it overlooks no private space there, it is to the north so will not overshadow it and the 4 storeys nearest it will not overwhelm the landscape.*

*If the housing benefits are considered significant should be considered as justifying the less than substantial harm to the conservation area and there should be no design and conservation objections to the scheme being granted with conditions.*

*Applicant's response*

12.19 The Applicant's architect provided a response to the comments raised by the Local Planning Authority's Design and Conservation Officer's comments, on 08.04.2021.

12.20 The response clarifies that:

- All of the proposed building elements have been reduced in height, in comparison to the previously refused scheme (ref: 19/01722/FUL)
- The principle block has been reduced in height by 6 metres, in comparison to the previously refused scheme (ref: 19/01722/FUL)
- Building elements fronting Woodcote Green Road have also been reduced in height and setback, providing opportunities for additional landscape features
- The proposed design uses a combination of three materials: brick, metal and glass, with brick as the dominant material. There are no green walls are proposed
- The proposed central landscape plaza is closed off to vehicular traffic and only available for emergency vehicles access and small Mobile elevating work platforms (MEWPs)
- The nursery has been relocated to Building B to achieve the building setbacks to Woodcote Green Road

12.21 DEFINE also provided a response to the comments raised by the Local Planning Authority's Design and Conservation Officer's comments, on 07.04.2021. This is provided below:

*CONTEXT*

*The consultation response identifies that the proposed development "may be just visible" from the junction of Chalk Lane and Woodcote Road and that some more distant listed buildings may be affected by the taller buildings in their long views and that the reduction in height have significantly reduced this.*

*This description is inaccurate, and imprecise and hence needs to be amended by the Officer. A detailed HTVIA has been produced that examines these matters in a high degree of detail and confirms that in the majority there are no townscape or conservation harm arising, largely due to very low visibility of the revised scheme. It concludes that only low levels of less than substantial heritage harm apply to Chalk Lane Conservation Area and Westgate House. As such, the consultation response wrongly makes a statement that "there are some more distant listed buildings which may be affected", which is at odds with the technical material submitted and hence is unjustified.*



*The response states that the majority of the buildings are “still 8 storey” without mentioning the specific height reductions and how these are perceived from local vantage points. This is a fundamental oversight - height and mass only become relevant to townscape and visual in the way they are perceived. This is a further unhelpful and imprecise point. Reference should be made to the site being located within townscape character area 35E, as set out in the Council’s 2008 Environmental Character Study and in particular its stated ability to accommodate change due to its “lack of intactness”.*

*A summary should be provided as to how the scale and massing of the proposed scheme has changed and what effects arise. This subject is addressed in detail in the HTVIA and the Scheme Audit, the latter concluding the following at it page 24:*

*The townscape character areas relating to the site are defined in Epsom and Ewell Environmental Character study as discussed in section 2. Whilst there are missing elements it’s reasonable to identify key receptors as TCAs 35, 36, 37.*

*Area 35(E) is the Epsom Hospital site (including the Guild Living Site) & no 40, 42, 44 & 46 Woodcote Green Road*

*Area 36 is the area to the west including Hylands Road, Digdens Rise & Woodcote Side*

*Area 37 is the Woodcote Park Estate*

*In summary we find the revised scheme to bring a beneficial effect to Character Area 35, a neutral effect to Character Area 36, and a beneficial effect to area 37 and therefore in respect of this specific consideration, the proposed development (by reason of its height, mass, scale and design) would positively impact the character and appearance of the area and would be in accordance with relevant planning policies.*

*The response goes on to claim that the building will be visible from a substantial distance away. This is incorrect. In the context of townscape and visual assessment, the visual envelope does not extend much farther than 500 metres from the site (HTVIA Plate 36 page 46). This cannot be considered as being a substantial distance - views below 500 metres in distance should be described as being mid-range in nature.*

*The response goes on to claim that the “impact will be evident”, but there is no reference to what type of impact is being referred to (heritage, townscape or visual), how this is assessed and is entirely unsubstantiated. Any reference to impact should be precise, and be in the context of the formal HTVIA that has been submitted. It goes on to state the “harm will be less than substantial” but again there is no reference to what harm this claims to reflect and how it is manifest.*

*The submitted HTVIA sets out its conclusions on townscape, visual and heritage harm concluding:*

*1. No harm to a range of heritage assets with only low levels of less than substantial harm to the Chalk Lane Conservation Area, Westgate House and Listed Buildings on Dorking Road.*

*2. Negligible or no impact on townscape receptors aside from minor adverse to negligible effect on the Millennium Green area and minor adverse effect on residential are to the west of the site lining Woodcote Green Road*

*3. Of the fifteen visual receptors assessed (the majority being within 500 metres, some extending to 1.5km from the site), eleven either have no impact, a negligible impact or a minor adverse/negligible impact, two have a minor adverse impact and two have a moderate adverse impact. No visual effects are significant or major in nature, with the more distant views having no impact.*

*Furthermore, the Scheme Audit identifies three further townscape receptors arising from the Council's 2008 Environmental Character Study (TCAs 35(E), 36 and 37. It finds that the proposed scheme has a beneficial effect on areas 35(E) and 37 and a neutral effect on area 36.*

*The response goes on to claim that the landscape scheme "remains largely unchanged", which is highly misleading. The change to the Woodcote Green Road frontage is highly significant and should be referred to and explained as such - this is communicated at pages 25-29 of the Scheme Audit document submitted with the application, which makes it clear how significant the design refinement is, and the improvements it delivers.*

*Finally, this section makes reference to the amenity space and play area which is de-scribed as being "cut off from the rest of the public space" with the play area segregated. The play area sits next to the childcare facility and is part of the wider plaza area, within which a very low trafficked and low speed drop off vehicular route does exist. This arrangement appears to be an optimal solution - the play area is a natural extension of the child care facility and will be perceived as being part of the public plaza but with appropriate separation and protection in place.*

## CONCLUSIONS

*The conclusions claim the proposals remain a "very substantial massing" without being clear on what is meant by this term. It is imprecise and requires further justification and explanation, especially given that the submitted HTVIA and Scheme Audit provide clear and detailed conclusions in respect of how successful the massing changes are. Reference to heritage impacts being less than substantial is made, but no meaningful analysis of the townscape and visual effects are provided. For example, no mention is made of how significant and notable the scheme changes are when perceived from key local viewpoints. The Scheme Audit at pages 16, 18 and 23 make it very clear just how much of a change will be perceived, to the degree that a number of these changes will now be beneficial in nature.*

*It is highly alarming that these key changes to the scheme are not referenced at all in this consultation response - these changes are key in addressing the reasons for refusal of the previous scheme, and hence should form the primary focus of the Officer's consultation response. The response would need to be amended to providing comprehensive analyses of these changes.*

*The conclusions go on to state that the impact of the scheme on green space “on the other side of Dorking Road will be significant as a marker to its edge” is presumably referring to viewpoint 8 (see HTVIA pages 63/64 and 117). It goes onto state “but not a harmful one”. This is a balanced conclusion, but claiming this impact is significant is poor use of language and could easily be misinterpreted - as such, the Officer's consultation response should be amended accordingly to avoid any confusion.*

#### ANALYSIS

*Overall, it is considered that the consultation response is imprecise and does not grapple objectively with the material that has been submitted with the revised scheme to address the previous reasons for refusal. Of particular note is how the revised scheme has made substantial changes to its massing, relationship with Woodcote Green Road and much more sympathetic materials. These changes greatly assist in assimilating within the local townscape and visual context and delivering notable benefits. This information is central to the consideration of the revised scheme and should be thoroughly explained and communicated. Unfortunately it is not addressed or described in any clear detail. Instead the nature of the response and the language it uses is vague, negative and in some cases inaccurate.*

*A more detailed analysis of the reasons for refusal in respect of heritage, townscape and visual terms is required, with reference to the detailed technical material provided and a conclusion given with total clarity as to whether there is or is not a reasons for refusal in those terms. There is not a reasonable interpretation that gives ground for an objection on the basis of townscape and visual grounds.*

#### SUGGESTED PLANNING CONDITIONS

*On 1 April 2021 Nexus Planning provided the Council with the Draft Planning Conditions (Rev 1), which included the proposed changes to the proposed conditions on design matters.*

#### *Planning Officer comments*

- 12.22 The Local Planning Authority has a high level of assessed housing need, but lacks a sufficient supply of available, developable and deliverable housing sites to fully meet this need. As such, there is a requirement to optimise all sites and this Site is considered appropriate for development.
- 12.23 Following the refusal of the latest scheme, the Applicant underwent a thorough pre-application engagement process with Officers. This revised scheme has sought to address the reasons for refusal of the latest scheme, with the overall height, massing and scale of the proposed buildings being reduced (revising the height of all buildings) and increasing the setbacks from Woodcote Green Road.
- 12.24 The revised proposal comprises a considered scheme, which responds to its local context. It creates an opportunity to increase landscaping along Woodcote Green Road and also seeks the creation of a new public realm domain. Furthermore, a new planting buffer is sought along the western boundary of the Site, creating an improved buffer to neighbouring properties.

- 12.25 The Local Planning Authority's Design and Conservation Officer has identified a less than substantial harm. Subject to planning permission being granted, conditions would be secured, to ensure appropriate materiality and detailing. Officers consider that this reduced and paired-back scheme is appropriate and acceptable in design and heritage terms, complying with policies CS5, DM8 and DM9.

### **13 Townscape and Visual Impact**

- 13.1 Chapter 12 of the NPPF relates to the achievement of well-deigned places. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are (inter alia) visually attractive as a result of good architecture and layout and are sympathetic to local character, including the surrounding built environment and landscape setting.
- 13.2 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.
- 13.3 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.
- 13.4 Less weight is given to Policy DM11 (Density) and Policy DM13 (Building Heights). Greater weight is given to policies that promote the efficient use of land and attribute greater weight towards the need to deliver new additional homes.
- 13.5 Concerns have been raised by nearby residents regarding the visual impact of the development on its immediate surroundings. This has been taken into consideration by Officers in the assessment of this application.
- 13.6 A Heritage Townscape and Visual Impact Assessment, dated February 2021, accompanies this application. The Assessment sets out that the Site does not contain any designated heritage assets, nor does it lie within a Conservation Area. There are 57 listed buildings/structures and the Chalk Lane Conservation Area within a 500 metre radius of the Site.

- 13.7 The Assessment sets out that the existing building on Site are considered to be of poor quality, comprising an ad hoc collection of altered buildings and car parking areas, lacking any coherent masterplan. Buildings within the wider hospital site reach +87.74 at their highest point with additional plant and antennae. The highest point of the proposed buildings including plant would be +88.575.21. At the highest point the proposals have reduced in height from 9 to 8 storeys since the previously refused planning application (ref: 19/01722/FUL), which represents a 6 metre reduction, more equivalent to 2 storeys. As a result of the mitigation through design that has been embedded in the evolution of the proposals, impact on many of the surrounding townscape and visual receptors would be none or negligible, with several of the views and townscape experiencing no readily discernible change. Other views and townscape areas, which range from low to medium sensitivity would witness minor impacts as a result of additional height and massing, and one view would experience a moderate impact.
- 13.8 The Assessment sets out that the proposals have evolved in response to the surrounding heritage and townscape context; in order to mitigate adverse impact on the surrounding context and views in the following ways:
- The tallest parts of the building have been located to the rear of the Site closest to the existing hospital buildings and stepped down significantly towards boundaries with residential areas and the Woodcote Green Road;
  - The buildings have been stepped back from the Woodcote Green Road to allow for additional landscaping and tree planting;
  - The buildings have been designed in an honest, contemporary style, as appropriate given its location adjacent to the wider hospital site, which contains several large-scale modern buildings;
  - The palette of materials has been inspired by the local area and the architects have sought to integrate high-quality landscaping, additional trees, planted window boxes and rooftop gardens.
- 13.9 Given the above, the Assessment sets out that it is considered that the proposal satisfies the requirement of NPPF paragraph 127c, which requires that developments '*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'.
- 13.10 The Assessment sets out that the proposed development would have either no impact or a negligible impact on the significance of the majority of the surrounding heritage assets. The exception to this is the Chalk Lane Conservation Area and some of the nearby listed buildings which are likely to experience an adverse impact at the low end of the less than substantial harm spectrum.

*Planning Officer comments*

- 13.11 In line with paragraphs 193, 194 and 196 of the NPPF, any harm to the significance of a designated heritage asset should have clear and convincing justification. The decision maker should weigh the identified harm against the public benefits of the scheme. In this case, the public benefits are wide ranging, including:
- Regenerating an underutilised site derelict site and optimising the use of land
  - Provision of specialist care accommodation
  - Re-provision of key worker units
  - Affordable housing provision

- Employment opportunities through provision of nursery and ancillary uses
- Upgrades to existing bus stops on Woodcote Green road and Dorking Road.

13.12 It is acknowledged that the proposal has been revised, with lowered heights of proposed buildings and greater setbacks. The proposed development would have either no impact or a negligible impact on the significance of the majority of the surrounding heritage assets. The exception to this is the Chalk Lane Conservation Area and some of the nearby listed buildings, which are likely to experience an adverse impact at the low end of the less than substantial harm spectrum. In considering paragraphs 193, 194 and 196 of the NPPF, the public benefits of this scheme are considered wide ranging and outweigh the identified impact.

13.13 The proposal is considered to comply with policies DM9 and DM10.

#### **14 Affordable Housing**

14.1 Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes. Paragraph 61 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including affordable housing).

14.2 Paragraph 62 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

14.3 a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

14.4 b) the agreed approach contributes to the objective of creating mixed and balanced communities

14.5 Policy CS9 (Affordable Housing and meeting Housing Needs) sets out that the Local Planning Authority has a target that overall, 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

14.6 Supporting paragraph 3.12.11 sets out that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable

14.7 The Revised Developer Contributions Supplementary Planning Document (2014) sets out that the Local Planning Authority will apply Policy CS9 to extra-care housing. The Government has confirmed that there is no distinction between these sorts of proposal and other open market housing.

14.8 Concerns have been raised by residents regarding the affordable housing offer. This has been taken into consideration by Officers in the assessment of this application.

14.9 The proposal seeks to re-provide 24 keyworker units, which are currently vacant. Subject to planning permission being granted, this would be secured within the S106 Agreement.

14.10 The proposal seeks 305 units (excluding the re-provision of 24 keyworker housing). The proposal should include at least 40% of dwellings as affordable.

- 14.11 The Applicant has undertaken a Viability Assessment, which has been independently reviewed by BPS Surveyors, on behalf of the Local Planning Authority.

## 15 Quality of Accommodation

### Space standards

- 15.1 Nationally Described Space Standards are not applicable to extra-care accommodation (Use Class C2). But, it is considered important that bedrooms and flats are adequately sized.
- 15.2 Nationally Described Space Standards require the following:
- Single bedroom providing one-bed space: 7.5m<sup>2</sup>, at least 2.15m wide
  - Double bedroom (or twin room) providing two-bed spaces: 11.5m<sup>2</sup>, at least 2.27m wide.
- 15.3 The proposed 38 Guild Care Residences and Suites form the higher care element of the scheme and are not required to meet minimum Nationally Described Space Standards. Instead, these apartments are to be assessed under CQC guidelines. The Guild Care Suites designs exclude private kitchens and the Guild Care Residences have a small kitchenette area. Within the care floor, dining and kitchen facilities are designed as an integral part of the communal spaces, allowing residents to take meals within their suites or a communal setting. These suites would generally be occupied by residents incapable of cooking their own meals or without assistance and who may have cognitive impairments, limited manual dexterity or are bedridden.
- 15.4 The 38 GCS (28) and GCR (10) apartments have been specifically designed around providing greater care support to resident members and range from 23-30m<sup>2</sup> (GCS) and 42-49m<sup>2</sup> (GCR).
- 15.5 As above, this proposal is unique, as it does not have to accord with Nationally Described Space Standards, but, Officers expect adequately sized units. The Applicant has put forward reasoning and justification for the size of the proposed units, which is considered acceptable and appropriate.

### Mix

- 15.6 Policy DM22 sets out that planning permission will be granted for new residential development proposals that incorporate a mix of dwelling sizes and tenures that meet identified local needs. In order to meet this objective, residential development proposals for four or more units should comprise a minimum of 25% three bedroom, or more, units. Exceptions will be considered 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.

### 267 Apartments: Guild Living Residences [GLR]

- 15.7 1, 2, 3 bedroom Assisted Living apartments for purchase with min. 2.5hrs of care and associated communal and support services.
- 69 x 1bed (25%) 50-65m<sup>2</sup>
  - 177 x 2bed (67%) 75-99m<sup>2</sup>
  - 21 x 3bed (8%) 100-110m<sup>2</sup>

28 Apartments: Guild Care Suites [GCS]

- 15.8 Transitional/Extra care apartments. A sub community that offers a greater range of care and support services.

10 Apartments: Guild Care Residences [GCR]

- 15.9 Larger GCS transitional/extra care apartments with GCS range of care and support services
- 15.10 The unit mix is geared towards the majority 2 and 1 bed units, in order to reflect the size and accommodation requirements for retirees. The scheme will be predominantly occupied by singly occupants and a smaller number of couples. Officers have considered the Applicant's reasoning for the unit mix proposed and consider it acceptable and appropriate.

24 Apartments: Key Worker Residences

- 15.11 Accommodation apartments for hospital staff.

- 12 x Studio (50%)
- 6 x 1bed (25%)
- 6 x 3bed (25%)

Private amenity space

- 15.12 Paragraph 3.36 of Policy DM12 sets out that to provide adequate private amenity space for development of flats, a minimum of 5m<sup>2</sup> of private outdoor space for 1-2 person dwellings should be provided and an extra 1m<sup>2</sup> should be provided for each additional occupant. Where appropriate in terms of visual character and appearance, flats at upper levels may have a private useable balcony area, in addition to having access to communal open space.
- 15.13 The proposed C2 later living apartments are expected to have occupancy of 1-2 persons. 49 apartments have 5m<sup>2</sup> 'bolt-on' balconies providing outdoor amenity. The remainder of the outdoor private amenity is provided within proposed landscape terraces.
- 15.14 The proposed landscape sensory garden is located above the car park to Building A and provides 600m<sup>2</sup> of private outdoor amenity for residents within the care floor. The planted balustrade is set back 1.5m from the the parapet and is 1.5m high to ensure the safety of care community residents and mitigate overlooking into neighbouring gardens 40 & 46 Woodcote Green Road.
- 15.15 A resident garden is proposed on level 04 of building B, designed with a private landscaped terrace, providing 920m<sup>2</sup> of private outdoor amenity for residents.
- 15.16 Officers recognise that some apartments have private amenity space and that the scheme offers private accessible landscape terraces and communal spaces. The Applicant has put forward a case as to why not all of the units comprise private amenity space, which is to encourage social interaction within the care community. This is considered acceptable and appropriate.



## 16 Ancillary uses

- 16.1 Chapter 7 of the NPPF relates to the vitality of town centres.
- 16.2 Paragraph 86 sets out that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 16.3 Paragraph 87 sets out that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 16.4 Paragraph 89 sets out that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floor space). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 16.5 Policy CS13 sets out that the provision of new community facilities will be encouraged, particularly where they address a deficiency in current provision and where they meet identified needs of communities both within the Borough and beyond.
- 16.6 Policy DM34 sets out that planning permission will be granted for social infrastructure on the basis that (inter alia) it is delivered in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which encourage dual use and increase public access.
- 16.7 The proposal seeks a children's nursery and retail provision.
- 16.8 Concerns have been received from neighbours regarding the ancillary uses proposed as part of this scheme and their impact on town centre uses. This has been taken into consideration by Officers in the assessment of this application.

### *Retail*

- 16.9 The scheme proposes 170.01m<sup>2</sup> of retail space (reference can be found on the illustrated ground floor plan, ref: EPS001-MPI-ZZ-00-DR-A-01-100 - LEVEL 00 MASTERPLAN).
- 16.10 The Site is not located within the Town Centre, but it is located adjacent to Epsom General Hospital, which has a modest retail offering.

- 16.11 Officers consider that the proposed retail provision is ancillary to the main scheme. Given the modest size of this and the condition proposed by SCC Highways, the retail provision is not considered to adversely impact the existing retail offering at the adjacent hospital or Epsom town centre. A condition is proposed, should planning permission be granted, which controls opening times for trade or business, in order to safeguard the amenities of the area and to prevent nuisance arising.

#### *Nursery*

- 16.12 The Planning Statement sets out that the proposed children's nursery measures 167 sqm in size, falling within (Use Class E). It is intended that 80% of the nursery capacity will be offered to provide childcare for workers of the adjacent NHS site.
- 16.13 The Planning Statement sets out that the children's nursery would bring together older and younger members of the community within the Guild Village, providing intergenerational spaces.
- 16.14 Officers consider that a nursery in this locality, adjacent to the hospital and residential properties, to provide childcare to NHS workers and local residents is acceptable in principle, as long as it does not adversely impact neighbouring properties in terms of noise or disturbance and highways considerations are deemed acceptable.
- 16.15 Two conditions are included, subject to planning permission being granted, which:
- Requires details of the proposed outdoor play equipment; and
  - Ensures that the nursery operates as a nursery only and no other use within the appropriate Use Class. The nursery shall have a maximum of 40 children only.

#### *Summary*

- 16.16 Subject to the use of conditions, should planning permission be granted, retail provision and a nursery are considered acceptable, complying with National policies and CS13 and DM34.

### **17 Trees and Landscaping**

- 17.1 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.
- 17.2 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.
- 17.3 Policy DM5 (Trees and Landscape) 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):
- i. Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and

- ii. 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.

- 17.4 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.
- 17.5 Concerns have been raised from neighbours regarding tree loss and insufficient landscaping proposed as part of this scheme. The concerns also relate to the impact that this scheme would have on Woodcote Millennium Green.

*Trees*

- 17.6 There are no tree preservation orders relating to the Site or relating to trees on its boundaries.
- 17.7 There is very limited vegetation within the Site, but the western boundary is defined by mature trees. There are further (smaller) trees along the frontage with Woodcote Green Road and one larger tree in the northern part of the Site.
- 17.8 The accompanying planning statement sets out that of a total of 47 trees on Site, it is proposed to remove 29 of the existing site trees, of which 11 are category U trees and 16 are Category C trees. Only one Category A tree is to be removed as well as a part of a Category B tree. 18 Site trees are to be retained, of which five are Category A and B trees.
- 17.9 To compensate for the loss of the Site's trees, it is proposed to plant more than 100 additional trees on the Site, which would result in a significant uplift in the number of trees, along with an associated biodiversity enhancement. Replacement trees are proposed to be medium and large trees.
- 17.10 Tree protection measures, including ground protection and hoarding around trees would protect the retained trees during construction. Appropriate landscaping and tree management will aid in the long term protection and health of the retained trees. Further details are set out in the accompanying Arboricultural Assessment, dated January 2021.
- 17.11 The Arboricultural Report sets out that the proposed tree removals do not involve the removal of any trees that are subject to statutory protection.
- 17.12 With regard to the previously developed nature of the Site, the Arboricultural Report sets out that the retained vegetation is located a sufficient distance from the proposed development to be successfully protected and retained within the proposed development. The proposed landscaping works will serve to increase the amount of open ground around the trees and replace areas of existing non-permeable hardstanding with porous and permeable hardstanding.
- 17.13 The Arboricultural Report sets out that the proposed landscaping scheme will serve to mitigate the impact of the proposed tree removals and will improve the age and species diversity of the tree resource within the Site. The landscape design identifies planting of over 113 new trees, which will result in a significant increase in the number of trees growing within the Site.

- 17.14 The Arboricultural Report sets out that the protection of retained trees during the proposed development works can be achieved by continuing to follow the recommendations in BS5837:2012 and by use of planning conditions. All works and the construction methodology would be reviewed by an Arboricultural Clerk of Works and a detailed site-specific Arboricultural Method Statement would be prepared prior to any works commencing on Site.

*Landscaping*

- 17.15 A Design and Access Statement – Landscape and Public Realm document, dated 04.02.2021, accompanies this application. It sets out the changes that have been made, to address the reasons for refusal of the former application at this Site. This includes:
- A revised building layout and setback from Woodcote Green Road. This has created the opportunity to increase the landscaping along Woodcote Green Road with rows of street trees and understory planting;
  - Improvements to the north/south connectivity across the Site;
  - A new public realm domain, defined by areas for siting and relaxing; and
  - Increased planning buffer along the western boundary, with a new line of trees.
- 17.16 The proposal still seeks four character areas. A curvilinear based design is also still proposed, to integrate the landscape and buildings.
- 17.17 The proposal seeks to plant 113 mature and semi-mature trees. Specifically, at the frontage with Woodcote Green Road, the proposal a boulevard of trees and seating areas, to enliven the streetscape.
- 17.18 The accompanying planning statement sets out that the amended scheme has provided additional landscaping throughout, but in particular along the western boundary of the Site and along the street frontage, as referred to above.
- 17.19 The planning statement sets out that the updated scheme has also reduced the amount of parking along the western boundary of the Site, which has been reconfigured to allow for an increased landscaping buffer along the boundary with the adjacent properties.
- 17.20 Officers consider that this proposed scheme results in an improvement to the amount and quality of landscaping and tree planting on the Site. This updated scheme has further increased the area of proposed landscaping, due to reductions in building footprints, with an increased setback from Woodcote Green Road. This in turn provides an enhanced public realm, street planting and ecological and environmental benefits.

*Lighting strategy*

- 17.21 An Exterior Lighting Report, dated 03.02.2021 accompanies this application. It creates a framework and set of principle for the detailed design of exterior lighting, taking into account the local context and sensitive ecological constraints of the Site.

*Woodcote Millennium Green*

- 17.22 The Applicant has confirmed that it is prepared to assist in the ongoing repairs and maintenance of the Woodcote Millennium Green, in conjunction with the Woodcote Millennium Green Trust. The Applicant sets out it would be able to provide a £25,500 contribution for the ongoing maintenance of the Woodcote Millennium Green, to be secured as a S106 Agreement Obligation, should planning permission be granted.

17.23 Regulation 122 of the CIL Regulations sets out the limitations on the use of Planning Obligations. It is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, which does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and
- It is fairly and reasonable related in scale and kind to the development.

17.24 Officers consider that the Woodcote Millennium Green Contribution is Regulation 122. Whilst not strictly meeting the first two criteria, it is fairly and reasonable related in scale and kind of the development. As such, the contribution towards the Woodcote Millennium Green is appropriate.

*Officer comments*

17.25 The Local Planning Authority's Tree Officer has not provided a formal response on this application, however he did provide comments at pre-application stage.

17.26 Officers recognise that in its current form, the Site does not offer a functional space. The scheme put forward seeks a considered landscaping scheme, integrating the proposed buildings into character areas and to provide linkages to Woodcote Millennium Green. With a LEMP in place, the landscape value of the Site would be maintained in the long-term.

17.27 Whilst the proposal would result in some tree loss, the scheme would seek a greater number of new trees, which would be managed appropriately through a LEMP. The proposed landscaping entwines the proposed buildings, character areas and the Woodcote Millennium Green, creating a sense of place. In conjunction with the public benefits of this proposal, including a contribution for the ongoing maintenance of the Woodcote Millennium Green, the proposal is considered acceptable, complying with policy DM5.

## **18 Neighbouring Amenity**

18.1 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.

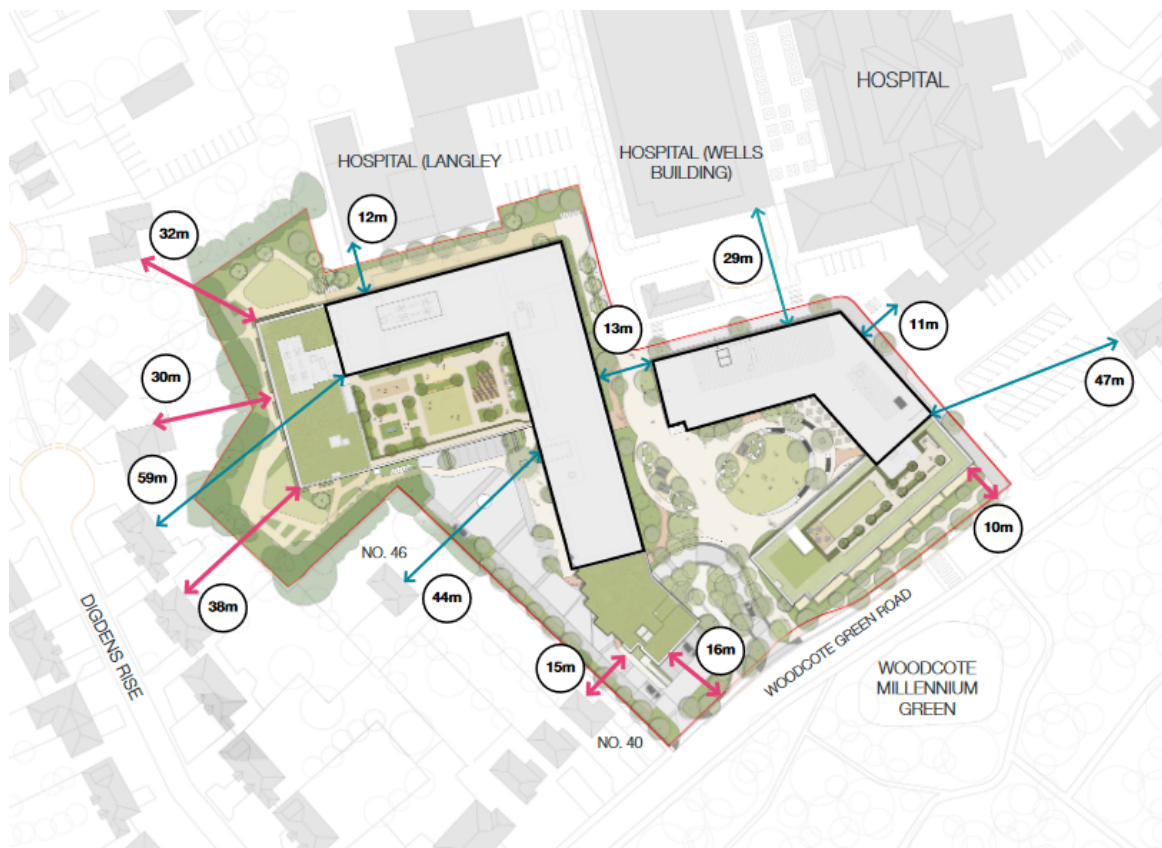
18.2 Concerns have been received from neighbours regarding the impact of this proposal on the neighbouring amenity enjoyed at adjacent properties and those located further away from the Site. Concerns relate to the proposal's overbearing nature and issues that may arise, including loss of outlook, loss of privacy and loss of light. This has been taken into consideration by Officers in the assessment of this application.

*Distances to surrounding properties*

18.3 The accompanying DAS sets out that:

- The taller elements of the proposed buildings on the western side of the Site are located some 59 metres from the rear of the houses at Digdens Rise;
- The taller element towards the centre of the Site are located some 44 metres from the house at number 46 Woodcote Green Road;
- The proposed buildings, from four to eight storeys, are positioned some 47 metres from the house at number 28 Woodcote Green Road.

18.4 The below image is taken from page 62 of the DAS, to visually show the separation distances from the proposed buildings to surrounding neighbouring properties:



- 18.5 The accompanying planning statement sets out that the orientation and placement of the west facing windows of the proposed apartments adjacent to numbers 40 and 46 Woodcote Green Road have been adjusted to avoid overlooking and privacy impacts. The windows to these units are either oriented towards the north and south or are high level windows to avoid direct overlooking to the west.
- 18.6 The accompanying planning statement sets out that an enhanced new landscape buffer is being provided along the western boundary of the Site, adjacent to the neighbouring residential properties. The landscape buffer provides significant additional planting to that which exists on the Site and forms a new continuous landscaped edge including soft planting, and 9 additional trees.

- 18.7 The accompanying planning statement sets out that the car parking spaces along this boundary have been relocated, to a less sensitive position adjacent to Woodcote Green Road, both reducing the potential effects of car movements, but also making space for the landscape buffer zone.
- 18.8 The accompanying planning statement sets out that the sensory garden at the podium level of the western building has been amended to reduce potential for overlooking, a balustrade with hedging has been set back 1.5m from the edge of the building and planting borders are incorporated onto the area.
- 18.9 Officers consider that the separation distances are considered sufficient, to ensure that neighbouring amenity at neighbouring properties are not adversely impacted by the proposed development.

*Daylight and sunlight*

- 18.10 A Daylight, Sunlight and Overshadowing report, dated January 2021, accompanies this application. Additionally, a separate letter, dated 04.02.2021 accompanies this application. Both are prepared by Avison Young.
- 18.11 The report sets out that a daylight, sunlight and overshadowing technical assessment has been undertaken. This proposal represents a material reduction in massing, in comparison to the previously refused scheme (ref: 19/01722/FUL). Therefore, the potential effects on surrounding light levels are further minimised.
- 18.12 The report sets out that external daylight and sunlight analysis of the neighbouring buildings found that the vast majority of windows and rooms tested will satisfy BRE guidelines. There will be some isolated daylight transgressions, which are below the recommendations set out in the BRE guidelines, some of which may be noticeable. However, in the majority of cases, the rooms affected are likely to be secondary/non-habitable space or relate to dual-aspect rooms with mitigating light, such that the retained levels of light are considered acceptable. The reduction in light is therefore considered to be acceptable.
- 18.13 The report sets out that internal daylight analysis of the accommodation within the proposed development shows that all but four (99%) of the proposed rooms tested meet the recommended ADF daylight criteria. The isolated exceptions represent very minor deviations only and retain a good level of daylight distribution across the key living areas. All other private habitable areas tested surpass the recommended criteria. This analysis focussed on the lowest floors only, so the upper levels would be even better daylighted. For internal sunlight, the overwhelming majority (83%/84%) of windows tested would also meet the relevant APSPH sunlight criteria, which also represents a high level of adherence for a development of this nature. In fact, the vast majority of windows and rooms that meet the guidance demonstrate levels that are well in excess of the suggested values.
- 18.14 The report sets out that for the overshadowing assessments ('two hours sun contour'), the analysis of the key amenity space both surrounding and within the Site indicates that the BRE guidelines would be fully satisfied. Existing and new local residents will therefore have access to amenity spaces that receive a good quantum of direct sunlight.

- 18.15 The letter sets out that the revised scheme will not materially change the technical results submitted in the Daylight, Sunlight and Overshadowing report. This applies to both the potential effect to neighbouring buildings and amenity space, as well as the potential light levels within the scheme. Any potential differences will be either negligible or represent technical changes only. They will not materially alter the compliance levels with best practice guidance nor the conclusions drawn in the Daylight, Sunlight and Overshadowing report.
- 18.16 In considering the above, Officers are of the view that the development is acceptable in terms of daylight, sunlight and overshadowing, despite a small number of isolated transgressions, which are not uncommon when increasing development levels on a Site of this nature.

*Environmental Noise Survey and Plant Noise Assessment Report*

- 18.17 An Environmental Noise Survey and Plant Noise Assessment, dated 20.01.2021, accompanies this application. It establishes the currently prevailing noise levels and assesses the plant noise emissions at the nearest and most affected noise sensitive residential window. The assessment indicates that the proposed normal plant, in conjunction with the proposed attenuation, should be capable of achieving the proposed environmental noise criteria at the nearest noise sensitive residential window.
- 18.18 The Assessment indicated that the noise emissions of the proposed smoke extract fans at the nearest and most affected residential window are approximately 27dB above the lowest measured daytime background LA90,15mins (32dBA), and 4dB lower than the measured daytime LAeq,16hour (63dBA). According to the PPG guidance, it is likely that the noise impact of the proposed smoke extract fans would fall under the category of 'Observed Adverse Effect'.

*Construction Environmental Management Plan (Revision 05)*

- 18.19 A Construction Environmental Management Plan (Revision 05) accompanies this application. This outlines how the construction project would avoid, minimise or mitigate effects on the environment and surrounding area.
- 18.20 The Local Planning Authority's Environmental Health team have formally commented on the application, with no objection, subject to conditions.

*Officer comments*

- 18.21 The Site is partly surrounded by residential properties. At present, the Site comprises an ad hoc collection of buildings, which comprise poor design with expansive areas of car parking. There is limited landscaping and in its current form, the Site is not considered to make any notable contribution to the character and form of the surrounding area.
- 18.22 The Applicant has sought to address the reasons for refusal of the previous scheme. As part of this, the heights, massing and scale of the proposed buildings have been reduced and there has been an increase in setbacks, with increased landscaping buffers, specifically along the western boundary of the Site, adjacent to neighbouring residential properties. In addition, this application has changed the orientation and placement of the west facing windows of the apartments adjacent to 40 and 46 Woodcote Green Road, to avoid issues of overlooking or loss of privacy.



- 18.23 Officers consider that this revised scheme has been designed to limit its impact on the neighbouring amenity enjoyed at surrounding properties and is considered to comply with policy DM10.

## **19 Highways and Parking**

- 19.1 Chapter 9 of the NPPF relates to the promotion of sustainable transport.
- 19.2 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 19.3 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 (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 19.4 Policy DM36 out that to secure sustainable transport patterns across the Borough, the Local Planning Authority will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 19.5 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 19.6 Concerns have been received from neighbours regarding the potential increase in traffic as a result of this proposal and its impact on the highway network. Furthermore, there is concern that the proposal provides insufficient car parking within the Site. This has been taken into consideration by Officers in the assessment of this application.
- 19.7 A Transport Assessment, dated January 2021, accompanies this application.

### *Access arrangements*

- 19.8 The Transport Assessment sets out that access and egress to the Site is provided via separate new entrance and exit points on Woodcote Green Road, with the entrance located near the southwestern corner of the Site and the exit located just to the west of the existing hospital access that is being stopped up. The hospital access that is being retained is located further to the East of the proposed exit.
- 19.9 The Transport Assessment sets out that within the Site the separate entrance and exit points create a one-way internal route under the West building, with a two-way section towards the Stacker Parking System (SPS) parking provided as a continuation of the entrance route. The main area for residents and visitors to drop off/collect their cars is provided at the SPS, with a turning head/roundabout space provided for vehicles to turn. Departing vehicles can also be collected from the Port Cochere under the West building.

- 19.10 The Transport Assessment sets out that drop off/collection for the nursery provided as part of the scheme will be accessed via the main access where external parking bays are provided, with vehicles departing via the separate egress.
- 19.11 The Transport Assessment sets out that the Site has been designed in a pedestrian friendly manner with vehicle-free access throughout the Site and linking to the existing footway and cycle-lane on Woodcote Green Road. It is recognised that some residents at the site will be unable to walk great distances, and therefore buggy/electric scooter storage and charging areas will be provided within the Site. These will enable residents who are not able to walk easily to still travel around the local area on footways.

*Parking provision*

- 19.12 The Transport Assessment sets out that as part of the development proposals a two-storey, 132 space SPS would be provided on Site for use by residents, staff and visitors. The SPS would be accessed via the Site access on Woodcote Green Road, with a turning head/drop off area provided in the vicinity of the main reception to allow visitors to drop off/collect their cars with a concierge service to drive the vehicle to and from the SPS.
- 19.13 The Transport Assessment sets out that Further parking for staff and visitors is provided at grade for an additional 24 vehicles, accessed via the site access on Woodcote Green Road, resulting in a total parking provision on site of 156 spaces. Drop off/collection and staff parking for the nursery will be provided with two dedicated spaces during opening hours. A space for a minibus will also be provided.

*Servicing arrangements*

- 19.14 The Transport Assessment sets out that dedicated bays for servicing and refuse collection are provided and accessed via the hospital access that will remain post-development. This will allow the potential for existing refuse collection routes to be used and will restrict access into the proposed development by larger vehicles.
- 19.15 The Transport Assessment sets out that it is intended that a private refuse collection provider will be used for domestic and clinical waste and that a smaller sized vehicle will be used for better access around the Site. However, tracking has also been provided for large collection vehicles.

*Cycle parking*

- 19.16 The Transport Assessment sets out that there are 50 secure, covered cycle spaces provided for residents, staff and visitors located throughout the Site.

*Existing traffic flows*

- 19.17 The Transport Assessment sets out that traffic surveys were undertaken at both the Woodcote Green Road entrances to Epsom General Hospital between Tuesday 21 and Thursday 23 May 2019 (during school term time). Additionally, registration plate beat surveys were undertaken, enabling an assessment of traffic that would be removed from Woodcote Green Road (and diverted to the Dorking Road hospital entrances) to be undertaken.
- 19.18 Additionally, traffic surveys were carried out at the following junctions on Tuesday 12 and Wednesday 13 November 2019 between the hours of 07:00 to 19:00. The survey was undertaken during school term time to ensure representative flows.

- A24 Dorking Road / Woodcote Side;
- A24 Dorking Road / Woodcote Road signalised junction; and
- A24 South Street / A24 Ashley Avenue signalised junction.

19.19 The results of all the traffic surveys are contained at Appendix E of the Transport Assessment.

*Traffic impact*

19.20 The Transport Assessment sets out that an assessment of predicted development trips in accordance with a methodology agreed with SCC Highways shows that the proposed development is predicted to result in a decrease in trips during the AM and PM peaks, whilst overall daily trips will increase.

19.21 The Transport Assessment sets out that Junction capacity assessments have demonstrated that all of the junctions assessed would operate within capacity or with a net improvement following implementation of the development.

19.22 The Transport Assessment sets out that a parking assessment indicates that the proposed parking provision would be sufficient for the development, and that in accordance with the guidance set by SCC highways, the parking provision can be assessed on its 'individual merits'.

*Conclusions*

19.23 The Transport Assessment concludes that the proposed development would not have a material traffic impact or have a detrimental impact on local highway safety. Therefore, it is considered that there are no highway or transport reasons that would support refusal of the planning application.

*Parking Management – Nursery*

19.24 A Parking Management – Nursery note was received on 07.04.2021. It provides further information regarding the management of nursery parking.

19.25 As detailed within the Transport Assessment, the following arrangements are proposed for use of the 24 surface level parking spaces on-site:

- On entrance to the Site, staff will prioritise using the spaces located on either side of the access road whilst visitors will be directed towards the main entrance/SPS;
- All residents will drive straight to the main entrance/Stacker Parking System; and
- Two spaces at the front of the site are to be allocated as for nursery use during nursery opening hours.

19.26 Two parking spaces at the front of the Site, accessed on the right of the Site access road, are to be allocated for nursery use during nursery opening hours. These spaces are intended to be used by parents/carers for drop-off and collection of children attending the nursery. 80% of the children attending the nursery would have parents working at the adjacent hospital who will be parked within the staff car park on the hospital site. Therefore, the demand for these drop-off/collection spaces will be from only 20% of the children's parents attending the nursery.

- 19.27 The allocated spaces would have clear signage stating that they are only for nursery use during opening hours and signage directing visitors to these spaces would be provided from the site access road.
- 19.28 Staff working at the nursery would be encouraged not to use private cars to access the Site, through the measures proposed as part of the development Travel Plan. This would be facilitated by staff being recruited for the local area.
- 19.29 Those staff that have no other alternative use other than the private car would be able to use the staff parking spaces located immediately adjacent to the allocated spaces for nursery drop-off and collection, or those on the other side of the site access road.

#### *SCC Highways*

- 19.30 SCC Highways provided a formal consultation response on 29.03.2021. The Highways Authority does not object to the proposal, but recommends S106 Obligations and Conditions, should planning permission be granted. There is a note to the Case Officer, which is provided below:

*The existing site comprises land sold by Epsom Hospital to Guild Living. Prior to sale this land primarily comprised now redundant hospital buildings and staff car parking. The application submitted seeks to demolish the existing buildings within the application site boundary to build a development comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, with ancillary services including Use Class C2, 24 key worker units, children's nursery and retail*

#### *Vehicular Access*

*There is an existing, although currently unused vehicular crossover on Woodcote Green Road in front of Woodcote Lodge. Between Woodcote Lodge and Rowan House there is an existing bellmouth access. Further east there is a second bellmouth access from Woodcote Green Road, however this access is to be retained by Epsom Hospital to retain vehicular access from Woodcote Green Road to Epsom Hospital, and is largely outside of the red line edging of the application site boundary.*

*The application proposes to modify the existing bellmouth access currently located between Woodcote Lodge and Rowan House, to be utilised as the exit for the proposed development, and provide an additional bellmouth access in a similar location to the existing vehicular crossover on Woodcote Green Road to be used as a vehicular entrance to the proposed development. Minor modifications are also proposed to the existing bellmouth access to be retained by Epsom Hospital, however vehicular access to Epsom Hospital from Woodcote Green Road shall be retained at all times.*

*In accordance with Manual for Streets an access onto a road subject to a 30mph speed limit should be provided with visibility splays of 2.4m 'x' distance by 43m 'y' distance. A plan has been submitted to demonstrate that visibility splays of 2.4m by 43m, as required in Manual for Streets are achievable from the proposed site exit, all within land either within the application site or within the highway extent. It is the applicant's responsibility to ensure that these visibility splays are provided, retained and maintained.*

*'No Entry' signing and 'No Entry' markings need to be provided at the site egress and 'Entry' signing, and 'Entry' or 'One Way' markings should be provided within the site ingress to ensure vehicles comply with the one way system of the application site.*

*Works to create the proposed bellmouth access will be subject to a Section 278 Agreement with the County Highway Authority, at which stage technical drawings shall be prepared and submitted for technical review.*

*The CHA request that a pair of vehicle activated signs are erected, one either side of the existing pedestrian crossing on Woodcote Green Road, to be agreed with SCC. Depending on location it is expected that this would cost in the range of £4,600 to £7,200.*

#### Traffic Impact

*Key junctions within the vicinity of the application site have been modelled. The audits have all been assessed by Surrey County Council Modelling Team at Surrey County Council, and have all passed.*

*One of the key measures used to determine the severity of impact on individual junctions is Ratio Flow Capacity (RFC) for non-signalised junctions and Degree of Saturation (DoS) for signalised junctions. Where RFC is equal to one, the junction is considered to be at capacity. Models are assumed to have a standard error of approximately + or - 15%, so an RFC of 0.85 is often sought, as this gives a high likelihood that excess queuing will be avoided at the junction. All junctions effected by development proposals must be considered against the predicted conditions at that junction in a 'without development' scenario.*

#### Site access

*This junction will operate well within capacity in both the AM and PM.*

#### Ashley Avenue

*Ashley Avenue – Degree of saturation increased by a small amount in with development scenario in both AM and PM peaks, however the junction would still operate within its practical reserve capacity limits.*

#### Woodcote Road

*Highest DoS in AM 2026 Base Scenario is 88.6% for Woodcote Road. In the 2026 forecast scenarios the highest DoS is 87.1% in the AM. This is a marginal increase. Highest DoS Dorking Road NE movement is 88.5% in AM 2026 Base Scenario and 78.9% in 2026 Base PM scenario. In the 2026 Forecast Scenario in the AM the DoS reaches 88.6% and 74.7% in the PM Scenario. Therefore, the Dorking Road (northeast) Degree of saturation increased by 0.1% in the AM peak and reduced by 4.2% in the PM peak. It is therefore not considered that the development will have a negative impact on this arm.*

#### Dorking Road and Woodcote Side

*In AM 2026 Base Scenario the Highest RFC is 1.11 on the minor left turn give way movement from Woodcote Side. The minor road right turn give way movement RFC would be 1.00. In the AM 2026 Forecast Scenario the highest RFC is 1.10 on the minor left turn give way movement from Woodcote Side. The minor road right turn give way movement RFC would be 1.00.*

*In the PM 2026 Base Scenario the highest RFC is 0.67 for the right turn major road movement into Woodcote Side. In the PM 2026 Forecast Scenario the highest RFC is 0.70 for the right turn major road movement into Woodcote Side.*

*The modelling shows that the net impact of the development in 2021 would be relatively small on the junction.*

Sustainability

*The application site is located approximately 800m from Epsom Town Centre, where a number of key services, leisure, retail and food uses are available.*

*A number of bus stops are available within the immediate vicinity of the application site, both on Dorking Road and Woodcote Green Road. The CHA requests that the developer provide upgrades to existing bus stops on both Woodcote Grove and Dorking Road as set out in the above conditions. Please note that the RTPI displays will require a power supply with an RCBO (circuit breaker) and it will need to be ensured that the shelters are suitable to take RTPI displays otherwise they will need to be installed externally on poles. Commuted sums will also be required for the RTPI displays. The real time passenger information display to be provided within a communal area of the development site either needs to be purchased from SCC or a suitable display needs to be purchased and a link agreed and commissioned from SCC's RTPI system.*

*The proposed development will also provide a car club vehicle, to be made available for public use. This is to be funded by the developer and one year free membership of the car club should also be provided to the first occupants of each of the proposed residential units.*

*A shuttle bus is also to be provided for residents of the proposed development, reducing the reliance of occupants on use of a private vehicle.*

Retail Use

*The CHA understand that the proposed retail units of the development site, are likely to be used for something similar to a gift shop, rather than a more intense use that is likely to be a direct trip attractor to the site. To ensure this is the case the CHA recommends a condition that prevents the retail unit on site from being used for Food Retail.*

Waste Collection

*The clearance height under the building prevents the largest vehicles from being able to pass under the building. However, Guild Living has a legal agreement in place with the hospital to provide access for servicing and refuse collection from within the hospital site. Nevertheless, the applicant has confirmed that a private waste management company will be used for refuse collections and a vehicle that is able to pass underneath the building will be specified. As a result, the only vehicles that would need to exit the site via the entrance would be the largest fire tenders (in an emergency).*

*The CHA proposes a condition that requires the operation of the site via a Deliveries & Servicing Management Plan to be agreed.*

Parking

*Car parking for the proposed development is to be provided in both an SPS car park and at surface level within the site. 40% of units will be marketed/sold with parking. It is noted that concern has been raised regarding parking provision onsite and the potential for the impact on the wider area that a shortfall in parking would create. Whilst the CHA has a remit that includes highway safety and capacity, it is considered that these areas are covered by the current parking restrictions in place locally that limit dangerous parking.*

*However, the CHA is aware that the parking does include an element of Amenity, this would be considered by the Planning Authority, rather than the Highway Authority. SCC does support reduced car parking provision in sustainable locations.*

*The application site is currently used for parking for hospital staff. However, the land has been purchased by Guild Living and therefore already in full control of the applicant. It has not been possible to apply a condition tying this application to the construction of the proposed Multi Storey Car Park at Epsom Hospital.*

## **Refuse**

- 19.31 In addition to safety and capability of refuse vehicles to access the site, Policy CS6 sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged.
- 19.32 A Servicing and Waste Management Plan, dated February 2021, accompanies this application.

## **20 Ecology**

- 20.1 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
- 20.2 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.
- 20.3 Policy CS3 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.
- 20.4 Policy DM4 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity.
- 20.5 A Preliminary Ecological Appraisal, dated 18 January 2021, accompanies this application. It sets out that the proposed development should avoid adverse impact to the biodiversity interest of the Site and should deliver ecological enhancements to ensure no net loss in biodiversity. Various enhancements are recommended, to ensure that the proposed development enhanced the ecology of the Site and the local area.
- 20.6 The Local Planning Authority's Ecologist formally commented on this application. The Ecological Appraisal is considered acceptable. The various mitigation and enhancements should be conditioned.
- 20.7 The proposal is considered to comply with Policy CS3 and DM4.

## 21 Flood Risk and drainage

- 21.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). 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.
- 21.2 Policy CS6 out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
  - avoids increasing the risk of, or from, flooding.
- 21.3 The Site is within Flood Zone 1 (Low Probability of Flooding) and partly within a Critical Drainage Area.
- 21.4 A Flood Risk Assessment (FRA), dated 19 January 2021, accompanies this application. It sets out that:
- i. The flood risk from tidal, fluvial, overland flor and artificial sources is low. The floor risk from groundwater sources is classified as medium risk;
  - ii. The proposal will not create an unacceptable increase in floor risk elsewhere; and
  - iii. No major flood risks to or from the Site have been identified.
- 21.5 Mitigation measures have been identified to ensure that the residual risk can be managed.
- 21.6 A Foul & Surface Water Drainage Strategy, dated 15 January 2021, accompanies this application.
- 21.7 Surrey County Council Local Lead Flood Authority (LLFA) formally commented on this application on 08.03.2021. It confirms that it is satisfied with the proposed drainage scheme. If planning permission is granted, every effort should be made during detailed to reduce the discharge to as low as possible and to find a solution to discharge via gravity.
- 21.8 The proposed development is considered to comply with Policy CS6.

## 22 Contamination

- 22.1 Policy DM17 sets out that where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the following criteria are satisfied:



- all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants which could cause unacceptable risk to health or to the environment;
- it is demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

- 22.2 A Ground Investigation Report, dated 18 January 2021, accompanies this application. It is recommended to undertake further ground investigations to ascertain any potential hydrocarbon contamination around the tanks. Any arising requirements for remediation would be defined and agreed with Epsom & Ewell Borough Council.
- 22.3 The Environmental Agency (EA) provided a formal response, dated 08 March 2021. It has no objection to the proposal, subject to planning conditions, should planning permission be granted.
- 22.4 The Local Planning Authority's Contamination Land Officer commented on 24 March 2021, setting out conditions that should be applied to any planning permission granted, in addition to those already proposed by the EA. The ground investigations already completed will contribute to the work necessary to discharge the conditions, but as considerable demolition works are yet to be carried out, some investigation will almost certainly be needed once the site is cleared to slab level.
- 22.5 The proposal is considered to comply with Policy DM17.

## **23 Archaeology**

- 23.1 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 23.2 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 23.3 Policy DM8 (seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 23.4 An Archaeological Desk Based Assessment, Written Scheme of Investigation and Evaluation Report, dated January 2021, accompanies this application.
- 23.5 SCC Archaeology commented on this application on 05.03.2021. The response sets out that no further archaeological site investigation is required should the scheme be permitted. But the recommended further assessment and reporting of the retained samples shall be achieved in order to complete the mitigation of the impacts of the development and to make the palaeo-environmental results publicly accessible in accordance with national and local planning policy. This assessment and reporting work can be secured by an appropriately worded condition.
- 23.6 The proposal is considered to comply with Policies CS5 and DM8.

## 24 Sustainability and Climate Change

- 24.1 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 24.2 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.
- 24.3 An Energy and Sustainability Document, dated 03.02.2021 accompanies this application. It sets out that an energy assessment has been carried out. The assessment showed that a reduction in carbon emissions of 44% over a Part L 2013 compliant development can be achieved.
- 24.4 The accompanying planning statement sets out that the scheme has been designed to establish a clear sustainability strategy using energy hierarchy principles of Be Lean, Be Clean, and Be Green and to adopt an approach to reduce carbon dioxide emissions and reduce environmental impact.
- 24.5 Sustainability has been a key design consideration for this development from the onset of the project and consideration of the impact of design proposals and measures on the sustainable credentials of the development has been made throughout the design development to date and will continue throughout the design and construction process.
- 24.6 The development includes a number of active and passive measures to reduce CO2. The passive measures include the specification of high performance building fabric including u-values and an air permeability that are significantly beyond the minimum requirements of the Building Regulations.
- 24.7 The non-residential areas of the development will achieve BREEAM 'Very Good', with aspirations of BREEAM 'Excellent'.
- 24.8 The development utilises Low and Zero Carbon (LZC) energy technology to reduce the total carbon emissions from the development. To this end 26% of the development's energy will come from LZC energy sources, using a combination of solar photovoltaic (PV) cells and Air Source Heat Pumps (ASHP).
- 24.9 The Applicant has confirmed in an email, dated 08.04.2021 that it is Guild Living's intention for the scheme would be net zero carbon by 2025. Officers recognise that this is an intention and not a commitment.
- 24.10 In considering the above, Officers are satisfied that the proposal complies with Policy CS6.

**25 Fire Safety**

- 25.1 A Fire Engineering Stage 2 Report, dated 05.02.2021 accompanies this application. The purpose of the report is to provide a summary of the fire strategy for planning submission. It sets out that the scheme will generally comply with the guidance of BS 9991:2015, BS 9999:2017 and HTM 05-02; however, some areas highlighted in this report may require a fire engineering solution or require to be developed further.
- 25.2 Surrey Fire & Rescue Service formally commented on this application, on 08.03.2021. There is no objection, subject to the inclusion of informatives to any planning permission granted.

**26 Other**

*Employment Skills Plan*

- 26.1 The Local Planning Authority's Economic Development Strategy document sets out an action plan, which includes "skills development", such as supporting local skills programmes and initiatives.
- 26.2 In order to use the opportunities presented by this development to improve local employment and training, an Employment and Skills Plan is required as part of the S106 Agreement, should planning permission be granted. Whilst the negotiations are to be finalised with the applicant, matters including the employment of local people during the project's consultation and partnership working may be achieved.

**27 Planning Balance and Conclusion**

- 27.1 The Site comprises healthcare and accommodation buildings and surface level car parks, which are of poor quality, lacking any coherent masterplan and which are deemed surplus to requirements.
- 27.2 People are living longer. There are now around 12 million older people (aged 65 or over) in the UK, in accordance with 'The Health Foundation'. While many live healthy lives, as we age, the likelihood of needing acute care or on-going care grows. The ageing population creates new challenges for society, as demonstrated by the increase in demand for NHS services and social care.
- 27.3 The variety of extra-care accommodation reduces pressure on local hospitals, GPs and emergency centres. Not only does extra-care accommodation provide a positive health influence on all senior residents, it also directly impacts on and improves a range of social factors, such as loneliness and isolation.
- 27.4 This Site is located within the built up area of Epsom and is appropriate for housing redevelopment, as it is comprised of previously developed land. The proposed use is compatible with existing uses, specifically the adjacent hospital. There is no existing concentration of comparable C2 provision in the immediate locality, ensuring that the scheme supports the creation of a mixed, inclusive and sustainable community.
- 27.5 Surrey County Council (SCC) Adult Social Care recognises that further extra-care accommodation is required. It is possible that the future operator will attract interest from people living beyond the Borough's borders.

- 27.6 The Local Planning Authority cannot presently demonstrate five years housing land supply. This scheme would generate 292 units towards housing numbers, as a result of applying the "Housing Delivery Test Measurement Rule Book". Officers give this positive weight within the planning balance. Furthermore, this proposal would enable older people to move out of their existing homes into extra care accommodation, which would free up existing housing stock for the next generation.
- 27.7 There is existing (now vacant) key worker accommodation on the Site, located within Woodcote Lodge. This is proposed to be re-provided as part of this application and subject to planning permission being granted, tied into the S106 Agreement. This is given positive weight by Officers.
- 27.8 Internally, the proposed units have been designed to cater for residents requiring care and support. The overall scheme provides a focus on communal spaces and facilities, which would be accessible to residents, but also to the public, including for example, the children's nursery. Various uses within the development encourage social interaction. Officers give positive weight to the social and community benefits arising from this scheme.
- 27.9 The proposal has been designed to respond to its immediate surroundings, including local views.
- 27.10 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11(d)(i) of the NPPF). Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.

## **28 Community Infrastructure levy**

- 28.1 The scheme would be CIL liable.

## **29 Conclusion**

- 29.1 Officers recommend approval of this application, as the adverse impacts do not demonstrably outweigh the benefits when assessed against the NPPF, as a whole.

## **30 Recommendation**

Part A: Grant planning permission, in accordance with the proposed conditions and subject to a Section 106 Agreement being signed by 22 June 2021 and securing the following Heads of Terms and conditions:

### Key worker accommodation

- Re-provision of 24 key worker units
- Set to an affordable rent level
- Designated for employees or a person employed by the NHS.
- Managed by NHS St Kilda Trust, with a 250 year lease over the units

### Affordable housing

### C2 Use restrictions

- 65 qualifying age
- Definition of qualifying assessment
- Definition of care

- 2.5 hours care minimum per week Restriction to occupancy of Owner/Partner

Off-site highways works

- Two Vehicle Activated Signs to be provided on Woodcote Green Road following consultation with the County Highway Authority and in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority
- All required contributions to Traffic Regulation Order changes, as appropriate

Bus infrastructure

- Following package of measures to be implemented at the Applicant's expense:
- Woodcote Green Road (westbound bus stop) – The provision of raised kerbing (to a height of 140mm over a 9.0m length) to ensure level access onto / off buses
- Dorking Road (eastbound and westbound stops to include bus stops P, Q & R) – The provision of raised kerbing (to a height of 140mm over a 9.0m length) to ensure level access onto / off buses
- Dorking Road (eastbound and westbound stops to include bus stops P, Q and R) – Real Time Passenger Information displays (RTPI) displays to be installed and commissioned within all bus shelters by Surrey County Council's RTPI Contractor.
- RTPI display linked to Surrey County Council's RTPI system to be installed within communal area of the development, and thereafter shall be kept permanently retained and maintained to the satisfaction of the Local Planning Authority

Travel Plan and monitoring fee

- The Developer shall contribute an amount of £6.150 for auditing of the Travel Plan

Car club

- Provision of a car club space and vehicle
- Contribution to Traffic Regulation Order changes, as appropriate

Landscape Ecological Management Plan

- Management of public and private spaces
- To protect notable species and habitats on Application Site and to ensure longevity and successive planting
- Management arrangements for compliance

Pedestrian and cycle routes within the Applicant Site

Employment skills plan

Other contractual matters

- S106 monitoring fee, to monitor and sign off compliance of 106 Obligations

Part B: In the event the Section 106 Agreement referred to in Part A is not completed by 22 June 2021, the Head of Planning is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of housing or a commuted sum in lieu of the on-site provision of affordable housing.

30.1 Condition(s):

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

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

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

EPS001-MPI-XX-ZZ-DR-A-00-001 - SITE LOCATION PLAN & EXISTING SITE PLAN – dated 05.02.21

EPS001-MPI-ZZ-ZZ-DR-A-00-002 - PROPOSED SITE PLAN – dated 05.02.21

EPS001-MPI-XX-ZZ-DR-A-00-003 - DEMOLITION PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-100 - LEVEL 00 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-101 - LEVEL 01 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-102 - LEVEL 02 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-103 - LEVEL 03 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-104 - LEVEL 04 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-105 - LEVEL 05-07 FLOOR PLAN – dated 05.02.21

EPS001-MPI-ZZ-00-DR-A-01-106 - LEVEL ROOF PLAN – dated 05.02.21

EPS001-MPI-XX-SX-DR-A-20-200 - SITE SECTIONS 1:500 – dated 05.02.21

EPS001-MPI-XX-SX-DR-A-20-201 - BUILDING SECTION A-A' & B-B' – dated 05.02.21

EPS001-MPI-XX-SX-DR-A-20-202 - BUILDING SECTION C-C' & D-D – dated 05.02.21

EPS001-MPI-XX-SX-DR-A-20-203 - BUILDING SECTION EE – dated 05.02.21

EPS001-MPI-XX-SX-DR-A-20-205 - SITE SECTIONS - STREET CONTEXT – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-300 - ELEVATION 1A-1A - BUILDING A SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-301 - ELEVATION 1B-1B - BUILDING B COURTYARD SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-302 - ELEVATION 2-2 - BUILDING A PODIUM SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-303 - ELEVATION 3-3 - BUILDING A NORTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-304 - ELEVATION 4-4 - BUILDING A WEST – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-305 - ELEVATION 5-5 - BUILDING A EAST – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-306 - ELEVATION 6-6 - BUILDING A SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-307 - ELEVATION 7-7 - BUILDING A DROP-OFF SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-308 - ELEVATION 8-8 - BUILDING B EAST – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-309 - ELEVATION 9-9 - BUILDING B WEST – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-310 - ELEVATION 10-10 - BUILDING A/B NORTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-311 - ELEVATION 11-11 - BUILDING B NORTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-312 - ELEVATION 12-12 - BUILDING A WEST – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-313 - ELEVATION 13-13 - BUILDING A PODIUM EAST – dated 05.02.21

EPS001-MPI-AZ-00-DR-A-20-500 - BUILDING A - L00 – dated 05.02.21

EPS001-MPI-AZ-01-DR-A-20-501 - BUILDING A - L01 – dated 05.02.21

EPS001-MPI-AZ-02-DR-A-20-502 - BUILDING A - L02 – dated 05.02.21

EPS001-MPI-AZ-03-DR-A-20-503 - BUILDING A - L03 – dated 05.02.21

EPS001-MPI-AZ-04-DR-A-20-504 - BUILDING A - L04 – dated 05.02.21

EPS001-MPI-AZ-ZZ-DR-A-20-505 - BUILDING A - L05-07 – dated 05.02.21

EPS001-MPI-AZ-RF-DR-A-20-506 - BUILDING A - ROOF LEVEL – dated 05.02.21

EPS001-MPI-BZ-00-DR-A-20-510 - BUILDING B - L00 – dated 05.02.21

EPS001-MPI-BZ-01-DR-A-20-511 - BUILDING B - L01 – dated 05.02.21

EPS001-MPI-BZ-02-DR-A-20-512 - BUILDING B - L02 – dated 05.02.21

EPS001-MPI-BZ-03-DR-A-20-513 - BUILDING B - L03 – dated 05.02.21

EPS001-MPI-BZ-04-DR-A-20-514 - BUILDING B - L04 – dated 05.02.21

EPS001-MPI-BZ-ZZ-DR-A-20-515 - BUILDING B - L05-07 – dated 05.02.21

EPS001-MPI-BZ-RF-DR-A-20-516 - BUILDING B - ROOF LEVEL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-21-300 - TYPICAL BAY STUDY - BAY 1 - JULIET BALCONY DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-21-301 - TYPICAL BAY STUDY - BAY 2 - BOLT ON BALCONY DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-21-302 - TYPICAL BAY STUDY - BAY 3 - DROP OFF DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-100 - TYPICAL UNIT LAYOUTS - 1 BED – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-101 - TYPICAL UNIT LAYOUTS - 2 BEDS – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-102 - TYPICAL UNIT LAYOUTS - 3 BEDS – dated 05.01.21

EPS001-MPI-XX-XX-DR-A-30-103 - TYPICAL UNIT LAYOUTS - GCS & GCR – dated 05.02.21

656\_P\_00\_100 P06 - Masterplan Ground Floor – dated 02.02.21

596\_S\_00\_100 P01 - Landscape General Arrangement Sections A-A– dated 18.01.20

596\_S\_00\_101 P01 - Landscape General Arrangement Sections BB CC – dated 18.01.20

656\_P\_00\_100 P02 - Roof Masterplan – dated 02.02.21

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

- (3) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken following demolition and prior to occupation of the new development, in accordance with current best practice guidance:

A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos and hydrocarbons) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).



- (4) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) An additional site investigation scheme, based on the GIR, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and it is reported that the site is affected by historic contamination.

- (5) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- (6) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

- (7) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated

that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- (8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

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

a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent of 52l/s.

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

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

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

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

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

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

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

- (11) The development shall be undertaken in accordance with the programme of palaeo-environmental assessment and analysis set out in Table 9 of Archaeology South East's report (Reference 202181, dated October 2020).

Reason: The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

- (12) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area and in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (13) Prior to commencement of above ground works/the relevant part of the development hereby permitted, a sample of all new cladding materials including aluminium panelling shall be made available to be approved by the local planning authority on site. The work shall not be carried out otherwise than as to conform to approve samples.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (14) Prior to commencement of above ground works/the relevant part of the development hereby permitted satisfactory samples or fully specified drawings of all landscape furniture shall be made available to be approved by the local planning authority on site. The work shall not be carried out otherwise than as to conform to approve samples.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

- (15) Prior to commencement of above ground works / the relevant part of the development hereby permitted, a sample of each of the proposed brick finishes a 1m X 1m shall be constructed on site for inspection and approval by the local planning authority. These shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour proposed for the building and shall be retained on site as a model for the work on site. The work shall not be carried out otherwise than as to conform to approve samples.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

- (16) Prior to commencement of above ground works/the relevant part of the development hereby permitted, section detail drawings through all parapets, roof edges (including the boundaries of roof terraces, reveals, soffits, lintel and cills at a scale of 1:2 shall be submitted to the local planning authority. No works shall commence until these

specifications are approved by the Local Planning Authority and shall be carried out in accordance with the approved specifications

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (17) Prior to commencement of above ground works/the relevant part of the development hereby permitted, section detail drawings through door and windows and balconies at a scale of 1:2 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall be carried out in accordance with the approved specifications.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (18) No development, above ground floor slab level, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (19) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Impact Assessment, dated 18 January 2021, prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (20) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (21) Prior to the commencement of development hereby permitted, solid hoarding to the boundary shall be erected as detailed in the Construction Environmental Management Plan, Revision 5, prepared by Morgan Sindall. The development shall be carried out in accordance with the approved details and the hoarding shall be maintained in good condition

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015

- (22) The development shall be carried out in accordance with the Construction Environmental Management Plan, Revision 5, prepared by Morgan Sindall

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015

- (23) No burning of materials arising from site clearance and subsequent construction works on the site may be carried out at any time

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015.

- (24) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (25) The development hereby approved shall be undertaken in accordance with the Construction Environmental Management Plan, Revision 5, prepared by Morgan Sindall

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015

- (26) No burning of materials arising from site clearance and subsequent construction works on the site may be carried out at any time.

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015.

- (27) The development must be carried out in accordance with the submitted Environmental Noise Survey and Acoustic Design Statement carried out by Hann Tucker Associates document reference 26691/PNA1/Rev4 dated 20 January 2021. The recommended mitigation measures within the report to ensure that the building design complies with the requirements of BS 8233 : 2014 must be implemented in full and retained thereafter.

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies 2015.

- (28) The development must be carried out in accordance with the submitted Air Quality Assessment, including any proposed mitigation measures, carried out by Arup dated 13 January 2021. The submitted scheme shall be maintained thereafter.

Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework

- (29) Prior to commissioning, the testing frequency of the standby generators and smoke extraction fans shall be agreed by the LPA.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (30) The development must be carried out in accordance with the submitted Air Quality Assessment, dated 13 January 2021, by ARUP, including any proposed mitigation measures. The submitted scheme shall be maintained thereafter

Reason: To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.

- (31) The approved Travel Plan (Feb 2021) shall be implemented upon first occupation of the site and for every subsequent occupation of the development, and thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019

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

(a) The secure parking of bicycles within the development site,

(b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower

(c) Facilities within the development site for cyclists to store cyclist equipment, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority

Reason: in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019

- (33) The development hereby approved shall not be occupied unless and until 20% of the proposed parking spaces are provided with a fast charge socket, and an additional 20% should be provided with the infrastructure required for electric vehicle charging (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority

Reason: in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019

- (34) No part of the development shall be first occupied unless and until the two proposed vehicular accesses to Woodcote Green Road have been constructed and provided with

visibility zones in general accordance with drawing B/GLEPSOM.1/09 Rev A and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

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

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (36) No part of the development shall be first occupied unless and until the existing vehicular access to Epsom General Hospital from Woodcote Green Road has been modified in accordance with B/GLEPSOM.1/09 Rev A and thereafter shall be kept permanently retained and maintained

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (37) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(j) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (39) No part of the development shall be occupied unless and until the footway on Woodcote Green Road has been widened to 2m wide along the south eastern boundary of the application site in accordance with a scheme to be submitted to and approved in writing by the local planning authority, and thereafter to be permanently retained

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (40) The proposed retail units shall exclude food retail use. The retail units shall only be open for trade between the hours of 0700 and 2100 Mondays to Saturdays and between 0800 and 2100 hours on Sundays

Reason: in order that the development does not prejudice highway safety nor cause inconvenience to other highway users and in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (41) Prior to the occupation of the development a Car Park Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (42) Prior to the occupation of the development a Refuse, Deliveries and Servicing Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Refuse, Deliveries and Servicing Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (43) No part of the development shall be occupied until 'No Entry' signing and 'No Entry' markings have been provided at the site egress and 'Entry' signing, and 'One Way' markings have been provided within the site ingress in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be permanently retained and maintained

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (44) No part of the development shall be occupied unless and until two Vehicle Activated Signs have been provided on Woodcote Green Road following consultation with the



County Highway Authority and in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (45) Before development takes place tree protection measures shall be installed and any further information provided in accordance with the submitted arboricultural information. The applicant shall arrange a pre-commencement meeting after the installation of the tree protection between the Borough Council and the applicant's project arboriculturist to allow inspection and verification of the protection measures

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

- (46) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the details set out in the Arboricultural Report, Ref 0121- 9001 Rev 1 dated January 2021 and Tree Protection Plan Drawing No. TPP 1 dated 12/01/2021, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site

d) The arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. The development thereafter shall be implemented in strict accordance with the submitted details

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

- (47) Prior to commencement of above ground works, full details of all proposed tree planting, the proposed times of planting, and arrangements for aftercare over a period of 5 years have been approved in writing by the Borough Council. All tree planting and aftercare shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place, unless the Borough Council gives its written consent to any variation

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

- (48) Prior to above ground works:

(a) details of an external lighting scheme has been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination.

Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and in the interest of visual amenity, in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (49) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H of that Order.

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM12 of the Development Management Policies 2015.

- (50) Following consultation with Surrey Policy, prior to the first occupation of the development a Security Management plan shall be submitted to and approved in writing by the Local Planning Authority. The Security Management plan, as approved, is to be implemented from the first occupation of the development and is to be maintained for the duration of the development

Reason: To provide a safe physical environment in accordance with policy CS6 of the Core Strategy (2007) and policy DM10 of the Development Management Policies 2015.

- (51) The non-residential areas of the scheme shall achieve BREEAM 'very good' (or any such national measure of sustainability for house design that replaces this). No unit shall be occupied until a Certificate has been issued, certifying that code level has been achieved

Reason: To accord with the aims of policy CS6 of the Epsom & Ewell Borough Council Core Strategy (2007)

- (52) Prior to the occupation of the nursery, details of the children's play area, including the number, type and design of play equipment, surfacing and enclosures are submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details and thereafter retained.

Reason: To secure community facilities in accordance with Policy CS13 of the Core Strategy (2007).

- (53) Prior to the occupation of the nursery, details shall be submitted to and approved by the Local Planning Authority, regarding the days and times the nursery shall open. The nursery shall allow for a maximum of 40 children and shall operate as a nursery only and no other use within the appropriate Use Class.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

- (1) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (2) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (3) If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use the reference number in any future correspondence
- (4) Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.
- (5) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
- (6) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service
- (7) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see
- (8) <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

- (9) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149)
- (10) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays
- (11) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (12) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (13) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users
- (14) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- (15) Two VAS must be provided at the applicant's expense in consultation with Surrey County Council. The VASs shall be located on either side of the existing pedestrian crossing on Woodcote Green Road, in locations to be agreed with Surrey County Council.

## **Development Site at 65 London Road Ewell Surrey KT17 2BL**

<b>Ward:</b>	<b>Stoneleigh Ward</b>
<b>Site:</b>	<b>65 London Road Ewell Surrey KT17 2BL</b>
<b>Application for:</b>	<b>Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **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: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEJOEZGYIFN00>

### **2 Summary**

- 2.1 The application is referred to Planning Committee as the proposal is classified as a "major planning application", in accordance with Epsom and Ewell Borough Council's Scheme of Delegation
- 2.2 The application seeks permission for the construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.
- 2.3 The scheme would provide twelve affordable units, at a proposed tenure mix of five shared ownership and seven social rented units, as well as a commuted sum of £149,000 in lieu of the on-site provision of an affordable unit. This provision would represent the maximum contribution the scheme could provide in viability terms.

- 2.4 33 car parking spaces would be provided on-site (inclusive of two disabled parking spaces and a car club space) In addition, there would be 54 cycling spaces. The Local Planning Authority's car parking standard require 50 car parking spaces for the development. The development would therefore not meet the Council's parking standards
- 2.5 As the parking provision proposed is below the Councils adopted Parking Standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These would include:
- A proposal to subsidise an 'on-site' car club space for the period of 3 years, which the developer would also provide 2-year memberships for all residents as an incentive to make use of the car club and not rely on owning their own car.
- 2.6 The architectural character of the development is considered to respond positively to the site's surroundings, but with a more contemporary and sustainable context.
- 2.7 When employing the presumption in favour of sustainable development, the adverse impacts of this development are not held to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.
- 2.8 **The application is recommended for APPROVAL**

### **3 Site description**

- 3.1 The application site, approximately 0.32ha in extent, is located in a prominent corner position at the junction of the A24 (London Road) and the A240 (Ewell By- Pass), and comprises vacant brownfield land. The former use of the site was as the 'Organ and Dragon pub and restaurant', which ceased trading in July 2012 and was demolished in 2014.
- 3.2 The site is irregular in shape on a northeast south-west axis parallel to London Road. The site generally falls from the southeast to the northwest direction, with a level difference from London Road to the site maintained by an existing retaining boundary wall. There is also a rise in level in the grassed areas to both sections to the north of the site.
- 3.3 Vehicular access to the site is off London Road opposite a petrol filling station.
- 3.4 Adjacent to the site on the Ewell By-Pass is a group of houses with extensive back gardens, which bound the north of the application site, along with the back gardens of those properties on Elmwood Drive.

- 3.5 Adjacent to the site on London Road, is Stability House, a former dwelling now converted into offices, with residential accommodation on the upper floor.
- 3.6 The site is within a mixed- use area around the junction. There is a designated local shopping parade on the opposite corner of the junction (Ewell By-Pass) which contains around 15 shops in various retail and service uses. Other uses in the area include a car showroom, petrol filling stations, storage warehouse, Territorial Army centre, United Reform Church and offices.
- 3.7 The application site does not fall within the designated shopping parade.
- 3.8 Surrounding this predominately, commercial area, are the residential areas of Ewell and Stoneleigh, consisting of primarily detached and semi-detached inter-war period houses. The prevailing height in the immediate locality is of two-three storey buildings. Directly opposite the site, at Ewell By-pass Local Centre is made up of 3 storey buildings. Nonsuch Park lies approximately 400m to the northeast of the site.
- 3.9 The site is not within a Conservation Area and nor are there any statutory Listed buildings within it. A number of Grade II Listed buildings are, however, in close proximity to the site, with the closest being '79-85 London Road' adjacent at the north-east boundary, the 'Ewell Honda' garage 45m to the south west, 'Ivy Cottage' 70m to the north-east and 'Woodgate' 100m to the south-west.

#### **4 Background-Revisions**

- 4.1 Formal pre-application advice was sought on this application, and advice was given on design improvements, and on the scale and massing, prior to the submission of the application.

#### **5 Proposal**

- 5.1 This application seeks permission for the construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.
- 5.2 The proposed residential mix would comprise 21 x one-bedroom, 15 x two-bedroom and 9 x three-bedroom flats. All flats would comply with space standards in the 'Technical housing standards – nationally described space standard' published in 2015
- 5.3 The scheme would comprise two buildings, separated by the vehicular access drive to the development.

- 5.4 The main building would have an “L” shaped footprint, fronting both London Road and the Ewell By Pass. The building would be broken down into a number of block types. It would have a flat roof form with a varied roofline of setbacks and integral balconies (upper floors) and private terraces (ground floor).
- 5.5 The corner block would be raised up to 6 floors (19.5m), dropping down to 3 floors on London Road (9.5m) and 4 floors on Ewell by-Pass (12.37m), towards the edges of the site. The stepped 'blocks' would be separated by recessed balconies and reduced, scale and massing. Top floors to the blocks at the edges of the site would be stepped back.
- 5.6 The main material for the elevations would be brick, with two colours of bricks proposed, a yellow buff and a red tone. The elevations would be articulated by recessed brick balconies set deep into the block elevations, with bronze coloured balustrade; semi-recessed bronze coloured metal balconies with balustrades; projecting bronze coloured metal balconies with balustrades; and a brick parapet to the setback top floors creating terraces with planting.
- 5.7 All residential units have private amenity space in the form of terraces and balconies. A communal children's play space would be provided to the north of the site, which would provide shared amenity space for parents and children.
- 5.8 A new car park arrangement is proposed with 33 residential parking spaces inclusive of 2 disabled bays and a 'car club' bay to the rear of the proposed building. A turning head would be provided within the car park, which would allow large vehicles to turn within the site and therefore access/exit in forward gear.
- 5.9 Secure and covered storage facilities are proposed to accommodate 54 bicycles by way of a cycle store, which would form part of the proposed buildings ground floor.
- 5.10 A refuse store for waste and recycling bins would be provided as part of the proposed building, within the ground floor.
- 5.11 Vehicular access to the site would continue to be via London Road, which would be in the form of a footway crossover at the southeastern side of the site. The existing access, located closer to the junction, would be removed. Pedestrian access would be off London Road and the By Pass.
- 5.12 The pavement along Ewell By-Pass and London Road is proposed to be widened, to allow for a 3m pavement width. New planting is proposed along the side and rear boundaries and within the site.



## 6 Consultations

- 6.1 The Planning Statement submitted in support of this application sets out the applicants engagement with local residents:
- 6.2 A 21-day public consultation was undertaken from the 19 June to the 10th July 2020.
- 6.3 Due to Covid19 restrictions a website was set up to provide information on the application and allow for feedback to be provided.
- 6.4 In order to ensure local residents and businesses were aware of the consultation the following methods of notification were undertaken:
- Informing Councillors for the Stoneleigh and Ewell Wards via email;
  - Informing the Council and suggesting this information was passed to any relevant groups via email;
  - Informing the Surrey Comet local newspaper of the consultation via email;
  - Telephone discussion with a journalist from Surrey Live on the consultation; and
  - Posting letters to the local roads in order to ensure those in the immediate area were aware of the scheme.
- 6.5 Following the notification, 219 responses were received via the website questionnaire. No email responses were received from the local Councillors and one email was received from a collection of local residents highlighting their concerns.
- 6.6 An article on the consultation was published on Surrey Live on the 7th July 2020.

### *Comments from third parties*

- 6.7 The application was advertised by a site notice, press notice and letters of notification to 112 neighbouring properties. To date (31.03.2021), 74 letters of objection and 2 letters of support have been received. They are summarised as follows:
- Out of Keeping
  - Height of building
  - Lack of parking
  - Highway safety
  - Overlooking
  - Loss of privacy
  - Overshadowing

- Noise and disturbance
- With insufficient parking for the number of proposed dwellings then the surrounding residential road will suffer as the excess vehicles from this development will use these roads for parking

The letters of support are summarised as follows:

- We need new housing - especially smaller more affordable units.
- The height if the building is unusual but the stories are staggered thus it will blend in with other surrounding buildings

#### *Statutory Consultations*

- 6.8 EEBC Design and Conservation Officer: No Objection
- 6.9 EEBC Contaminated Land Officer: The site is close to several potential sources of contamination, including an infilled brick pit. The application was supported by a desk study report that concluded that a ground investigation and further risk assessment should be carried out to investigate the potential for ground contamination. I agree that ground investigation will be necessary and therefore propose a condition on any permission granted.
- 6.10 EEBC Tree Officer: Objection
- 6.11 EEBC Environmental Health Officer: No objection
- 6.12 SCC Highways: No objections subject to conditions and a legal agreement
- 6.13 SCC Archaeology Officer: No objection
- 6.14 SCC Sustainable Drainage and Consenting Team: No objections. Conditions to be imposed on any permission granted

## **7 Relevant planning history**

- 7.1 The relevant planning history pertaining to this site is set out below:

Application number	Decision date	Application detail	Decision
12/00685/FUL	13.12.2012	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) use with associated improvements to the access and car parking areas.	REFUSED  Appeal DISMISSED 25.09.2013
12/01234/FUL	27.03.2013	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) with associated improvements to the access and car parking areas.	REFUSED
13/01542/DEM	07.04.2014	Prior notification of proposed demolition of building.	GRANTED
16/00933/FUL	27.06.2017	Erection of a Class A1 convenience supermarket and associated parking, access, servicing and landscaping.(Amended drawings received 09.05.2017)	REFUSED
18/00573/FUL	15.02.2019	Development of a supermarket, together with associated parking, access servicing and landscaping.	REFUSED

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development  
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes  
Paragraphs 59- 61, 68

Chapter 9 Promoting sustainable transport  
Paragraphs 105-106, 108-111

Chapter 11      Making effective use of land  
Paragraphs    118, 122, 123

Chapter 12      Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal  
Change  
Paragraph 165

Chapter 15      Conserving and enhancing the natural environment  
Paragraphs 170, 174, 175, 177, 178, 180, 182 and 183

Chapter 16      Conserving and enhancing the historic environment  
Paragraphs 193 – 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

## **9 Planning considerations**

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

- Principle of Development
- Affordable Housing

- Housing Mix
- Impact on a Heritage Asset
- Visual Impact
- Quality of Accommodation
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainable Design
- Landscaping
- Ecology/Biodiversity
- Planning Obligations

## **10 Principle of Development**

### *Presumption in favour of Sustainable Development*

- 10.1 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 10.2 The Framework was re-published in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.
- 10.3 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.
- 10.4 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 10.5 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental object is making efficient and effective use of land and improve the environment.
- 10.6 Development proposals that accord with an up-to-date Development Plans should be approved, and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.7 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework Paragraph 11d and Footnote 7).
- 9.8 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 9.9 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 9.10 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 9.11 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 9.12 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply.

- 9.13 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits when assessed against the Framework as a whole.

*Principle of Residential Development*

- 9.14 Paragraph 59 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay
- 9.15 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.16 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...
- 9.17 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 9.18 Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the borough's urban area will be supported in principle.
- 9.19 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan; however they are afforded little weight in the presumption of sustainable development.



- 10.20 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

## **11 Affordable Housing**

- 11.1 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

- 11.2 Paragraph 64 of the Framework states that

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

- 11.2 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.
- 11.3 The Council will seek that 70% of the affordable housing is Social Housing and 30% a form of intermediate housing, such as shared ownership.
- 11.4 In this regard, to be fully compliant, the proposal would be required to provide 18 affordable units.

- 11.5 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 11.6 An Economic Viability Appraisal Report, dated August 2020, was submitted by DWD in support of the application. This concluded that the proposed scheme would generate a deficit of circa -£100,000. On this basis, it concluded that the scheme cannot provide any affordable housing contribution. Viability Consultants, BPS, on behalf of the Local Planning Authority, independently reviewed the report.
- 11.7 Their initial review, dated 1 September 2020, concluded that the development would generate a surplus of circa £3.4 million (20% of GDV), and therefore there would be scope to include an on-site affordable housing contribution.
- 11.8 In November 2020, the applicant's viability consultant, DWD, submitted an addendum to their Viability Appraisal Report, which focussed on the appraisal assumptions where there was a disagreement between DWD and the Council's consultants BPS.
- 11.9 DWD amended their position to include 6 affordable units within the scheme. They concluded that the scheme, including 6 affordable units generated a deficit of £211,000. By contrast, The Council's viability consultant found the scheme to generate a surplus of circa £1 million when 6 affordable units were included.
- 11.10 In response, DWD submitted an addendum report dated 15th January 2021, which again disagreed with BPS's findings above. In this addendum, DWD increased the affordable offer to 11 units, which they considered to be the maximum the scheme could viably provide. By contrast, BPS identified a surplus of circa £487,000 and therefore concluded that there was scope to provide additional on-site affordable housing.
- 11.11 BPS received an email from DWD on 24th February 2021, which outlined further disagreement with their private residential sales values and developer profit target. In this email, DWD stated that the applicant was willing to offer an additional affordable unit, which would bring the total affordable offer to 12 units (27% provision by unit).
- 11.12 BPS reviewed DWD's response and made some small amendments to their private residential pricing. They concluded that the scheme, including the 12 affordable units would generate a surplus of £149,000.
- 11.13 In an email dated 26 February 2021, DWD confirmed that the applicant was willing to provide the 12 affordable units and provide the remaining surplus (£149,000) as a payment-in-lieu to the Council.

- 11.14 The proposed tenure mix would comprise 7 (Affordable Rent) units comprising 4 x 3 Beds, 2 x 2 Beds and 1 x 1 Bed units, and 5 intermediate tenure units comprising 5 x 1 Bed units.
- 11.15 In summary, the net provision of 45 units of accommodation, although without a policy compliant level of affordable housing, is a significant benefit, which weighs in favour of the proposal in the planning balance

## **12 Housing Mix**

- 12.1 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 12.2 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 45 units would be expected to provide 11 x 3 bedroom units.
- 12.3 The scheme proposes 15 two-bedroom units (33%), 21 one-bedroom units (46.7%) and 9 three-bed units (20%).
- 12.4 The above provision includes a slight shortfall of three-bedroom units from the policy target. However, the mix whilst not policy compliant, must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The housing mix is therefore assigned minor negative weight in the planning balance.

## **13 Impact on a Heritage Asset**

- 13.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 13.2 Paragraph 190 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 13.3 Paragraph 193 of the framework 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. It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and notes that this great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 13.4 Paragraph 196 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.
- 13.5 Policy DM8 Heritage Assets, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 13.6 Whilst the application site is not itself a heritage asset or within a conservation area, there are a number of statutory heritage assets within the locality of the site and these comprise:
- Ewell Honda, Ewell bypass, Epsom (Grade II)
  - Nos 79 – 85 London Road, Epsom (Grade II)
  - Woodgate, London Road (Grade II)
  - Ivy Cottage, London Road. (Grade II)
- 13.7 Of these heritage assets, the "Ewell Honda" building at the side of the Shell petrol filling station, on the western side of the Ewell bypass is opposite the application site, some 60m to the south west of the proposed building, whilst the range of buildings at 79 – 85 London Road is situated to the north east of the application site. These two heritage assets are the listed properties closest to the application site. The other heritage assets in the vicinity include the building known as "Woodgate" on the southern side of London Road to the south west of the application site, and "Ivy Cottage" on the south side of London Road to the north east of the application site.
- 13.8 A Heritage Statement has been prepared and submitted by Cogent Heritage, in support of this application.

- 13.9 Officers consider that Ivy Cottage and Woodgate are at a sufficient distance from the application site and therefore the application proposals would not affect their setting.
- 13.10 The Ewell Honda Building, which dates from 1961, with later 20th and 21st century alterations, is listed for its architectural interest. The setting of this building has been compromised by the adjacent petrol filling station and its substantial canopy. Views of the listed building are also compromised by the large number of cars displayed for sale on the building's forecourt. It is therefore considered that the application proposals would not detract from the setting of the Honda garage.
- 13.11 Officers concur with submitted Heritage Statement's conclusion that the only heritage asset that could be affected is the listed terrace at Nos. 79 to 85 London Road. The buildings at 79 – 85 London Road are a small terrace of four dwellings, which are enclosed by the adjacent properties immediately to the north and south, and only oblique views of the heritage asset can be obtained from vantage points on London Road when approaching the site from either the south west or the north east.
- 13.12 The proposed development would not dominate the listed building or its setting. It would maintain the building line on London Road in a positive way, and would step down in scale and mass towards the older buildings in an appropriate and coherent manner, and would conversely increase in scale towards the junction of London Road with the Ewell bypass.
- 13.13 It is therefore concluded that the resultant impact of the proposed scheme to the significance and setting of the Grade II listed terrace would be neutral, and would not give rise to any conflict with Policy DM8 or para 196 of the NPPF.

#### **14 Design and Visual Impact**

- 14.1 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 14.2 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 14.3 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 14.4 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 14.5 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 14.6 Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 14.7 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough.
- 14.8 The application site, which is located within Character Area 5 of the Borough's Environmental Character Study (2008), is identified to have a "diversified and busy character" which combines commercial, industrial and residential land uses. The study confirms that built form, scale, styles and streetscape is very varied and differs from street to street. It is considered that the townscape character here is mixed and transitional from suburban domestic scale housing which also includes taller commercial buildings characteristic of busy junctions on the strategic highway network.

*Density*

- 14.9 Policy DM11 refers to 40 dwellings/ha (dph) as a general maximum, however it allows higher densities in appropriate locations. It is evident that the proposal would be of a much higher density in comparison to the existing built form.

- 14.10 The scheme would have a density of 144 dph. In accordance with Policy DM11 (Housing Density) a site of 0.31 hectares in size should, in most cases, provide no more 13 dwellings. However, density with regard to multi-storey schemes is not the sole indicator as to the appropriateness or quality of a development. Scheme density is influenced by the relationship between site size and building form, and by other factors such as the size of dwellings alongside the basic metric of dwellings or (habitable or bed) rooms per area. The key to successful high(er) density buildings as places to live is in the quality of the internal design and the external space in which they sit.
- 14.11 It is acknowledged that the proposed 45 dwellings would substantially exceed the recommended density. Officers consider that a higher density is appropriate in this particular location, particularly as the development does not give rise to any unacceptable adjacency issues in terms of impacts on neighbouring occupiers, provides adequate internal and amenity space and parking, and would optimise the use of the site.
- 14.12 The non-compliance with Policy DM11 is assigned minor negative weight in the planning balance

*Height and Massing*

- 14.13 The height of the proposal has been designed to take into account the surrounding street context, with the highest element at the corner (19.5m), stepping down towards adjacent sites on Ewell By-Pass and London Road. Distance from the proposed building to the principal 2 storey building of No.153 Ewell By-Pass would be 12m, and 7m to the 2 storey element of No77 and 77a London Road.
- 14.14 The corner block would be raised up to 6 floors (19.5m), dropping down to 3 floors on London Road (9.5m) and 4 floors on Ewell by-Pass (12.37m), towards the edges of the site. This would serve to articulate the junction and provide a distinctive and dominant element on the corner. The stepped 'blocks' would be separated by recessed balconies and reduced scale and massing, which would visually reduce the bulky appearance. The top floors to the blocks at the edges of the site would be stepped back to further reduce mass at the extremities of the building.
- 14.15 The highest part of the building would be 19.5m, and this would be in excess of the 12m identified as appropriate in Policy DM13. However, Officers consider that this would be a positive design intervention as it would provide further punctuation by raising the height of the corner above the prevailing height, to reinforce the importance of this highway junction and to provide a focal point in views along Ewell By Pass.
- 14.16 The conflict with Policy DM13 is therefore weighted minor negatively in the planning balance.

*Materials*

- 14.17 The new, flat roofed, building would be of contemporary design, with brick elevations. Two colours of bricks proposed, a yellow buff and a red tone which would add interest to the elevations and mitigate the massing of the building. The elevations would be articulated by a combination of recessed brick balconies set deep into the block elevations, semi-recessed and projecting bronze coloured metal balconies. A stone – topped brick parapet to the setback top floors, would enclose terraces with planting.
- 14.18 The proposed design is of a high quality, with high quality materials, and well executed building detailing.
- 14.19 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to the streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

**15 Quality of Accommodation**

- 15.1 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 15.2 The application is proposing 45 units, comprising 9 three-bed flats, 15 two-bed flats and 21 one-bedroom flats
- 15.3 The proposed 3 bed (4 person) flats would have a Gross Internal Area of between 74m<sup>2</sup> and 82m<sup>2</sup>, the 2 bed (3 person) flats an area between 61m<sup>2</sup> and 63m<sup>2</sup>, the 1 bed (2 person) flats an area between 50m<sup>2</sup> and 56m<sup>2</sup>.
- 15.4 All 45 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 3 bed (4 person): 70m<sup>2</sup>
  - 2 bed (3 person): 61m<sup>2</sup>
  - 1 bed (2 person) :50m<sup>2</sup>
- 15.5 It is therefore considered that the proposed units will have an acceptable level of internal amenity, in compliance with Policy DM12



*Private and Communal Amenity Space*

- 15.6 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5 m<sup>2</sup> of private amenity space for 1-2 person dwellings should be provided and an extra 1 m<sup>2</sup> should be provided for each additional occupant. A 3 person flat should have a 6m<sup>2</sup> balcony, and a 4 person flat should have a 7m<sup>2</sup> balcony
- 15.7 Balconies/terraces have been provided to all 45 units, as well as a communal children play area.
- 15.8 All of the balconies/terraces would meet the minimum area requirements
- 15.9 The proposal would therefore comply with Policy DM12.

**16 Impact on Neighbours' Residential Amenity**

- 16.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 16.2 Concerns regarding overlooking, loss of privacy and sunlight have been raised by neighbouring residents. This has been taken into consideration by Officers in the assessment of this application

*Daylight and Sunlight*

- 16.3 The applicants have commissioned Waterslade as daylight/sunlight consultant to assess the impact of the development on sunlight and daylight amenity on the properties surrounding the site as well as amenity within the proposed residential accommodation in accordance with the guidance in the 2011 Building Research Establishment (BRE) guidance.
- 16.4 The report concludes that the majority of neighbouring residential properties are not in close proximity to the site and would not experience material daylight and sunlight impacts. The report sets however, that the flank wall windows in 153 Ewell By-Pass and 77A London road would experience reductions in Vertical Sky Component, but both cases these windows serve dual aspect rooms which would continue to receive very good daylight amenity from the principal rear facing windows. It states that both properties would also retain very good sunlight amenity after the proposed development.
- 16.5 It concludes that the impact on sunlight should be considered acceptable, overshadowing to the neighbouring properties is identified to be minimal and fully compliant with the BRE guidelines.

- 16.6 Officers are satisfied with the results of the Daylight, Sunlight and Overshadowing Report Overall, and conclude that there would not be a significant impact on surrounding properties from the proposed development.

*Noise Survey*

- 16.7 A Noise Assessment has been undertaken by Sustainable Acoustics in order to assess the impacts of the development being located in close proximity to the London Road and Ewell By-Pass junction.
- 16.8 The Assessment confirms that that with appropriate mitigation internal noise levels could meet the appropriate noise level in BS 8233 and local authority policy.
- 16.9 This would be secured by a planning condition.

*Separation Distances*

- 16.10 The siting of the proposed building has taken into account the positioning of nearby dwellings to ensure that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 16.11 The north west elevation of the new building would be setback 9.6m from the flank boundary, and 12.7m from the flank elevation of the adjacent dwelling at No 153 Ewell By-Pass.
- 16.12 The flat plans have been configured to provide the vast majority of primary habitable rooms fronting onto Ewell By-pass and London Road. Distances from the rear “courtyard” elevations are acceptable to prevent material overlooking: 22m to the rear boundary and 60m to the rear elevation of No 1 Elmwood Drive; and 28.7m to the flank boundary of No 153 Ewell By Pass.
- 16.13 The flank elevation of the three-storey “standalone” block fronting London Road would be set back 3.5m from the flank elevation of No 77a London Road. A condition requiring the flank and rear elevation windows to Flat G-8, 1-11 and 2-11 within this building, to be obscurely glazed is recommended to be imposed.
- 16.14 In conclusion, given the juxtaposition of the neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these properties in terms of overshadowing, overbearing, overlooking or loss of privacy.
- 16.15 In this respect the proposal would comply with Policy DM10

## 17 Highways and Parking

17.1 Chapter 9 of the Framework 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, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

17.2 Paragraph 109 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.

17.3 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

17.4 A Transport Assessment, dated July 2020, accompanies this application.

### *Existing Traffic Flows*

17.5 A 24hour, 7 day Automatic Traffic Count (ATC) survey was undertaken along London Road over the period of the 3 February 2020 to the 9 February 2020. The ATC site was located along the London Road approximately 50m from the north-eastern boundary of the development.

17.6 A traffic count and queue count was undertaken on the 4 February 2020 at the Ewell By-Pass signalised junction located adjacent to the proposed development.

17.7 The traffic survey data identified that 826 vehicles travelled southwest, and 556 vehicles travelled northeast past the site along London Road in the AM peak hour (08:00 – 09:00); and 683 vehicles travelled southwest, and 842 vehicles travelled northeast past the site along London Road in the PM peak hour (17:00 – 18:00).

- 17.8 Queue data collected along on London Road at the signalised junction with Ewell By-Pass showed that in the AM peak hour (08:00 –09:00) an average of 5 vehicles were queuing in the left-hand lane, an average of 4 vehicles were queueing in the middle-lane, and an average of 46 vehicles were queuing in the right-hand lane,
- 17.9 In the PM peak hour (17:00 – 18:00) an average of 3 vehicles were queuing in the left hand lane, an average of 5 vehicles were queueing in the middle-lane, and an average of 18 vehicles were queuing in the right-hand lane.

#### *Future Traffic Generation*

- 17.10 In order to assess the likely effect of the proposed development upon the surrounding transport network, the TRICS database has been used to identify the likely traffic generation.
- 17.11 The T/S demonstrates that the proposed development would generate 11 two-way vehicle trips during the morning peak hour and 12 during the evening peak hour, approximately 1 vehicle movement every 5 minutes.

#### *Traffic Impact*

- 17.12 To determine the impact of the proposed development on the local highway network, capacity assessments were carried out for the London Road/Ewell By Pass junction for the weekday AM and PM peak hours
- 17.13 The base year (2019) , future year of 2025 (assumed five years after opening) and with and without the junction improvements have all been modelling
- 17.14 The results of the junction capacity assessments indicate that the addition of the push-button crossing as requested by SCC Highways , will not have any measurable impact on the performance of the signal controlled junction and the addition of the development will only have a minor impact on the performance of the junction limited to the PM peak and a maximum total of 4 additional vehicles queueing within the junction even in the future year assessed.

#### *Access*

- 17.15 It is proposed to stop-up the existing dropped kerb access off London Road and introduce a new access road circa 5.5m wide with 6m junction radii, to be located approximately 13m from the northeast site boundary. Around the boundary of the site, a 3m footway is proposed, widened from the current width of between 1.5-2.0m. This would allow the footway to become a shared footway/cycleway as part of the strategic cycle improvements to take place in the future as identified by SCC Highways.

- 17.16 The proposed access arrangement and visibility splays are indicated in Drawing SK02 Rev G. A visibility splay of 2.4m by 43m has been illustrated to the nearside kerbline of the signalised junction to the west of the access in accordance with the standards set in the Manual for Streets (MfS) for a 30mph speed limit. A visibility splay of 2.4m by 39m has been illustrated to the nearside kerbline to the east of the access as suitable for a design speed of 28mph; as recorded for westbound vehicle movements by an ATC survey undertaken 18m to the north of the visibility splay.
- 17.17 The SCC Highways Officer has no objection to the proposed access arrangement as indicated on SK01 Rev G

#### *Parking*

- 17.18 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units, and 1.5 spaces for three bed flats. The scheme would be required to provide 50 spaces.
- 17.19 Within the site, 33 car parking spaces would be provided. Two of the spaces would be designated disabled spaces. A car club space would also be provided. With reference to the SPD standards, the car parking provision would not be compliant
- 17.20 The application is supported by a Transport Assessment which sets out that as the site is located close to a good network of public transport links, and given the proximity of town centre services and shops to the site, this is considered to be an acceptable provision.
- 17.21 The Transport Assessment utilised the latest data obtained from the 2011 Census, to establish the potential demand for car parking, car and van availability for existing flats within the local area. Applying the car ownership data to the proposed mix of flat units, it recommends that parking be provided to match the Census data findings for the number of households that have access to a vehicle. This would be equivalent to 32 parking spaces.
- 17.22 A parking stress survey was undertaken in the local streets over an extent of around 200m to 250m (plus a couple of streets further afield) over two evenings on the 23rd and 24<sup>th</sup> June 2020. The survey results indicated a parking stress of 55% on the local streets; however, the survey included Bluegates, which is over a 200m walk from the site and the commercial spaces outside the retail on London Road. As such, the results were examined to remove these streets from the parking stress results. Based on the modified survey area the parking stress rose to 70% averaged between the two night surveys (14-18 spaces unoccupied out of a total of 53 spaces). The applicants submit that this does not represent a high parking stress, which is generally defined as above 85%.

*Car Club*

17.23 It is also proposed that an additional parking space within the site be designated as a car club bay and an offer would be made to a car club provider (such as Enterprise) to subsidise the first two years of the bay and provide each of the residents with two years free membership to the car club. The provision of the car club bay would provide residents without a parking space a means of utilising a car when required and would also provide access to a car club for the wider area reducing the need for local residents to own a car.

*SCC Highways response*

17.24 SCC Highways provided a response on 21 January 2021. This required obligations, conditions and informatives. The response also included a comprehensive “notes to planner”. The main points are summarised as follows:

- The Highway Authority will only raise objections regarding parking if there is a shortfall, or in this case, the potential on-street parking of 17 vehicles, that would lead to danger on the adjoining highway. On street parking restrictions within the vicinity of the application site will prevent any on- street car parking associated with the proposed development from occurring in a location likely to cause a highways safety problem. Having reviewed the application and supporting information submitted, it is not considered that the scheme would cause a highway safety issue in this case.
- The provision of a car club vehicle would further reduce the need for residents of the proposed development to own their own vehicle, and would offer a benefit to existing local residents who would also be able to use this facility.
- A new bellmouth access is proposed onto London Road. The access will be subject to a Stage 2 Road Safety Audit at detailed design stage, along with the proposed highway improvement works which are to be provided by the developer (to include provision of pedestrian crossing, bus stop improvement works and widening of the footway to 3m).
- A detailed review of accident data within the vicinity of the proposed access highlights that there have been 19 accidents between Jan 2000 and Sep 2020 on London Road. Although there were 15 accidents between 2000 and 2011 whilst the former Organ and Dragon Inn pub was in operation, none were directed related to vehicles leaving or entering the public house car park. This data therefore does not demonstrate a highways safety problem with vehicles accessing the proposed development site.

- A review of the TRICS database predicts that the proposed development would generate 22 arrivals and 8 departures during the AM peak hour, and 8 arrivals and 4 departures during the PM peak hour. Microsimulation modelling has been carried out by the applicant to determine whether this would have a significant impact on the operation of the highway. The modelling passed Surrey County Council's audits. Review of the modelling outputs demonstrates that the confidence intervals for the 2025 reference and 2025 development case overlap and are therefore not statistically different from one-another and so the journey times in the 2025 development case are not beyond the realms of daily variation and therefore the proposed development would not have a significant impact on the operation of the existing highway network.

*Officer Comments*

- 17.25 Any potential impact on amenity arising from the lack of on-site parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact.
- 17.26 In this case, the amenity impact of a potential seventeen displaced vehicles in the surrounding highway network, is identified by Officers as adverse to the amenities of nearby residents. It should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures, which are to be put in place to encourage sustainable modes. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.
- 17.27 In-line with SCC standards electric charging points are to be installed on 20% of all parking spaces. This would be secured by a condition.
- 17.28 Provision for the storage of 54 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation
- 17.29 A condition requiring the submission of a Car Parking Management Plan setting out provisions for the management and use of the proposed parking is recommended, should permission be granted
- 17.30 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway. The non-compliant level of parking is therefore given minor negative weight in the planning balance

*Servicing and Refuse*

- 17.31 The Transport Statement confirms that a 11.2m refuse vehicle could enter and turn within the site. (Drawing SK02 Rev E) Two communal refuse stores would be provided, one for each core. Both bin stores would be accessed from the rear courtyard.

*Sustainability of the Site*

- 17.32 The site is well served by bus services serving local destinations within a very short walk of the site. The local bus routes provide access to Epsom, Ewell and Morden among other locations. Ewell West and Ewell East railway stations are located 0.7 and 0.8 mile walks from the site respectively. These routes provide services to central London and other local and national destinations. The site is 44m from the Ewell By-Pass Local Centre. The Local Centre provides access to a mix of shops and services across its 14 retail units
- 17.33 Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

**18 Refuse**

- 18.1 In addition to safety and capability of refuse vehicles to access the site, 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.
- 18.2 Two communal refuse stores would be provided, one for each core. Both bin stores would be accessed from the rear courtyard. 515 litres/ property has been allocated for refuse and recycling materials, which would meet the council's guidance of 500 litres/ property: -
- 6 x 1100 litre refuse bins
  - 12 x 1100 litre mixed recycling bins
  - 10 x 240 litre glass (bottles & jars) recycling bins
  - 6 x 180 litre food waste recycling bins
- 18.3 Residents would not be required to carry waste and recycling more than 30metres to the storage area.
- 18.4 The EEBC Waste Manager has raised no objection to the proposed refuse storage/collection arrangement



## 19 Landscaping

- 19.1 Chapter 15 of the Framework 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.
- 19.2 Policy DM5 (Trees and Landscape) 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.
- 19.3 A Landscape Proposal by Neil Tully Associates has been submitted in support of the application.
- 19.4 An indicative landscape plan (Drawing No DO398\_002) shows that new planting is proposed along the side and rear boundaries and within the site. This would include 1.2m of planting at the majority of boundaries of residential properties, 1.2m along Ewell By-Pass, 1.2-2.3m along London Road, and a large area of planting on the corner of London Road and Ewell By-Pass. An additional buffer of 1m of grassed space would be provided around the buffer planting along the public highway.
- 19.5 Proposed hard landscaping details are also indicated on Drawing No DD0398\_001.
- 19.6 The Local Planning Authority's Tree Officer commented on this application on 17.11.2020. The response sets out:
- 19.7 The fundamental objection to the proposed development concerns the insufficient provision of landscape space that has been designed to accompany a building of this scale and how this lack of landscaping will have an adverse impact on both the environmental and amenity quality of the setting.

- 19.8 The proposed high rise building to six storeys on one-side of the junction, despite the stepped façade, will look visually obtrusive, urban in context and add to the canyon effect of traffic pollution. To mitigate the urban contours and provide some level of environmental improvement it will be necessary to provide a substantial landscape buffer where large canopy trees can be successfully established. Large canopy trees in this setting are necessary to enhance the street elevation, harmonise with the scale of the high rise building, absorb pollution, improve air quality, mitigate climate change and generally make the site more appealing and livable. Currently, the narrow landscape strips for planting together with the broad enclosure with hard surfacing will not allow sufficient rooting or growing space for successful large trees and shrub establishment.
- 19.9 The minimum width of landscape buffer border that should face Ewell By Pass should be at least 4m in width and 3m in width adjoining London Road. It needs to be demonstrated that sufficient size tree pits can be created to ensure maximum tree growth given that the ground will be compacted urban soil.
- 19.10 Officers acknowledge that in its current form the scheme would not provide landscape borders of sufficient width to meet the Tree Officer's requirements. However, it is considered that the proposal would provide an acceptable balance between the relatively limited landscaping provision and the need to optimise the site. The proposed landscaping is therefore assigned minor negative weight in the planning balance.
- 19.11 It is recommended a condition be imposed to secure hard and soft landscaping details, should planning permission be granted

## **20 Ecology/Biodiversity**

- 20.1 Chapter 15 of the Framework 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.
- 20.1 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 20.2 The application is supported by a Preliminary Ecological Appraisal and Bat Survey, undertaken by Wychwood Environmental Ltd. The report confirmed that the proposed development will not cause any detrimental impact to protected species or habitats and proposed a number of mitigation methods including bird boxes and bee bricks, which would be incorporated into the detailed design of the scheme.

- 20.3 A further Reptile Survey was also undertaken by Wychwood. This confirmed that the site does not support reptiles. However, the availability of suitable habitat means that the presence of reptiles cannot be discounted, and mitigation steps are therefore outlined for future works.
- 20.4 The landscaping scheme includes a green/turf roof. Green turf based roofs would maximise biodiversity gains through the use of species-rich grassland turfs which would include wildflower species of value to local wildlife. (A green turf rather than sedum roof, is likely to provide greater biodiversity benefit)
- 20.5 Subject to appropriate conditions, the scheme would comply with Policy DM4.

## **21 Sustainable Design**

- 21.1 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 21.2 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 21.3 A detailed Energy & Sustainability Report has been provided by Envision in support of this application.
- 21.4 The proposed development would incorporate a range of sustainable design measures to contribute to a sustainable environment in accordance with Policy CS6 and the Sustainable Design SPD (2016).
- 21.5 The proposed development would incorporate provision for 63 0.34kWp photovoltaic panels on the roof of the building which together would generate 18,499 kWh renewable electricity per annum, contributing 10.3% to the developments energy needs and leading to an overall 28.79% reduction in CO2 emissions below a Part L baseline. (Further information on energy efficiency measures is included in the Sustainability Statement prepared by Envision Energy Consultants)
- 21.6 Furthermore, as set out in the Sustainable Drainage Report prepared by EAS, the proposed development would include SUDS measures to reduce the volume and rate of surface water run-off and water contribute to improving water quality in accordance with Policy CS6 and DM19.

- 21.7 The SCC Sustainable Drainage Officer, in a letter dated 10 August 2020, raised no objection to the proposed SuDS scheme.

## **22 Planning Obligations**

### *Community Infrastructure Levy*

- 22.1 The scheme would be CIL liable

### *S106 Legal Agreement*

- 22.2 The developer has agreed to a Section 106 agreement to settle obligations relevant to the application. The agreed obligations are as follows:

- Provision of 12 affordable housing units
- A commuted sum of £149,000 in lieu of on-site provision of an affordable unit
- Provision of a car club
- Highway Works – confirmation of the Section 278 highways agreement and the associated works

### *S278 Legal Agreement*

- 22.3 The access works, improved bus stop infrastructure, proposed footway improvements and signal crossing improvements would all form part of the S278 Agreement with the highway authority.

## **23 Planning Balance and Conclusion**

- 23.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore, some of the policies (DM11 and DM13) that are important for the determination of this application are not consistent with the expectations outlined in the Framework.
- 23.2 The provision of 45 units would provide a significant public benefit, which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

- 23.3 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of 12 units would represent a 27% provision compared to a policy compliant (40%) provision of 18 units. However the proposed 12 affordable housing units would exceed para 64 of the NPPF's requirement that at least 10% of the homes should be available for affordable home ownership. The provision of 12 affordable units is therefore given positive weight in the planning balance.
- 23.4 The conflict with Policy DM11 in terms of maintaining a density of 40 dwellings per hectare is given minor negative weight as this policy is considered to be inconsistent with the expectations reflected in para 123 (a)(b) of the Framework.
- 23.5 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 23.6 The conflict with Policy DM5 is given minor negative weight as it is considered that the proposed landscaping reflects the optimum use of the site
- 23.7 The amenity impact of the overspill parking , due to a shortfall of policy compliant on-site parking provision, is given limited weight against the scheme, due to the highly sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. The provision of policy compliant on-site parking would reduce the optimisation of the site for residential use, an important objective in view of housing need. In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 23.8 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

## 24 Recommendation

### Part A

**24.1** Subject to a legal agreement being completed and signed by the 22<sup>nd</sup> July 2021 to secure the following heads of terms:

#### *Affordable Housing*

- The provision of 12 affordable housing units : 7 units (4 x 3 Beds, 2 x 2 Beds and 1 x 1 Bed units (Social Rented), and 5 units comprising 5 x 1 Bed units (Shared Ownership)
- A commuted sum of £149,000 in lieu of on-site provision of an affordable unit

#### *Car Club*

- Details of a Car Club Scheme with the Car Club Operator to be submitted to Council for approval and thereafter to implement such approved scheme before the Occupation of any Dwelling to the Council's reasonable satisfaction

The Car Club Scheme will:

- (a) ensure the dedication retention and maintenance of the Car Club Space and that the Car Club Space shall not be used for any other purpose for a minimum of three years from the date of the sale / disposal of the last Dwelling to be sold / disposed of
  - (b) provide one Car Club Vehicle for use by the Car Club Scheme
  - (c) ensure that the Car Club Vehicle is accessible on a 24 hour basis to both residents and non-residents of the Development.
  - (d) provide for the Car Club Operator to market the Car Club Scheme for a period of three years from the date of implementation of the approved Car Club Scheme
  - (e) meet the full costs of three years membership and of eight driving hours for each flat unit
  - (f) appoint an accredited Car Club Operator for the Car Club Scheme
  - (g) provide on request information to the Council concerning the usage by residents of the Development of the Car Club Scheme
- There shall be no occupation of the development until the details of the agreement with the Car Club Operator have been approved by the Council and entered into with the Car Club Operator.
  - In the event that the Owner does not:
    - (a) enter into an agreement with the Car Club Provider; and or
    - (b) deliver the Car Club Scheme and the Car Club Space

the Owner shall pay the Car Club Contribution on or before Occupation of the Development.

- There shall be no occupation of the development until the Car Club Scheme has been provided, or the Car Club Contribution has been paid in full to the Council.

*Off-Site Highway works*

- Prior to the commencement of the development hereby permitted to submit for the written approval of the Local Planning Authority, in consultation with the Highway Authority, details of push button controlled pedestrian crossing facilities on London Road. The approved crossing facilities shall be provided prior to first occupation of the development.
- Prior to the first occupation of the development hereby permitted the provision of a 3m wide footway on both the London Road and Ewell Bypass frontages of the site to be dedicated as public highway, in general accordance with drawing 346 (SP) 03.

*Bus Infrastructure*

- Prior to the commencement of the development hereby permitted to submit for the written approval of the Local Planning Authority, in consultation with the Highway Authority, details of improved bus stop infrastructure at both the A24 north-side bus stop and A24 south-side bus stop to include shelters and Real Time Passenger Information. The approved bus stop infrastructure shall be provided prior to first occupation of the development.

*Monitoring Fee*

- A s106 monitoring fee in respect of legal costs associated with the monitoring/implementation of the obligations in the s106 agreement in the sum of £1,500, to be paid to the Council upon commencement of the development

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

Part B

24.2 In the event that the section 106 Agreement referred to in Part A is not completed by 22<sup>nd</sup> July 2021, the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the

Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of 12 on site affordable housing units, and a commuted sum of £149,000 in lieu of the on-site provision of an affordable unit.

**Condition(s):**

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

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

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

**Location Plan 346 (SP) 01**

**Existing Site Plan 346 (SP) 02**

**Proposed Site Plan 346 (SP) 03**

**Proposed Ground Floor Site Plan 346 (SP) 04**

**Proposed Ground Floor Plan 346 (GA) 00**

**Proposed First Floor Plan 346 (GA) 01**

**Proposed Second Floor Plan 346 (GA) 02**

**Proposed Third Floor Plan 346 (GA) 03**

**Proposed Fourth Floor Plan 346 (GA) 04**

**Proposed Fifth Floor Plan 346 (GA) 05**

**Proposed Roof Plan 346 (GA) 06**

**Proposed South East (London Road) Elevation 346 (GA) 10**

**Proposed South West (Ewell By-Pass) Elevation 346 (GA) 11**

**Proposed North West (Rear) Elevation 346 (GA) 12**

**Proposed North East (Side) Elevation 346 (GA) 13**



**Proposed NE (Side) & SW (Side) Elevations - NE Block 346 (GA) 14**

**Existing Streetscape Elevations 346 (GA) 20**

**Proposed Streetscape Elevations 346 (GA) 21**

**Drainage Strategy, Waterman, July 2020, revision -, document reference: WIE17307-100-R-1-1-3-DS**

**Preliminary Investigation report, Soils Ltd, July 2020, document reference: 18316/PIR\_R26/V1**

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

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

- (4) No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.**

**Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

- (5) Prior to commencement of works section drawings through balconies, parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

**Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

- (6) The windows in the flank and rear elevation of Flat No G-8, 1-11 and 2-11, of the development hereby permitted, shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.

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

- (7) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (8) No development, above ground floor slab level, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (9) The development must be carried out in accordance with the submitted Noise Assessment Report by Sustainable Acoustics

document reference Report No. 20-0065-0 R01a dated 1 July 2020. The recommended mitigation measures within the report to ensure that the building design complies with the requirements of BS 8233 : 2014 must be implemented in full and retained thereafter

**Reason:** To protect the occupants of the development hereby approved from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015

- (10) Prior to commencement of above ground works / the relevant part of the development hereby permitted a sample of each of the proposed brick finishes a 1m X 1m panel shall be constructed on site for inspection and approval by the local planning authority on site with bricks matching the existing building. These shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour proposed for the building and shall be retained on site as a model for the work on site. The work shall not be carried out otherwise than as to conform to approve samples

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (11) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Appraisal, by Wychwood Environmental Ltd, dated May 2020, prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained

**Reason:** To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

- (12) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (13) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken following demolition and prior to

occupation of the new development, in accordance with current best practice guidance:

A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos and hydrocarbons) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

- (14) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking for a minimum of 54 bicycles within the development site have been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

- (15) The occupant of each residential unit shall be provided with a travel information pack regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019

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

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (17) No part of the development shall be first occupied unless and until the proposed vehicular access to London Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing SK01 Rev G) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicle routing

(h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(j) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reason:** In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

- (22) Prior to the occupation of the development a Car Park Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority

**Reason: To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007**

- (23) The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy and Sustainability Report prepared by Envision, dated 1 July 2020, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.**

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

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

**a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.**

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

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

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

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

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

**Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

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

**Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.**
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course.**

**More information and the charging schedule are available online:**



<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

- (4) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149)
- (5) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (6) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (7) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types

- (8) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service**
- (9) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway**

Planning Committee  
22 April 2021  
Monthly Appeals Report

Agenda Item 6

<b>Ward</b>	<b>(All Wards)</b>
<b>Contact officer</b>	<b>Mehdi Rezaie</b>

Report by Mehdi Rezaie, Planning Development Manager/Viv Evans Head of Planning.

The Planning Service has received the following Appeal decisions from 18<sup>th</sup> December 2020 to 8<sup>th</sup> April 2021.

<b>Site Address</b>	<b>Planning Reference</b>	<b>Description of Development</b>	<b>Decision and Costs</b>
56 Sunnybank, Epsom KT18 7DX	Appeal Ref: APP/P3610/D/20/3257336  LPA Ref: 20/00670/FLH	Part two storey, part single storey side and rear wraparound extension with single storey front extension and formation of porch extension and internal alterations.	Dismissed 30.12.20
6 The Grove, Epsom, Surrey KT17 4DQ	Appeal Ref: APP/P3610/W/20/325687 0  LPA Ref: 20/00313/FUL	Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building.	Dismissed 30.12.20
259 Kingston Road, Ewell KT19 0BN	Appeal Ref: APP/P3610/D/20/3251369  LPA Ref: 20/00109/FLH	Rebuilding of part of the garage, a ground floor rear extension, a side extension and a loft conversion.	Dismissed 06.01.2021
24 Rowden Road, West Ewell KT19 9PN	Appeal Ref: APP/P3610/D/20/3250560  LPA Ref: 19/01702/FLH	Hip to gable loft conversion including the installation of three roof windows into the pitched roof of the front elevation and the addition of a rear dormer.	Dismissed 18.01.21
Miles End, Wilmerhatch Lane, Epsom KT18 7EH	Appeal Ref: APP/P3610/Y/20/3260363  LPA Ref: 20/00146/LBA	Attach 5 lights to the buttresses of the listed wall.	Allowed 08.02.21
39 Kingston Road, Ewell KT17 2EG	Appeal Ref: APP/P3610/Y/20/3258294  LPA Ref: 20/00278/LBA	Full replacement of all wooden cladding with treated wood and painted white.	Dismissed 08.02.21
15 Cotherstone, Epsom KT19 9EF	Appeal Ref: APP/P3610/W/20/325740 3  LPA Ref: 19/01576/COU	Change of use from C3 (Dwellinghouse) to Sui Generis – large house in multiple occupation.	Allowed 10.02.21  Costs pending

36 Hamilton Close, Epsom KT19 8RG	Appeal Ref: APP/P3610/D/20/3259347  LPA Ref: 20/00875/FLH	Revised application in full for a single storey side extension, single storey rear extension, raising of the main roof ridge incorporating rear roof dormer extension and installation of two rooflights to front roof slope".	Dismissed 15.02.21
430 Chessington Road, West Ewell KT19 9EJ	Appeal Ref: APP/P3610/D/20/3265692  LPA Ref: 20/01311/FLH	Loft conversion with front and rear dormer and front porch extension	Dismissed 24.02.21
Land at 56 Amis Avenue, West Ewell, Surrey KT19 9HU	Appeal Ref: APP/P3610/C/20/3262630  LPA Ref: 20/00019/COU	The breach of planning control as alleged in the notice is the use of the land for purpose of carrying on a garden waste, landscaping and house clearance business.	Dismissed and Enforcement Notice upheld. 19.03.21
Victoria House, 1 Victoria Place, Epsom KT17 1BX	Appeal Ref: APP/P3610/W/20/325240 2  LPA Ref: 20/00241/FUL	Extension of existing two-storey building to three storeys with accommodation in the roof to provide 2 studio units and 1 two-bedroom flat.	Dismissed 22.03.21
143 Manor Green Road, Epsom KT19 8L	Appeal Ref: APP/P3610/D/20/3252752  LPA Ref: 20/00069/FLH	Single storey front extension with mono-pitch roof formation into a flat roof section which connects into the existing roof. Proposed double storey front and side extension. Minor internal and external alterations.	Dismissed 23.03.21
42 The Avenue, Worcester Park KT4 7EY	Appeal Ref: APP/P3610/W/20/326181 5  LPA Ref: 20/00572/FUL	Demolition of the existing dwelling house and redevelopment to construct a three storey, six-unit apartment building and eight off- street parking spaces, with associated amenity space, cycle and refuse storage.	Dismissed 23.03.21
Muralis, Hylands Mews, Epsom KT18 7JX	Appeal Ref: APP/P3610/D/20/3250563  LPA Ref: 19/01249/FLH	Single storey standalone garage to land in front of existing house.	Dismissed 24.03.21

**56 Sunnybank, Epsom KT18 7DX**

The main issues were the effect of the proposal on the living conditions of the occupants of 54 Sunnybank, with reference to outlook, daylight and sunlight; and the effect on the character and appearance of the area.

The inspectorate recognised that the two-storey part of the proposed extension would be constructed at the side of the property closest to 54 Sunnybank and that the extension would be angled away from the neighbour and this would provide some mitigation by ensuring that the building is set off the boundary.

The inspectorate noted and factored in the case put by appellant so far as No 54 having had a similar extension to that being proposed which in comparison to the development the appeal scheme would have a lesser impact on the living conditions of the neighbours due to the angle between the properties.

On the topic of character and appearance, more notably on the issue of closing the gap between the appeal property and No 54, the inspectorate concluded that the proposal would not cause material harm to the character and appearance of the area as there were numerous examples of extensions leaving a similar distance to the neighbouring property within Sunnybank.

The inspectorate concluded that the submitted plans do not show the relationship of the proposed extension to No 54 and there is no evidence in the form of a daylight and sunlight study to inform a decision on whether the impact is likely to be within acceptable limits. In the absence of this information it was considered impossible to make a reliable judgement on the acceptability of the scheme and therefore concluded that there is conflict with the requirement of Policy DM10 of the Development Management Policies Document (2015) (DMPD), and therefore the appeal fails.

**6 The Grove, Epsom, Surrey KT17 4DQ**

The main issues were non-determination, and whether the proposal would preserve or enhance the character or appearance of the Church Street Conservation Area; the effect on the living conditions of the occupants of 7 The Grove, with particular reference to outlook and privacy; whether the scheme would provide adequate living conditions for future occupants, with regard to the internal accommodation and compliance with the Nationally Described Space Standard; and whether the scheme would make appropriate provision for car parking.

The inspectorate recognised that the property occupies a spacious plot fronting the turning circle, within the conservation area but adjacent the flatted blocks of Badger Court and Badger Lodge which fall outside of the designation.

The inspectorate noted and factored in the case put by appellant so far as them referencing development forms outside of the conservation area, here the inspectorate emphasised that this manner is not an appropriate means of securing a development which protects the significance of the heritage asset. The appellant also put forth a case surrounding the location of the site within the urban area, density considerations and the policy imperative to make efficient use of land.

The inspectorate expressed that there have been some attempts to articulate the bulk of the building and present a traditional façade onto the street, however, the overall building composition, with its multitude of dormers and complex roof forms, would be fussy and contrived. Its cumulative height and mass would have more in common with the adjoining blocks of flats both negative components in the setting of the conservation area than the domestic scale housing which characterises this part of the conservation area.

On the topic of living condition, the inspectorate concluded that the excessive scale of the appeal scheme would have an unacceptable adverse impact on the outlook of occupants of 7 The Grove, contrary to the requirement of DMPD Policy DM10 that development proposals should have regard to the amenities of neighbours.

On the topic of quality of internal accommodation, the inspectorate concluded that based on the plans before him, the NDSS technical requirements would not be met, and that the scheme conflicts with DMPD Policy DM12 in respect of bedroom sizes.

On the topic of parking, the inspectorate concluded that he was content that the level of parking provision should not weigh against the scheme.

The inspectorate concluded that the proposal failed to protect heritage assets and secure high-quality design which respects local character and makes adequate provision for new landscaping and thus failed to preserve or enhance the character or appearance of the Church Street Conservation Area, contrary to Policy CS5 of the Core Strategy (2007) and Policies DM5, DM8, DM9 and DM10 of the Development Management Policies Document (2015) (DMPD), and therefore the appeal fails.

#### **259 Kingston Road, Ewell KT19 0BN**

The main issues were the effect of the proposed development on the character and appearance of the host property, the semi-detached pair and the area.

The inspectorate recognised that Kingston Road is a long highway with a range of property types. The dwellings along this side of it close to the appeal site are predominantly arranged as two storey semi-detached pairs. The inspectorate acknowledged that many dwellings have been altered, however, their front faces typically share features such as prominent two storey projections, and a principally hipped roof form. This, together with their fairly even spacing, and their set back from the road, provides a rhythm and a sense of harmony to the streetscene.

The inspectorate noted and factored in the case put by appellant so far as offering security improvements, including the installation of lighting, security locks, CCTV; and sustainability benefits such as triple glazing and an energy efficient boiler, and concluded that this scheme is not the only way in which those could be achieved and the benefit of providing a fully adaptable space suitable for later years living would not justify allowing this harmful development.

The inspectorate concluded that the proposal's hip to gable extension would be markedly at odds with the fairly consistent and locally distinctive roof form of the semi-detached properties along this stretch of the streetscene. Further noting that it would also unbalance this semi-detached pair and would significantly harm the character and appearance of the host property, conflicting with Policy DM10 of the Epsom and Ewell Development Management Policies Document 2015 and Policy CS 5 of the Epsom and Ewell Core Strategy 2007, and therefore the appeal fails.

The main issues were the effect of the proposal on the character and appearance of the area.

The inspectorate recognised that the design of the terrace was characterised by the steep hipped roofs to the houses either end of the terrace and to alter this in the manner proposed would seriously harm the appearance of the house, the symmetry of the terrace and would be of such significance to appear at odds in the street scene.

The inspectorate noted and factored in the case put by appellant and his family for need for additional accommodation but concluded that he could not justify allowing a proposal that would have such an impact on the character and appearance of the area and that would conflict with policies DM9 and DM10 and the advice in the SPG, and therefore the appeal fails.

#### **Miles End, Wilmerhatch Lane, Epsom KT18 7EH**

The main issues were whether the retrospective works have preserved a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

The inspectorate recognises that insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its late eighteenth-century original date, its historic fabric and construction, its historic functional role, and its relationship with Woodcote Park House.

The inspectorate summarises that the security lamp is clearly visible from within the rear garden of the dwelling, but the uplighters cannot be seen unless close up. In both regards, and in the inspectorates view of the above findings, it was considered that the lights have no effect on perception of the special interest and significance of the listed building as a whole and that the presence of the lights does not therefore harm the special interest or significance of the listed building.

The inspectorate further summarises that lights have been fixed into the mortar joints of the wall rather than into the historic brickwork, and whilst this would necessarily have involved drilling a small number of holes, this is unlikely to have caused any harm to the historic fabric of the wall because the wall has recently been repointed. emphasis was given that damage caused by the holes is both otherwise, and for this reason, purely superficial in nature.

The inspectorate concludes that the listed building has been preserved and that the scheme therefore accords with the expectations of the Act, and with the National Planning Policy Framework, which sets out the great weight to be attached to the conservation of designated heritage assets, and the appeal should be allowed.

#### **39 Kingston Road, Ewell KT17 2EG**

The main issues were whether the proposed works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

The inspectorate recognised that 39 Kingston Road forms one of a pair of semi-detached dwellings, 37 and 39 Kingston Road, which constitutes the listed building in this case and that the special interest and significance of the listed building resides in its early/mid-nineteenth century date, modest proportions and symmetry, and the distinctive weatherboard finish of the frontage.

The inspectorate noted and factored in the case put by appellant so far as the boarding dates to the 1970s, however, no supporting evidence or assessment has been set before him and so the extent to which the works would result in the loss of any historic fabric is unclear. The appellant also emphasised that the proposal would improve the security, energy efficiency and fire safety of the dwelling, however, the inspectorate stated that improved security would itself be a private benefit and therefore he attaches little weight to these considerations.

The inspectorate concluded that the harm likely to be caused to the significance of the listed building would not be outweighed by public benefits, and the potential thus exists for the works to harm the special interest and significance of the listed building. This would be contrary to the expectations of the Act, and paragraphs 193 and 194 of the National Planning Policy Framework (the Framework), which both state that great weight should be given to the conservation of heritage assets, and that any harm requires clear and convincing justification, and therefore the appeal fails.

### **15 Cotherstone, Epsom KT19 9EF**

The main issues were whether the retrospective occupiers of this property experience appropriate living conditions, with particular regard to bedroom sizes and the availability of outdoor amenity space.

The inspectorate recognised that the Council stated that it is unclear whether these are single or double bedrooms, nevertheless, the inspectorate accentuates that this information could have been requested at application stage, and it also notes that the application was retrospective and that the bedrooms are of an appropriate size for the occupants.

The inspectorate noted and factored in the case put by appellant so far as private amenity areas measuring approximately 50sqm and therefore development provides appropriate living conditions for its occupants.

The inspectorate concluded that the appellant grounds of appeal did not conflict with EEDMP Policy DM10 as that criteria was set aside for new development and not existing, the appeal was therefore allowed.

An application for costs has been made by the appellant against Epsom and Ewell Borough Council, this application will be the subject of a separate decision which at present is pending.

### **36 Hamilton Close, Epsom KT19 8RG**

The main issues were the effect of the proposal on the character and appearance of the host property and the surrounding area.

The inspectorate recognised that the appeal site contains a two-storey detached dwelling set-back from the road by a small front garden. No 36 Hamilton Close ('No 36') is an attractive property with a front gable that emanates from its sloping roof and that Hamilton Close predominantly consists of detached and semi-detached dwellings, and there is a notable degree of diversity in terms of their designs and materials used.

The inspectorate noted that there would be some overall reduction in the scale of the roof, the new front façade created by the proposal would appear overly bulky on this attractive property, significantly altering its appearance. Moreover, whilst gable features are a characteristic of the area, the one proposed and the window arrangement below would not reflect those within



nearby properties and it would appear contrived and would not harmonise adequately with the host property. The combined bulk and massing of these elements of the proposal would dominate the host property, destroying its legible and modest appearance.

The inspectorate noted and factored in the case put by appellant so far as the proposal following a previous application and dialogue with the Council, and that no objections relating to this appeal have been received from neighbours and that proposal would improve the living accommodation available to the appellants. Notwithstanding this the inspectorate commented that these are neutral matters which do not weigh in favour of the proposal, and the living improvements are private benefit which have been given limited weight.

The inspectorate concluded that the proposal would have an unacceptable and harmful effect on the character and appearance of the host property and the surrounding area. The proposal would conflict with Policies CS1 and CS5 of the Core Strategy (adopted 2007), and Policies DM9 and DM10 of the Development Management Policies Document (adopted 2015), and therefore the appeal fails.

#### **430 Chessington Road, West Ewell KT19 9EJ**

The main issues were the effect of the proposed development on the character and appearance of the existing building and the surrounding area.

The inspectorate recognised the appeal property as being a one half of a semi-detached pair of c1930's houses, of hipped roof form and a semi-circular two storey bay to the front topped with a small gable feature that projects into the roof slope. The adjoining half is similar but has a lighter coloured upper floor finish. The pair provide a symmetrical form and shape to the street. The wider street is however interspersed with a variety of property styles and designs including bungalows, modern semi-detached houses and a small flat block.

The inspectorate noted and factored in the case put by appellant so far as there being a number of properties where dormer features have been added to the properties to contend that they are a common feature and as such not detrimental to the character of the area. The inspectorate expressed that each scheme needs to be considered on its own merits and the proposed design, form, and alteration to the roof profile and dormer and the immediate context into which it would be inserted are such that the proposal would result in material harm.

The inspectorate concluded that the proposed development would conflict with the development plan and as developments should be determined in accordance with the development plan unless material considerations would indicate a decision otherwise was appropriate, and no such considerations do so, the proposal should be refused, therefore the appeal fails.

#### **Land at 56 Amis Avenue, West Ewell, Surrey KT19 9HU**

The main issues were ceasing the use of the front garden and driveway areas of the land for the storage of household clearance, landscaping and garden waste; and ceasing the use of the front driveway of the land for the parking or storage of the pickup truck used in connection with the household clearance landscaping and garden waste business; and remove all skips and all items being stored on the driveway and front garden area of the land in connection with a house clearance, landscaping or garden waste business.

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The inspectorate recognised that the evidence before him indicated that significant quantities of waste including building materials and furniture have been present in the front garden over a period of time in 2019 and 2020, in the skip and elsewhere in the front garden.

The inspectorate noted and factored in the case put by appellant so far as the stationing of a skip in the front garden was purely for domestic use, during the refurbishment of his house and garden, and that it was not used in relation to his business.

The inspectorate concluded that the appellant has not provided any substantive evidence to demonstrate that the skip, the waste and materials stored have been solely in association with the residential use of the property and the refurbishment works to the house and garden. The very limited evidence put forward in support of the contention that the breach has not occurred falls well short of discharging the burden of proof and that on the balance of probability, that the commercial use has taken place.

The inspectorate had directed that the enforcement notice is corrected by deletion of the words 'use of the land' and substitution of the words 'mixed use of the land for residential purposes and' in the allegation; and deletion of the words 'for the storage of household clearance, landscaping and garden waste' and substitution of the words 'in connection with the household clearance, landscaping and garden waste business' in requirement 1. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

#### **Victoria House, 1 Victoria Place, Epsom KT17 1BX**

The main issues were the character and appearance of the area including its effect on the setting of the Lintons Lane Conservation Area; the living conditions of future occupiers of the studio apartments; and parking in the area.

The inspectorate recognised that the appeal site is a detached two storey building within the Epsom Town Centre with a busy main road, East Street (A24), close by and also just outside the Lintons Lane Conservation Area where there are Listed Buildings close by i.e. Nos 1 & 3 and 10 & 12 Lintons Lane.

On the topic of living condition, the inspectorate concluded that this issue is very marginal and therefore the proposal would not conflict with Policy DM 10. On the topic of parking, the inspectorate concluded that the location of the appeal site within the Town Centre and the minor shortfall would not result in on-street parking to such a degree as to justify refusing this development and therefore the proposal would not conflict with policies CS16 and DM 37.

The inspectorate noted and factored in the case put by appellant so far as the Council having a shortfall of land for housing, however, concluded that the nearby heritage assets should be afforded substantial weight which, given that this proposal is only for three units of living accommodation, is not outweighed by the housing requirements within the Borough.

The inspectorate concluded that the additional two stories of accommodation proposed would make the building much more prominent and that the additional height would jar against the two storey properties opposite as well as the domestic scale of the Listed Buildings. The inspectorate did not believe the proposal would make a positive contribution to the Borough's visual character and appearance or be compatible with local character, the surrounding historic environment and the setting of the proposal site as required by Policy DM9. or consistent with the design criteria set out in Policy DM 10 in terms of its contribution to the character and local distinctiveness of the area and that It would further conflict with policies CS5 and DM8, and therefore the appeal fails.

The main issues were the effect of the proposal on the character and appearance of the existing dwelling and its setting in the wider area.

The inspectorate recognised that the appeal site relates to a detached two-storey dwelling which is considered by the Council to be of distinctive architectural and historical significance with Arts and Craft influences, similar to houses designed by Edwin Lutyens. Not listed or within a Conservation Area although agrees with the Council that the dwelling does have architectural and historic merit.

The inspectorate noted and factored in the case put by appellant so far as the house not having the more stringent protection of being listed or being in a Conservation Area, however, expressed that the proposal only succeeds in adding a large, incongruous and dominant feature to the front of the dwelling that would overwhelm the original character of the house.

The inspectorate concluded that the proposal would have a harmful effect on the character and appearance of the dwelling and its setting within the area, contrary to aims of Core Strategy Policy CS5 or with the principles set out in policies DM9 and DM10, and therefore the appeal fails.

#### **42 The Avenue, Worcester Park KT4 7EY**

The main issues were the effect of the proposed development on the character and appearance of the area; The effect of the proposed development on existing limetrees; the effect of the proposed development on the living conditions of the neighbouring occupiers at 40a The Avenue, having particular regard to overlooking and privacy; and whether satisfactory living conditions would be created.

The inspectorate recognised that the existing property is not listed and the site does not fall within a conservation area. Furthermore, the proposal would host space to the front and rear of the plot.

The inspectorate noted and factored in the case put by appellant so far as the Council not being able to demonstrate a 5-year supply of land for the delivery of housing. The inspectorate emphasised that even if the housing supply shortfall were significant, this needs to be set against the harm arising from the proposed development. The adverse impacts of the development to the character and appearance of the area, trees and the living conditions of existing and future occupiers attract significant weight and outweigh the benefits associated with the proposed development.

On the topic of the limetree, the inspectorate concluded that the premature loss of either of these trees would have a negative and significantly visual effect upon the street scene.

On the topic of the privacy intrusion, the inspectorate concluded that the proposal would conflict with Policy DM10 of the Policies Document as the development fails to safeguard residential amenities in regard of overlooking and privacy.

The inspectorate concluded that the apartment development would be substantially larger than the development that it would replace and that it would be positioned closer to the Avenue and Suffolk Road, as well as the side boundaries of the site. The limited separation to the Suffolk Road side boundary would make the development appear particularly constrained within its plot, as a result, the appearance of the development would be one of an overly large development squeezed onto the site. For this reason, the development would be visually

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harmful, especially given its corner siting and the openness of the site to public views from the adjoining highways, the visual harm arising from the proposed development would be readily apparent, therefore the appeal fails.

**Muralis, Hylands Mews, Epsom KT18 7JX**

The main issues were the effect of the garage on a protected yew tree.

The inspectorate recognised that the existing tarmac driveway is close to the tree and although the proposal could enlarge the area immediately around the tree to soft landscaping, the proposed garage would still be sited very close to the tree.

The inspectorate noted and factored in the case put by appellant and their arboricultural assessment to address the future of the tree, however, remained unconvinced that the proposed garage would not have an adverse effect on the tree and there was no justification in allowing the development which could compromise its future, and therefore the appeal fails.