



Community Infrastructure Levy Compliance Statement

Appeal Site: Epsom General Hospital, Dorking Road, Epsom

Appellant: Senior Living Urban (Epsom) Limited

Appeal A:

Description amended and agreed to take account of the Amended Plans:

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 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.

PI Appeal References: App/P3610/W/21/3272074

LPA Appeal References: 21/00012/REF

Appeal 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, 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.

PI Appeal References: App/P3610/W/21/3276483

LPA Appeal References: 21/00022/REF

Dated: 20.8.2021

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1. Background

- 1.1 The Local Planning Authority (“the Council”), Surrey County Council and the Appellant are due to enter into a legal agreement prepared in accordance with s106 of the Town and County Planning Act 1990 (as amended) in relation to the Appeal A and Appeal B (“Section 106 Agreement A and “Section 106 Agreement B”). The Section 106 Agreements set out the planning obligations should the Inspector allow either Appeal A or B or both and grant planning permission for the proposed development or developments.
- 1.2 This Statement has been agreed between the Council, County and the Appellant and outlines the manner in which each of the proposed obligation in the two section 106 Agreements would comply with the tests set down in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) (“the Regulations”).
- 1.3 Paragraph 57 of the National Planning Policy Framework¹ and Regulation 122 of the Community Infrastructure Levy Regulations 2011(as amended)² set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 1.4 Epsom & Ewell Borough Council is a “charging authority” for the purposes of the Regulations, and has adopted a CIL Charging Schedule³.
- 1.5 This statement therefore considers compliance in respect of each of the obligations proposed in the s106 Agreements agreed by its parties.
- 1.6 Unless otherwise defined, defined terms in this Statement are as set out in the respective Section 106 Agreements.

¹ <https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making>

² These tests are set out as statutory tests in [regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework.

³ <https://www.epsom-ewell.gov.uk/residents/planning/planning-advice/community-infrastructure-levy-cil-guidance>

2. Policies

- 2.1 The Epsom & Ewell Core Strategy 2007 was adopted on 24 July 2007. The Council Development Management Policies 2015 were published in September 2015.
- 2.2 The National Planning Policy Framework (2021) (“NPPF”) is also a material consideration.
- 2.3 The following policies are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Core Strategy
Policy CS 1: Sustainable environments Policy CS 3: Conserving biodiversity Policy CS 6: Sustainability in New Developments Policy CS 7: Providing for Housing and Employment Development Policy CS 9: Affordable Housing Policy CS 12: Meeting Community Needs Policy CS 16: Managing Transport and Travel
Development Management Policies
Policy DM4: Biodiversity and New development Policy DM5: Trees and Landscape Policy DM9: Townscape Character and Local Distinctiveness Policy DM35: Transport and New Development Policy DM36: Sustainable Transport for New Development

3. Proposed Planning Obligations

3.1 The obligations as set out in the Section 106 Agreements relate to the provision of the following:

Appeal A		
Affordable Housing	Key Worker Housing	24 units of residential accommodation at a rent of no more than 80% of local open market rent on the Appeal Site
	Affordable Housing	Contribution of £3.5 million or at Council's election provision of 16 affordable rented care units at 80% of local market rent with right to nominate and 5 shared ownership care units to qualifying persons on the Appeal Site
Car Club	Car Club Scheme with ultra-low emission vehicle	
Care Units	Restrictions on occupation of Care Units to secure these in C2 use class	
Employment	Employment & Skills Plan to support delivery of employment and acquisition of local skills opportunities	
Highway Works	Upgrading of bus stops and shelters with new kerbing and RTPI Display Boards; new RTPI Display Board within the development; widening of footways, provision of accesses - to serve and support proposed development; Vehicle Signage Contribution on highway network.	
Landscape Ecological Management Plan	Approval of a plan for the protection of species and habits and provide planting on the Appeal Site for 5 years from date of implementation of the proposed development	
Childcare resources	Access to 80% of the nursey places for Key Workers on onsite Nursery	
Travel Plan Audit Contribution	Fee to cover the costs of monitoring Travel Plan	

Woodcote Millennium Green Contribution	Contribution to support the extra repairs and maintenance on the Green as a result of the impact of the proposed development	
Appeal B		
Affordable Housing		
	Key Worker Housing	24 units of residential accommodation at a rent of no more than 80% of local Open market rent on the Appeal Site
	Affordable Housing Contribution	Contribution of £1,500,000 in lieu of on-site provision
Car Club	Car Club Scheme with ultra-low emission vehicle	
Care Units	Restrictions on occupation of Care Units to secure these in C2 use class	
Employment	Employment & Skills Plan to support delivery of employment and acquisition of local skills opportunities	
Highway Works	Upgrading of bus stops and shelters with new kerbing and RTP1 Display Boards; new RTP1 Display Board within the development; widening of footways, provision of accesses - to serve and support proposed development; Vehicle Signage Contribution on highway network.	
Landscape Ecological Management Plan	Approval of a plan for the protection of species and habits and provide planting on the Appeal Site for 5 years from date of implementation of the proposed development	
Childcare resources	Access to 80% of the nursey places for Key Workers on onsite Nursery	
Travel Plan Audit Contribution	Fee to cover the costs of monitoring Travel Plan	
Woodcote Millennium Green Contribution	Contribution to support the extra repairs and maintenance on the Green as a result of the impact of the proposed development	

4. CIL Tests

4.1 The following table explains how the above planning obligations (for Appeals A & B) comply with the three tests set out in paragraph 57 of the Framework and Regulations 122 and Regulation 121 of the CIL Regulations. Where it is not otherwise specified, the commentary in the table applies equally to Appeal A and Appeal B.

Planning Obligation Appeal A & Appeal B	Reg 122 Test 1- Necessity	Reg 122 Test 2 – Directly related to the proposed development	Reg 3 Test 3 – Fair & Reasonable in terms of scale and kind	Reg 121 CIL Compliance	Local Planning Policy
Affordable Housing	Without a planning obligation securing the provision of affordable housing the proposal would fail to meet the housing needs of the area in general and would therefore be contrary to the provisions of paragraphs NPPF 63	The provision of on site and off site affordable housing is enabled by the housing with care development and is related to the scale of the respective Appeal Schemes. The provision of affordable Key Worker accommodation replaces and improves that which previously existed on the site and is directly related to the proposed development.	The amount of affordable housing to be provided has been agreed and is considered fair and reasonable and the scale relates to the respective Appeal Schemes. The proportion of affordable housing advocated has taken development viability into account as required by Core Strategy policy.	Affordable housing is excluded from the definition of infrastructure for the purposes of the CIL regulations and therefore falls outside the scope of CIL.	Policy CS 9: Affordable housing. Paragraph 8.6 of the Revised Developer Contributions Supplementary Planning Document (2014).

Car Club	One car club car for 2 years, free one year membership, with 25 miles worth of free travel for residential users is promoting sustainable transport choices, NPPF Chapter 9, CS16	The on-site provision means the obligation is directly related to the proposed development. The car club will serve the residents of the scheme and will be directly related to the proposed development.	The terms for scheme occupants are considered fair and reasonable.	There is no specific infrastructure relating to the proposed development shown to be funded wholly or partly by CIL on the Infrastructure Funding Statement. The planning obligation is specific to the proposed development.	Policy CS 16: Managing Transport and Travel. Policy DM36: Sustainable Transport for New Development.
Care Units	C2 occupation restrictions to meet the need for housing with care. To relate to operational matters such as parking, provision of communal facilities and the provision of care. To deliver the benefits of the C2 Scheme	The occupation restrictions relate to the residents of the C2 elements of the Schemes and the provision of on-site care and accommodation.	The occupation restrictions are related to the age and care requirements of the residents of the C2 elements of the Schemes, are not onerous, and are reasonable to maintain the C2 use class of the applicable parts of the Schemes.	The planning obligation is specific to the proposed development.	Policy CS 1: Sustainable environments. Policy CS 7: Providing for Housing and Employment Development. Policy DM21
Employment	Provision of Employment & Skills Plan to support delivery of employment and acquisition of skills	The Employment & Skills Plan is directly tied to the Appeal Scheme and would offer opportunities	The direct provision on site of opportunities both during construction to secure	The planning obligation is specific to the proposed development.	Policy CS 12: Meeting Community Needs.

	opportunities both at construction and end user stages to build skills for a strong and competitive economy	for employment and training on the development site, either in construction or in the end-use.	a 15% percentage of all jobs created and an end user period of 2 years is considered fair and reasonable.		Policy CS 11: Employment provision
Highway Works	Contribution of £4,44.7.55 for installation of highway signs, the provision of accesses and widening of footways for the bus stop of Woodcote Green Road and Dorking Road related kerb works and bus passenger displays (RTPI) and a further bus display sign within the development all promoting use of sustainable transport choices, NPPF Chapter 9, CS16	The contributions relate to public transport use arising from the Schemes and are directly related to the proposed development and the Scheme's occupants.	The highways contribution is fair and reasonable and has been calculated based on the costs of the required signs and associated works to infrastructure. It is considered fair and reasonable to require the Developer to carry out the other highway works at its own expense.	There is no specific infrastructure relating to the proposed development shown to be funded wholly or partly by CIL on the Infrastructure Funding Statement. The planning obligation is specific to the proposed development.	Policy CS 16: Managing Transport and Travel.
Landscape Ecological Management Plan	For the enhancement of biodiversity, the protection of species and habitats and to provide planting and maintenance on the Appeal Site for 5 years	The provision of plan is directly related to the proposed development and will directly benefit the future residents of the development proposed and users of the site.	Limited to 5 years from implementation is considered fair and reasonable.	The planning obligation is specific to the proposed development.	Policy CS 3: Conserving biodiversity. Policy DM4: Biodiversity and

	from date of implementation of the proposed development				New development. Policy DM5: Trees and Landscape.
Childcare resources	Access to nursey places for Key Workers on the on-site Nursery which is part of proposed development, to support intergenerational development, to foster a strong and competitive economy and meet community needs.	The provision is directly related to the proposed development and will directly benefit Key Workers who may work at the Hospital or within the proposed Development.	Making 80% of the nursery spaces available to Key Workers is reasonable and promotes the synergies between the Appeal Schemes and the hospital. Access to resources is considered fair and reasonable.	The planning obligation is specific to the proposed development.	Policy CS 12: Meeting Community Needs. Policy DM 34: New Social Infrastructure.
Travel Plan Audit Contribution	The provision of a financial contribution towards monitoring compliance with Travel Plan. This is to encourage and achieve sustainable choices for people living and working at the proposed development	The financial contribution is necessary to ensure the measures are complied with to promote the use of sustainable transport for residents of the proposed development. As such the obligation is directly related to the proposed development.	The level of contribution is considered fair and reasonable.	There are no specific infrastructure relating to the proposed development shown to be funded wholly or partly by CIL on the Infrastructure Funding Statement. The planning obligation is specific	Policy CS 16: Managing Transport and Travel.

				to the proposed development.	
Woodcote Millennium Green Contribution	The provision of a financial contribution towards the repair and maintenance of local green space being impacted by proposed development	To mitigate the impact of the proposed development on nearest green space due to increased utilisation by the Scheme's occupants	The payment is to provide additional funds for maintenance of local green space and is based on anticipated additional use arising from the occupants of the Schemes. The financial contribution is due prior to the first occupation and is considered fair and reasonable.	The planning obligation is specific to the proposed development.	Policy CS 3: Conserving biodiversity. Policy DM4: Biodiversity and New development.