

Epsom General Hospital, Dorking Road
Epsom KT18 7EG

Appeals A & B

Proof of Evidence Summary

Mike Kiely 20 July 2021

Site Address

Epsom General Hospital, Dorking Road, Epsom KT18 7EG (the Appeal Site)

Description of Development

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 301 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.

(Proposed Development A)

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.

(Proposed Development B)

Applicant

Senior Living Urban (Epsom) Limited (the Appellant)

References

Appeal A

Epsom & Ewell Borough Council (the Council): 19/01722/FUL

Planning Inspectorate (PINS): APP/P3610/W/21/3272074

Appeal B

Epsom & Ewell Borough Council (the Council): 21/00252/FUL

Planning Inspectorate (PINS): APP/P3610/W/21/3276483

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1 INTRODUCTION

- 1.1 This inquiry relates to two refusals of planning permission by the Council referenced 19/01722/FUL and 21/00252/FUL for the Proposed Developments.
- 1.2 The Council refused planning permission for both developments for three design reasons (impact on the area, overdevelopment and impact on neighbouring properties) and a lack of affordable housing reason.
- 1.3 The impact of the development on Heritage Assets is not mentioned in the grounds of refusal, although it is implicit in ground 1. In the committee reports less than substantial harm was identified to heritage assets in the vicinity. To assist the inspector in discharging his statutory duties, evidence of this harm is included in my proof.
- 1.4 The Council does not object to the principle of the development of this redundant, brownfield site for the purposes set out in the descriptions of developments.

2 BACKGROUND

- 2.1 The committee reports and the SoCG for both appeals describe the site, surrounding area, proposal, planning history and planning policy context.
- 2.2 Since appealing, the Appellant has submitted amended plans for Appeal A that have been accepted by the Inspector and will be considered at the Inquiry. My proof addresses the impact of the amended scheme only for Appeal A.

NPPF: paragraph 11

- 2.3 The Council's position with respect to its 5-year housing land supply and the Housing Delivery Test are set out in the SoCG.
- 2.4 Although the Council is caught by NPPF paragraph 11(d) because of its housing delivery record, the policies relied upon by the Council in its decisions are up to date, in line with the NPPF and subject to s38(6) requirements. They do not, of themselves, interfere with the presumption in favour of sustainable development for the provision of housing but ensure that any housing is well designed, which is a fundamental NPPF aim. Additionally, because the Proposed Developments cause harm to heritage assets, paragraph 11(d)(i) is also relevant with respect to the policies in the NPPF relating to designated heritage assets.

2.5 Whilst significant weight must be given to the provision of housing in the planning balance for both appeals, significant weight must also be given to the delivery of good design.

NPPF: design policies

2.6 My proof sets out the increased emphasis given by Government to the delivery of good design in the planning process: from the work by MHCLG in drafting the revised NPPF (2018), through the key changes relating to design in the current version, the setting up of the BBBB Commission through to the most recent changes in the 2021 version of the NPPF.

2.7 Against this consistent direction of change from Government on the importance of achieving high-quality design in the planning process over the last three years or more, even greater weight must now be given in the planning balance to design considerations.

Development Plan Policy

2.8 The proposal conflicts with the following policies in the Development Plan:

Core Strategy (2007)

- CS5: The Built Environment
- CS9: Affordable Housing

Development Management Policies Document (2015)

- DM5: Trees and landscape
- DM8 Heritage Assets
- DM9: Townscape character and local distinctiveness
- DM10: Design requirements
- DM11: Housing Density

Character of the area

2.9 My proof examines the character of the surrounding area.

2.10 The historic building assets in the vicinity of the appeal site are generally significant for the following reasons:

- The intrinsic nature of the quality of the building

- The contribution the building makes to the townscape
 - The story the building tells of the historic development of Epsom
- 2.11 The significance of the historic area assets in the vicinity of the appeal site are set out in the Character Appraisal & Management Proposals for each conservation area.
- 2.12 The area has a wealth of historic assets, most of which are very well preserved, contribute positively to the townscape and continue to tell the story of the growth of this part of Epsom. Subsequent C20 growth has predominantly been of a high inter-war or immediate post-war standard, generally adopting the arts and crafts style. The resultant housing stock is attractive, well-maintained and gives the area a very high-quality suburban character.
- 2.13 The Proposed Developments will significantly impact on long views throughout the area and will have more severe impacts on some of the buildings closest to the Appeal Site. Whilst the harm to heritage buildings is generally at the lower end of less than substantial harm, that harm increases the closer you get to the Appeal site. Harm to Townscape, especially close to the Appeal Site is quite severe.

3 PLANNING APPRAISAL

- 3.1 There are three areas where the Council finds the design of the Proposed Developments unacceptable.

Design: impact on the area

- 3.2 These buildings are excessively scaled, especially in the context of the local vernacular of mainly inter or post-war, suburban, semi-detached, two-storey housing. The proposed buildings will clearly be dominant, alien features in the area. The policies in the Development Plan and the NPPF demand better. This is not good contextual design and "should be refused [as] it fails to reflect local design policies and government guidance on design" in line with the NPPF paragraph 134.

Design: overdevelopment

- 3.3 The extremely large footprints of these two buildings, their positioning very close to most boundaries, the paucity of amenity space and landscaped areas, the dominance of car parking and manoeuvring areas and the avoidable loss of mature trees are all clear indicators that the two schemes represent an overdevelopment of this Appeal Site in the context of the low density, suburban area within which they are located. The developments do not “incorporate principles of good design”, “contribute to the character and local distinctiveness of a street or area”, have regard to the “prevailing development typology, including housing types and sizes”, respect the “prevailing density of the surrounding area” and the “scale, layout, height, form (including roof forms), massing”, “format which includes spaces between building”, “building line”, and “typical details and key features”, as required by policy DM10. It is therefore an overdevelopment of the site and contrary to the Development Plan.

Design: impact on neighbouring properties

- 3.4 The relationship between the Proposed Developments in this part of the Appeal Site and its neighbouring properties is one that shows little regard for the amenities of those properties. It is clear from the detailed analysis in my proof of those relationships that these properties in particular will experience severe impacts and their amenities will be significantly damaged. This is unacceptable, contrary to the Development Plan and the NPPF and should be refused as a result.

Affordable housing

- 3.5 The NPPF is clear that developments should meet planning policies relating to affordable housing that are set out in development plans. It is for applicants to demonstrate, via a PPG compliant Viability Appraisal, why they cannot meet those policy requirements. Offers were made at committee stage for both appeals and, for Appeal A, agreed in the SoCG.
- 3.6 The Council accepts that the affordable housing contribution for Appeal A needs to be adjusted pro-rata to reflect the reduced size of the scheme, but the applicant appears to now be revisiting those offers with no reasonable planning justification.

- 3.7 Until the Council sees what the appellant's actual position is, we cannot take this matter further at this stage.

Heritage issues

- 3.8 I have identified the buildings and areas that are harmed, the significance of those heritage assets and the extent of that harm as a result of the intrusiveness of the Proposed Developments on the skyline and some gaps which dilutes the enjoyment of those assets. The level of harm in all cases has been identified as less than substantial, and is generally at the lower end of that scale, but increases for positions closer to the Appeal Site.
- 3.9 That harm, as a matter of law, in line with the decisionmaker's statutory duties under s66 for listed buildings and s72 for conservation areas, must be fed into the planning balance and be given great weight alongside the public benefits, the Development Plan and any other material planning considerations.

Planning conditions

- 3.10 A set of planning conditions for each appeal have been agreed and provided with the SoCG. Only the detailed wording, and not the substance, of one condition is disputed.

Section 106 obligations

- 3.11 Heads of terms have been agreed in the SoCG. The only area where there are matters of substance that remain to be finalised is the obligation associated with the affordable housing contribution.
- 3.12 Otherwise, good progress is being made on negotiating and completing the two agreements prior to the inquiry. Any failure to agree obligations that are acceptable to the Council will be presented to the Inquiry.

4 PLANNING BALANCE

- 4.1 The Council has demonstrated that the Proposed Developments do not represent good contextual design as required by the Development Plan and the NPPF. This is evidenced by the adverse impact it would have on the wider area, including to the significance of heritage assets, the overdeveloped nature of the development and the specific adverse impacts it would cause to local residents.
- 4.2 Whilst the scheme provides public benefits in the form of additional housing, this is not outweighed by the significant and great harm that is caused and the clear conflicts with established and up-to-date Development Plan Policy and the provisions of the NPPF when taken as a whole. The cumulative harm provides a clear reason for refusing permission that would significantly and demonstrably outweigh the benefit of the additional residential units when assessed against the policies in the Development Plan and the NPPF when taken as a whole.
- 4.3 The Inspector is urged to refuse planning permission for both appeals.