

Epsom General Hospital, Dorking Road  
Epsom KT18 7EG

Appeals A & B

Statement of Common Ground  
between Epsom & Ewell Borough  
Council and Senior Living Urban  
(Epsom) Limited

Mike Kiely

Tim Spencer

14 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 Statement of Common Ground has been prepared on behalf of the Local Planning Authority, Epsom and Ewell Borough Council (the “Council”) by Mike Kiely, who has sought input from Nexus Planning on behalf of Senior Living Urban (Epsom) Limited (the “Appellant”) in relation to two appeals by the Appellant against the refusal of planning permission on 23 November 2020 by the Council for the Proposed Development A and on 6 May 2021 by the Council for the Proposed Development B.
- 1.2 This Statement supersedes the Statement submitted on 11 June 2021 with respect of Appeal A because since that time the Appellant has submitted and the Inspector has accepted, on 16 June 2021, a number of amended plans (the “Amended Plans”). The consequences of these amendments to the previous Statement are reflected in this Statement.
- 1.3 The intention of this Statement is to identify the main areas of agreement and of dispute between the parties for Appeal A and Appeal B. The format of the statement is that all matters that are stated as agreed or not agreed relates to both appeals unless expressed otherwise.
- 1.4 The parties continue to work on areas of common ground and if further agreement emerges, it will be captured and communicated in a supplementary statement.

## 2 DESCRIPTION OF THE APPEAL SITE

2.1 The Appeal 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.

2.2 The existing buildings on the Appeal Site comprise:

- A four-storey brick building, with pitched roof, 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, with pitched roof, previously 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 NHS Trust staff, which was demolished prior to the submission of the planning application.
- The site of a demolished temporary building used for medical purposes (Beacon Ward), demolished in October 2020 (prior to the determination of the planning application for Proposed Development A)
- A two storey (former dwelling house) later used for a research facility (York House);
- Various Temporary and ancillary structures and a boiler house with its associated chimney stack (equivalent to 10 storeys).
- 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.
- The Appeal Site does not comprise any listed buildings and is not located within a Conservation Area but is partially visible from two conservation areas located to the northeast of the Appeal Site: Chalk Lane Conservation Area (170 metres from the Appeal Site) and Woodcote Conservation Area (210 metres from the Appeal Site). The Appeal Site is situated within the setting of Chalk Lane Conservation Area and some listed buildings within it.

## 3 DESCRIPTION OF DEVELOPMENT

- 3.1 With respect to Appeal A, an application for planning permission (19/01722/FUL) was submitted to the Council on 27 January 2020. The proposal was described in paragraphs 4.1 to 4.9 of the report to the Council's Planning Committee on 18 November 2020 and is reproduced below for convenience under the heading Proposed Development A. It contains amendments to accommodate the changes introduced by the Amended Plans and corrections to use class references where necessary.
- 3.2 With respect to Appeal B, an application for planning permission (21/00252/FUL) was submitted to the Council on 23 February 2021. The proposal was described in paragraphs 4.3 to 4.13 of the report to the Council's Planning Committee on 22 April 2021 and is reproduced below for convenience under the heading Proposed Development B.

### Proposed Development A

- 3.3 The amended proposal seeks the demolition of the Appeal Site's existing buildings and redevelopment, comprising:
- 301 Living Residences for sale or rental together with integrated nursing care (Use Class C2)
  - 38 Care Residences and Suites (Use Class C2)
  - Communal facilities ancillary to the C2 Use including a restaurant, café/bar, occupational therapy/wellness centre, gym, library, craft room, therapy and treatment rooms. Whilst ancillary to the care uses, these ground floor facilities are available to local residents.
  - Associated support facilities ancillary to the C2 Use, including staff offices, welfare and training spaces, storage, laundry, kitchen, cycle storage, plant areas and parking
  - Replacement of 24 key worker/staff accommodation apartments (Use Class C3)
  - Children's nursery (157sqm) (former Use Class D1, now Use Class E)
  - Associated servicing areas, car and cycle parking, landscaping and planting
  - Landscaping scheme incorporating publicly accessible connections through the Appeal Site, to Epsom General Hospital and the creation of new public spaces.

### Proposed buildings

- 3.4 The proposal comprises two main blocks: West Block and East Block.

- 3.5 The committee report describes the proposals as follows *“The proposal seeks contemporary taller buildings to the north of the Site, to engage with the larger scale hospital facilities. The buildings reduce in height towards the south and south east of the Site, at Woodcote Green Road, to relate to the lower scale of development along Woodcote Green Road.”*

#### West block

- The massing of the West block varies in storey heights from 2 to 9 storeys, with lower elements towards the more sensitive street scape and residential boundary frontages.
- A four-storey frontage to residential boundary (facing west), measures 13.2m in height, 41.6m in width and 18.5m in depth
- A two-storey frontage to drop-off and car park entrance (facing south), measures 8.1m in height, 40.8m in width and 22.7m in depth
- A nine-storey frontage to hospital boundary (facing north), measures 32.9m in height, 59.9m in width and 18.5m in depth
- A nine-storey frontage to hospital boundary and central landscape plaza (facing east), measures 32.9m in height, 78.6m in width and 18.5m in depth
- A five-storey frontage to residential boundary (facing west), measures 19.5m in height, 42.9m in width and 18.5m in depth
- A five-storey frontage to Woodcote Green Road boundary (facing south), measures 19.5m in height, 18.5m in width and 42.9m in depth.

#### East block

- Massing to the East Building varies in storey heights from 4 to 9 storeys, with the lower element fronting Woodcote Green Road.
- A nine-storey frontage to hospital boundary (facing north), measures 32.9m in height, 48.3.9m in width and 18.5m in depth
- A nine-storey frontage to hospital boundary and central landscape plaza (facing east), measures 32.9m in height, 33.4m in width and 18.5m in depth
- A four-storey frontage to Woodcote Green Road boundary (facing south), measures 14.3m in height, 56.5m in width and 18.6m in depth.
- The key worker units form part of the West block, facing the Appeal Site's west and north boundary.

#### Landscaping/public spaces

- 3.6 The proposal seeks a curvilinear based landscape design, to integrate the landscape and buildings. The proposal seeks the following areas of landscape/public space:

- A central plaza, which is the Appeal Site's primary open space, enclosed with the East block
- Hospital entrance, which is a linked route from Epsom General Hospital to the north through the Appeal Site, to Woodcote Millennium Green to the south
- Woodcote Green Road entrance, which is the Appeal Site's main arrival entrance, up to the West block
- Key worker communal gardens, which is to the west of West block.

### Proposed access

- 3.7 Currently, the main access to the Appeal Site is located on Woodcote Green Road. This is a staff-only access to the southern parts of the Epsom General Hospital site.
- 3.8 Proposed access and egress to the Appeal Site is provided via separate entrance and exit points on Woodcote Green Road, with the entrance located near the southwestern corner of the Appeal Site and the exit located to the west of the existing hospital access, which is to be stopped up. The hospital access that is to be retained is located further to the east of the Appeal Site.
- 3.9 Within the Appeal Site, the separate entrance and exit points create a one-way internal route under the West building, with a two-way section towards the Automatic Parking System (APS) provided as a continuation of the entrance route before it turns under the West building. The main area for residents and visitors to drop off/collect their cars is provided at the APS with a turning head/roundabout space provided for vehicles to turn. Departing vehicles will re-join the main access route and continue along the internal route under Building West to the exit.
- 3.10 Drop off/collection areas for the nursery, provided as part of the Appeal Scheme, will be accessed via the main access where parking bays are provided with vehicles departing via the separate egress.
- 3.11 The Appeal Scheme 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. Additionally, buggy/electric scooter storage and charging areas are to be provided within the Appeal Site.

### Proposed Development B

- 3.12 This proposal seeks the demolition of the Appeal 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.

3.13 This proposal seeks to address the reasons for refusal of scheme ref: 19/01722/FUL.

### Proposed buildings (height, massing and scale)

3.14 The proposal comprises two main blocks: West Block and East Block.

3.15 Following the refusal of planning application ref: 19/01722/FUL, the Appellant amended the height of the proposed buildings for the purpose of new planning application ref: 21/00252/FUL. The principal 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 Appeal 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.

3.16 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.

3.17 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 form part of the West block, facing the Appeal 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

- 3.18 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 2.2 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 Appeal Site frontage.

#### Proposed access

- 3.19 Currently, the main access to the Appeal Site is located on Woodcote Green Road. This is a staff-only access to the southern parts of the Epsom General Hospital site.
- 3.20 Proposed access and egress to the Appeal Site is provided via separate entrance and exit points on Woodcote Green Road, with the entrance located near the southwestern corner of the Appeal 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 Appeal Site.
- 3.21 The propose access arrangements for Appeal B are the same as the access proposals for Appeal A.

- 3.22 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.
- 3.23 The Appeal 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. Additionally, buggy/electric scooter storage and charging areas are to be provided within the Appeal Site.

## 4 DESCRIPTION OF THE AREA

- 4.1 To the north of the Appeal 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.
- 4.2 To the west and southwest of the Appeal Site are two-storey detached and semi-detached dwellings, on Woodcote Green Road: Digdens Rise and Hylands Close. Some properties on the east side of Digdens Rise (14 to 28) have rear gardens extending to the Appeal Site boundary and No 7 Hylands Close shares a lateral boundary with the Appeal Site.
- 4.3 Beyond the Appeal 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

- 4.4 Access into the Appeal Site is directly from Woodcote Green Road (positioned both to the east and west of Rowan House). Vehicles can then travel through the Appeal Site to exit either onto Woodcote Green Road or around the Appeal Site to exit to the north of the hospital building onto Dorking Road.
- 4.5 The Appeal Site is considered a highly sustainable location, located 0.6 miles from the designated Epsom Town Centre boundary (11-minute walk), 0.8 miles from the Ashley Shopping Centre (16-minute walk) and 0.9 miles from Epsom train station (18-minute walk). There are two bus stops located on Woodcote Green Road, a very short walking distance from the Appeal Site. Dorking Road is also within a short walking distance of the Appeal Site. Dorking Road is otherwise known as the A24, which has good access to the strategic highways network.

### Designations

- 4.6 The Appeal 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 Appeal Site is located within Flood Zone 1 (low probability of flooding).

- There are no Tree Protection Orders relating to the Appeal Site.

## 5 PLANNING HISTORY OF THE APPEAL SITE

5.1 The below table sets out recent and relevant planning history pertaining to the Appeal Site in application number order, including the applications the subject of both appeals. 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. A full list of the historic planning applications was attached as Appendix B to Nexus Planning's Planning Statement that accompanied both applications.

Application number	Decision date	Application detail	Decision
21/00259/SCR	03.03.21	Screening Opinion pursuant to Regulation 6 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended (the EIA Regulations), in relation to the proposed redevelopment at land at Epsom General Hospital, Dorking Road, Surrey, KT18 7EG (the Appeal Site).	EIA not required
21/00252/FUL	06.05.21	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.	Refused planning permission
20/01322/DEM	12.10.20	Demolition of the existing buildings and structures on site	Prior approval required and approved

Application number	Decision date	Application detail	Decision
20/01093/DEM	03.09.20	Demolition of the existing buildings and structures on site	Prior approval required and approved
20/00885/DEM	22.07.20	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
20/00249/FUL	28.05.21	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	Refused planning permission
19/01722/FUL	23.11.21	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, children's 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 planning permission

Application number	Decision date	Application detail	Decision
19/01655/SCR	30.12.19	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), children's 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

## Planning decision Appeal A

- 5.2 The recommendation to committee on 18 November 2020 on the application the subject of this appeal was to grant planning permission subject to conditions and securing planning obligations set out in the committee report<sup>1</sup> and as amended in the update report<sup>2</sup>.
- 5.3 The decision of the Committee was to refuse planning permission, against the officer recommendation for approval, for the following grounds:
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

<sup>1</sup> [Planning Committee Report 18/11/20](#)

<sup>2</sup> [Planning Committee Update Report 18/11/20](#)



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).
- 5.4 The Council issued the Decision Notice on 23 November 2020.

### Amended plans

- 5.5 Since appealing the decision, the Appellant has submitted amended plans for Appeal A that have been accepted by the Inspector and will be considered at the Inquiry. These amendments broadly incorporate the changes made to the application that is the subject of Appeal B, but do not include the reductions made to the height of both buildings.

## Planning decision Appeal B

- 5.6 The recommendation to committee on 22 April 2021 on the application the subject of this appeal was to grant planning permission subject to conditions and securing planning obligations set out in the committee report<sup>3</sup> and as amended in the update report<sup>4</sup>. The minutes of the meeting are also available from the link in the footnote<sup>5</sup>.

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<sup>3</sup> [Planning Committee Report 22/04/21](#)

<sup>4</sup> [Planning Committee Update Report 22/04/21](#)

<sup>5</sup> [Planning Committee Minute 22/04/21](#)

- 5.7 The decision of the Committee was to refuse planning permission, against the officer recommendation for approval, for the following grounds:
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 guidance contained under NPPF (2019).
- 5.8 The Council issued the Decision Notice on 6 May 2021.
- 5.9 The grounds of refusal are identical for both developments, save for the wording, but not the meaning, of the final phrase of ground 4.

## 6 POLICY CONTEXT

6.1 The planning policies relevant to the consideration of the Proposed Developments were listed section 7 of the respective reports to the Council's Planning Committee on 18 November 2020 and 22 April 2021. They are the same for both appeals. The text of the policies relevant to this appeal and cited in the decision notice are set out in Appendix A for convenience.

6.2 The policies relevant to this appeal and cited in the decision notice are listed below.

### Core Strategy (2007)

- Policy CS5 - The Built Environment
- Policy CS9 - Affordable Housing

### Development Management Policies Document (2015)

- Policy DM5 - Trees and landscape
- Policy DM9 - Townscape character and local distinctiveness
- Policy DM10 - Design requirements
- Policy DM11 - Housing Density

6.3 This section identifies the planning policy documents that are relevant to this appeal and sets out their status where appropriate.

### Development Plan

6.4 The Development Plan for Epsom and Ewell comprises:

- Core Strategy 2007 (adopted July 2007)<sup>6</sup>
- Development Management Policies (adopted September 2015)<sup>7</sup>

6.5 There is an Epsom Town Centre Area Action Plan (2011), but that is not relevant as the Appeal Site is outside of that area. There are Surrey-wide DPDs relating to Waste (2008) and Minerals (2011), which are also not relevant.

6.6 A suite of SPD's<sup>8</sup> has been produced by the LPA to assist developers in achieving the Council's policy aims. The following are relevant to the appeal:

- Revised Developer Contributions Supplementary Planning Document (adopted September 2014)<sup>9</sup>

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<sup>6</sup> [EEBC Core Strategy 2007](#)

<sup>7</sup> [EEBC Development Management Policies Document 2015](#)

<sup>8</sup> [EEBC Supplementary Planning Documents](#)

<sup>9</sup> [EEBC Revised Developer Contributions SPD 2014](#)

- The Sustainable Design SPD (adopted February 2016)<sup>10</sup>.
- 6.7 Surrey County Council's Vehicle and Cycle Parking Guidance (2018)<sup>11</sup> and the Council's guidance Making Efficient Use of Land – Optimising Housing Delivery (May 2018)<sup>12</sup> is also relevant.

### Emerging Local Plan

- 6.8 A new Epsom and Ewell Local Plan 2017-2037 is in preparation. A series of early Regulation 18 consultations have been undertaken around issues and options and the preparation of the evidence base for the plan is at an advanced stage. A Call for Sites exercise was undertaken in 2019. Further Regulation 18 consultations are proposed for 2021 - January 2022, with the estimated date for adoption in December 2023.
- 6.9 This plan is at an early stage of preparation and no weight was placed upon it by the Council in the determination of the application for the Proposed Development.

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<sup>10</sup> [EEBC Sustainable Design SPD 2016](#)

<sup>11</sup> [SCC Vehicle and Cycle Parking Guidance 2018](#)

<sup>12</sup> [EEBC Making Efficient Use of Land – Optimising Housing Delivery 2018](#)

## Housing Delivery / NPPF issues

6.10 The Housing Delivery Test (HDT) results for EEBC are as follows:

Year	Number of homes required			Total required	Total delivered	HDT result
2018 <sup>13</sup>	2015-16	2016-17	2017-18	1177	667	57%
	381	383	413			
2019 <sup>14</sup>	2016-17	2017-18	2018-19	1373	673	49%
	383	413	577			
2020 <sup>15</sup>	2017-18	2018-19	2019-20	1519	512	34%
	413	577	529			

6.11 With 57%, 49% and 34% respectively for 2018, 2019 and 2020, the results triggered the following measures each year for the Council:

- Housing delivered is below the threshold of 95% and the Council have had to prepare action plans<sup>16</sup> to identify actions to increase delivery in future years.
- Housing delivered is below the threshold of 85% and the Council is required to identify a supply of deliverable sites including an additional 20% buffer (moved forward from later in the plan period).

6.12 The HDT 2020 result is below the 75% threshold and therefore triggers the NPPF presumption, in addition to the above-mentioned actions.

6.13 The housing target in the Core Strategy of 181 dwellings per annum was taken from the RSS; the South East Plan which was revoked in 2012. The Government's 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 HDT 20% buffer requirement.

6.14 The LPA is currently falling significantly below its 5-year housing supply target, with a current supply of 0.98 years.

<sup>13</sup> Published by MHCLG on 19/02/19

<sup>14</sup> Published by MHCLG on 13/02/20

<sup>15</sup> Published by MHCLG on 19/01/21

<sup>16</sup> Action plans have been prepared and are available for [2018](#) and for [2019](#). 2020 is in preparation.

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- 6.15 Policy CS7 (Housing Provision) of the Core Strategy (which sets the 181 RSS based annual target) is therefore considered out of date under the terms of footnote 7 of the NPPF. Accordingly, the provisions in paragraph 11(d) of the NPPF are engaged. Paragraph 11(d) states that “where ... the [development plan] policies which are most important for determining the application are out-of-date, [the decision-taker should grant] permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## 7 MATTERS NOT IN DISPUTE

- 7.1 The following matters are agreed between the parties for both appeals.
- 7.2 Where reference is made to safeguarding matters through conditions or planning obligations, these are references to the relevant conditions set out in the Agreed Conditions documents for each appeal and the Heads of Terms of s106 Planning Obligations listed in Section 10.

### EIA Development

- 7.3 Requests for Screening Opinions in relation to Proposed Development A (ref 19/01655/SCR) and Proposed Development B (ref 21/00259/SCR) were submitted to the Council who, on 30 December 2019 and 30 March 2021 respectively, confirmed that the Proposed Developments did not require an Environmental Impact Assessment (EIA) under the EIA Regulations<sup>17</sup>.

### Principle of redeveloping the site

- 7.4 The NHS Epsom Hospital Trust decided to sell a portion of the Epsom General Hospital site as it was surplus to their requirements. It is accepted that the requirements in Policy CS13<sup>18</sup> to protect the loss of community facilities are met.
- 7.5 This land comprises the Appeal Site. It comprises healthcare and accommodation buildings with surface level car parks, which are of poor quality and lack any coherent masterplan. This is redundant brownfield land over which there are no planning constraints to the principle of its redevelopment such as SSSI, AONB, European or National ecological designations or Green Belt.

### Principle of the proposed development

- 7.6 This Appeal Site is located within the built-up area of Epsom, it comprises previously developed land and is appropriate in principle for the proposed development.
- 7.7 It is accepted that the three different types of care provision offered in the Proposed Development<sup>19</sup> fall within Use Class C2, subject to securing an appropriate S106 agreement that would safeguard the key elements of this provision.

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<sup>17</sup> The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

<sup>18</sup> Core Strategy 2007

<sup>19</sup> Guild Living Residences for Sale and Rent, Guild Care Residences and Suites and Guild Care Suites

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- 7.8 Subject to the C2 Use Class being secured by appropriate S106 agreement and planning condition, the proposed use is potentially compatible with existing uses in the vicinity, specifically the adjacent hospital.
- 7.9 There is no existing concentration of comparable C2 provision in the immediate locality, thereby ensuring that the scheme supports the creation of a mixed, inclusive and sustainable community.
- 7.10 The various uses proposed including the nursery, retail unit, restaurant, café and other shared community amenities provide an appropriate mix of communal facilities and social infrastructure in a multi-use setting.

## The need for the type of development

- 7.11 People are living longer. There are now around 12 million older people (aged 65 or over) in the UK<sup>20</sup>. 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.
- 7.12 The provision of extra-care accommodation reduces pressure on local hospitals, GPs and emergency centres. Extra-care accommodation provides a positive health influence on its residents and directly impacts on and improves a range of social factors, such as loneliness and isolation.
- 7.13 The NPPF<sup>21</sup> requires Local Planning Authorities to assess the need for and plan for the delivery of housing that meets the needs of, inter alia, older people.
- 7.14 Surrey County Council Adult Social Care recognises that further extra-care accommodation is needed. Appeal A would provide 339 extra care units and Appeal B would provide 305 extra care units.

## Affordable housing

- 7.15 There is existing (now vacant) key worker accommodation (Use Class C3) on the Appeal Site, located within Woodcote Lodge. This is proposed to be re-provided as part of this application and tied into the S106 Agreement. This is in accordance with development plan policy.

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<sup>20</sup> The Health Foundation

<sup>21</sup> Paragraph 61



- 7.16 The LPA's policies including CS9, and the details set out in the Revised Developer Contributions Supplementary Planning Document (2014) requires that affordable housing be sought from C2 uses, subject to viability. The Appeal Schemes is capable of complying with Policy CS9, subject to the affordable housing provisions being secured in the legal agreement.
- 7.17 The original development for Appeal A was subject to a viability assessment which was independently assessed. An affordable housing offer of either 21 units of C2 extra-care accommodation on site or a payment-in-lieu of £3.5 million, was agreed between the Appellant and the Council as all that could be reasonably offered. This was agreed in the Statement of Common Ground dated 11 June 2021.
- 7.18 With respect to Appeal B, an affordable housing offer of a payment-in-lieu of £1.5 million was made by the Appellant on a without prejudice basis in advance of the committee meeting.
- 7.19 With respect to both schemes, the Appellant intends to undertake a revised viability assessment to take account of updated costs and, in respect of Appeal A, to take account of the reduction in the size of the Appeal Scheme following the amendments to the scheme. The revised viability assessments may result in adjustments to the Appellant's original affordable housing offers. The Council agrees to the principle of adjusting pro-rata the original offer to take account of the Appeal A reductions, but does not agree to a revised viability assessment in respect of updated costs.
- 7.20 The parties agree that any affordable housing or payment-in-lieu will need to be secured through a legal agreement.

## Housing delivery

- 7.21 The Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land and the required amount of housing has not been delivered in its area. The scheme for Appeal A would generate 325 units and Appeal B would generate 292 units towards general housing need<sup>22</sup>.
- 7.22 There is currently an unmet need for extra care housing in the borough.
- 7.23 Furthermore, each 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.

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<sup>22</sup> Assessed using the "[Housing Delivery Test Measurement Rule Book](#)" on the basis of calculating the 'net homes delivered' for communal accommodation, including Care Homes.

## Acceptability of the accommodation

- 7.24 Internally, the proposed units have been designed to cater for residents requiring care and support. The Guild Living Residences accord with Nationally Described Space Standards.
- 7.25 The Guild Care Suites and Care Residences, which form the higher care element of the scheme, do not meet the minimum space standards. The Guild Care Suites do not include kitchen areas and while the Guild Care Residences do have a small kitchenette area, dining facilities are provided within communal spaces or residents take meals within their units. These units are similar to those that would be provided within a care home and would generally be occupied by residents who are either not capable or struggle to cook their own meals. The reasons for these units not meeting Nationally Described Space Standards are accepted.
- 7.26 The dwelling sizes and tenure mix is considered acceptable given the nature of the development.
- 7.27 Internal sunlight and daylight conditions are suitable for the proposed accommodation.
- 7.28 The overall scheme provides a focus on communal spaces and facilities, which would be accessible to residents, but also to the public. Various uses within the development include the wellness centre, library, craft room, therapy and treatment rooms, which encourage social interaction. There are therefore social and community benefits arising from this scheme.
- 7.29 The location of the development within an urban area is an added benefit. It is some 0.6 miles from the designated Epsom Town Centre boundary (11-minute walk), 0.8 miles from the Ashley Shopping Centre (16-minute walk) and 0.9 miles from Epsom train station (18-minute walk) and the bus stops immediately adjacent to the site on Dorking Road and on Woodcote Green Road mean that the development could potentially function more sustainably from a transport accessibility point of view. A Travel Plan will need to be used to deliver these potential benefits. This is secured by a condition and a planning obligation.

## Impact on highways

- 7.30 Each proposal provides sufficient car parking to serve the development subject to its provision being safeguarded by appropriate conditions. Sufficient provision is made to meet the needs of people who have mobility impairments and other disabilities. The provision of a car club is proposed and should be secured through a planning obligation.

- 7.31 A travel plan, including a shuttle bus, is proposed to be delivered through appropriate conditions and planning obligations to ensure that the development optimises its potential to be sustainable from an accessibility perspective. Bus infrastructure enhancements are also secured through planning obligations.
- 7.32 The impact of the development on the capacity of the highway network and conditions of general safety is considered to be acceptable. The provision of new vehicular access arrangements and improvements to the public footpath on the north side of Woodcote Green Road are considered acceptable and their provision needs to be safeguarded by suitable conditions. Minor off-site highway works are secured through a planning obligation.
- 7.33 Appropriate provision is made for cycle parking for residents and employees along with associated facilities for employees. Conditions will need to safeguard the timely provision of these facilities.

### Impact of retail

- 7.34 The proposed retail provision is considered to be ancillary to the main scheme. Given its modest size it is not considered to adversely impact the existing retail offered at the adjacent hospital. Conditions can control opening times and thereby safeguard the amenities of the area and prevent any nuisance arising. A condition limiting its use to non-food retailing is also necessary to avoid the unit being a high trip generator.

### Impact of nursery

- 7.35 The nursery is an integral part of the overall scheme, bringing together older and younger members of the community. The nursery would complement the care community, offering active ground floor uses, promoting activity throughout the day. The nursery would create additional employment opportunities and provide nursery spaces for the broader community, including staff at Epsom General Hospital.
- 7.36 The provision of a nursery provides wellbeing and educational benefits through intergenerational interaction between the residents of the Appeal Scheme and children attending the nursery.
- 7.37 The traffic impacts of the nursery are considered to be acceptable, subject to suitable conditions controlling numbers and operating times.
- 7.38 The use as a nursery will need to be safeguarded by condition.

## Impact on heritage assets

- 7.39 The Appeal Site and buildings are of no historic significance and there is no objection to their loss.
- 7.40 There are 57 listed buildings/structures and portions of the Chalk Lane Conservation Area and the Woodcote Conservation Area within a 500-metre radius of the Appeal Site. The significance of the majority of the heritage assets would not be affected as a result of the Appeal Site's development. The exception to this is the Chalk Lane Conservation Area and some of the nearby listed buildings
- 7.41 From Woodcote Green Road in the Chalk Lane Conservation Area, the Proposed Development will appear in the context of a number of listed buildings and their curtilages, as well as from within the Conservation Area. The harm caused to the setting of these designated heritage assets would be regarded as less than substantial.
- 7.42 Appropriate provision can be made by condition to protect any archaeological interest that may exist on the Appeal Site.

## Environmental Impacts

- 7.43 No protected species were recorded at the Appeal Site. The Appeal Scheme will not result in any harm to on-site ecology and landscaping and ecological mitigation will enhance biodiversity.
- 7.44 The landscaping proposals of the Appeal Scheme will provide increases in landscaped areas, tree planting and overall site ecology.
- 7.45 There would be no increased risk of flooding as a result of the Appeal Scheme and surface water drainage measures are acceptable.
- 7.46 The ground investigation confirms a general low risk of contamination and proposes a remediation strategy which will mitigate risk to health and the environment.
- 7.47 The Appeal Scheme includes various energy saving and efficiency measures, low carbon renewable energy, and sustainability measures which reduce CO2 emissions.

## General impacts of the development

- 7.48 Subject to appropriate conditions and s106 planning obligations where necessary:
- The risk of nuisance from the construction phase is appropriately safeguarded through the Construction Environmental Management Plan which will be secured by planning condition.

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- Both developments will provide local employment and economic development, generating a minimum of 40 full-time jobs for both schemes in its initial stages. The ultimate job generation numbers are 55 to 60 full time employment jobs for Appeal A and a minimum of 50 to 55 full time employment jobs for Appeal B.
  - The provision of a sustainable form of development, including BREEAM Very Good, is safeguarded.
  - Any risk of noise nuisance from the development is addressed.
  - Appropriate provision is made for refuse storage and disposal for all elements of the development.
  - Biodiversity is protected and appropriately enhanced.
  - There is a very low risk of flooding (Flood Zone 1).
  - A SuDS approach is being adopted to drainage.
  - The potential for contamination being on site from previous activity is appropriately safeguarded.
  - The risk of contaminating ground water during the construction of the development is safeguarded.
  - Fire safety provisions that will be required as part of the Building Regulations approval process have been considered at the planning stage so that the scheme provides no impediments to meeting Fire Safety: Approved Document B.
  - An employment skills plan is safeguarded to support local skills programmes and initiatives such as the employment of local people during the project's construction and on-going operation.

## 8 MATTERS IN DISPUTE

8.1 In summary, the following matters are not agreed between the parties for both appeals:

LPA's Position	Appellant's position
<b>Reason for refusal no 1</b>	
<p>8.2 The design of the development would adversely impact and harm the character and appearance of the area, including the built environment and landscape setting.</p>	<p>8.3 The Height and massing of the Appeal Scheme responds positively to the site context with taller elements which are equivalent in height to the hospital buildings to the north of the Appeal Site, and lower buildings to along the west of the site and towards the frontage buildings to the south.</p> <p>8.4 The proposed materials provide a contemporary approach to the development, and are appropriate to the site and sensitive to the context. The concerns raised in respect of the darker metal cladding elements are able to be resolved through the submission of details to be submitted under planning conditions.</p> <p>8.5 The positions of the proposed buildings provide a positive relationship to the streetscape, and serve to activate the streetscape and provide an appropriate new landscaped area.</p> <p>8.6 The Application responds appropriately to the townscape and surrounding built environment.</p>

LPA's Position	Appellant's position
<h3>Reason for refusal no 2</h3>	
<p>8.7 The site is overdeveloped and the design does not allow sufficient landscaping opportunities along the frontage to Woodcote Green Road and the south-western boundary with neighbouring residential property to mitigate its impact on the character and appearance of the area.</p>	<p>8.8 The Appeal Scheme has been informed by a detailed Heritage Townscape and Visual Impact Assessment. The Appeal Scheme responds appropriately to the townscape and surrounding built environment and does not result in an adverse visual impact.</p> <p>8.9 The Appeal Scheme improves the landscaping along Woodcote Green Road and enhances the appearance and quality of planting along the street frontage of the site.</p> <p>8.10 The Appeal Scheme provides sufficient landscaping to along the south-western boundary with neighbouring residential property to mitigate impact.</p>
<h3>Reason for refusal no 3</h3>	
<p>8.11 The design of the development would adversely impact on the neighbouring amenities of 40 and 46 Woodcote Green Road by means of overbearing effect, loss of privacy or loss of outlook.</p>	<p>8.12 The Appeal Scheme provides sufficient separation distances and adequate orientation of units, to adjacent properties to avoid a significantly adverse effect on privacy</p> <p>8.13 The distances of the proposed buildings and the relative positions of the proposed buildings to the adjacent properties at 40 and 46 Woodcote Green Road mitigates potential overbearing and impacts on outlook on these properties.</p>

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## Section 106 Obligations

- 8.14 Until the s106 Agreement has been entered into and the heads of terms set out in Section 10 of this Statement are secured, this remains a matter in dispute.



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## 9 CONDITIONS

- 9.1 Without prejudice to either party's case, a set of conditions have been agreed as necessary to impose on any grant of planning permission for each appeal. These are set out in two separate Word Documents. Where a condition is not agreed, it is set out in a table with the Council's preferred wording on the left and the Appellant's on the right.
- 9.2 For Appeal A, the previously provided Word document titled Appeal A: Agreed Conditions has been updated in response to the changes needed as a result of the Amended Plans and is reissued and titled Appeal A: Agreed Conditions for Amended Plans.
- 9.3 For Appeal B, a new set of conditions has been produced in a Word document titled Appeal B: Agreed Conditions.
- 9.4 Appendix B to this Statement sets out the reasons for the amendments to the original scheme A conditions as a result of the Amended Plans for scheme A and the new scheme B.

## 10 SECTION 106 AGREEMENT

10.1 It is agreed between the main parties that the following heads of terms are necessary to be secured in planning obligations under s106 for each appeal:

### 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 Appeal A

- The council has the option to elect whether to receive payment or to seek on-site provision, comprising:
  - 16 units of Discount Market Rent of at 80% of Open Market Value; and
  - 5 units of shared ownership,or
  - An off-site financial affordable housing contribution.

10.2 The affordable housing contribution was originally agreed at £3.5million for the un-amended Appeal A. The Appellant intends to undertake a revised viability assessment to take account of the reduction in the size of the amended Appeal A scheme and updated costs. The Council agrees to the principle of adjusting pro-rata the original offer to take account of the Appeal A reductions, but does not agree to a revised viability assessment in respect of updated costs.

10.3 The revised viability assessment may result in an adjustment to the previously agreed offer.

### Affordable Housing Appeal B

- An off-site financial affordable housing contribution.

10.4 The Appellant made a without prejudice affordable housing offer of a payment-in-lieu of £1.5 million in advance of the committee meeting

10.5 The Appellant intends to carry out a revised viability assessment take account of updated costs, which may result in an adjustment to the Appellant's initial without prejudice offer. That approach is not agreed by the Council.

### 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 work

- Two Vehicle Activated Signs to be provided on Woodcote Green Road All required contributions to Traffic Regulation Order changes, as appropriate

### Bus infrastructure

- 10.6 Prior to first occupation of the site to submit a detailed design of a scheme for local bus infrastructure improvements on Woodcote Green Road and Dorking Road for approval. The local bus infrastructure improvements shall include:
- a) 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.
  - b) 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.
  - c) 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.
  - d) RTPI display linked to Surrey County Council's RTPI system to be installed within a communal area of the development, and thereafter shall be kept permanently retained and maintained to the satisfaction of the Local Planning Authority.

### Travel Plan monitoring fee

- Payment of a travel plan audit fee of £6,150

### Car club

- 10.7 Prior to Commencement of Development to submit the Car Club Scheme to the County Council for approval and, to implement such approved Car Club Scheme prior to the Occupation of the first residential unit to be occupied. The Car Club Scheme shall comply with the Surrey Guidance on Car Clubs in New Developments, to include but not be limited to, the following requirements:
- a) That the Owner shall procure the establishment, operation and promotion of the Car Club and provide the name and address of the operator of the Car Club to the County Council prior to occupation of the first occupation of the development.

- b) An on-site dedicated car club bay to be located in an open and highly visible location with a fast charge electric vehicle charging point.
- c) That the Car Club Space shall not be used for any other purpose for a minimum of three years from the first occupation of the development.
- d) Provide one Car Club vehicle for use by the car club scheme.
- e) Every residential unit shall have the offer of free membership of the Car Club for one year. This offer will extend to the first occupier of any dwelling only. The offer of free membership must be accepted by the Occupier within 3 months of such offer being made and will last one year irrespective of any change in the details of the occupier. The offer will also include 25 miles of free use of the Car Club Car.

### Landscape Ecological Management Plan

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

### Pedestrian and cycle routes within the Applicant Site

- Route through the Application Site to be open and publicly assessable
- The Applicant/Developer to submit details of management of route to the Local Planning Authority prior to use

### Woodcote Millennium Green

- A contribution of £25,500 to be made towards the ongoing repairs and maintenance of the Woodcote Millennium Green

### Employment skills Plan

Access to employment opportunities post pre and post construction

### Nursery

- No less than 80% of child spaces in the nursery to be allocated to NHS staff

### Other contractual matters

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

- 10.8 Good progress is being made on negotiating and completing these two agreements prior to the inquiry.

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## 11 SIGNATURES

Head of Planning  
for Epsom & Ewell Borough Council

Tim Spencer  
for Nexus Planning on behalf of the Appellant

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# APPENDIX A: RELEVANT DEVELOPMENT PLAN POLICIES

## Core Strategy 2007

### Policy CS5 The Built Environment

The Council will protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character.

The settings of these assets will be protected and enhanced.

High quality and inclusive design will be required for all developments. Development should:

- create attractive, functional and safe public and private environments;
- reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
- make efficient use of land and have regard to the need to develop land in a comprehensive way.

### Policy CS9 Providing for Housing

The Council has a target that overall, 35% of new dwellings should be affordable. This equates to the provision of 950 new affordable homes over the period 2007 to 2022.

New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities.

Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing as set out below:

Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.

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.

The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

Advice on the detailed operation of this policy, the definition and nature of the local housing needs to be met, the tariff system to be used, and the mechanisms for delivery of the affordable housing, will be set out in the Developer Contributions SPD.

## Development Management Policies 2015

### Policy DM5 Trees and Landscaping

The Borough's trees, hedgerows and other landscape features will be protected and enhanced by:

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows;
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
- 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 trees and other planting.

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.

Every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed. Where removal is required, sound justification will be sought, supported by appropriate evidence such as health, public amenity, street scene or restoration of an historic garden. In the case of arboriculture evidence, this will be provided by a suitably qualified individual.

### Policy DM9 Townscape Character and Local Distinctiveness

We will use the Conservation Area Appraisals and Environmental Character Study to guide the assessment of development proposals.

We will seek enhancement of the townscape through new development, particularly those areas with poorer environmental quality and where the character has been eroded or needs improving.

Planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this we will consider all of the following:

- compatibility with local character and the relationship to the existing townscape and wider landscape;
- the surrounding historic and natural environment;
- the setting of the Appeal Site and its connection to its surroundings; and
- the inclusion of locally distinctive features and use of appropriate materials.

### Policy DM 10 Design Requirements for New Developments

*[Struck through text denotes policy limbs of DM10 with which it is agreed that the Proposed Developments have complied or is not relevant]*

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:

- (i) prevailing development typology, including housing types and sizes;
- (ii) prevailing density of the surrounding area;
- (iii) scale, layout, height, form (including roof forms), massing;
- (iv) plot width and format which includes spaces between buildings;
- (v) building line; and
- (vi) typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

Development proposals should also:

- ~~(vii) be adaptable and sustainability designed, subject to aesthetic considerations;~~
- ~~(viii) incorporate the principles of safe design to reduce the risk and fear of crime, e.g. natural surveillance, appropriate levels of lighting;~~
- (ix) have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance;
- ~~(x) ensure that the development incorporates an appropriate layout and access arrangements for servicing the completed development from adjoining highway and pedestrian networks;~~
- ~~(xi) where appropriate their design and layout must not prejudice the development potential for similar proposals on neighbouring plots;~~
- ~~(xii) have regard to the public realm and to ways in which it can be enhanced as an integral part of the design of the development; and~~



~~(xiii) avoid locating structures, including, e.g. telecommunications equipment and building plant where they will be visually intrusive and likely to result in an adverse effect on the character and visual amenities of the local and wider area.~~

Further detailed guidance relating to residential developments, including householder developments, is included in our Design Quality Supplementary Planning Document.

### Policy DM11 Housing Density

We will, in principle, support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area.

Proposals for new housing must demonstrate how the density of development would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity.

The density of new housing developments will in most cases not exceed 40 dwellings per hectare. We will consider exceptions to this approach where:

- The development site has been identified in the Site Allocations Policies Document as being appropriate for a higher density; or
- It can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and
- The surrounding townscape has sufficient capacity to accommodate developments of higher density.

## APPENDIX B: AGREED CONDITIONS

This appendix sets out the reasons for the amendments to the original scheme A conditions as a result of the Amended Plans for scheme A and the new scheme B.

In the table below the first and second columns have the condition numbers for the respective appeals: the original set of agreed conditions for Appeal A and the new set of agreed conditions for Appeal B. The changes that are agreed to be needed to the wording of the original set of agreed conditions for Appeal A for the Appeal B scheme, and the reasons why, are set out in the third column. The fourth column deals with the agreed need to change the wording of conditions in Appeal A due either to the amended plans that have now been accepted or any new conditions imposed on Appeal B that are considered appropriate to now impose on Appeal A.

Original cond. no Appeal A	Cond. no Appeal B	Changes needed to the wording of the original Appeal A conditions for Appeal B and the reasons why	Whether there is a need to change the wording of conditions in Appeal A due to amended plans
2	2	Drawing Numbers updated.	Yes, with respect to the amended drawings that have been accepted by the Inspector.
3	3	Reference to Demolition Method Statement has been deleted as demolition is already taking place.	Yes, as it's an update in relation to real events.
12	4	Further archaeological work has taken place and a scheme has been agreed that the development should follow. A newly worded condition has been agreed. It is no longer a pre-commencement condition and therefore moves to the compliance section and becomes condition 4 in Appeal B.	No, as the further details have not been submitted as part of Appeal A. It is now condition 14 in Appeal A.

Original cond. no Appeal A	Cond. no Appeal B	Changes needed to the wording of the original Appeal A conditions for Appeal B and the reasons why	Whether there is a need to change the wording of conditions in Appeal A due to amended plans
5	6	There is an updated Air Quality Assessment and the condition has been updated to refer to it.	No, as the further details have not been submitted as part of Appeal A. It remains as condition 5 in Appeal A.
	7	A new condition has been added safeguarding water efficiency.	Yes, as the reasoning behind its addition in Appeal B also applies to Appeal A. It becomes condition 6 in Appeal A.
	8	A new condition has been added safeguarding boiler emissions.	Yes, as the reasoning behind its addition in Appeal B also applies to Appeal A. It becomes condition 7 in Appeal A.
7	10	The condition has been changed from one setting out the frequency and timing of the testing of plant, to requiring them to be agreed with the LPA.	Yes, as it represents a more flexible approach. It is now condition 9 in Appeal A.
14	16	A new condition has been added in Appeal B, which with some amendments, supersedes former condition 14.	Yes, as the reasoning behind the changes in Appeal B also applies to Appeal A. It is now condition 16 in Appeal A.
17		It is agreed that this condition is no longer required.	Yes, as the reasoning behind its deletion in Appeal B also applies to Appeal A.

Original cond. no Appeal A	Cond. no Appeal B	Changes needed to the wording of the original Appeal A conditions for Appeal B and the reasons why	Whether there is a need to change the wording of conditions in Appeal A due to amended plans
	19	A new condition has been added safeguarding overheating.	Yes, as the reasoning behind its addition in Appeal B also applies to Appeal A. It becomes condition 19 in Appeal A.
18	20	Details of the drop off entrance is no longer required therefore old requirement (e) has been deleted. The need for details of landscape furniture has been added at (e).	Yes, as the reasoning behind its deletion in Appeal B also applies to Appeal A. It is now condition 20 in Appeal A.
	21	A new condition has been added safeguarding security management.	Yes, as the reasoning behind its addition in Appeal B also applies to Appeal A. It becomes condition 21 in Appeal A.
	23	A new condition has been added safeguarding boundary treatment.	Yes, as the reasoning behind its addition in Appeal B also applies to Appeal A. It becomes condition 23 in Appeal A.
22	26	There is an updated Ecological Impact Assessment and the condition has been updated to refer to it.	No, as the further details have not been submitted as part of Appeal A.
25	29	The drawing related to the modifications to the existing vehicular access to Epsom General Hospital from Woodcote Green Road has been changed and the condition has been updated to refer to it. A new requirement for Two Vehicle Activated Signs to be provided on Woodcote Green Road is added as new requirement (e).	No, with respect to drawing details as the further details have not been submitted as part of Appeal A. Yes, with respect to the Vehicle Activated Signs, as the reasoning behind its addition in Appeal B also applies to Appeal A. It is now condition 29 in Appeal A.

Original cond. no Appeal A	Cond. no Appeal B	Changes needed to the wording of the original Appeal A conditions for Appeal B and the reasons why	Whether there is a need to change the wording of conditions in Appeal A due to amended plans
30	34	Extra wording is added relating to an Energy and Sustainability Document.	No, as the further details have not been submitted as part of Appeal A. It is now condition 34 in Appeal A.
31	35	A children's play area serving the nursery is no longer provided and therefore requirements (b), (c) & (d) are no longer necessary. Condition has been reworded to just contain requirement (a) hours of operation.	Yes, as the reasoning behind its deletion in Appeal B also applies to Appeal A. It is now condition 35 in Appeal A.
32	36	There is an updated Travel Plan and the condition has been updated to refer to it.	No, as the further details have not been submitted as part of Appeal A. It is now condition 36 in Appeal A.