

Epsom Civic Society and Woodcote (Epsom) Residents' Society: updated further response to Appellant's Statement of Case for Appeal A.

Appeal by Senior Living Urban (Epsom) Limited - Ref: APP/P3610/W/21/3272074

Site Address: Epsom Ewell & St. Hellier NHS Trust, Epsom General Hospital Dorking Road, EPSOM, KT18 7EG

This is the updated further response (13 July 2021) from Epsom Civic Society and Woodcote (Epsom) Residents' Society in respect of the above appeal, following amended plans proposed by the appellant for Appeal A.

Preliminary

1. Epsom Civic Society and Woodcote (Epsom) Residents' Society wish to submit an updated further representation to this appeal (Appeal A) in the light of the amended plans proposed by the appellant.
2. It would appear that the appellant is seeking a hybrid version of the two planning applications by including some of the revisions included in the second application such as setting back the buildings on the Woodcote Green Road frontage but retaining the height of buildings included in the first application. Our shared view remains unchanged that the proposal, being much higher than the hospital's Wells Wing, presents an unacceptable physical intrusion in terms of height and mass.
3. We have consistently stated that local residents cannot support a scheme which does not safeguard our local character and identity and which does not protect existing residential amenity. To achieve this, we have clearly stated in written representations and in a Zoom meeting and separate webinar organised by the applicant that the maximum height of the development should be no more than 6 storeys in order not to exceed the height of the Wells hospital building. The frontage onto Woodcote Green Road should be set back to allow a much more substantial landscaping buffer to the Millennium Green opposite, should not exceed 3 storeys next to 40 Woodcote Green Road and should be set further away from the south-western boundary to comply with townscape and residential amenity requirements. Epsom Civic Society and Woodcote (Epsom) Residents' Society are extremely disappointed that our views and those of over 600 residents who objected to the scheme have been largely ignored and are wholly inadequately addressed in the submitted design revisions.

Response to Appeal

4. We support the Planning Committee's reasons for refusal:

Reason for refusal 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).

5. The height of the proposed buildings rises to 9 storeys and this would become the predominant height across the application site. 9 storeys is equivalent to a height above ground level of nearly 33 metres, but when allowance is made for the lift shafts on the roofs this would rise to over 35 metres in height. This should be compared to the height of existing buildings across the entire Epsom Hospital estate which are mainly 5 storeys or less (ie up to 20 metres in height). The roof top plant of the Wells Wing is the exception and rises to 28.7 metres height and whilst occupying a relatively small footprint this dominates the existing skyline out of all proportion to the rest of the hospital buildings. The surroundings to the hospital site are predominantly two storey brick and tile traditional suburban housing. The 9-storey buildings proposed, so massive in scale with around 200m length of facade, would stand out as a prominent and incongruous eyesore visible for miles around – including anywhere in fact from where the present chimney can be seen, including from Epsom Downs near the Racecourse. They would be the tallest buildings in the Borough being almost 12m higher than the parapet height of the Wells Wing.
6. It is considered that the height and massing of the proposed buildings is contrary to national and local planning policy guidance. Insofar as national planning policy guidance is concerned Paragraph 127 of the National Planning Policy Framework, Feb 2019 requires that ‘planning policies and decisions should ensure that developments:
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting’
7. The National Design Guidance is intended to be used when assessing planning applications. This sets out 10 characteristics that form good design and one of these is ‘Local Identity’ and that well-designed new development should be influenced by:
 - an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;and that the following should be considered in response to local character and identity:
 - the height, scale, massing and relationships between buildings;
 - views, vistas and landmarks;
 - the scale and proportions of buildings.
8. The more recent National Model Design Code provides typical parameters for 'urban neighbourhood' areas of 12m eaves heights and 'suburbs' of 9m eaves heights. Not 32m eaves as proposed by the appellant.
9. Local planning policy is set out in Epsom and Ewell Borough Council’s Core Strategy, 2007 and Development Management Policies Document, 2015. Policy CS5 requires all developments to ‘reinforce local distinctiveness and complement the attractive characteristics of the Borough’. Policy DM9 requires development proposals to be compatible with local character and to relate well to existing townscape and wider

landscape whilst Policy DM10 requires the distinctiveness of an area to be respected, maintained or enhanced through such essential elements as scale, layout, height, form and massing.

10. Local planning policy had more recently been supplemented with the Report “Making Efficient Use of Land – Optimising Housing Delivery” agreed by the Council’s Licensing and Planning Policy Committee in May 2018. This was intended to introduce a more flexible approach to policies DM11 (Housing Density) and DM13 (Building Heights) in order to attribute greater weight towards the need to deliver new additional homes. It is clear from the minutes of that Committee meeting that this was not intended to allow higher density or taller schemes regardless of their setting or context: ‘Concern was expressed that implementation of the proposals could result in over development, however it was noted that policies already in place would act as further checks and balances to mitigate the possibility.’ The appellant’s Statement of Case places heavy reliance on giving less weight to policies DM11 and DM13 but it is unclear whether a statutory development plan can have its adopted policies DM11 and DM13 changed in this manner with no formal public consultation or statutory process.
11. Notwithstanding the legality and /or interpretation of the May 2018 resolution, the important caveat to any increased flexibility in the use of policies DM11 and DM13 was ‘whilst responding to the Borough’s visual character and appearance’ and ‘subject to conformity with other relevant policies.’ The report further states that potential locations for higher buildings and densities “include town centres, sites in proximity to railway stations and sites located along transport corridors”. It is clear that the application site is not located within one of the above potential locations for higher buildings and it is equally clear that development of the height proposed conflicts with the prevailing townscape and pattern of development within and around the site. It would introduce a dominating and overbearing built form which would be harmful to the visual amenities of the surrounding area.
12. We also challenge the assertion in the appellant’s Statement of Case paragraph 5.24 that the scheme is located in an area which would fall within the exceptions to the density criteria cited in Policy DM11. The reference under the second bullet point of the policy to sites that enjoy good access to services, facilities and amenities is clearly intended, as made clear by the explanatory text in paragraph 3.28 of the Development Management Policies document, to refer to the likes of Epsom town centre, Ewell village and other larger local centres. Not as the text makes clear to the Borough’s predominantly residential areas which are suburban in character and tend to have lower housing densities. This is also the case with the third bullet point of Policy DM11 when referring to surrounding townscape having capacity to accommodate higher density developments. This is clearly aimed at the aforementioned centres not suburban residential areas and informed by the Borough-wide Environmental Character Study according to paragraph 3.28. This study emphasises the adjacent residential areas’ high townscape sensitivity which affords only limited accommodation of change. Certainly not endorsing capacity for intensive high-rise development as proposed by the appellant.

13. Although Epsom and Ewell Borough Council is subject to the so-called tilted balance in paragraph 11(d) of the NPPF, the policies that have been relied upon by the Council in its decision are in an adopted development plan, are subject to the statutory S.38(6) requirement and are in line with the policies in the NPPF, especially those relating to good design. They are therefore not out of date as claimed by the appellant and they do not, of themselves, interfere with the presumption in favour of sustainable development for the provision of housing. Rather they ensure that any housing or other development that is delivered is well designed and respects the character of its surroundings.
14. The proposal is considered contrary to paragraph 127c) of the NPPF which requires developments to be sympathetic to the surrounding built environment, as well as policies DM9 and DM10 of the Council's Development Management Policies Document 2015 and policy CS5 of the Council's Core Strategy 2007, which together seek high quality and inclusive design which reinforces local distinctiveness. Planning permission should only be granted for proposals which make a positive contribution to the Borough's appearance in regard to compatibility with local character and the relationship to the existing townscape and prevailing development typology of the surrounding area. The proposed buildings with their architectural detailing, scale and massing and siting within the plot is in stark contrast to the established character and distinctiveness of the local area.
15. The appellant has sought to include some elements of the second application (now the subject of Appeal B) such as the Woodcote Green Road setback but retains the height of buildings from the first application in Appeal A. This is despite an acknowledgement in the appellant's Design and Access Statement relating to the second application that design changes were proposed in an attempt to make the application more policy compliant for example by:
 - Overall building heights revised to ensure the proposed building heights are below the height of the hospital building (*and which was not the case at all*).
 - Height of proposed building facing Woodcote Green Road revised and set back to improve against impact on local character, townscape and amenity.
16. The appellant's own design audit for the revised planning application accepted that: 'The Refused Scheme represented a significant increase to heights within the hospital site, with the rear wing of the development being of a similar height to the very highest recessed parts of the hospital building' (*In fact the proposal was substantially higher than the existing hospital buildings as demonstrated by the section on page 15 of that document and as also shown in the 'Height Study Diagram -Site Elevation A-A on page 84 of the Design & Access Statement relating to the second planning application 21/00252/FUL*).
17. We contend that by retaining the height of the buildings from the original application 19/01722/FUL the appellant in its own documentation relating to the second application has readily accepted that the height is not policy compliant and would have an adverse impact on local character, townscape and amenity.
18. The appellant's Statement of Case refers to the height of the scheme being reduced following public consultation and informed by pre-application discussions. There was a significant public backlash to the original proposals which resulted in amendments to the

scheme. It is also clear that there is no public support for the appeal scheme as now presented. For the vast majority of residents the first they knew about the proposal was when the planning application was actually submitted and most of the 652 objections highlighted the excessive height and massing and adverse visual impact on the character of the area. The appeal scheme must be considered on its merits and not by reference to the degree of change from previous iterations.

19. Whilst the scheme must be considered on its merits, we do question why this proposal in suburban Epsom is by far the highest density and tallest of any of the Guild Living schemes being sought by the appellant. The other schemes in Walton on Thames, Uxbridge and Bath are all in City/Town centre locations. The Epsom scheme equates at 237 dwellings per hectare compared to 219 d/ha in Walton, 195 d/ha in Uxbridge and 158 d/ha in Bath according to information submitted by the appellants to the Walton Public Inquiry. Given that the prevailing density of the adjacent residential area is nearer to 20 d/ha we question how a scheme that is well over 11 times the prevailing density can, notwithstanding the need to make efficient use of land, be considered in any reasonable sense to comply with paragraph 122 d) of the NPPF namely the desirability of maintaining an area's prevailing character and setting.
20. We are deeply concerned that the use of selective CGIs by the appellant and the inclusion of mature landscaping give a misleading impression of the visual appearance and impact of such a massive scheme upon the surrounding area. None of the visuals shows the impact from the residential area to the west showing the entire elevation of the western block. Residents of Digdens Rise and Hylands Road have advised our Societies that nobody representing either the appellants or officers from the Council have visited their properties to gauge the impact of the development. It is respectfully suggested that the Inspector should arrange to view the development from the rear of Digdens Rise properties and householders there will be pleased to facilitate such a site visit.
21. It is not just the scale and massing that is so out of keeping with its suburban surroundings. It is also the design and use of materials that is alien to the suburban brick and tile townscape of the Woodcote area of Epsom.
22. In summary it is considered that the scheme fails to comply with relevant national and local policies concerned with respecting local character, design and appearance.

Reason for refusal 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).

23. The 'stepping down' of the West Block to 5 storeys at its southern end next to Woodcote Green Road and 4 storeys at the southern end of the East Block does little to minimise the

massing and bulk of the scheme as seen from the Millennium Green and public views along Woodcote Green Road. Even allowing for the proposed amendment to set the development further away from the Woodcote Green Road frontage there would still be a substantial massing of building which would be harmful to the streetscape and overall character and appearance of the area. The proposed western block would be 5 storeys compared to the existing 2½ storeys of Woodcote Lodge and the siting amendments offer minimal scope for effective boundary landscaping because of parking and servicing arrangements between the western block and the Woodcote Green Road frontage. The additional landscaping shown in front of the eastern block is inconsequential in mitigating the impact of the length and height of the proposal and the scope for meaningful landscaping is also undermined by highway sight line requirements especially for the main vehicular egress. The scheme would result in a significant urbanisation of the street scene in this sensitive location opposite the Millennium Green which is currently an oasis of calm much valued by the local community, including hospital workers.

24. In a scheme of this magnitude, it could reasonably be expected that significant continuous screen landscaping of around 5m width would be provided along this sensitive south-western residential boundary to offset and reduce harm to residential amenity. The design amendments submitted by the appellant are still considered totally unacceptable in terms of separating the impact of the development from surrounding dwellings but also in providing an appropriate level of amenity for the prospective residents of the scheme. It is clear from the statement submitted on behalf of the residents of 40 Woodcote Green Road that they are deeply concerned about the inadequate landscaping and the proximity of such a massive development to their property.
25. In summary this aspect of the application is considered to be contrary to paragraph 127 of the National Planning Policy Framework (NPPF), the National Design Guide (Oct 2019) and to policies CS5 (Conserving and Enhancing the Quality of the Built Environment), DM5 (Trees and Landscape), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments).

Reason for refusal 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).

26. The residential occupiers at 40 Woodcote Green Road would have a 5 storey block within about 12m of their flank elevation. It is clear from the submission on behalf of the residents of the nearest residential property at 40 Woodcote Green Road that there are doubts about the accuracy of the dimensions given for the siting of this property in relation to the proposed development and we do urge that this is checked on site. Whatever the precise distance is we contend that the proximity and the design/scale/massing of the western block in particular would result in overlooking of the rear lounge and garden from the proposed flank bedroom windows and balconies and just as importantly would be visually dominant and obtrusive.

27. The appellant's Statement of Case refers to only a single unit per floor (ie 4 units in total) would overlook the rear of 40 Woodcote Green Road and its rear garden. This would not be a marginal impact; it would result in a severe loss of amenity to the current occupiers. This concern and the potential for loss of privacy from units elsewhere is admirably conveyed in the statement submitted on behalf of the residents of 40 Woodcote Green Road.
28. The appellant's Statement of Case also suggests that by increasing the separation distance between 40 Woodcote Green Road and the proposed West Block by some 5 metres over the existing situation justifies an increase in height from 3 storeys to 5 storeys. This is not credible. Not only would the proposed building be much higher and considerably larger it would have flank windows which the existing building does not have. The building would be visually obtrusive and give rise to overlooking and the perception of being overlooked.
29. The occupiers at 40 and 46 Woodcote Green Road will also suffer serious noise and disturbance and loss of amenity from the positioning of the main access road adjacent to the flank boundary of the property. This road would accommodate all cars and servicing vehicles visiting the development and between this access road and the neighbouring occupiers would be 11 parking spaces very close to the boundary fence. These spaces are mainly intended as short- term parking for visitors and it is considered that such an arrangement is likely to result in significant harm to the enjoyment of the rear garden and therefore on the living conditions of the occupiers.
30. The residential occupiers at 46 Woodcote Green Road would in particular suffer from loss of outlook and visual intrusion from looking directly across from the rear living rooms to the 9 storey element which would only be about 45m away. This would result in overlooking, a loss of privacy and an increased perception of overlooking.
31. Other residents in Digdens Rise and Hylands Close directly back onto the western block. Whilst their rear living room windows would be some 25m -35m from the 4-storey key worker elevation and some 40m-50m from the 9-storey element, there is considered to be a serious risk of overlooking from the proposed unit windows and balconies together with the loss of residential amenity from loss of outlook and visual intrusion from the overbearing and oppressive impact arising from the scale and massing of the western block. The level of overlooking is likely to be exacerbated by the single aspect nature of many of the proposed units, the sheer number and extent of windows adorning the elevations and the use of full height glazing. Existing residents' expectation of privacy would be seriously compromised by the appeal scheme.
32. In addition to the above the Construction Environmental Management Plan proposes the erection of a 4-storey high site accommodation block that would provide a canteen, toilets, showers, messroom and offices for an extended period whilst building works are undertaken. This is proposed to be erected immediately adjacent to the rear boundary fence of 14-20 Digdens Rise. The Arboricultural Assessment also proposes the felling of 3 boundary trees in this location. It is considered wholly unsuitable for this site construction block to be erected in a position which would be visually obtrusive and result in a serious

loss of residential amenity to the nearby occupiers. This is another example of the total disregard by the appellant for neighbouring residents' amenity, similar to undertaking partial demolition of existing buildings on the site and then leaving a semi-derelict site until the outcome of this appeal is known.

Reason for refusal 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).

33. We have considerable concerns that this scheme is not contributing the required amount of affordable housing. There is an acute shortage of unconstrained land available to meet identified priority needs in Epsom and Ewell Borough. This includes a minimum of 40% affordable housing. In not providing the required level of affordable housing we contend that the appeal scheme fails to make efficient use of land as required by Policy CS5. By resulting in an over-concentration of a type of housing which does not meet priority housing needs it is also considered that the benefit of the additional housing is overstated. Re-provision of key worker housing should similarly only be given very limited weight as this results in no net gain over the previous position.
34. We also consider that the benefit of regenerating an under-utilised site as claimed in the appellant's Statement of Case is exaggerated as this would apply equally to any development coming forward on the site.
35. The employment and economic benefits are also questionable as in many cases these would result in jobs being displaced from elsewhere. Being more orientated towards a self-contained community for elderly and vulnerable residents it is also likely to generate much lower expenditure in Epsom town centre and other local centres compared to a conventional housing development.

Officer Report and Appellant's Statement of Case

36. Our Societies have previously raised concerns about the objectivity and failure to rigorously assess the merits of the scheme within the Council's Planning Officer report to Committee, see Appendix (p11) for document (edited for this submission) which was sent to Planning Committee members and officers prior to the Committee meeting. The appellant's Statement of Case in numerous places refers to the Officer report as supporting the assertion they wish to make and in many cases this is misleading. For example, in paragraph 6.26 of the Statement of Case the appellants assert that 'Paragraph 13.8 of the Committee Report confirms that the Appeal Scheme "integrate[s] high-quality landscaping, green roofs and planted window boxes, to help the buildings integrate into their surroundings. As a result of mitigation through design, impact on many of the surrounding townscape and visual receptors would be none or negligible". This reference in the Committee report is merely repeating what the appellant's own Heritage Townscape and Visual Impact Assessment report says on the matter. It is highly misleading to present this as if this is what the Planning Officer considers the situation to be.

37. The appellants in paragraph 5.8 assert that the proposal complies with Policy DM21 (Meeting Local Housing Needs) in: a) not resulting in an over-provision of the particular type of accommodation and b) being flexible to readily convert to other uses in the event the need for the particular use declines. The Officer report concluded that officers did not have the expertise to analyse the need – so just accepted the appellant’s findings and did not object to the fact that according to Surrey County Council’s Adult Social Care response the proposal equated to approximately 98 units above the requirement in accordance with the SHMA update. It is our contention that the proposal would result in an over-provision of specialist elderly extra care accommodation, especially in the context of limited land availability and an outstanding priority need for 2-4 bed C3 housing, 40% of which should be affordable. The proposal accordingly must surely fail to comply with the second bullet point criteria of Policy DM21.
38. In relation to the third criteria of Policy DM21 relating to the need for specialist accommodation to be designed to be readily convertible to other uses, the appellant’s Statement of Case in paragraph 5.8 claims that ‘the bulk of the accommodation is self-contained residential accommodation that could readily be used for alternative, non-age restricted use, in the unlikely event that a development of this nature is no longer needed in the future.’ The Officer report acknowledges that the 38 Guild Care Residences and Suites would not meet minimum space standards and these units would not therefore be readily convertible to other C3 residential use. Of the self-contained units referred to in the appellant’s Statement of Case a number do not have access to any private amenity space and of those that do many have very limited private external space. If these units were to convert to C3 use in the future they would fail to meet the minimum housing standards of DM12 regarding private, usable and functional amenity space. The limited private car parking that is only available through the automatic parking system via a concierge service would also be a significant deterrent in allowing alternative residential uses. Accordingly, we contend that the proposal also fails to meet the third criteria of Policy DM21.

Changing government agenda: good design and building back better

39. Our Societies support central government in its recognition of the importance of good placemaking, local distinctiveness and quality of design, evidenced most recently by its consultation on the National Model Design Code which sets out helpful parameters regarding density and building heights which are considerably less than presented in this scheme.
40. We have been encouraged by the Secretary of State’s written Ministerial Statement to Parliament (16/12/20) that sound planning decisions are not about housing numbers alone.
41. We have also been encouraged by the Planning Inspectorate’s decision in May 2021 to dismiss the appeal relating to 140 & 142 Ruxley Lane, West Ewell KT19 9JS (Ref: APP/P3610/W/20/3263842) notwithstanding the application of NPPF paragraph 11 d) (ii), the presumption in favour of sustainable development and the engagement of the ‘tilted

balance'. The Inspector nonetheless decided that development proposed (the erection of 20 flats within two blocks) would be out of proportion with adjacent dwellings and with the character and appearance of the street scene. Essentially the scale of the development was at issue (paragraph 8), albeit of a different (and considerably smaller) scale to the Guild Living appellant's scheme. By reason of its scale, in the Inspector's view, the proposed development would give rise to an overbearing relationship with both adjacent buildings. The Inspector considered that the site would appear over developed and would be in conflict with the suburban pattern of development. The Inspector concluded that overall, the harm that would be caused to the character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. We have set out above our similar concerns in the commentary on the Planning Committee's reasons for refusal in the instant case.

42. We have noted with interest that the new London Plan for our near neighbours has a much-reduced height default threshold definition for tall buildings, now at 6 storeys or 18 metres reportedly responding to calls for an approach more sensitive to local context. This provides strong persuasive arguments to resist unacceptably tall buildings here, in a low-rise borough just beyond the limits of outer London, where no tradition of 'building tall' exists.
43. Excessive focus on housing numbers at the expense of other material considerations, and an apparent disregard of the height policies in the current Local Plan in favour of an informal policy change of dubious validity by the Licensing and Planning Policy Committee in May 2018 has been unduly relied upon and has led, we suggest, to inappropriate encouragement to developers to build higher and higher.
44. Our respective Societies hear from members and from non-members alike about their desire to resist the proliferation of tall buildings in the Borough and prevent the consequent erosion of local character and distinctiveness. We know that our concerns about unacceptably tall buildings are shared by local residents, their associations and societies, pressure groups and a local Neighbourhood Forum. On their behalf we seek to enable and support our Council's ability to take forward the 6 key principles¹ into the emerging draft Local Plan.

Conclusion

45. This application represents a significant watershed for the Borough in terms of identifying acceptable building heights for new development. It is our joint view that the scheme, including the amendments now put forward, is insensitive to local context and constitutes a brutal intervention that erodes local character and distinctiveness, is contrary to key local policies and to the government's commitment to good design and building back better.

¹ <https://www.epsom-ewell-localplan.co.uk/news-and-updates.html#6principles>

46. We consider that the appeal proposal would result in a level of harm to the character and appearance of the area and to neighbouring residential amenity that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. We ask for the appeal to be dismissed.

13 July 2021

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APPENDIX

Commentary highlighting factual inaccuracies and misleading assertions in Planning Officer Report on 19/01722/FUL – Agenda Item 2 Planning Committee 18 November 2020

Using the same headings and paragraphs of the officer report

2 Summary

2.4 'The variety of extra-care accommodation reduces pressure on local hospitals, GPs and emergency centres. Not only does extra-care accommodation provide a positive health influence on all senior residents, it also directly impacts on and improves a range of social factors, such as loneliness and isolation.'

WERS Response:

There is a concern amongst local Health partners that the building of more residential and nursing care homes in an area may lead to an "influx" of new patients from those nearby areas with additional and acute health needs that actually create additional strain on the local health system.

2.6 'Surrey County Council (SCC) Adult Social Care recognises that further extra-care accommodation is warranted. The proposal contributes towards the need for specialist retirement housing in the Borough. It seeks 344 care units, equating to approximately 96 units above the minimum need of 248 units within the Borough (in accordance with the SHMA Update).'

WERS Response:

This is inconsistent with paragraphs 11.14-11.15 of the report. If allowance is made for recently commenced schemes and another submitted extra-care scheme on the former police station site in this borough there could be an over-provision of 269 extra care units. If allowance is made for the Legal and General scheme being currently marketed at nearby Kingswood then there is an additional 280 extra care units to take into account within the 5

mile catchment area referred to by the applicant in their market assessment of competing schemes. Moreover Surrey County Council's Commissioning Statement – Accommodation with care, residential & nursing care for older people Epsom & Ewell Borough April 2019 throws doubt on presenting clear demand figures for residential and nursing care in any area when local demand figures need to take into account Surrey County Council's strategic direction to maximise the impact of preventative services, provide additional support to carers and to diversify the range of community support on offer, so that people are able to live in their own homes for longer. 'These measures mean that a link between demographics and residential and nursing care provision should not be assumed.'

2.7 'In line with the above, the estimate of future demand is much more conservative than that presented in the Applicant's Planning Need Assessment. It is acknowledged that people who do not currently live within the Borough may choose to move into Epsom, to live within this scheme, subject to planning permission being granted. This is not detrimental to the consideration of this application.'

WERS Response:

The applicant's planning need assessment report by Carterwood refers to their usual 10 mile catchment for extra care assessment. The applicant's viability assessment report by Savills states that 'occupants of such schemes frequently come from long distances' and that 'the number of buyers in this sector at any one time is limited, and sales rates for these types of developments is typically slow'. This is borne out by the Churchill retirement scheme in Ashted which 3½ years after launch is still only 50% sold. Given the huge outstanding housing need in this borough it cannot be right to claim that providing for the needs of residents elsewhere is not detrimental to the consideration of this scheme. The priority should surely be to provide types of housing actually required by local people in this borough and not accommodating the needs of people from a wide number of surrounding borough and district councils.

2.11 'The proposal has been designed to respond to its immediate surroundings, including local views. This proposal is considered to represent a relatively modest increase in height in comparison to existing buildings at Epsom General Hospital (which are up to eight storeys in height). The proposal seeks taller elements towards the rear of the Site, stepping down towards boundaries with residential dwellings, in response to the surrounding heritage and townscape context, to mitigate adverse impacts on surrounding views and neighbouring amenity. The Local Planning Authority's Design and Conservation Officer has confirmed that the proposal would lead to "less than substantial harm" to the significance of designated heritage assets.'

WERS Response:

This is patently untrue in terms of height levels and impact on local townscape. It is even contradicted within the same report at Paragraph 3.3 which states that 'The tallest building is positioned immediately to the north and is six storeys in height, with roof plant structures.' The prevailing height across the hospital site is 5 storeys or less ie up to 20 metres in height. The proposal incorporating a 9 storey scale of development over an expanse of some 200 metres length of elevations means that the predominant height is 32 metres or with roof plant over 34 metres in height. The difference between the majority of existing hospital buildings and the proposal is 4 storeys or 12 metres.

The so called stepping down approach involves replacing the existing 3 storey Woodcote Lodge adjacent to the 2 storey scale dwellings on Woodcote Green Road with a 5 storey element of the West Block and some 10 metres forward of the existing building line.

To assert that this scale of development represents a modest increase in height is clearly a total nonsense.

The reference to the impact on heritage assets is misleading because the properties most directly affected by the proposal are the 2 storey dwellings surrounding the site to the south-west and west which are non-heritage assets. Significant harm would be caused to these dwellings because of the excessive scale and siting of the development resulting in a serious loss of amenity.

Site description

3.7 'The Site is considered a highly sustainable location, located approximately 1km from Epsom train station (approximately a 15 minute walk).'

WERS Response:

This is completely incorrect the site is some 1.6 km from the station and for an elderly person would be at least a 25 minute walk. This is not a highly sustainable location which is why retail and leisure facilities in Epsom town centre are having to be replicated within the development site.

11 Provision/Need of accommodation for older people

11.6 'Policy DM21 sets out that planning permission will be granted for specialised forms of residential accommodation, subject to the following requirements being met: • That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; • The delivery of the new accommodation does not result in an overprovision of that particular type of accommodation; and • The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses, either residential or non-residential, in the event that the need for the permitted use declines.'

WERS Response:

The criteria under Policy DM21 are not met. The proposal would result in an over-provision of this kind of accommodation give the provision elsewhere and existing vacancy rates. The design is not flexible to allow conversion to other uses, namely conventional C3 residential. The 38 Guild Care Residences and Suites do not meet minimum space standards, most units do not meet private amenity space standards and the parking provision is less than half the minimum residential standard with the majority of spaces only accessible via a concierge because of the proposed Automatic Parking System. The scheme as proposed is accordingly anything but flexible for other uses.

11.22 'Officers do not have the expertise to analyse markets in health and social care or the data insight into care homes, older people's housing and specialist care. Carterwood, regulated by the RICS, specialises in this field and has put forward its need assessment, to support this application. Officers cannot analyse the findings, so this report is accepted.'

WERS Response:

This is a wholly unacceptable stance and demonstrates a complete lack of scrutiny. The applicant's consultant unsurprisingly puts the brightest gloss on the case but this is at odds with the advice from Surrey County Council (see response to Para 2.6 above).

Design and Heritage

12.29 'The largest block on the Site is the West building, which is an imposing building. The southern elevation is lower at 4 and 5 storeys, which is more sensitive to the parkland to the south, but there is quite a strong dislocation of the elevation scale between this and 40 Woodcote Green Road.'

WERS Response:

This admission that 5 storeys doesn't relate to the 2 storey scale of the adjacent dwelling (and 10 metres forward of the building line) begs the question how the officer conclusion can possibly be that 'the scheme is considered appropriate and acceptable, complying with policies CS5, DM8 and DM9.

12.34 'The Local Planning Authority has a high level of assessed housing need, but lacks a sufficient supply of available, developable and deliverable housing sites to fully meet this need. As such, there is a requirement to optimise all sites and this Site is considered appropriate for development.'

WERS Response:

This highlights how important it is to provide housing that actually meets priority housing needs. Since the SHMA (2016) was published, the NPPF was revised in 2019 to include the National Standardised Methodology for the calculation of the Local Housing Need figures. For Epsom this figure is currently at 579 homes per annum. On the basis of the qualitative information within the SHMA (2016) applying 9.56% to the housing need figure would give the Council an estimated need figure of 55 units for older people accommodation per annum. From these figures it is clear that at 90.44% (524 units) of all needed residential accommodation there is an overwhelming and significantly higher annual need for C3 accommodation (other than elderly accommodation) in comparison with a modest need for older people accommodation.

It is also a wasteful use of scarce housing land to provide extensive ancillary uses such as restaurants, cafes, retail, leisure and nursery.

14 Affordable housing

14.16 'In summary, the proposal has been subject to viability testing and Officers have taken the professional advice of BPS Surveyors. Whilst the scheme is not policy compliant, it does seek the re-provision of key worker units and provides an on-site affordable housing offer, which is a public benefit and should be considered positively.'

WERS Response:

The affordable housing offer is minimal equating at 12% when the policy requires a minimum of 40%. This should not be considered positively. The viability of the scheme is clearly affected by the provision of so much ancillary accommodation and expensive automatic parking

arrangements. A conventional C3 housing scheme should be able to provide a much higher land policy compliant level of affordable housing.

16 Ancillary uses

16.10 'The accompanying documentation, including the Planning Statement, does not provide specific reference to the proposed retail provision at the Site.

16.12 SCC Highways formally commented on this element of the scheme and recommends a condition, should planning permission be granted, which ensures that the proposed retail unit excludes the sale of food.

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

WERS Response:

We understand that the applicant is negotiating to relocate the existing WHS Smith and M&S into the retail units. Any suggestion of restricting the retail provision by planning condition is unlikely to be successful because of the flexibilities in the new commercial, business and service Use Class E recently introduced by the Government. The provision of these facilities will do nothing to help the recovery of Epsom town centre by discouraging residents from visiting Epsom and equally is likely to encourage passing motorists and surrounding residents to undertake top up shopping.

17 Trees and Landscaping

17.15 'The Local Planning Authority's Tree Officer commented on this application 03.09.2020. The response sets out:

17.16 The fundamental objection is loss of T36, T2, and G46 and the encroachment of the buildings/hard surfacing into the root protection areas of T15, T26, T29 and T30. The impacts will cause tree damage and harm to the amenity of the treescape.

17.17 A further fundamental objection is on the lack of landscape space. On the side of the development facing Woodcote Green Road, the proposal erodes the frontage tree cover and then fails to provide adequate space for a sufficient landscape buffer fronting the Site. The environs of Woodcote Green is attractive (still retains semi-rural character) and there needs to be sufficient width of a landscape buffer to the Site to integrate with the special landscape character of the pond and Woodcote Millennium Green.

17.18 Specimen large canopy (forest size) trees would be highly desirable on this frontage to benefit community and environmental health as well as helping to mitigate climate change. The forest size trees will need adequate room for full canopy expansion, so the buffer needs to be at least 10m in width. Given space for development, the trees will help mitigate the building mass at the more macro scale. Additional soft landscape understory should be provided to help soften the development in the street scene.'

17.30 'In summary, whilst the proposal would result in tree loss, the scheme would seek a greater number of new trees, which would be managed appropriately through a LEMP. The proposed landscaping entwines the proposed buildings, character areas and the Woodcote

Millennium Green, creating a sense of place. In conjunction with the public benefits of this proposal, including a contribution for the ongoing maintenance of the Woodcote Millennium Green, the proposal is considered acceptable, complying with policy DM5.'

WERS Response:

In a scheme of this magnitude it could reasonably be expected that significant screen landscaping of around 3m-5m width would be provided along the sensitive western residential boundary to offset and reduce harm to residential amenity. Minimal planting is proposed which is considered totally unacceptable in terms of separating the impact of the development from surrounding dwellings but also in providing an appropriate level of amenity for the prospective residents of the scheme.

Similarly, the Tree Officer's advice is strongly endorsed that there should be a minimum 10m landscape buffer on the sensitive Woodcote Green Road frontage opposite the Millennium Green. What is proposed is a minimal landscaping strip at back of footpath because of the bringing forward of the new blocks right up to the road frontage and totally disregarding the established building line.

Given the above circumstances, and the disregard of the Tree Officer's advice, it is clearly ridiculous to assert that the landscaping proposals comply with Policy DM5.

18 Neighbouring Amenity

18.5 '40 Woodcote Green Road is to the west of the Site and is a two-storey detached property. The proposed building, forming part of the west building, is five storeys in height. The applicant sets out that this will not face habitable rooms within 40 Woodcote Green Road, so there should be no significant impact on the privacy at this neighbouring dwelling. The proposed building is angled away from the garden of this property, which serves to mitigate any impact on the privacy of the garden.'

WERS Response:

This is one of the most contentious assertions and considered to be seriously misleading and in error. There are habitable rooms on the flank elevation, namely a kitchen/dining area with a glazed door and window on the flank elevation. The side of this dwelling and the immediate rear garden would be directly overlooked by the 5 storey elevation of the West Block incorporating flats with balconies facing across to the flank elevation of the house and rear garden within about 10 metres of the property curtilage. The angling away of the 9 storey element doesn't occur until about 10 metres down the rear garden so the assertion that this would have no significant impact on privacy is nonsense. The proximity, scale and orientation of West Block to the residential occupiers of 40 Woodcote Green Road would result in a very serious level of overlooking, loss of privacy and consequently loss of amenity. Combined with the aforementioned adverse impact from the access road and parking arrangements (response to Paragraph 16.17 above) there would be a significant loss of amenity to the residential occupiers of Woodcote Green Road. Drawing 'Elevation 4-4' and Section D-D clearly show the impact on the residential flank boundary of this huge facade. So serious is this loss of amenity that it is considered that for this reason alone the application should be refused.

18.13 'The results of the technical assessments indicate that the majority of windows and rooms within the neighbouring buildings that were tested would satisfy Building Research

Establishment (BRE) guidelines. It is anticipated that the proposed development will result in effects beyond suggested guideline levels on a small number of isolated areas, including 46 Woodcote Green Road. 18.16 In summary, the Applicant's consultant set out that the proposed development is considered acceptable in terms of daylight, sunlight and overshadowing, despite a small number of isolated transgressions, which are not uncommon with increased development levels on a site of this nature.'

WERS Response:

This is considered to be complacent. It is only because of the height of buildings and lack of separation distances that the BRE guidelines are breached.

19 Highways and parking

19.12 'SCC Highways approved the level of parking proposed for the development and have stated that the existing parking restrictions in place in the surrounding area would avoid any issues with illegal parking in streets around the Site.

19.13 SCC Highways has not proposed to restrict residents of this scheme from applying for resident parking permits as the level of parking proposed at this development is considered sufficient. In any event, the nearest residents parking zone is Woodcote Side, which is approximately 600 metres from the Site and significantly more than the typical distance people would be prepared to walk to park a vehicle.'

WERS Response:

There is serious concern that with such low levels of parking provision on site and the concierge system for utilising the Automatic Parking System visitors will be likely to try and park in surrounding streets. The retail and other ancillary facilities may also attract additional parking which if unable to be accommodated on site will be displaced onto surrounding streets. There is also the loss of hospital staff parking with no guarantee that the Multi-Storey Car Park application will be permitted. The inability of the LPA to condition any permission to the provision of the MSCP (Para 19.32 of the officer report) is a serious shortcoming. This impact of displaced car parking on residential amenity is a matter which the LPA needs to seriously address as it did with the refusal of the 20-22 Dorking Road proposal. The application cannot patently comply with policies CS16, DM36 or DM37.
