

Epsom Civic Society and Woodcote (Epsom) Residents' Society: response to Statement of Case for Appeal B.

Appeal by Senior Living Urban (Epsom) Limited - Ref: APP/P3610/W/21/3276483

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

Preliminary

1. Epsom Civic Society and Woodcote (Epsom) Residents' Society wish to confirm our objections to Appeal B. This appeal is similar in essence to the amended Appeal A with the notable difference being that the main blocks are reduced from 9 storeys to 8 storeys in height and the West block nearest to Woodcote Green Road is reduced from 5 to 4 storeys. 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.
2. 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.
3. Epsom Civic Society and Woodcote (Epsom) Residents' Society were extremely disappointed that our views and those of over 650 residents who objected to the first scheme were largely ignored by the appellant in submitting only marginal changes within the second application scheme. These changes come nowhere near to addressing the reasons for refusal relating to the first scheme.

Response to Appeal

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

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 8 storeys and this would become the predominant height across the application site. 8 storeys would be equivalent to a height

above ground level of around 27-28 metres when allowance is made for the parapet. With roof plant this would rise to about 30 metres. 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 8-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 more than 6m 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 between 27 and 28m 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's Statement of Case refers to the Design Review undertaken by DEFINE, which asserts that the 'changes made to the scale and massing of the Appeal Scheme ... is more in keeping with the existing buildings and current change in street scene' and that 'the effects on character area ranges from a neutral effect to beneficial effects and that the height, mass, scale and design would positively impact on the character and appearance of the area and would be in accordance with relevant planning policies.' This Design Review was commissioned by and undertaken on behalf of Guild Living. It is accordingly hardly an objective assessment and in reaching such an outlandish conclusion that defies common sense should be given very limited if any weight.
16. Whilst the scheme must be considered on its merits, we do question why this proposal in suburban Epsom is the second 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 210 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 10 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. The appellant frequently in the promotional material and documentation refers to the Guild Living concept as a town centre development and this may explain why a town centre scale of building is being sought in this suburban/rural fringe locality.
17. 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.

18. 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. The changes to the materials palette in the second application is considered to still be at odds with the prevailing character with excessive use of metal cladding and insufficient use of brickwork.
19. 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).

20. The 'stepping down' of the West Block to 4 storeys at its southern end next to Woodcote Green Road and 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. This substantial massing of building would be harmful to the streetscape and overall character and appearance of the area. The proposed western block should be compared to the existing 2½ storeys of Woodcote Lodge. The new western block building at its lowest would still be 5m higher than the roof ridge of 40 Woodcote Green Road and this soon rises to be more than 7m higher behind the frontage. The siting still offers 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.
21. 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 which incorporates parallel parking along this sensitive boundary 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. 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.

22. 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).

23. The residential occupiers at 40 Woodcote Green Road would have a 4 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.
24. The appellant's Statement of Case refers to the re-orientation of windows on the western façade through an angled façade and incorporation of high-level windows to avoid overlooking 40 and 46 Woodcote Green Road. This may reduce overlooking but it would not eliminate it. There would also still be a strong perception from those residents that they were being overlooked. This concern and the potential for loss of privacy from higher level units elsewhere is admirably conveyed in the statement submitted on behalf of the residents of 40 Woodcote Green Road.
25. 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 2½ storeys to 4 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.
26. 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.

27. 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 8 storey element which would only be about 45m away. This would result in overlooking, a loss of privacy and an increased perception of overlooking.
28. 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 8-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.
29. 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).

30. 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.

31. 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.
32. 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

33. 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 (p10) 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 considered misleading.

Changing government agenda: good design and building back better

34. 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.
35. 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.
36. 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.

37. 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.
38. 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.
39. 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

40. 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, 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.
41. 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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¹ <https://www.epsom-ewell-localplan.co.uk/news-and-updates.html#6principles>

APPENDIX

Commentary highlighting factual inaccuracies and misleading assertions in Planning Officer Report on 21/00252/FUL – Agenda Item 4 Planning Committee 22 April 2021

Using the same headings and paragraphs of the officer report

Guild Living Committee report 22 April 2021 – Points of Concern

Summary

Para 2.6. It is possible that the future operator will attract interest from people living beyond the Borough's borders.

Para 2.8 this proposal would enable older people to move out of their existing homes into extra care accommodation, which would free up existing housing stock for the next generation.

Para 2.12 Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.'

WERS Response: In the summary only benefits are highlighted as if written by the applicant– and some contestable such as it wouldn't free up housing in the borough, most future residents would be from outside the borough. No adverse impacts are highlighted here at all. And yet the previous application was refused on various compelling grounds.

'Para 4.3 This proposal seeks the demolition of the Site's existing buildings and redevelopment, comprising: • 267 care residences • 10 care apartments • 28 care suites • Replacement 24 key worker units • A Children's nursery • Back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.'

WERS Response: No explicit reference to retail and leisure facilities which are not insignificant in attracting visitors and cars

Addressing previous reasons for refusal

'Proposed buildings (height, massing and scale)

Para 4.7 The overall massing and scale of the proposed buildings has been reduced substantially by reducing the number of units by 39, by reducing the height of all buildings and increasing the setbacks from Woodcote Green Road.'

WERS Response: Fails to state that roof level still over 6m higher than the roof of the existing Wells hospital building.

'Landscaping/public spaces

Para 4.9 The proposal seeks to address the reasons for refusal, associated with planning application ref: 19/01722/FUL. The proposal seeks to setback buildings fronting Woodcote Green Road. '

WERS Response: The set- back still provides minimal landscaping opportunity because of parking and access in front of West Block. Sight Line requirements also significantly reduces scope for

effective landscaping. Minimal additional landscaping down south-western residential boundary. Not even mentioned though part of the reason for previous refusal.

‘Public Consultations

Para 5.2 The application was advertised by means of letters of notification to 174 neighbouring properties, a site notice displayed and advertised in the Local Newspaper. 7 letters of support were received and 457 letters of objection.’

WERS Response: As much prominence is given to the few letters of support (one of which is from former Legal & General senior manager who spoke in favour of the previous scheme at Committee as a local resident) as the many hundreds of objections.

‘9.20 In this case, the proposal seeks numerous public benefits, including: • Regenerating an underutilised site derelict site and optimising the use of land • Provision of specialist care accommodation • Re-provision of key worker units • Affordable housing provision’

WERS Response: The site is only derelict because of the applicant’s actions!

Is it optimising use of the site if it is providing a type of housing that is not a priority housing in the SHMA?

Minimal affordable housing provision.

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

WERS Response: The adverse impacts haven’t even been mentioned here, let alone assessed

‘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: It could not readily convert without serious impact on residential amenity standards and gross under-provision of car parking with a concierge parking system that would not be acceptable to market housing.

‘Design and heritage

Para 12.6 In overall terms, the proposed buildings now sit lower on the Site and the height differential between the adjacent buildings have been reduced. The taller elements of the proposed buildings are now lower than the hospital buildings’

WERS Response: Incorrect! Para 13.7 states ‘The highest point of the proposed buildings including plant would be +88.575.21’ The highest plant on Wells Building is +87.7 and that is out of all proportion to the rest of the hospital site.

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

WERS Response: All that is said about the hundreds of detailed objections!

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

WERS Response: Very misleading and incorrect. The top of highest plant level is 28.3m which should not be seen as the benchmark height level. Parapet height of Wells Building is 20.6m which should be used as the benchmark level for height comparisons. None of the proposed building heights include plant levels. Compare like with like.

'12.3 The height of the taller/rear elements of the East and West blocks have been reduced by 6 metres in height, achieving the equivalent to a two storey reduction in building height. This reduces the height of the building to lower than that of the adjacent main hospital building (The Wells Building).'

WERS Response: Incorrect. 6.3m higher. Design and Conservation Officer in para 12.18 states: 'However, the majority of the building is still 8 storeys, substantially larger than any in the area including any of the larger blocks in Epsom General Hospital'

'Materials and articulation paras 12.8 -12.12'

WERS Response: Just repeating DAS. No objective assessment

'Scheme Audit Page 94'

WERS Response: Presented unchallenged as facts despite serious inaccuracies and misleading assertions ie on heights

'Para 12.18 Local Planning Authority Design and Conservation Officer comments'

WERS Response: Only assessed on basis of Heritage Assets, not the nearest most affected residential properties

'Para 12.21 Applicant's response to Design and Conservation Officer's comments',

WERS Response: Why provide so much rebuttal by applicant including highly contentious assertions such as 'minor adverse to negligible effect on the Millennium Green area and minor adverse effect on residential area to the west of the site lining Woodcote Green Road' – and present this as fact against what the Design and Conservation Officer states?

'Townscape and Visual Impact

Para 13.5 Concerns have been raised by nearby residents regarding the visual impact of the development on its immediate surroundings. This has been taken into consideration by Officers in the assessment of this application. '

WERS Response: This is all it says and it is arguably the key issue!

'Para 13.7 As a result of the mitigation through design that has been embedded in the evolution of the proposals, impact on many of the surrounding townscape and visual receptors would be none or negligible, with several of the views and townscape experiencing no readily discernible change'

WERS Response: Anybody visiting the site and its surroundings would consider this assertion as ridiculous!

'Officer assessment

13.12 The proposed development would have either no impact or a negligible impact on the significance of the majority of the surrounding heritage assets. The exception to this is the Chalk Lane Conservation Area and some of the nearby listed buildings, which are likely to experience an adverse impact at the low end of the less than substantial harm spectrum. In considering paragraphs 193, 194 and 196 of the NPPF, the public benefits of this scheme are considered wide ranging and outweigh the identified impact. 13.13 The proposal is considered to comply with policies DM9 and DM10.'

WERS Response: Not just about impact on heritage assets. What about surrounding housing? Especially given reasons for refusal last time! Are we really saying that non-heritage residential area are of no consequence when assessing visual impact?

'Affordable Housing

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

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

WERS Response: This is all it says on the matter.

'Private amenity space

Para 15.16 The Applicant has put forward a case as to why not all of the units comprise private amenity space, which is to encourage social interaction within the care community. This is considered acceptable and appropriate.'

WERS Response: But it doesn't allow for flexibility in alternative residential use under Policy DM21.

'Residential Amenity

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

18.6 The accompanying planning statement sets out that an enhanced new landscape buffer is being provided along the western boundary of the Site, adjacent to the neighbouring residential properties. The landscape buffer provides significant additional planting to that which exists on the Site and forms a new continuous landscaped edge including soft planting, and 9 additional trees.'

WERS Response: The minimal additional planting could hardly be described as a landscape buffer and does not come anywhere near enough to overcoming the previous reason for refusal

‘Officers consider that the separation distances are considered sufficient, to ensure that neighbouring amenity at neighbouring properties are not adversely impacted by the proposed development.’

WERS Response: The residents to the west in Digdens Rise and Hylands Road will be faced with a gigantic wall of housing.

IMAGES FROM WEST SIDE

A. The revised 8-storey scheme



IF YOU LIVE IN DIGDENS RISE OR HYLANDS CLOSE, WOULD THIS CHANGE MAKE THE SLIGHTEST DIFFERENCE TO YOUR SENSE OF BEING OPPRESSED AND OVERLOOKED?

‘Sunlight and Daylight

18.16 In considering the above, Officers are of the view that the development is acceptable in terms of daylight, sunlight and overshadowing, despite a small number of isolated transgressions, which are not uncommon when increasing development levels on a Site of this nature.’

WERS Response: No attempt to address this through revised layout

‘Construction Environmental Management Plan (Revision 05) para 18.19 A Construction Environmental Management Plan (Revision 05) accompanies this application. This outlines how the construction project would avoid, minimise or mitigate effects on the environment and surrounding area.’

WERS Response: What about the 4 storey site cabin on residential boundary? Why was this subject of a siting condition on the demolition application if it wasn't an issue of concern?

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

WERS Response: So no residential amenity concerns! The retail unit in place of the nursery (which has now been re-sited) will probably cause even more noise & disturbance through shoppers in addition to nursery drop off parking next to 40 WGR.

‘Surrey CC Highways

19.30 It is noted that concern has been raised regarding parking provision onsite and the potential for the impact on the wider area that a shortfall in parking would create. Whilst the CHA has a remit that includes highway safety and capacity, it is considered that these areas are covered by the current parking restrictions in place locally that limit dangerous parking. However, the CHA is aware that the parking does include an element of Amenity, this would be considered by the Planning Authority, rather than the Highway Authority. SCC does support reduced car parking provision in sustainable locations. The application site is currently used for parking for hospital staff. However, the land has been purchased by Guild Living and therefore already in full control of the applicant. It has not been possible to apply a condition tying this application to the construction of the proposed Multi Storey Car Park at Epsom Hospital.’

WERS Response: Highway amenity impact – a matter for EEBC.

There are significant concerns about the acceptability of the Mult-storey car park which has yet to be determined. Permitting this Guild Living scheme runs the significant risk of the hospital site being left with a gross under provision for hospital staff parking for the future.

‘Conclusion

27.9 The proposal has been designed to respond to its immediate surroundings, including local views.’

WERS Response: Nobody could seriously accept this statement.
