



---

## Appeal Decisions

Inquiry opened on 17 August 2021

Site visit made on 26 August 2021

**by David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> September 2021

---

### **Appeal A: APP/P3610/W/21/3272074**

#### **Epsom General Hospital, Dorking Road, Epsom KT18 7EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Senior Living Urban (Epsom) Limited against the decision of Epsom and Ewell Borough Council.
  - The application Ref 19/01722/FUL, dated 20 December 2019, was refused by notice dated 23 November 2020.
  - The development proposed is described as: *demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 302 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.*
- 

### **Appeal B: APP/P3610/W/21/3276483**

#### **Epsom General Hospital, Dorking Road, Epsom KT18 7EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Senior Living Urban (Epsom) Limited against the decision of Epsom and Ewell Borough Council.
  - The application Ref 21/00252/FUL, dated 8 February 2021, was refused by notice dated 6 May 2021.
  - The development proposed is described as: *demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.*
- 

#### **Decision – Appeal A**

1. The appeal is dismissed.

#### **Decision – Appeal B**

2. The appeal is allowed and planning permission is granted for demolition of the existing hospital buildings, accommodation block and associated structures and

redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, children's nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space at Epsom General Hospital, Dorking Road, Epsom KT18 7EG in accordance with the terms of the application, Ref 21/00252/FUL, dated 8 February 2021, subject to the conditions set out in the attached schedule.

### **Preliminary matters**

3. The Inquiry sat for 6 days between 17 August and 25 August 2021. I visited the site and surrounding area on 26 August 2021. By agreement with the parties my site visit was mainly unaccompanied. Also by agreement, I visited a residential property at No 40 Woodcote Green Road in the presence of the householder, who enabled me to gain access.
4. The description of development for Appeal A is taken from the Statement of Common Ground. It differs from the description on the application form because amendments were made. Following the Council's decision to refuse the Appeal A application, the appellant submitted a further application which is now the subject of Appeal B. Subsequently, the appellant requested that some (but not all) of the changes introduced in the Appeal B application also be made to the submitted plans for Appeal A. The main changes were:
  - an increased setback of buildings from Woodcote Green Road, allowing space for an additional area of public realm with landscaping and tree planting;
  - an amended parking layout adjacent to the western boundary, allowing space for landscaping and tree planting;
  - the parapet hedge to the podium level sensory garden being set further back;
  - changes to the orientation and placement of west-facing windows adjacent to properties in Woodcote Green Road; and
  - changes to materials (including bricks and cladding colour) and revisions to details of elevations.
5. I was satisfied that the amendments would not change the substance of the scheme for which planning permission had been sought and would not result in any greater impacts on people or the environment. The changes were made in sufficient time for those who had been consulted on Appeal A to be given an opportunity to make further comments on the amended plans. I concluded that nobody would be prejudiced by Appeal A being determined on the basis of the amended plans. Accordingly, I have determined Appeal A on that basis.
6. Discussions on s106 Agreements for each appeal continued during the course of the Inquiry. Agreement was reached at a late stage, such that it was necessary to allow a period after the close of the event for signed documents to be submitted. The signed Agreements that were subsequently submitted were consistent with the agreed draft documents that were discussed at the Inquiry.

In the light of agreement having been reached, the Council did not pursue its fourth reason for refusal, which (in both cases) related to the absence of a planning obligation to secure affordable housing.

7. The s106 Agreement for Appeal A would secure the following:

- the key worker units would only be let to key workers, at the agreed key worker rent;
- the approval and implementation of a landscape ecological management plan;
- the approval and implementation of an employment and skills plan;
- a contribution to mitigate impacts on Woodcote Millennium Green;
- arrangements to ensure that 80% of the nursery places would be available to key workers;
- a contribution to travel plan auditing;
- arrangements for a car club and car club parking;
- a contribution to the installation of vehicle activated signs on Woodcote Green Road;
- bus stop improvements and footway widening;
- provision of real time passenger information at bus stops;
- the care units would only be occupied by qualifying persons, thereby ensuring that the units remain in Use Class C2;
- the provision of village transport services;
- if the Council elects that affordable housing is to be delivered on site, the provision of 16 affordable rented units and 5 shared ownership units; and
- if the Council does not elect that affordable housing is to be delivered on site, an affordable housing contribution enabling affordable housing to be provided elsewhere in the Borough.

8. The s106 Agreement for Appeal B contains the same provisions, except in relation to affordable housing. For Appeal B, there would be a lower level of affordable housing contribution and no option for delivery of affordable housing on site.

9. For each Agreement, the Council submitted a statement of compliance with the tests set out in the Community Infrastructure Levy Regulations. The statements explained why the various obligations would be necessary to mitigate impacts arising from the proposals, identifying relevant planning policies as appropriate. The statements were not controversial. No party at the Inquiry suggested that any of the obligations would not be justified. I see no reason to take a different view and I have taken the obligations into account in my decisions accordingly. I comment further on the affordable housing obligations below, under the third main issue.

10. The development plan documents relevant to these appeals are the Core Strategy 2007 (CS) and the Development Management Policies Document 2015 (DMP). No emerging plans were relied on by any party.

### **Main issues**

11. The main issues are the same for both appeals:

- the effect of the proposals on the character and appearance of the area;
- the effect of the proposals on the historic environment;
- the effect of the proposals on the living conditions of neighbouring residents; and
- whether the proposals would make satisfactory provision for affordable housing and the infrastructure required to support the development.

12. I shall discuss impacts on existing trees and the scope for new landscape works and tree planting under the first main issue. Although I previously indicated that I would also discuss effects on the historic environment under the first main issue, I have found it preferable to treat historic environment as a separate issue in these decisions. This does not change the importance of this matter relative to other issues. At the Inquiry, all parties were aware of my statutory duties relating to listed buildings and conservation areas and gave their evidence accordingly.

### **Reasons**

#### ***The effect of the proposals on the character and appearance of the area***

13. Unless otherwise stated, the comments in this section apply to both appeal schemes.

#### *The site and surroundings*

14. The appeal site<sup>1</sup> comprises around 1.5ha of land to the south of Epsom General Hospital. It is part of the hospital site and contains a range of healthcare and accommodation buildings, together with ancillary structures and surface level car parks. The most prominent buildings within the appeal site are Rowan House and Woodcote Lodge, which occupy the frontage to Woodcote Green Road. These buildings are currently vacant. Some preliminary works of demolition appear to have taken place. Epsom General Hospital is an operational hospital complex with a range of modern buildings. The tallest of these is the Wells building, which is immediately to the north of the appeal site. To the west and south west of the appeal site there are detached and semi-detached houses, mainly of two storeys, at Woodcote Green Road, Digdens Rise and Hylands Close. To the south, across Woodcote Green Road, is Woodcote Millennium Green. This is a public open space that includes open green areas, a pond and woodland.

15. The Council's Environmental Character Study describes the hospital site (including the appeal site) as having a strong institutional character with a

---

<sup>1</sup> The site boundary is the same for both appeals

collection of visually incongruous buildings, showing little design continuity. Together with extensive areas of car parking and a utilitarian treatment to external spaces, this is said to result in a distinctive and discordant character compared with neighbouring residential areas. The buildings fronting Woodcote Green Road, with their brick elevations and hipped roofs, are identified as being more complementary to adjoining areas. The study describes the character of the residential area to the west as being marked by its location on the settlement edge, offering a degree of integration with rural and green spaces to the south. The houses are said to date mostly from the 1930s period, arranged in predominantly straight street layouts with variations in architectural style. I agree with these descriptions.

16. Access to the appeal site is from Woodcote Green Road. The main entrance to the hospital site is from Dorking Road (the A24), to the north. The hospital access road passes through the complex from Dorking Road to Woodcote Green Road. Although the site is outside the town centre of Epsom, the shopping centre and the train station are less than one mile away. There are bus stops on Woodcote Green Road and Dorking Road. There are no designated heritage assets within the appeal site. The Chalk Lane Conservation Area lies about 170m to the north east and the Woodcote Conservation Area is about 210m to the north. There are a number of listed buildings in the locality. Heritage assets are discussed further below.

#### *Scheme design*

17. Much of the accommodation proposed would be for extra care residential units. However, this would also be a mixed use scheme in that it would include housing for key workers, a restaurant/café, a nursery, a gym and wellness centre and retail units. The uses are designed to be integrated with the hospital. The key worker housing and 80% of the nursery places would be available to hospital staff. The care suites could offer short term accommodation for patients ready to leave hospital but not yet ready to return home. The scheme is also designed to be integrated with the wider community, with many of the ground floor facilities being open to the public.
18. The communal/public uses would be grouped around a central landscaped plaza, creating active frontages. Some of the associated activity is intended to take place in the open space itself, including outdoor tables for the café and a play area for the nursery. The central space would be enclosed by buildings, segregated from traffic and readily accessible on foot. I consider that the design would create a safe, social and inclusive public space which would provide a focal point for the development.
19. Movement patterns have been well considered. The service bays would be on the periphery, accessed by the main hospital access road, thereby limiting the need for service vehicles to enter the scheme. The greater part of the car parking would be contained within a covered car park, within Building A. There would be a one way circulation route for cars approaching the car park or dropping off. This would enable vehicle movements to be kept to the south western part of the site, enabling pedestrian movement to be prioritised in the centre of the site. A new pedestrian route would lead from Woodcote Green Road, through the central public space, towards the centre of the hospital site. This would provide a more attractive route for pedestrians than the existing

hospital access road and would integrate the appeal site into the fabric of the surrounding area.

20. The main elements of built form would be aligned with the hospital access road, Woodcote Green Road and the new pedestrian route. Together with the central plaza, this would provide a coherent and legible pattern of development. Other aspects of good design, including the functionality of the accommodation, use of resources and contribution to biodiversity enhancement have been taken into account as described in the application documents. Matters such as sustainable drainage, avoiding overheating, delivery of biodiversity measures and sustainable construction could be secured by conditions.
21. To my mind the above features of the design would, taken together, achieve many of the characteristics of well-designed places<sup>2</sup>. At the Inquiry, the key differences between the appellant and the Council/interested parties related to the height of the proposed buildings and the extent to which they would represent an appropriate response to the site context.

#### *Response to context*

22. Local and national planning policies emphasise the need to have regard to the context within which development takes place. Policy DM9 of the DMP refers to the need for consideration of compatibility with local character and the relationship to the existing townscape. CS Policy CS5 states that development should reinforce local distinctiveness and complement the attractive characteristics of the Borough. The National Planning Policy Framework (the Framework) states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape character.
23. The policies must be applied in the particular circumstances of these appeals. The Epsom General Hospital site as a whole (including the appeal site) contrasts strongly with the adjoining suburban residential areas and the green spaces of Woodcote Millennium Green. The existing hospital buildings strike a discordant note in the wider townscape, albeit that the contrast is less apparent in views from the south because of the presence of Rowan House and Woodcote Lodge. The institutional character of the hospital site is long established and, indeed, pre-dates the 20<sup>th</sup> century housing that adjoins it.
24. Both schemes seek to respond to that contrast by placing the taller elements in the northern and central parts of the site, stepping down in scale to Woodcote Green Road and in the north west corner. The Wells building is the tallest in the hospital group. Much of the building rises to around 80m above ordnance datum (AOD), with a projecting element rising a further 8m or so<sup>3</sup>. The nine storey Appeal A scheme would rise to around 92m AOD and would thus be taller than the Wells building. The Appeal B scheme would have one less floor of accommodation which, together with other design changes, would result in a height reduction of around 6m. The resulting building would be higher than the general roof height of the Wells building but not as high as the projecting element.

---

<sup>2</sup> As set out in the National Design Guide 2019

<sup>3</sup> Heights are taken from the Key Images Bundle, page 31. The height quoted for the Wells building does not include some telecommunications equipment attached to it.



25. The frames of the proposed buildings would be expressed in brick cladding. Although the final choice of materials would be controlled by a condition, the appellant explained that there would be some variation in brick colour, with the colour range and tone reflecting both the geology of the site and the brick buildings that currently occupy it. To provide some contrast and variation, parts of the elevations would have profiled metal cladding. The use of varying materials, together with building details such as chamfered brickwork panels and differing styles of balconies, would be used to emphasise the vertical lines of the buildings. This would provide articulation to the facades.

Response to context - Appeal A

26. The four storey element of Building B (in the eastern part of the site) would establish an appropriately scaled frontage to Woodcote Green Road, similar to the scale of Rowan House. However, as seen from Woodcote Millennium Green<sup>4</sup>, the height and horizontal extent of the taller elements would appear close behind the frontage buildings. I consider that they would seem excessively dominant, notwithstanding the materials and other design details discussed above.

27. The height contrast within the scheme would be apparent in views along Woodcote Green Road from the south west<sup>5</sup>. From this angle, the eye would be drawn to the nine storey element of Building B which would appear to bring the high density character of the central and northern parts of the scheme relatively close to Woodcote Green Road and the woodland to the south. This would create a hard edge to the urban area at this point. The five storey frontage element of Building A (in the western part of the site) would appear very dominant in relation to the suburban housing fronting Woodcote Green Road. This part of Building A would have strong horizontal lines, due to the use of high level windows, which would emphasise the stark contrast in scale and character at this point. Moreover, the central and northern parts of Building A would be seen as a skyline feature, rising above the intervening residential properties. The height, mass and horizontal extent of the proposed Building A would be readily apparent. Again, this would be in stark contrast with the low rise, verdant suburban character of the residential properties.

28. The height contrast between the nine storey element of Building B and the four storey frontage element would also be a conspicuous feature in views along Woodcote Green Road from the north east<sup>6</sup>. The taller element would appear significantly out of scale with the suburban housing along Woodcote Green Road. This would be an uncomfortable juxtaposition.

29. The Appellant's Heritage, Townscape and Visual Impact Assessment (HTVIA) identified that there would be moderate or minor impacts on the townscape of Woodcote Millennium Green and the adjoining residential areas. In terms of visual impacts, moderate or moderate/minor impacts were identified in these areas on views said to be of low sensitivity. To my mind the HTVIA understates both townscape and visual impacts. I note that the overall height of the Appeal A scheme is related to (albeit taller than) the Wells building. However, the horizontal extent of new buildings at the maximum height would be far greater than that of the tallest part of the Wells building. Moreover, the tallest

---

<sup>4</sup> Verified view 1 is a representative example

<sup>5</sup> Verified view 11 is a representative example

<sup>6</sup> Verified views 2 and 3 are representative examples

elements would be much closer to the southern boundary, which I regard as more sensitive due to its location on the settlement edge, close to Woodcote Millennium Green.

30. The height and massing of the proposed buildings would be seen in views from Woodcote Road and Dorking Road<sup>7</sup>. From these directions, the new buildings would appear behind the hospital complex. Although there would be some increase in the overall height of the group, this would not result in a harmful change to the general character of these views. The proposed buildings would be seen as a skyline feature in views from St Margaret Drive, an elevated location to the north of Dorking Road. This viewpoint is at some distance from the site and the proposed buildings would be one element in a broad panoramic view. In general, I consider that the visual and townscape impacts in these locations would be minor.
31. My overall assessment is that the Appeal A scheme would not be well related to its context due to the height and massing of the proposed buildings and the proximity of the tallest buildings to Woodcote Green Road. This would result in significant harm to the character and appearance of the area.

#### Response to context - Appeal B

32. Like the Appeal A scheme, the four storey element of Building B would establish an appropriately scaled frontage to Woodcote Green Road, similar to the scale of Rowan House. However, there would be an important difference between the two schemes in that Building A would also step down to a four storey scale on the frontage. Some of the taller elements of Building A and Building B would be seen in views from Woodcote Millennium Green, such that the viewer would have a sense of the development stepping up within the site. However, the taller elements would not appear unduly prominent. Nor would they seem over dominant in relation to the frontage development.
33. In views from the south west, along Woodcote Green Road, the height contrast within the scheme would be visible but, compared with the Appeal A scheme, there would be a better balance between the scale of the frontage buildings and the taller buildings behind. The height contrast between the five storey element of Building A and the adjoining houses would still be somewhat incongruous. On the other hand, the step down to four storeys on the frontage would help to handle the transition in scale. It would also make the horizontal lines of this part of Building A much less pronounced, which would reduce the contrast in character between the proposed building and the existing houses.
34. Whilst parts of the central and northern elements of Building A would still be seen in these views, they would not be a skyline feature. The mass and horizontal extent of the new building would be broken up by intervening trees and buildings, such that it would sit more comfortably in its surroundings.
35. The height contrast within the scheme would also be seen in views along Woodcote Green Road from the north east. However, as in the opposing view, there would be a better balance between the scale of the frontage buildings and the taller buildings behind. Like the Appeal A scheme, there would be a contrast in scale between the taller part of Building B and the two storey housing along the road frontage. This contrast would be less marked in the

---

<sup>7</sup> Verified views 5 and 9 are representative examples



case of the Appeal B scheme due to the reduced height of Building B. Even so, I consider that there would be some harm to the character and appearance of the area at this point.

36. Like the Appeal A scheme, I consider that the impacts on views from Woodcote Road<sup>8</sup>, Dorking Road and St Margaret Drive would be minor.
37. My overall assessment is that, for the most part, the Appeal B scheme would be well related to its context. Nevertheless, I consider that the contrast in scale between the proposed buildings and nearby residential development would result in some harmful visual and townscape effects in two specific locations. These are views along Woodcote Green Road, both from the south west, where the level of harm would be relatively low, and from the north east, where the level of harm would be moderate. These effects need to be assessed in the round together with other design considerations.

#### *Trees and landscaping*

38. The effect on existing trees and the scope for new planting is the same for both appeal schemes. The most important of the existing trees are located in the north western part of the site, along the boundary with the adjoining residential area. There are a number of large specimens of considerable amenity value. Together they perform an important townscape role in marking the boundary between the institutional character of the hospital site and the residential character to the west. All but one of the good quality trees in this part of the site are shown to be retained within new areas of boundary landscaping. Protection during the construction phase could be secured by a condition. One high quality beech (T36 in the survey) would be removed to facilitate the proposed development. Whilst that would be regrettable, in my view the loss of that tree would be outweighed by the extent of new planting.
39. The existing trees along the Woodcote Green Road frontage would be removed to facilitate the development and to make way for new planting. The group in front of Woodcote Lodge (G46) has the appearance of an overgrown hedge. These trees have been identified as being of low amenity value in the arboricultural report. I agree. There is a yew tree in front of Rowan House (T2) which is of modest amenity value. However, in general the trees along the site frontage are of limited amenity value and their replacement with new planting offers scope to improve the appearance of the area.
40. The proposals include a double row of trees along Woodcote Green Road in front of Building B. There would also be new tree planting in front of Building A and scope for tree, hedge and groundcover planting along the south western boundary. Illustrative details have been provided showing the types of trees that could grow in these locations and the way in which provision could be made for tree roots to become established. Full details of planting could be controlled by a condition.
41. At the Inquiry, the Council commented that the artist's impression of the street trees may be optimistic. However, it was not suggested that appropriate species could not be planted successfully in this location. There would also be new tree planting along the pedestrian route and within the central landscaped space. There would be scope for lower-level planting in the communal garden

---

<sup>8</sup> Woodcote Road runs north from Woodcote Green Road to link with Dorking Road

to the key worker housing, around the retained mature trees. Further street trees would be planted around the edge of the development, adjacent to the hospital access road.

42. Taking all this together, I consider that the proposals would retain the most important of the existing trees, insofar as that is practical. The proposals for new planting would complement the built form and help to integrate the scheme into its surroundings. The landscape proposals would make a positive contribution to the character and appearance of the Woodcote Green Road frontage.

*Conclusions on character and appearance – Appeal A*

43. The Appeal A scheme would achieve many of the characteristics of well-designed places<sup>9</sup>, including mixed and integrated uses, safe and inclusive public spaces and a coherent pattern of development. The scheme would be accessible and easy to move around. The design details and use of materials would provide articulation to the elevations. The approach to tree planting and landscaping would enhance the frontage to Woodcote Green Road. Nevertheless, the Appeal A scheme would not be well related to its context due to the height and massing of the proposed buildings and the proximity of the tallest buildings to Woodcote Green Road. In my view this would result in significant harm to the character and appearance of the area.
44. My overall assessment is that the positive attributes of the design would not outweigh the significant harm to the character and appearance of the area that I have identified. Viewed in the round, I do not consider that the Appeal A proposal would amount to good design, as that term is used in the Framework. It would not add to the overall quality of the area, nor would it be sympathetic to the local character and the surrounding built environment<sup>10</sup>.
45. The Appeal A scheme would conflict with Policy CS5 because, although it would make efficient use of land, it would not reinforce local distinctiveness, nor would it complement the attractive characteristics of the Borough. It would accord with Policy DM5, which seeks to avoid significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed. However, it would conflict with Policy DM9 in that it would not make a positive contribution to the Borough's visual character and appearance. It would conflict with Policy DM10, insofar as the policy seeks to promote good design, because the scale, height and form of development proposed would be harmful to the character and local distinctiveness of the area<sup>11</sup>.

*Conclusions on character and appearance – Appeal B*

46. The positive aspects of the design identified above in relation to Appeal A would apply equally to the Appeal B scheme. Moreover, the Appeal B scheme would, for the most part, be well related to its context. The contrast in scale between the proposed buildings and nearby residential development would result in some harmful visual and townscape effects. I consider that there would be a relatively low level of harm in views along Woodcote Green Road from the south west and a moderate level of harm in views along the road from

---

<sup>9</sup> As described in the National Design Guide

<sup>10</sup> Paragraphs 126 and 130 of the Framework

<sup>11</sup> There are several elements to Policy DM10. I make an assessment against the policy as a whole in the conclusions to these decisions.

the north east. On the other hand, these effects would not be experienced over a wide area. In closer views, from Woodcote Green Road and Woodcote Millennium Green, the proposal would create an appropriately scaled frontage. Together with the proposed landscape works, that would result in an enhancement on the current situation.

47. I consider that the positive attributes of the design, including those relating to land use, public spaces and movement patterns, would outweigh the harm that I have identified. The Appeal B scheme would represent good design that would be visually attractive. It would add to the quality of the area. The overall impact on the character and appearance of the area would be positive.
48. The Appeal B proposal would accord with Policy CS5 insofar as it would represent high quality design that would create attractive and safe environments, complement the attractive characteristics of the Borough and make efficient use of land. It would accord with Policy DM5, which seeks to avoid significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed. It would also accord with Policy DM9, in that it would make a positive contribution to the Borough's visual character and appearance, and with Policy DM10 insofar as it would represent good design.

### ***The effect of the proposals on the historic environment***

49. The applications were supported by the HTVIA which identified the heritage assets that may be affected and described their significance. These matters were not controversial in themselves, although the contribution of setting to the significance of some of the assets, and hence the impact of the proposals on significance, were not agreed. There are no heritage assets within the site. The potential for effects on the historic environment arises from effects on the settings of heritage assets.

### **Chalk Lane Conservation Area**

50. The conservation area is characterised by a concentration of listed buildings, including prestigious detached houses in substantial plots and weatherboarded cottages. It has an enclosed and intimate character, due to a combination of high brick boundary walls and buildings set close to the village street. In general, the setting of the conservation area adds relatively little to the significance of the area due to the enclosed character. However, the Conservation Area Character Appraisal does identify important views out of the designated area, to the east and south, which allow the rural setting of these parts of the designated area to be appreciated.
51. There is also a view out of the designated area, towards the appeal site, along Woodcote Green Road from the junction with Chalk Lane<sup>12</sup>. This is not identified as an important view in the appraisal. The view encompasses suburban housing on the north side of Woodcote Green Road, with trees and woodland to the south. To the extent that some woodland is visible, this adds a little to the ability to experience the conservation area as a settlement that retains part of its rural setting. The appeal schemes would not change that very much, as they would appear above the suburban housing. However, the additional height would have an urbanising effect that would cause some harm.

---

<sup>12</sup> Verified view 3

52. Given that the harm would be caused to a view that itself makes only a minor contribution to the significance of the designated area, the harm to the heritage asset would be at the lower end of “*less than substantial harm*”<sup>13</sup>. There would be minor harm to the character and appearance of the conservation area due to development in its setting. These conclusions are the same for both appeal schemes, although the Appeal B scheme would have still less impact because it would not be as tall as the Appeal A scheme.

#### Woodcote Conservation Area

53. The Conservation Area Character Appraisal describes the area as a modestly sized urban conservation area, focussed on the junction of South Street with Woodcote Road and Dorking Road. It is said to contain varied building lines and plot sizes, with listed buildings and unlisted 19<sup>th</sup> century buildings that make a positive contribution to its character. I agree that these features contribute to the significance of the conservation area. The appraisal identifies various views or vistas of note but none of these are views towards the hospital.
54. There would be panoramic views across the designated area from higher ground to the north of Dorking Road at St Margaret Drive<sup>14</sup>. The viewpoints themselves are outside the designated area. Although elements of the conservation area can be seen in these views, these are mainly rooftops and tree tops. The views add nothing to the ability to experience or understand what is special about the designated area. Thus, although the views would be changed by the proposed development, there would be no harm to the character and appearance of the conservation area, nor would there be any impact on its significance.

#### Listed Buildings in the Chalk Lane Conservation Area

55. Westgate House (Grade II) stands close to the junction of Chalk Lane and Woodcote Green Road. It is seen in the context of its own high boundary walls and other listed buildings grouped around the junction. These aspects of its setting, which contribute to the ability to experience the heritage asset, would not be affected by the proposals. The proposals would be visible in views out from the upper levels of the listed building. Such views would encompass the immediate setting of the conservation area and middle distance views of suburban housing and woodland. I consider that the appeal proposals, which would be at some distance from the viewpoint, would have no material impact on the ability to experience the significance of the heritage asset.
56. To the extent that setting contributes to the significance of other listed buildings in the conservation area, this relates to the curtilages of the buildings themselves and the grouping of listed buildings within the conservation area. In each case there would be very limited or no inter-visibility with the appeal proposals. There would be no material impact on the setting or the significance of any of these listed buildings.

#### Listed Buildings in the Clock House group

57. These buildings<sup>15</sup> are set within a curtilage enclosed by boundary walls and planting. Although the upper parts of the Wells building can be glimpsed from

---

<sup>13</sup> As that term is used in the Framework

<sup>14</sup> Verified view 8 is a representative example

<sup>15</sup> The Bell House, The Clock House, East Lodge (all Grade II)

some parts of the curtilage, the hospital site makes no contribution to the ability to experience these assets. Whilst the appearance of the hospital site would change as a result of the appeal proposals, there would be no impact on the significance of these listed buildings.

#### The White Horse Public House

58. The setting of the White Horse (Grade II) is dominated by the busy Dorking Road and the institutional character of the hospital to the rear. Its position immediately adjacent to Dorking Road adds to the ability to understand the former function of the listed building as a roadside inn. That relationship would be unaffected by the proposals. The hospital site adds nothing to the significance of the listed building. Although the appearance of the hospital site would change, there would be no impact on the significance of this listed building.

#### Listed Buildings in The Hylands group

59. The Hylands (Grade II\*) and Nos 67 and 69 Dorking Road (Grade II) stand on the south side of Dorking Road. In general, the wider surroundings, beyond the immediate setting of the respective curtilages, add little to the ability to experience these assets. That said, their roadside position allows the viewer to stand back and appreciate the principal elevations of these buildings, as a group, from the opposite side of the road. The ability to do that would be unaffected by the proposals.
60. There are further viewpoints on White Horse Drive, at a slightly higher elevation, from where the appeal proposals would be seen above the roofline of the listed buildings. This would compete with, and distract from, the view of the listed buildings resulting in some harm to their significance. However, these are not particularly important views and, moreover, the listed buildings are partially obscured by features such as walls and trees in any event.
61. The proposals would not be seen in views of Hylands House (Grade II\*) and West Hylands (Grade II) from Dorking Road. However, in common with the other listed buildings in this group, the appeal proposals are likely to be visible from inside these buildings. Such views will already have been much affected by existing development at the hospital. The proposals would result in the addition of some height and massing in such views but the institutional character of the views would not be greatly altered.
62. I consider that the level of harm (for each asset in this group) would be at the lower end of less than substantial harm. These conclusions are the same for both appeal schemes, although the Appeal B scheme would have less impact because it would not be as tall as the Appeal A scheme.

#### Other listed buildings

63. Tamarisk Cottage (Grade II) has a flank elevation that abuts Whitehorse Drive. This setting adds to its significance insofar as it enables the viewer to appreciate the front and flank elevations of the listed building from the public realm. The appeal schemes would be visible from the same vantage point, albeit at some distance and in a different direction. There would be no impact on the ability to experience the listed building and no harm to its significance.

64. There are some listed garden walls at Orchard Gardens (Grade II). These are vestiges of an earlier period of development, now subsumed within suburban housing. Their significance resides in the retained fabric and the evidence this holds in relation to previous occupation. The wider surroundings add nothing to the significance of the asset. There would be no impact on the ability to experience the listed building and no harm to its significance.
65. The HTVIA identified some further listed buildings in the locality where it was concluded that there would be no impact on significance. These conclusions were not disputed at the Inquiry and I see no reason to take a different view.

#### Conclusions on the historic environment

66. I conclude that there would be some minor harm to the character and appearance of the Chalk Lane Conservation Area through development in its setting. There would also be some harm to the settings of the following listed buildings:
- The Hylands (Grade II\*)
  - Hylands House (Grade II\*)
  - West Hylands (Grade II)
  - Nos 67 and 69 Dorking Road (Grade II)
67. In each case the degree of harm would be at the lower end of less than substantial harm to the significance of the heritage asset. I reach the same overall conclusion for both schemes, whilst noting that the Appeal B scheme would have less impact than the Appeal A scheme. Even so, any harm to a designated heritage asset is a matter of considerable importance and weight. Moreover, it will be necessary to carry out the balancing exercise set out in paragraph 202 of the Framework. I shall return to that balance in the conclusions to these decisions.
68. Both schemes would conflict with Policy CS5, insofar as that policy seeks to protect the settings of heritage assets.
69. There would be no harm to the character and appearance of the Woodcote Conservation Area. There would be no harm to the settings of any of the other listed buildings identified in the evidence, nor would there be any harm to the significance of such assets.

#### ***The effect of the proposal on the living conditions of neighbouring residents***

70. In both appeal schemes Building A would occupy the western part of the site, which adjoins a residential area that includes houses in Woodcote Green Road, Digdens Rise and Hylands Close. Building B would occupy the eastern part of the site in both schemes. Although there are houses facing Woodcote Green Road to the east of the appeal site, these are separated from it by a hospital car park which would be unaffected by the proposals. Moreover, these houses back on to parts of the hospital complex that would also be unaffected. Having regard to the separation distance and the orientation of these houses, I do not consider that there would be any material impacts from Building B on living conditions here. The following comments therefore focus on the impacts of Building A on houses to the west of the site.



71. Although the Appeal A scheme would be taller than the Appeal B scheme, the effects on the living conditions of neighbouring residents would be broadly similar. Except where specifically stated, the following comments relate to both schemes. Sunlight and daylight studies have been provided. These studies concluded that there would be no unacceptable impacts on natural lighting to the adjoining dwellings. Nor would there be harmful shadowing of gardens. The Council has accepted the results of these studies and I see no reason to take a different view.
72. I consider that the potential impacts on living conditions would be greatest at Nos 40 and 46 Woodcote Green Road and at Nos 22 and 24 Digdons Rise.

*No 40 Woodcote Green Road*

73. No 40 is a two storey detached house, facing Woodcote Green Road. The house occupies a relatively deep plot which has a common boundary with the appeal site on the north eastern side. The main aspects of the dwelling are to the front, towards Woodcote Green Road, and to the rear, over the back garden. Although there are some openings in the north eastern flank elevation, these are obscure glazed. I saw that part of No 40 is closer to the common boundary than is shown on the plans and I have taken that into account.
74. The section of Building A closest to Woodcote Green Road would be five storeys in height<sup>16</sup>. The elevation facing No 40 would have a stepped façade, with natural light being provided by a combination of high level windows and full height windows facing north west. This design would avoid harmful overlooking of No 40. The southernmost end of the taller element of Building A would have windows facing towards the garden of No 40. These windows would be over 30m from the house itself. Moreover, the orientation of the windows would be angled away from the house, towards the bottom of the garden. Any views of those parts of the garden closest to the house, which are likely to be the most intensively used and thus the most sensitive, would be at an oblique angle. In addition, the proposals include new tree planting along the boundary. In time this would help to filter views of and from the new buildings. The details of such planting could be secured by a condition.
75. In the Appeal A scheme, the southernmost end of the taller section of Building A would have windows facing over the five storey section. Some of these windows would not have a direct line of sight to No 40 because the five storey section would intervene. For those windows that would have a line of sight, I consider that the acute angle of the view, combined with the separation distance, would avoid harmful overlooking.
76. The submitted drawings for the Appeal B scheme are inconsistent. The floor plans show windows (as for Appeal A) at the southernmost end of the taller section of Building A whereas the elevations show projecting balconies at the top two levels. If the appeal were to be allowed, it would be necessary to resolve this inconsistency. That said, whilst the small balconies shown on the elevations would have a slightly greater impact on privacy than windows in the same location, the points made above about separation distance and angle of view would still apply.

---

<sup>16</sup> For Appeal scheme B this would drop down to four storeys for one bay closest to Woodcote Green Road

77. I consider that the most appropriate way to resolve the inconsistency in the plans would be to impose a condition restricting the provision of balconies at this point until such time as further details (including any consequential revisions to the floor plans of the affected units) have been submitted to and approved by the local planning authority. Such a condition would be a variation of that suggested by the appellant<sup>17</sup> and would be consistent with advice in National Planning Practice Guidance (NPPG). That advice contemplates minor modifications being secured by planning conditions, where such modifications would not make the development substantially different from that proposed in the application<sup>18</sup>.
78. The three storey flank elevation of Woodcote Lodge is sited close to No 40. Although the five storey section of Building A would be taller, it would be set further into the appeal site. To the rear of No 40, the proposed building would step progressively away from the common boundary. The south west corner of the taller section of Building A would be a very prominent feature, particularly as seen from the garden of No 40. However, as seen from windows at the back of the house, this element would be offset considerably to one side of the view down the garden. Moreover, it would be around 29m from the nearest point of the house<sup>19</sup> and the west facing elevation would be angled away from the boundary. Although this wing of Building A would have a lengthy and tall west elevation, the bulk of the elevation would be sited beyond the end of the back garden of No 40. Taking these factors together, notwithstanding the height and prominence of the proposed building, I do not consider that it would have an unduly enclosing or overbearing effect.
79. The proposals include a one-way circulation system. Vehicles would enter the site via a new access adjacent to the boundary with No 40. Although there would be some external parking, the bulk of the parking would be contained within a two level car park beneath the sensory garden. The service bays for Building A and Building B would be reached via the main hospital access road. Consequently, most of the vehicles using the new access would be cars.
80. The proposals include tree and hedge planting along the boundary. In addition, the appellant has suggested the provision of an acoustic fence. These matters could be secured by conditions. At present, the area behind Woodcote Lodge is used for car parking. The provision of a new access at this point would result in some increase in vehicle movements close to the boundary. However, having regard to the likely numbers of vehicles entering the site<sup>20</sup>, together with these mitigation measures, I do not consider that there would be an unacceptable impact on No 40 in terms of noise and disturbance.
81. Overall, the proposals would have some impacts on No 40. The appearance of the surroundings would change markedly, there would be some additional overlooking and an increase in vehicle movements close to the boundary. However, subject to the conditions discussed above, these impacts would not be so great as to result in unacceptably poor living conditions.

---

<sup>17</sup> ID17

<sup>18</sup> Reference ID: 21a-012-20140306

<sup>19</sup> Key Images Bundle, page 34 – this is the appellant’s figure, which was not disputed by other parties

<sup>20</sup> As set out in the Transport Assessment (CD1.3.21)

*No 46 Woodcote Green Road*

82. No 46 is a detached dwelling located behind houses fronting Woodcote Green Road. It is sited more or less centrally within the plot, such that the rear elevation faces a common boundary with the appeal site. There is extensive tree cover within the garden, between the house and the common boundary, which has created a tall and dense screen. The southern wing of the taller section of Building A would be largely (if not wholly) hidden by these trees. Building A would be set well within the site, angled away from the common boundary. The separation distance would vary, depending where the measurement was made, ranging from a minimum of 37m to over 46m<sup>21</sup>. Even if the site were to become more visible in the future than it is now, I consider that the orientation of Building A, together with the separation distance, would avoid an unduly overbearing or enclosing effect or a harmful degree of overlooking.

*Nos 22 and 24 Digdens Rise*

83. Nos 22 and 24 are a pair of semi-detached houses which back on to the north western section of the appeal site. Building A would step down to four storeys in this part of the site, with key worker housing and extra care units having windows facing towards the rear elevations of the adjoining houses. There would be a separation distance of around 31m for No 22. This distance would be reduced (at ground floor level) for No 24 which has a rear extension. Even so, it would be in excess of the 21m of separation between opposing properties which is mentioned in the DMP<sup>22</sup>.

84. There are some substantial trees within the appeal site close to this part of the boundary, which are to be retained. They would not screen the new buildings, either because they are deciduous or (in the case of a tall pine) clear stemmed to a considerable height. Nevertheless, the retained trees, together with proposed new planting, would filter and soften the inter-visibility between the new and existing buildings. Tree protection and the details of new planting could be secured by conditions.

85. The western flank elevation of the northern wing of the taller section of Building A would also be visible from Nos 22 and 24, behind the four storey section of Building A. However, I consider that the separation distance here would be sufficient to avoid any harmful impacts. Overall, I conclude that the proposals would not result in unduly overbearing or enclosing effects, or a harmful degree of overlooking, in respect of Nos 22 and 24. There are other houses in Digdens Rise and Hylands Close that would also have views of Building A. However, in each case the potential for overbearing effects and overlooking would be less than that described above in relation to Nos 22 and 24.

86. Drawing all this together, I conclude that the proposals would not result in unacceptable impacts on the living conditions of neighbouring residents. DMP Policy DM10 sets out design requirements for all new developments. Part (ix) states that proposals should have regard to the amenities of neighbours, including in terms of privacy, outlook, sunlight/daylight and noise and disturbance. For the reasons given above, I conclude that both appeal schemes

---

<sup>21</sup> Key Images Bundle, page 34 – these are the appellant's figures, which were not disputed by other parties

<sup>22</sup> DMP, paragraph 3.20

have had due regard to these matters and would accord with Policy DM10 in these respects.

***Whether the proposal would make satisfactory provision for affordable housing and the infrastructure required to support the development***

87. CS Policy CS9 states that residential developments of 15 or more dwellings should include at least 40% of the dwellings as affordable. The Council's Developer Contributions Supplementary Planning Document confirms that this requirement will apply to extra care housing. The policy allows for the viability of a proposal to be taken into account. A Financial Viability Appraisal was submitted with the Appeal A application. This showed that the proposal would generate a negative residual land value and was therefore unviable. The appraisal concluded that the scheme could not provide any affordable housing.
88. Not all of the inputs to the viability modelling were agreed by the Council. However, following negotiations, the Council and the appellant reached agreement on the following affordable housing offer:
- if the Council elects that affordable housing is to be provided on site, there would be 16 affordable rented units and 5 affordable shared ownership units; or
  - if the Council does not so elect, there would be an affordable housing contribution of £3.5 million.
89. These are the options that are reflected in the s106 Agreement for Appeal A. The Council and the appellant advised the Inquiry that it was appropriate to leave both options open, so that the greatest benefit to the overall provision of affordable housing could be achieved. For example, it may well be that the contribution would be used to fund Class C3 affordable housing, for which there is a great need, in another location.
90. There was no further information on financial viability before the Inquiry. Nevertheless, it is clear that the offer has emerged from a process of negotiation in which both the Council and the appellant were supported by appropriately qualified professional advisors. In these circumstances, I attach significant weight to the agreement that has been reached. Although the affordable housing offer is well below the policy requirement of 40%, I accept that it is the most that can reasonably be achieved having regard to viability considerations. On that basis the Appeal A proposal accords with Policy CS9.
91. The s106 Agreement for Appeal B does not envisage the delivery of affordable housing on site. There would be a financial contribution of £1.5 million. Given that the Appeal B scheme would contain fewer units, it is to be expected that the affordable housing offer would be lower. The Council advised that the scale of the offer was such that it was unlikely to be practical to make provision on site. As for Appeal A, there was no further information on financial viability before the Inquiry. However, like Appeal A, the offer has been agreed following a process of negotiation. For the same reasons, I accept that this is the most that can reasonably be achieved, having regard to viability considerations. On that basis the Appeal B proposal also accords with Policy CS9.
92. The Council identified a need for infrastructure resulting from the proposals, including bus stop enhancements, real time passenger information for bus

services, vehicle activated signs and footway widening. Provision of this infrastructure would be secured by both of the s106 Agreements.

93. I conclude that both appeal schemes would make satisfactory provision for affordable housing and the infrastructure required to support the development.

### **Other matters**

#### *Housing delivery and housing land supply*

94. The Statement of Common Ground (SoCG) records that the 2020 Housing Delivery Test (HDT) result for Epsom and Ewell was 34%. The delivery of housing has been substantially below the requirement over the last three years. In these circumstances the Framework states that the approach to decision making set out in paragraph 11(d) should be applied.
95. The SoCG also states that the Government's standard method identifies a housing requirement of 579 new homes each year. Due to the HDT position, a 20% buffer is needed which increases the requirement to 695. The Council is currently falling significantly below its five year housing land supply target, with the identified supply being 0.98 years. This would also trigger the approach to decision making set out in paragraph 11(d) of the Framework.

#### *The benefits of the schemes*

##### Housing delivery

96. Guidance relating to the HDT provides a methodology for assessing the contribution that communal accommodation, including care accommodation, makes to housing supply. On that basis, the Council and the appellant agree that the Appeal A scheme would contribute the equivalent of 325 units to the Council's housing land supply. The Appeal B scheme would contribute the equivalent of 292 units. In my view this is not merely a theoretical contribution to housing land supply. The proposals would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
97. Interested parties have argued that some of those occupying the proposed units will be moving from outside the Council's area. That is a fair point to make. Whilst the appellant uses a notional catchment area of five miles for calculating need, that is an average figure. The evidence shows that a significant proportion of new residents would move from further afield which would include locations outside the Council's area. Nevertheless, the Framework emphasises the importance of significantly boosting the supply of homes<sup>23</sup>. This objective is not confined to specific areas. To my mind, freeing up housing stock in other local authority areas is still a benefit.
98. It is important to note the pressing need for housing in Epsom and Ewell, as shown by the HDT outcomes and the housing land supply position. In the light of that pressing need, I attach significant weight to the contribution that the proposals would make to housing land supply.

---

<sup>23</sup> Paragraph 60

### Affordable housing

99. For Appeal A, 21 affordable units may be provided on site or affordable units may be provided off site, funded by a financial contribution. The actual number of units that would be achieved off site is not known but it can be assumed that the contribution to meeting housing needs would be broadly equivalent. Whichever route is followed, the level of provision would be far below the 40% policy requirement set out in Policy CS9. For Appeal B, the affordable units could only be provided elsewhere. The actual number of units likely to be achieved is not known but will inevitably be even lower than that achieved by the Appeal A contribution. This level of provision would be compliant with policy CS9, which allows viability to be taken into account. However, that does not alter the fact that the number of units provided would be very low relative to the scale of the proposals.
100. The proposals also include 24 units for key workers. This would be a replacement for equivalent units that are already on site, so there would be no benefit in quantitative terms. It is likely that there would be some qualitative improvement, to which some weight can be attached.
101. I take account of the low level of delivery of affordable housing in the Borough. Nevertheless, for the above reasons, I attach only moderate weight to the provision of affordable housing.

### Extra care housing

102. The Framework states that the housing needed for different groups in the community should be assessed and reflected in planning policies, including the needs of older people and people with disabilities<sup>24</sup>. National Planning Practice Guidance (NPPG) states that the need to provide housing for older people is critical and that the proportion of older people in the population is increasing. NPPG goes on to say that giving older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems<sup>25</sup>. Policy DM21 states that permission will be granted for specialised forms of residential accommodation where there is evidence of need and there will not be overprovision of a particular type of accommodation.
103. Some interested parties suggested that the amount of care accommodation proposed is excessive and that there is a greater need for general housing. Attention was drawn to Surrey County Council's estimate that, having regard to existing needs and capacity, there will be a shortfall of 248 units by 2035. This estimate is based on the projected needs of those aged 75 and over<sup>26</sup>. The appellant submitted an assessment which concluded that there would be a shortfall of 951 units by 2024.
104. I have taken account of the comments of the Inspector considering an appeal at Walton-on-Thames<sup>27</sup>, who noted that there is no single, recognised methodology for identifying future residential and nursing care need. The Inspector commented that it would be unsafe to assume that those aged between 65 and 74 would not need appropriate housing for their care needs.

---

<sup>24</sup> Paragraph 62

<sup>25</sup> NPPG Reference ID 63-001-20190626

<sup>26</sup> Paragraphs 11.25 and 11.26 of the officer's report for the Appeal A application (CD3.3)

<sup>27</sup> APP/K3605/W/20/3263347, paragraphs 74 and 77 (CD5.3)



I share that view. Having regard to the differing estimates of need before the Inquiry, I conclude that the County Council's estimate should not be read as a limit on the amount of care accommodation to be provided. Nor should the benefits of provision in excess of that number be given less weight than would otherwise be attached.

105. Whilst it is right to say that there is a great need for general housing in Epsom and Ewell, I see no policy justification for refusing or limiting another use (in this case extra care housing) for which there is also a great need. There is no evidence that there would be any harmful consequences of providing the amount of extra care accommodation proposed at the appeal site.
106. The proposed care accommodation would have benefits for future occupiers, in terms of improved wellbeing and better health outcomes. Moreover, there would be wider social and economic benefits in terms of reduced need for GP and hospital services. The proposed care suites could also offer a facility for those ready to leave Epsom General Hospital who may need some time in a care setting before returning home.
107. Having regard to identified need for care accommodation for older people, and the wider social and economic benefits, I attach significant weight to the provision of extra care accommodation. I consider that both schemes would accord with Policy DM21, insofar as that policy seeks evidence of need for specialised forms of residential accommodation and insofar as the policy seeks to avoid overprovision of such accommodation<sup>28</sup>.

#### Use of previously developed land

108. Rowan House and Woodcote Lodge are currently vacant. Other parts of the appeal site are currently in use for purposes associated with the hospital, including areas of surface car parking. However, the whole site has been declared surplus to the requirements of the NHS. Part of the site has been sold to the appellant company and the remainder (which is owned by a trust) is subject to an option to purchase. The Framework emphasises the importance of using suitable brownfield land within settlements for homes and other identified needs<sup>29</sup>. This advice is pertinent to the appeal site which comprises a previously developed institutional site within the settlement of Epsom.
109. Moreover, the land is in a reasonably accessible location in relation to the town centre, public transport and highways infrastructure. It is therefore suitable land for meeting identified needs. There is no dispute that there is an identified need for care accommodation for older people in Epsom. Accordingly, I attach significant weight to the benefit of using brownfield land to address that need. The proposals would accord with Policy CS8 which emphasises the use of previously developed land for housing.

#### Economic benefits

110. It is estimated that, once operational, the Appeal A scheme would generate around 81 jobs, including direct and indirect jobs. The Appeal B scheme would generate around 74 jobs. Both schemes would add to GDP generally and result in additional household spending in the local and wider economy. Both schemes would generate employment and expenditure during the construction phase.

---

<sup>28</sup> Policy DM21 also has a criterion relating to potential conversion to other uses, which is discussed below.

<sup>29</sup> Paragraph 120

The s106 Agreements would provide for 80% of the nursery places to be made available for key workers. This would support the recruitment and retention of those hospital staff who would benefit from having this facility close at hand. Taking all this together, I attach moderate weight to the economic benefits of both schemes.

*Other benefits claimed by the appellant - townscape*

111. The appellant argued that enhancement to the townscape should be counted as a benefit of both schemes. On my assessment, that argument does not arise in relation to the Appeal A scheme because I have found that it would cause significant harm to the character and appearance of the area. I have concluded that the Appeal B scheme would add to the quality of the area. However, that was a balanced judgement which took account of positive and negative features of the design. Moreover, the Framework makes clear that development that is not well designed should be refused. The achievement of good design is therefore a policy requirement. Consequently, I do not consider that townscape enhancement should be counted as a freestanding benefit in the case of Appeal B.

*Other concerns raised by interested parties*

112. Many of the concerns raised by interested parties, both orally and in written representations, have been covered above. Concerns were also raised relating to density, space standards and the flexibility of the units, transport, traffic and parking and fire safety.

Density

113. It was argued that the density of the scheme would be in excess of 200 dwellings per hectare, which would be far higher than would be expected in a suburban area such as this. Policy DM11 states that the density of new housing developments will, in most cases, not exceed 40 dwellings per hectare. The policy allows for exceptions where the site enjoys good access to services via public transport, walking and cycling and where the surrounding townscape has sufficient capacity to accommodate developments of higher density.

114. In 2018 the Council recognised that Policy DM11, together with Policy DM13 (which seeks to limit building heights to 12m outside the town centre), could act to restrict the capacity of housing sites in a way that could conflict with the objective of optimising housing delivery on such sites. These policies remain as part of the development plan and must be taken into account accordingly. That said, the fact that the Council has expressly acknowledged a conflict with national policy in relation to housing delivery should be taken into account when considering the weight to be attached to any conflicts with these policies.

115. For the reasons given above, I consider that the surrounding townscape does not have the capacity to accommodate the Appeal A scheme. The Appeal A proposal would therefore conflict with Policy DM11. However, I have concluded that the surrounding townscape could accommodate the Appeal B scheme. Moreover, I consider that, whilst the site is not in the town centre, it is in a reasonably accessible location. Consequently, the Appeal B proposal would accord with Policy DM11. I acknowledge that the density of this scheme would be high compared with surrounding residential areas. However, I have not

identified any significant harm as a result of that density, for example in relation to the living conditions of nearby residents.

116. Both appeal schemes would be in excess of 12m in height and would conflict with Policy DM13.

Space standards and the flexibility of the units

117. The majority of the proposed units would be Guild Living Residences. The Council and the appellant agree that these units would accord with Nationally Described Space Standards. Although some of the units would have an area of private amenity space, most would not. Provision of private amenity space would be a policy requirement for Class C3 flats. However, these units have been purpose designed as part of an extra care development which has an emphasis on communal amenity spaces, both outdoors and indoors. I consider that the approach to the provision of amenity space is appropriate to the needs of future occupiers.
118. The SoCG identifies that the Guild Care Suites and Guild Care Residences would not meet the minimum space standards. The Guild Care Suites would not include kitchen areas. The Guild Care Residences would have a small kitchenette area. Residents could either take meals within their residence or in communal spaces. The SoCG notes that these units would be similar to those that would be provided within a care home. They would generally be occupied by residents with higher care needs who would not be cooking for themselves.
119. Interested parties drew attention to Policy DM21, which contains criteria for specialised forms of residential accommodation. One of these is that the design is sufficiently flexible to accommodate conversion to other appropriate uses in the event that the need for the permitted use declines. In the light of the evidence on the growing need for extra care housing, this seems like an unlikely scenario. In any event, the policy allows for alternative uses to be either residential or non-residential. I do not consider that lack of flexibility should be regarded as a significant factor in these appeals. Accordingly, having regard to my conclusions on the need for extra care accommodation and concerns about overprovision discussed above, I find that the proposals would accord with Policy DM21.
120. I conclude that, for both appeals, the standard of accommodation would be appropriate to the needs of the intended occupiers.

Transport, traffic and parking

121. The County highways authority has agreed the level of parking proposed for the development and has advised that existing parking restrictions in the locality would avoid any issues with illegal parking in the surrounding area. The effect of generated traffic on specific road junctions has been modelled and the County highways authority has accepted that the local highway network would not be adversely affected. I see no reason to take a different view on these matters.
122. The occupiers of No 40 Woodcote Green Road, which adjoins the site, have drawn attention to the proximity of the proposed new access road to their driveway. The concern is that vehicles slowing to enter the appeal site could conflict with vehicles emerging from No 40. However, I saw that there is good

visibility along Woodcote Green Road at this point. I do not consider that the proposed layout would be unduly hazardous.

123. As discussed above, the proposals would prioritise pedestrian movement within the site and would create an improved pedestrian route from Woodcote Green Road to the hospital. Secure covered cycle parking for residents, staff and visitors would be located throughout the site. The proposed improvements to transport infrastructure would include bus stop improvements and footway widening, provision of real time passenger information and a contribution to the installation of vehicle activated signs on Woodcote Green Road. These matters would be secured through the s106 Agreements. The Agreements would also provide for establishment of a car club and car club parking. In addition, the implementation of a travel plan would be secured by a condition. I consider that, for both appeals, opportunities to promote walking, cycling and public transport use have been identified and appropriate transport measures would be incorporated in the proposals.

#### Fire safety

124. Interested parties questioned the appropriateness of providing extra care accommodation in multi-storey buildings. The applications were supported by a Fire Strategy and the SoCG states that the fire safety provisions that will be required as part of the Building Regulations approval process have been considered at the planning stage, such that the scheme provides no impediments to meeting the relevant requirements. In answer to my questions, the appellant<sup>30</sup> explained that the proposed approach to fire safety would encompass both physical design measures and staff training. Accordingly, the appellant suggested that the submission and approval of a Fire Safety Management Plan should be the subject of a planning condition. Subject to that condition, I consider that, for both appeals, fire safety has been appropriately considered at the planning stage.

### **Conclusions – Appeal A**

#### *Heritage assets – application of the Framework*

125. I have concluded that there would be some minor harm to the character and appearance of the Chalk Lane Conservation Area through development in its setting. I have also found that there would be some harm to the settings of the following listed buildings:

- The Hylands (Grade II\*);
- Hylands House (Grade II\*);
- West Hylands (Grade II); and
- Nos 67 and 69 Dorking Road (Grade II).

The degree of harm to the significance of the conservation area and each listed building would be at the lower end of less than substantial harm. Even so, any harm to a designated heritage asset is a matter of considerable importance and weight. The balancing exercise set out in paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal.

---

<sup>30</sup> My questions were put to Mr Serginson, Development Director.

126. For the reasons given above, I attach significant weight to each of the following public benefits:

- contribution to housing land supply;
- provision of extra care accommodation; and
- use of previously developed land.

Moreover, I attach moderate weight to the provision of affordable housing and moderate weight to economic benefits.

127. I conclude that, taken together, the public benefits would be sufficient to outweigh the harm to the heritage assets. The conclusion is the same, whether the assets are considered individually or collectively. It follows that there would be no conflict with the policies of the Framework, as they relate to the historic environment.

#### *The development plan*

128. The proposal would conflict with Policy CS5 because, although it would make efficient use of land, it would not reinforce local distinctiveness, nor would it complement the attractive characteristics of the borough. Policy CS5 also seeks to protect the settings of heritage assets. The proposal would cause harm to the settings of heritage assets as discussed above. However, in this respect Policy CS5 is inconsistent with the Framework because it does not allow for public benefits to be weighed against harm. I therefore attach limited weight to the conflict with this part of Policy CS5 and greater weight to the outcome of the balancing exercise set out in the Framework.

129. The proposal would accord with Policy CS8 which emphasises the use of previously developed land for housing. Although the proposal would not provide the level of affordable housing required by Policy CS9, the policy allows for viability to be taken into account. On that basis there would be no conflict with policy CS9.

130. The proposal would accord with Policy DM5 which seeks to avoid significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.

131. The proposal would conflict with Policy DM9 in that it would not make a positive contribution to the Borough's visual character and appearance. It would accord with some elements of Policy DM10, for example in relation to protecting the amenities of neighbours and providing an appropriate layout and access arrangements. However, it would not represent good design because the scale, height and form of development proposed would be harmful to the character and local distinctiveness of the area. It would therefore conflict with the policy as a whole.

132. The proposal would conflict with Policy DM11 which seeks to limit the density of new housing unless certain exceptions apply. In this case, those exceptions would not apply because the surrounding townscape does not have the capacity to accommodate the density proposed. Nevertheless, this is a policy which is likely to have the effect of restricting housing delivery on sites that are suitable for housing. I therefore attach limited weight to the conflict with this policy and greater weight to the policies of the Framework relating to design,

housing delivery and reuse of previously developed land. For the same reasons, I attach limited weight to the conflict with Policy DM13 which sets a maximum height limit of 12m in locations outside Epsom Town Centre.

133. The proposal would accord with Policy DM21 which states that permission will be granted for specialised forms of residential accommodation where there is evidence of need, where there will not be overprovision of a particular type of accommodation and where the design would allow conversion to other uses (residential or non-residential) in the event that the need for the permitted use declines.
134. Notwithstanding that there would be compliance with some policies, I consider that the policy conflicts that I have identified are of sufficient importance that the proposal should be regarded as being in conflict with the development plan as a whole. In particular, this is due to the degree of harm that I have identified in relation to Policies CS5, DM9 and DM10.

*Other material considerations*

135. The approach to decision making set out in paragraph 11(d) of the Framework applies because of the HDT position and also because of the absence of a five year housing land supply. In these circumstances, the Framework states that the development plan policies which are most important for determining the appeal are deemed to be out of date. Planning permission should be granted, unless policies that protect areas or assets of particular importance provide a clear reason for refusal or unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework as a whole.
136. Designated heritage assets, including listed buildings and conservation areas, are assets of particular importance for these purposes. However, for the reasons given above, the application of the Framework's policies for the historic environment do not provide a reason for refusing the proposal.
137. The proposal would provide a number of benefits. The Framework sets out the objective of significantly boosting the supply of homes. I attach significant weight to the contribution that the appeal scheme would make to this objective. The Framework also states that planning policies should reflect the size, type and tenure of housing needed for different groups in the community, including those who require affordable housing, older people and people with disabilities. The proposal would contribute to meeting such needs. For the reasons given above, I attach significant weight to the provision of extra care accommodation and moderate weight to the provision of affordable housing.
138. The Framework seeks to make effective use of land and emphasises the value of using suitable brownfield land within settlements for homes and other identified needs. I attach significant weight to the contribution that the appeal scheme would make to this objective. The Framework also seeks to support economic growth and I attach moderate weight to the benefits of the proposal in this regard.
139. On the other hand, the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that planning decisions should ensure that developments add to the overall quality of the area. For the



reasons given above, I do not consider that the proposal would meet these objectives. The Framework goes on to say that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting. In this case, I have concluded that the proposal would result in significant harm to the character and appearance of the area.

140. The Framework seeks to optimise the potential of development sites to accommodate and sustain an appropriate amount and mix of development. There is no objection to the mix of uses proposed here. However, in my view, the amount of development proposed would go significantly beyond optimising the potential of the site. The Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In this case there are no detailed local design policies. I have had regard to the National Design Guide and have concluded that, viewed in the round, the Appeal A proposal would not amount to good design.
141. My overall assessment is that, in this case, the failure to achieve good design is a matter of such importance and weight that the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

#### *Overall conclusion on Appeal A*

142. The proposal would be in conflict with the development plan. I have taken account of the benefits that would flow from the proposal and have assessed the scheme against the policies in the Framework, taken as a whole. Neither these considerations, nor any other material considerations, indicate that the appeal should be determined other than in accordance with the development plan. It follows that the appeal should be dismissed.

### **Conclusions – Appeal B**

#### *Heritage assets - application of the Framework*

143. The heritage assets that would be affected would be the same as for Appeal A. In each case the level of harm would be lower, due to the reduced height and mass of the Appeal B scheme compared with the Appeal A scheme. However, I would still characterise the harm as being at the lower end of less than substantial harm to the significance of each heritage asset.
144. The benefit of using previously developed land would be the same. There would be some reduction in the other public benefits, compared with the Appeal A scheme, proportionate to the reduced number of units. Nevertheless, I consider that the broad order of public benefits would be similar and I attach the same weights as for Appeal A.
145. I conclude that, taken together, the public benefits would be sufficient to outweigh the harm to the heritage assets. The conclusion is the same, whether the assets are considered individually or collectively. It follows that there would be no conflict with the policies of the Framework, as they relate to the historic environment.

### *The development plan*

146. The proposal would accord with Policy CS5 insofar as it would represent high quality design that would create attractive and safe environments, complement the attractive characteristics of the Borough and make efficient use of land. Policy CS5 also seeks to protect the settings of heritage assets. The proposal would cause some harm to the settings of heritage assets as discussed above. However, in this respect Policy CS5 is inconsistent with the Framework because it does not allow for public benefits to be weighed against harm. I therefore attach limited weight to the conflict with this part of Policy CS5 and greater weight to the outcome of the balancing exercise set out in the Framework.
147. The proposal would accord with Policy CS8 which emphasises the use of previously developed land for housing. Although the proposal would not provide the level of affordable housing required by Policy CS9, the policy allows for viability to be taken into account. On that basis there would be no conflict with policy CS9.
148. The proposal would accord with Policy DM5 which seeks to avoid significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
149. The proposal would accord with Policy DM9 in that it would make a positive contribution to the Borough's visual character and appearance. It would not accord with some elements of Policy DM10, for example in relation to respecting prevailing development typologies and densities. It would accord with other elements of the policy, for example in protecting the amenities of neighbours and providing an appropriate layout and access arrangements. My overall assessment is that the proposal would represent good design that would contribute to the character of the area. Viewed in the round, it would accord with the policy as a whole.
150. The proposal would accord with Policy DM11, which seeks to limit the density of new housing unless certain exceptions apply. In this case, the exceptions do apply because the site has good access to services and facilities and the surrounding townscape has the capacity to accommodate the density proposed.
151. The proposal would conflict with Policy DM13, which sets a maximum height limit of 12m in locations outside Epsom Town Centre. Nevertheless, this is a policy which is likely to have the effect of restricting housing delivery on sites that are suitable for housing. I therefore attach limited weight to the conflict with this policy and greater weight to the policies of the Framework relating to design, housing delivery and reuse of previously developed land.
152. The proposal would accord with Policy DM21 which states that permission will be granted for specialised forms of residential accommodation where there is evidence of need, there will not be overprovision of a particular type of accommodation and the design would allow conversion to other uses (residential or non-residential) in the event that the need for the permitted use declines.
153. Notwithstanding the fact that there would be conflict with some policies, I consider that the proposal would accord with the development plan in several important respects. The policy conflicts that I have identified are not of sufficient importance to outweigh the matters where compliance would be

achieved. I therefore conclude that the proposal would accord with the development plan as a whole.

#### *Other material considerations*

154. Although there would be harm to the settings of some designated heritage assets, that harm would be outweighed by public benefits. Consequently, there would be no conflict with the policies of the Framework as they relate to the historic environment. I consider that the broad order of public benefits relating to housing supply, extra care accommodation, affordable housing, use of previously developed land and economic benefits would be similar to those of the Appeal A scheme. In these respects, the proposal would support policies contained in the Framework.

155. Moreover, the proposal would add to the overall quality of the area. It would be sympathetic to local character and would establish a strong sense of place. This would optimise the potential of the site to accommodate an appropriate amount and mix of uses. I conclude that the Appeal B scheme would represent good design, as that term is used in the Framework.

#### *Overall conclusion on Appeal B*

156. The proposal would accord with the development plan. Taken together, the other material considerations identified above weigh in favour of the appeal. There are no other material considerations that indicate that the appeal should be determined other than in accordance with the development plan. It follows that the appeal should be allowed.

#### **Conditions for Appeal B**

157. The Council and the appellant submitted a schedule of suggested conditions, which I have considered in the light of guidance on conditions in NPPG. These were mostly agreed, although there were some differences which were discussed at the Inquiry. I have made some adjustments to detailed wording, for consistency and clarity. However, the substance of the conditions I shall impose reflects the schedule that was discussed at the Inquiry.

158. Conditions 14 to 19 require matters to be approved before the commencement of development. This is necessary either because the conditions address environmental impacts that would arise during the construction phase or because the conditions relate to aspects of the design that would need to be resolved at the outset. The appellant has agreed that it would be necessary to impose pre-commencement conditions.

159. Condition 2 requires that development is to be carried out in accordance with the approved plans, in the interests of clarity. Condition 3 requires that construction is to be carried out in accordance with the Construction Environmental Management Plan and noise report that were submitted with the application, in the interests of protecting the living conditions of nearby residents. I have adopted the appellant's suggested wording because it is not necessary to refer to specific mitigation measures in the condition, given that the measures in the submitted documents are to be implemented as a whole. As noted above, the submitted plans are inconsistent insofar as they relate to four balconies that would be located on part of Building A. Condition 4 is needed to resolve that inconsistency by requiring further details to be approved before any balconies are constructed in these positions.

160. Condition 5 requires an archaeological assessment to be made, in order to protect the archaeological potential of the site. Condition 6 sets out arrangements for dealing with any unforeseen site contamination, in the interests of managing risks of pollution. Condition 7 requires implementation of measures to protect air quality during construction. Condition 8 requires submission of details of water efficiency, in the interests of sustainable use of resources. Condition 9 controls emissions from boilers in the interests of protecting air quality. Condition 10 sets out tree protection measures in order to protect the character and appearance of the area. Condition 11 requires the arrangements for testing generators and smoke extract fans to be approved, in the interests of protecting the living conditions of nearby residents.
161. Condition 12 would limit the proposed retail units to retail use, in the interests of maintaining the integrated mix of uses proposed in the application. The hours of use would also be controlled, in the interests of protecting the living conditions of future occupiers of the appeal site and nearby residents. On grounds of highway safety, the suggested condition would also have prevented the sale of food from the retail units. I do not think that this restriction would be justified. The retail units would be small and are likely to be used by people who would be at the site (or the adjoining hospital) in any event, as residents, patients, staff members or visitors. Condition 13 would limit the nursery to use for that purpose, in order to maintain the integrated mix of uses proposed in the application.
162. Condition 14 requires the submission of a Contamination Safeguarding Scheme in the interests of managing the risks of pollution of groundwater. Condition 15 requires the submission of a Surface Water Drainage Scheme in the interests of managing risks of surface water flooding and pollution. Condition 16 requires the submission of a Construction Transport Management Plan in the interests of highway safety. Condition 17 requires the submission of an Arboricultural Method Statement to protect trees during construction in the interests of the character and appearance of the area. Condition 18 requires submission of finished site levels in the interests of the character and appearance of the area and to ensure safe and convenient movement around the site. The suggested condition also included submission of finished floor levels of buildings. However, that would not be necessary because those details are shown on the approved plans listed in Condition 2.
163. Condition 19 requires submission of a Site Investigation and Risk Assessment Report and a Remediation Strategy in order to protect future occupiers from any contaminants that may be present on the site. Condition 20 requires assessment of the potential for overheating within the proposed accommodation so that opportunities for passive cooling can be taken, in the interests of sustainable development. Condition 21 requires submission of materials and other building details in the interests of the character and appearance of the area. Condition 22 requires submission of a Security Management Plan in the interests of community safety. As discussed above, the appellant's approach to fire safety depends on both physical features of the proposed buildings and staff training. Condition 23 requires submission of a Fire Safety Management Plan which would be one element of the approach to fire safety. This is necessary to ensure that fire safety has been appropriately considered at the planning stage.

164. Condition 24 requires submission of details of hard and soft landscaping in the interests of the character and appearance of the area and biodiversity. Condition 25 requires submission of measures to protect the privacy of adjacent properties from potential overlooking from the proposed Sensory Garden. Condition 26 restricts the use of roofs as amenity areas, other than those areas designed for that purpose. These conditions are needed in the interests of protecting the living conditions of nearby residents. Condition 27 requires submission of details of boundary treatments, in the interests of the character and appearance of the area. Condition 28 requires submission of details of acoustic fencing in the interests of protecting the living conditions of nearby residents.
165. Condition 29 requires submission of a Verification Report confirming the successful implementation of the Remediation Strategy required by Condition 19. Condition 30 requires submission of a Verification Report confirming the successful implementation of the drainage system, details of which would be approved under Condition 15. Both conditions are necessary for the same reasons as the previous conditions they relate to. Condition 31 requires submission of evidence that the ecological mitigation and enhancement measures described in the application documents have been implemented. This is necessary in the interests of biodiversity.
166. Conditions 32, 33, 34, 35, 36 and 37 relate (respectively) to submission of details of cycle parking, submission of details of car parking and electric vehicle charging, implementation of the access arrangements described in the application documents, footway widening, submission of a Car Park Management Plan and submission of a Refuse, Deliveries and Servicing Management Plan. These conditions are needed in the interests of highway safety and promoting sustainable transport choices.
167. Condition 38 requires submission of details of external lighting to protect the character and appearance of the area and the living conditions of nearby residents. Condition 39 requires that the nursery and retail units should meet the BREEAM "very good" standard in the interests of sustainable development. Condition 40 provides for the hours of operation of the nursery to be controlled in the interests of the living conditions of nearby residents. Condition 41 secures implementation of the Travel Plan submitted with the application in the interests of promoting sustainable transport choices.

*David Prentis*

Inspector

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Meyric Lewis, of Counsel	instructed by Amardip Healy, Chief Legal Officer, Epsom and Ewell Borough Council
He called Mike Kiely BTP MBA MRTPI	Mike Kiely Planning and Regeneration

### FOR THE APPELLANT:

Rupert Warren, Queen's Counsel	instructed by CMS
He called Matthew Serginson BEng MRICS	Guild Living
Andrew Earwicker BA PGDip RIBA ARB	Life3A
Andrew Williams BA(Hons) DipLA DipUD CMLI	Define
Tim Spencer DipTRP MRTPI	Nexus Planning

### INTERESTED PERSONS:

Cllr Liz Frost	Ward Councillor, Epsom and Ewell Borough Council
Penny Lea	Speaking on behalf of Marion and Lawrence Lea, adjoining residents
Emma Ware	Chair of Epsom and Ewell Conservative Association, speaking on behalf of the Rt Hon Chris Grayling MP



## DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Opening statement for the appellant
ID2	Opening statement for the Council
ID3	Appearances for the Council
ID4	Speaking notes of Councillor Frost
ID5	Speaking notes of Ms Lea
ID6	Photographs submitted by Ms Lea
ID7	Our Locations – Guild Living
ID8	Community Infrastructure Levy Compliance Statement
ID9	Draft s106 Agreement for Appeal A (20 August 2021)
ID10	Draft s106 Agreement for Appeal B (20 August 2021)
ID11	Mr Kiely’s comments on conditions for Appeal A
ID12	Mr Kiely’s note on additional conditions (23 August 2021)
ID13	Appellant’s suggested itinerary for site visit
ID14	Agreed draft s106 Agreement for Appeal A (23 August 2021)
ID15	Agreed draft s106 Agreement for Appeal B (23 August 2021)
ID16	Plans to be attached to s106 Agreements
ID17	Mr Spencer’s note on conditions applying to Appeal B only
ID18	Mr Spencer’s comments on conditions for Appeal A (23 August 2021)
ID19	Secretary of State’s letter about changes to the National Planning Policy Framework (2 August 2021)
ID20	Appellant’s agreement to pre-commencement conditions (24 August 2021)
ID21	Note on Fire Strategy by Hoare Lea (24 August 2021)
ID22	Closing submissions for the Council
ID23	Closing submission for the appellant
ID24	Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 74

## DOCUMENTS SUBMITTED AFTER THE INQUIRY

	Note of corrections to s106 Agreements since the close of the Inquiry (3 September 2021)
	Signed s106 Agreement for Appeal A (3 September 2021)
	Signed s106 Agreement for Appeal B (3 September 2021)

## **SCHEDULE OF CONDITIONS FOR APPEAL B**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and drawings listed below, other than where those details are altered pursuant to the conditions of this planning permission:
  - EPS001-MPI-XX-ZZ-DR-A-00-001 - SITE LOCATION PLAN & EXISTING SITE PLAN – dated 05.02.21
  - EPS001-MPI-ZZ-ZZ-DR-A-00-002 - PROPOSED SITE PLAN – dated 05.02.21
  - EPS001-MPI-XX-ZZ-DR-A-00-003 - DEMOLITION PLAN – dated 05.02.21
  - EPS001-MPI-ZZ-00-DR-A-01-100 - LEVEL 00 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-01-DR-A-01-101 - LEVEL 01 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-02-DR-A-01-102 - LEVEL 02 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-03-DR-A-01-103 - LEVEL 03 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-04-DR-A-01-104 - LEVEL 04 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-ZZ-DR-A-01-105 - LEVEL 05-07 MASTERPLAN – dated 05.02.21
  - EPS001-MPI-ZZ-RF-DR-A-01-106 - ROOF LEVEL MASTERPLAN – dated 05.02.21
  - EPS001-MPI-XX-SX-DR-A-20-200 - SITE SECTIONS 1:500 – dated 05.02.21
  - EPS001-MPI-XX-SX-DR-A-20-201 - BUILDING SECTION A-A' & B-B' - dated 05.02.21
  - EPS001-MPI-XX-SX-DR-A-20-202 - BUILDING SECTION C-C' & D-D - dated 05.02.21
  - EPS001-MPI-XX-SX-DR-A-20-203 - BUILDING SECTION EE – dated 05.02.21
  - EPS001-MPI-XX-SX-DR-A-20-205 - SITE SECTIONS - STREET CONTEXT – dated 05.02.21
  - EPS001-MPI-XX-EL-DR-A-20-300 - ELEVATION 1A-1A - BUILDING A SOUTH – dated 05.02.21
  - EPS001-MPI-XX-EL-DR-A-20-301 - ELEVATION 1B-1B - BUILDING B COURTYARD SOUTH – dated 05.02.21
  - EPS001-MPI-XX-EL-DR-A-20-302 - ELEVATION 2-2 - BUILDING A PODIUM SOUTH – dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-303 - ELEVATION 3-3 - BUILDING A NORTH  
- dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-304 - ELEVATION 4-4 - BUILDING A WEST -  
dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-305 - ELEVATION 5-5 - BUILDING A EAST -  
dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-306 - ELEVATION 6-6 - BUILDING A/B  
SOUTH - dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-307 - ELEVATION 7-7 - BUILDING A DROP-  
OFF SOUTH - dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-308 - ELEVATION 8-8 - BUILDING B EAST -  
dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-309 - ELEVATION 9-9 - BUILDING B WEST -  
dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-310 - ELEVATION 10-10 - BUILDING A/B  
NORTH - dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-311 - ELEVATION 11-11 - BUILDING B  
NORTH - dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-312 - ELEVATION 12-12 - BUILDING A  
WEST - dated 05.02.21

EPS001-MPI-XX-EL-DR-A-20-313 - ELEVATION 13-13 - BUILDING A  
PODIUM EAST - dated 05.02.21

EPS001-MPI-AZ-00-DR-A-20-500 - BUILDING A - L00 - dated 05.02.21

EPS001-MPI-AZ-01-DR-A-20-501 - BUILDING A - L01 - dated 05.02.21

EPS001-MPI-AZ-02-DR-A-20-502 - BUILDING A - L02 - dated 05.02.21

EPS001-MPI-AZ-03-DR-A-20-503 - BUILDING A - L03 - dated 05.02.21

EPS001-MPI-AZ-04-DR-A-20-504 - BUILDING A - L04 - dated 05.02.21

EPS001-MPI-AZ-ZZ-DR-A-20-505 - BUILDING A - L05-07 - dated  
05.02.21

EPS001-MPI-AZ-RF-DR-A-20-506 - BUILDING A - ROOF LEVEL - dated  
05.02.21

EPS001-MPI-BZ-00-DR-A-20-510 - BUILDING B - L00 - dated 05.02.21

EPS001-MPI-BZ-01-DR-A-20-511 - BUILDING B - L01 - dated 05.02.21

EPS001-MPI-BZ-02-DR-A-20-512 - BUILDING B - L02 - dated 05.02.21

EPS001-MPI-BZ-03-DR-A-20-513 - BUILDING B - L03 - dated 05.02.21

EPS001-MPI-BZ-04-DR-A-20-514 - BUILDING B - L04 - dated 05.02.21

EPS001-MPI-BZ-ZZ-DR-A-20-515 - BUILDING B - L05-07 - dated  
05.02.21

EPS001-MPI-BZ-RF-DR-A-20-516 - BUILDING B - ROOF LEVEL - dated  
05.02.21

EPS001-MPI-XX-XX-DR-A-21-300 - TYPICAL BAY STUDY - BAY 1 - JULIET BALCONY DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-21-301 - TYPICAL BAY STUDY - BAY 2 - BOLT ON BALCONY DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-21-302 - TYPICAL BAY STUDY - BAY 3 - DROP OFF DETAIL – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-100 - TYPICAL UNIT LAYOUTS - 1 BED – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-101 - TYPICAL UNIT LAYOUTS - 2 BEDS – dated 05.02.21

EPS001-MPI-XX-XX-DR-A-30-102 - TYPICAL UNIT LAYOUTS - 3 BEDS – dated 05.01.21

EPS001-MPI-XX-XX-DR-A-30-103 - TYPICAL UNIT LAYOUTS - GCS & GCR – dated 05.02.21

656\_P\_00\_100 P06 - Ground Floor Masterplan – dated 02.02.21

596\_P\_02\_105 P02 - Roof Masterplan – dated 02.02.21

596\_S\_00\_100 P01 - Landscape General Arrangement Sections A-A– dated 18.01.20

596\_S\_00\_101 P01 - Landscape General Arrangement Sections BB CC – dated 18.01.20

- 3) The development shall be carried out in accordance with the Construction Environmental Management Plan, Revision 5 (prepared by Morgan Sindall) and the Environmental Noise Survey (carried out by Hann Tucker Associates document reference 26691/PNA1/Rev2 dated 19 December 2019). The measures set out in those documents shall be maintained as approved throughout the construction period.
- 4) Notwithstanding the requirements of Condition 2, the development hereby permitted shall not include the construction of the four balconies shown on the following drawings which would be situated on the southern elevation of levels 06 and 07 of Building A until full details of any balconies in these locations (including any consequential revisions to the floor plans of the affected units) have been submitted to and approved in writing by the local planning authority:
  - EPS001-MPI-XX-EL-DR-A-20-304 – ELEVATION 4-4 - BUILDING A WEST - dated 05-02-21
  - EPS001-MPI-XX-EL-DR-A-20-305 – ELEVATION 5-5 - BUILDING A EAST - dated 05-02-21
  - EPS001-MPI-XX-EL-DR-A-20-306 ELEVATION 6-6 - BUILDING A/B SOUTH – dated 05-02-21
  - EPS001-MPI-XX-EL-DR-A-20-307-ELEVATION 7-7 - BUILDING A DROP-OFF SOUTH – dated 05-02-21
  - EPS001-MPI-ZZ-RF-DR-A-01-106 - ROOF LEVEL MASTERPLAN – dated 05-02-21
- 5) The development shall be undertaken in accordance with the programme of palaeo-environmental assessment and analysis set out in Table 9 of

Archaeology South East's report (Reference 202181, dated October 2020).

- 6) If, during the implementation of the development groundworks, contamination not previously identified is found to be present at the site (including any contamination that could present a risk to Controlled Waters) then no further works shall be carried out until a remediation strategy detailing how such contamination shall be dealt has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved. A verification report confirming that the remediation strategy has been implemented as approved shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development.
- 7) The development shall be carried out in accordance with the submitted Air Quality Assessment by Arup dated 13 January 2021, including the proposed mitigation measures. The measures shall be maintained throughout the construction period.
- 8) Details of water efficiency measures shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development. The details shall show a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. The measures shall be installed in accordance with the approved details and thereafter maintained for as long as the development is in use.
- 9) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon-based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.
- 10) With respect to existing trees identified in the approved plans as being retained:
  - a) no such tree shall be cut down, uprooted, destroyed or otherwise damaged without the written approval of the local planning authority;
  - b) if any such tree is cut down, uprooted, destroyed or is otherwise damaged or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority; and
  - c) no such tree shall be pruned other than with the written approval of the local planning authority. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement.

The tree protection provisions above shall last for a period of five years following the first occupation of any part of the development.
- 11) Prior to occupation of any part of the development, the testing frequency and times of the standby generators and smoke extraction fans shall be submitted to and approved in writing by the local planning authority. Testing shall only be carried out in accordance with the approved frequency and times.

- 12) The retail units shall be limited to the uses described in part E(a) (Display or retail sale of goods, other than hot food) of the Use Classes Order (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other use (notwithstanding any provisions in the Use Classes Order or the General Permitted Development Order). The retail units shall only be open for trade between the hours of 0700 and 2100 Mondays to Saturdays and 0800 and 2100 hours on Sundays.
- 13) The nursery shall be limited to a creche or day nursery use only and for no other use (notwithstanding any provisions in the Use Classes Order or the General Permitted Development Order or in any equivalent provisions in any statutory instrument revoking and re-enacting those Orders with or without modification). The creche or day nursery use shall be limited to a maximum of 40 children at any one time.
- 14) No development shall commence until a Contamination Safeguarding Scheme has been submitted to and approved in writing by the local planning authority. The Scheme shall include:
  - a) a site investigation, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - b) the results of the site investigation and detailed risk assessment referred to in (a) shall inform an options appraisal and remediation strategy that gives full details of the remediation measures required and how they are to be undertaken; and
  - c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resulting unacceptable risk to groundwater.

The development shall be implemented in accordance with the approved Contamination Safeguarding Scheme and shall be maintained as approved for as long as the development is in use.

- 15) No development shall commence until a Surface Water Drainage Scheme has been submitted to and approved in writing by the local planning authority. The design must satisfy the Sustainable Drainage System Hierarchy and be compliant with the national Non-Statutory Technical Standards for Sustainable Drainage Systems, the National Planning Policy Framework and Ministerial Statement on Sustainable Drainage Systems. The Scheme shall include:
  - a) evidence that infiltration of surface water drainage into the ground will be confined to those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters;



- b) evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 year (+40% allowance for climate change) storm events during all stages of the development (associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent of 52l/s);
- c) detailed drainage design drawings and calculations to include a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (such as silt traps or inspection chambers);
- d) a plan showing exceedance flows (during rainfall greater than design events or during blockage) and how property on and off site would be protected;
- e) details of drainage management responsibilities and maintenance regimes for the drainage system; and
- f) details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be implemented in accordance with the approved Surface Water Drainage Scheme and shall be maintained as approved for as long as the development is in use.

- 16) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:
- a) parking for vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials;
  - d) programme of works (including measures for traffic management);
  - e) provision of boundary hoarding behind any visibility zones;
  - f) HGV deliveries and hours of operation;
  - g) vehicle routing;
  - h) measures to prevent the deposit of materials on the highway;
  - i) before and after condition surveys of the highway and measures to enable the repair of any damage caused during construction; and
  - j) on-site turning for construction vehicles.

The development shall be implemented in accordance with the approved Construction Transport Management Plan which shall be adhered to throughout the construction period.

- 17) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) have been submitted to and approved in writing by the local planning authority. The Statement shall include details of:

- a) all underground services within the root protection areas (RPA) of trees and measures for construction methods to prevent root damage;
- b) all level changes within any RPA and measures and/or construction methods to prevent root damage;
- c) all construction activity both above and below ground within any RPA and measures and/or construction methods to prevent root damage;
- d) all hard surface treatments within any RPA and measures and/or construction methods to prevent root damage;
- e) a Tree Protection Scheme which shall include details of the measures to protect retained trees during construction and arrangements for a pre-commencement site meeting after the installation of the Scheme between the local planning authority and the developer's project arboriculturist to allow inspection and verification of the protection measures; and
- f) a programme of arboricultural supervision and reporting of protection measures to the local planning authority.

The development shall be carried out in accordance with the approved Method Statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan.

Within any area fenced in accordance with this condition, such areas shall be kept clear and nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit. Such protection measures shall be maintained in-situ and not moved or removed until all construction has finished, and all equipment, materials and machinery are removed from site.

- 18) No development shall commence until details of existing and proposed finished site levels and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 19) No development shall commence until a Site Investigation and Risk Assessment Report and a Remediation Strategy have been submitted to and approved in writing by the local planning authority. The Report and Strategy shall include:
  - a) details of the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos and hydrocarbons) with the potential to impact sensitive receptors on and off site; and
  - b) where ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of remediation and risk management measures.

The development shall be implemented in accordance with the approved Report and Strategy and shall be maintained as approved for as long as the development is in use.

- 20) The construction of any building above ground level shall not commence until an assessment of the risk of overheating has been submitted to and approved in writing by the local planning authority. The assessment shall be undertaken with dynamic simulation, based on CIBSE TM59:2017 and adopting weather files as indicated in CIBSE TM49:2014 or any other methodology that may replace it. If overheating is present on the assessment, Strategic Mitigation Measures to mitigate the problem shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the Strategic Mitigation Measures and shall be maintained as approved for as long as the development is in use.
- 21) The construction of any building above ground level shall not commence until details of the external appearance of that building have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) samples of any external cladding materials and/or any railings or balconies which shall be made available for inspection on site;
  - b) a sample of each of the proposed brick finishes and a 1m x 1m panel which shall be constructed on site and shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour (to be retained on site as a model during the works);
  - c) section drawings through all parapets and roof edges (including the boundaries of roof terraces) at a scale of 1:20;
  - d) section drawings through doors, windows (including reveals, soffits, lintels and sills) and balconies at a scale of 1:20; and
  - e) details of all landscape furniture.

The development shall be implemented in accordance with the approved details and samples and shall be maintained as approved for as long as the development is in use.

- 22) The construction of any building above ground level shall not commence until a Security Management Plan has been submitted to and approved in writing by the local planning authority. The developer shall consult with Surrey Police in preparing the Plan. The development shall be implemented in accordance with the approved Plan. No part of the development shall be occupied until the Plan's provisions have been implemented with respect to that part of the development. The Plan's provisions shall be maintained as approved for as long as the development is in use.
- 23) The construction of any building above ground level shall not commence until a Fire Safety Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Plan. No part of the development shall be occupied until the Plan's provisions have been implemented with respect to that part of the development. The Plan's

provisions shall be maintained as approved for as long as the development is in use.

- 24) The construction of any building above ground level shall not commence until a Scheme of Hard and Soft Landscaping has been submitted to and approved in writing by the local planning authority. The Scheme shall include:
- a) details of all existing trees on the land and details of those to be retained;
  - b) the location and species of plants and trees to be planted on the site;
  - c) the proposed times of planting, which should be no later than the first planting season following the completion of the development; and
  - d) the arrangements for aftercare over a period of five years.

The development shall be implemented in accordance with the approved Scheme.

All trees and plants shall be maintained for five years following planting and any that die, are removed or damaged or become diseased within that period shall be replaced in the same position in the next planting season with trees/plants of similar size and species to those originally required to be planted, unless the local planning authority gives written consent to any variation.

- 25) The Sensory Garden at the second floor level of Building A shall not be brought into use until measures to protect the privacy of adjacent properties (which may include temporary and permanent measures) have been implemented in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. If at any time the approved measures to protect the privacy of adjacent properties are not in place the use of the Sensory Garden shall cease until such time as the approved measures are reinstated.
- 26) Other than the Sensory Garden at the second floor level of Building A and the Residents' Private Terrace on the roof of Building B, access to the roof areas on both buildings shall be restricted to maintenance and repair purposes only and those roofs shall not be used for any amenity proposes.
- 27) The construction of any building above ground level shall not commence until details of all proposed walls, fences and other boundary treatments have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the development for residential purposes and shall be retained as approved for as long as the development is in use.
- 28) The construction of any building above ground level shall not commence until details of an acoustic fence along the site boundary with numbers 40 and 46 Woodcote Green Road have been submitted to and approved in writing by the local planning authority. The acoustic fence shall be constructed in accordance with the approved details prior to the first

occupation of the development and shall thereafter be retained as approved for as long as the development is in use.

- 29) No part of the development shall be occupied or brought into use until a Verification Report demonstrating completion of the works set out in the approved Remediation Strategy (required by condition 19) and the effectiveness of that remediation has been submitted to and approved in writing by the local planning authority. The Verification Report shall include:
- a) results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met; and
  - b) a long-term monitoring and maintenance plan for monitoring pollutant linkages, maintenance and arrangements for contingency action.

The long-term monitoring and maintenance plan shall be implemented in accordance with the approved Verification Report and shall be maintained as approved for as long as the development is in use.

- 30) No part of the development shall be occupied or brought into use until a Verification Report carried out by a qualified drainage engineer demonstrating that the drainage system has been properly implemented has been submitted to and approved in writing by the local planning authority. The Verification Report shall:
- a) demonstrate that the drainage system has been constructed in accordance with the agreed scheme;
  - b) provide details of the maintenance plan;
  - c) provide details of any management company; and
  - d) state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

The approved measures shall be maintained for as long as the development is in use.

- 31) No part of the development shall be occupied or brought into use until evidence has been submitted to and approved in writing by the local planning authority that the development has been carried out in accordance with:
- a) the protection, mitigation and enhancement measures detailed in the Ecological Impact Assessment, dated 18 January 2021;
  - b) the recommendations detailed in the Preliminary Roost Assessment, dated 11 May 2020; and
  - c) the approved timetable detailed in the ecological assessment and plan.

The approved measures shall be maintained for as long as the development is in use.

- 32) No part of the development shall be occupied or brought into use until details of cycling facilities for staff and visitors to the site have been

submitted to and approved in writing by the local planning authority. The details shall include:

- a) secure parking for bicycles within the site;
- b) facilities within the site for cyclists to change into and out of cycling equipment and to shower; and
- c) facilities within the site for cyclists to store cycling equipment.

The development shall be implemented in accordance with the approved details and shall be maintained as approved for as long as the development is in use.

- 33) No part of the development shall be occupied or brought into use until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

20% of the proposed parking spaces shall be provided with a fast charge socket and an additional 20% shall be provided with the infrastructure required for electric vehicle charging in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved plans and details and shall be maintained as approved for as long as the development is in use.

- 34) No part of the development shall be occupied or brought into use until the vehicular access arrangements have been completed. The arrangements shall include:

- a) two vehicular accesses to Woodcote Green Road, including visibility zones clear of any obstruction over 0.6m high, in general accordance with drawing B/GLEPSOM.1/01 Rev A;
- b) a pedestrian inter-visibility splay measuring 2m by 2m on each side of each access to Woodcote Green Road (the depth measured from the back of the footway and the widths outwards from the edges of the access and the visibility splays) which shall be clear of any obstruction to visibility between 0.6m and 2m in height above ground level;
- c) modification of the existing vehicular access to Epsom General Hospital from Woodcote Green Road in accordance with drawing ESP001-ASD-SZ-00-DR-L-000101-P01; and
- d) 'No Entry' signing and 'No Entry' markings provided at the site egress and 'Entry' signing and 'One Way' markings within the site ingress in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved vehicular access arrangements and shall be maintained as approved for as long as the development is in use, including keeping all visibility zones/splays clear of any obstruction.

- 35) No part of the development shall be occupied or brought into use until the footway on Woodcote Green Road has been widened to 2m wide



- along the south eastern boundary of the application site in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme and shall be maintained as approved for as long as the development is in use.
- 36) No part of the development shall be occupied or brought into use until a Car Park Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Plan and its provisions shall be maintained as approved for as long as the development is in use.
- 37) No part of the development shall be occupied or brought into use until a Refuse, Deliveries and Servicing Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Plan and its provisions shall be maintained as approved for as long as the development is in use.
- 38) No part of the development shall be occupied or brought into use until details of all external lighting have been submitted to and approved in writing by the local planning authority. The details shall include the location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. The development shall be implemented in accordance with the approved lighting details and shall not be altered, other than for routine maintenance, for as long as the development is in use.
- 39) The development shall accord with the sustainability principles set out within the submitted Energy and Sustainability Document (Revision 5), dated 3 February 2021. No part of the development shall be occupied or brought into use until evidence has been submitted to and approved in writing by the local planning authority that the nursery and retail areas within the development have achieved BREEAM "very good" (or any such national measure of sustainability that replaces this). The nursery and retail units shall not be occupied until a Certificate has been issued certifying that the BREEAM standard has been achieved for that unit. Any measures necessary to maintain the designed BREEAM performance shall be maintained as approved for as long as the development is in use.
- 40) The nursery shall not be occupied or brought into use until details of the hours of operation of the facility have been submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved hours of operation for as long as the nursery is in use.
- 41) The approved Travel Plan (February 2021) shall be implemented upon first occupation of the site. All occupiers and users of the development shall be subject to the provisions of the Travel Plan. The Travel Plan shall be implemented as approved.

*End of schedule of conditions*