



Appeal Decision

Hearing Held on 2 November 2022

Accompanied Site visit made on 3 November 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 December 2022

Appeal Ref: APP/P3610/W/21/3287870

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 Epsom and St Helier University Hospitals NHS Trust against the decision of Epsom and Ewell Borough Council
 - The application Ref 20/00249/FUL, dated 10 February 2020, was refused by notice dated 28 May 2021.
 - The development proposed is erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road at Epsom General Hospital, Dorking Road, Epsom KT18 7EG in accordance with the terms of the planning application Ref 20/00249/FUL and the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Following the decision of the Local Planning Authority (LPA) and as part of the appeal proposal the appellant has proposed revisions to the design details of the proposed structure. I am satisfied that those with an interest in the proposed development have been able to comment on these revised plans as part of the appeal process, in accordance with the Wheatcroft principles and so I have taken the revised plans into account.
3. Prior to the hearing, the appellant circulated a draft agreement containing provisions for planning obligations under Section 106 of the Town and Country Planning Act 1990 (the S106 Agreement). A signed and dated version of the S106 Agreement was submitted shortly after the close of the hearing. The agreement contains an obligation in relation to auditing the travel plan and I return to this matter in the decision below.

Main Issues

4. The main issues in this appeal are as follows:

- The effect of the proposals on the general character and appearance of the surrounding area; and
- The effect of the proposals on the historic environment.

Reasons

Character and Appearance

5. The appeal site comprises an area of surface car parking at the eastern edge of the wider Epsom General Hospital complex. There are relatively few features on the site other than a small electricity substation and paraphernalia associated with the operation of the car park. Landscaping and pedestrian infrastructure is minimal and vehicular access and egress at the site has a poor legibility and layout.
6. Immediately to the east of the appeal site, separated by a narrow footpath connecting Dorking Road and Woodcote Road, is the open land of Epsom Sports Ground and its clubhouse. To the south of the site are the enclosed grounds containing the courts and facilities of the Epsom Lawn Tennis Club. Both of these facilities provide a pleasant, verdant spaciousness between the hospital complex and residential development of varying age and appearance to the north along Dorking Road and to the south and east along Woodcote Road and Woodcote Green Road.
7. Immediately to the west of the appeal site are the hospital buildings. A tall brick chimney survives as a remnant of early municipal healthcare use at the site but generally the hospital site can be described as an assemblage of modern buildings of varying appearance and materials. They are however unified by their utilitarian character and considerable height and massing, particularly the dominant, centrally located Wells Building. These characteristics on the wider hospital site would be reinforced by the height and massing of the recently approved Guild Living scheme, including in perspectives from Dorking Road. Overall, the institutional character of the hospital site strongly contrasts with the character of neighbouring residential areas. Accordingly, the wider hospital site, including the appeal site is appropriately recognised in the 2008 Environment Character Study 2008 as having its own unique character (Area 35E). This area is described as having a low sensitivity to change and relatively low ratings in terms of townscape quality and value.
8. The proposed multi-storey car park would be notably taller than the immediately adjacent elements of the hospital building and would form a new, sizeable and somewhat bold structure at the edge of the wider hospital site. In many respects the proposed design is honest, reflecting that it would be a structure which results from its function. The design and scale, however, would be compatible with the wider utilitarian character of the hospital site within which it would be principally read. It would readily relate to the scale and height of the taller buildings on the hospital site including the consented backdrop of the Guild Living scheme. Accordingly, the multi-storey car park would appear as a logical and coherent consolidation of the built form in the unique host character area.

9. Various design solutions would be effective in reducing its bulky appearance, including refinements proposed through the amended plans. These include its rectilinear form where the corners of the building have been tucked in, the elements of proposed green wall and brickwork and the arrangement and simple colour palette of the vertical metal fins. Collectively these would add variety and texture to break up the massing of the building and would introduce a structure of some visual interest. More widely, the appeal scheme would also significantly enhance the public realm in this part of the hospital site from the Dorking Road frontage through a more coherent layout and the scope to significantly improve landscaping, the details of which could be secured through an appropriate condition.
10. The LPA and others invite that the proposed structure, by contrast of its height compared to that the adjacent frontage building at the hospital would harm the character and quality of the townscape in this part of Dorking Road. In this regard reference is made to the recent appeal decision at 22-24 Dorking Road¹ but the context of this site is materially different being embedded within a residential area, diagonally away from the hospital site. As set out above I find the appeal site sits firmly within the niche institutional character of the hospital site which is of a recognisably lower townscape value and quality. On this main issue I therefore find this appeal decision to be of very limited applicability.
11. Despite the proposed height and massing there are relatively few public perspectives in which the proposed structure would be readily experienced. The principal ones would be from the site frontage to the hospital complex on Dorking Road and across the open sports ground from Woodcote Road. The proposed structure would also be highly visible from the public footpath connecting Dorking Road to Woodcote Road where it passes adjacent to the appeal site. However, in all of these places the multi-storey car parking building would be primarily experienced in the context of the adjacent modern, large hospital buildings described above. In those main views from Dorking Road and Woodcote Road it would be seen at some distance, dissipating any visual effects arising from its bulk and height at the edge of the hospital site. For users of the footpath adjacent to the site there is scope to install hedging along the boundary as part of the landscaping for the appeal site, as found elsewhere on the path, mitigating to some degree the visual effects from the proximity of the height and scale of the structure.
12. I note that an alternative design was considered as part of the planning application process. The alternative would be a considerable, squat three storey structure with a larger footprint of development bringing it closer to adjoining land uses. This alternative approach would offer no tangible design advantages compared to the appeal scheme and would result in a profligate use of land resource at the constrained hospital site. In any event, I have assessed the appeal proposal on its own merits as the scheme for which planning permission was sought. Overall, the design approach would be an appropriate response to securing appropriate levels of car parking at the site to support existing and forthcoming² levels of activity at the hospital complex.
13. I therefore conclude that whilst the proposed multi-storey car park would appear as a bold, functional and contemporary structure of considerable height and massing it would nonetheless appropriately assimilate into the general scale

¹ APP/P3610/W/20/3264154

² Including the relocated NEECH

and utilitarian appearance of the host hospital complex such that it would not result in any significant harm to the general character and appearance of the surrounding area. The appeal proposal would therefore accord with the requirements of Policy CS5 of the Epsom Local Development Framework Core Strategy 2007 (the Core Strategy) and Policies DM9 and DM10 of the Epsom Development Management Policies Document 2015 (the EDMPD). In relation to this main issue, the policies collectively seek to secure high quality and inclusive design, including amongst other things, creating attractive, functional and safe environments, making efficient use of land, being compatible with local character including the relationship to the existing townscape and use of appropriate materials and ensuring good design reflects the prevailing development typology, prevailing density and is of appropriate scale, layout, height, form and massing. The proposal would also accord with national planning policy on achieving well-designed places, including paragraphs 126 and 130(a)(b)&(c) of the NPPF.

14. The LPAs decision notice on this issue also refers to Policy DM11 of the EDMPD. This policy relates solely to housing density. The policy is not applicable to the appeal proposal and so I have not had regard to it.

Historic Environment

Woodcote Conservation Area (WCA)

15. This is a modestly sized conservation area situated to the north-east of the appeal site. The WCA is focused around the junction of South Street, Woodcote Road and Dorking Road where the substantial property that was Woodcote Hall constructed in the mid Eighteenth Century dominates and elements of the scale of its former grounds can still be traced. The conservation area also includes other examples of properties built between the mid Eighteenth and early Nineteenth centuries, including other listed buildings³, reflecting a satellite settlement that evolved along South Street and around Woodcote Hall, a short distance to the south-west of what is Epsom town centre. Elsewhere the WCA, including those parts closest to the appeal site, is largely characterised by inter-war housing expansion along Dorking Road including some fine, intact, symmetrical examples in the Tudor revival architectural style, especially those at Nos.19-25. In summary, I identify the heritage significance of the WCA to be its encapsulation of what was initially a small outlier of historic settlement grouped close to Woodcote Hall and the intactness and architectural quality of the subsequent housing developed along key arterial routes in the inter-war period as part of the urban morphology of Epsom.
16. The appeal site lies outside of but adjoins the south-west edge of the WCA. There is an abrupt change in character at this edge of the WCA between the group of houses at Nos.39-47 Dorking Road and the larger scale, institutional appearance of the hospital complex. Accordingly, the hospital, as a functional development of its own distinct character, including the surface car park at the appeal site, does not make a positive contribution to the setting of the WCA at this location. The proposed multi-storey car park building should be assessed in this context and as set out above it would tie-in into the utilitarian character of the host hospital site. Consequently, whilst the structure would be closer to the edge of the WCA the degree of change to the setting would be slight and

³ Notably Clock House and its Lodge at the western edge of the WCA

therefore only a moderately harmful impact would arise to the identified heritage significance.

17. In transitioning eastwards along Dorking Road into the WCA, despite the scale and massing of the structure, it would be considerably set-back from the highway at this point of entry into the WCA and experienced as part of the comparable scale and appearance of the wider hospital complex. At the historic nucleus of development around Woodcote Hall and the junction of South Street and Woodcote Road, elements of the proposed structure would be glimpsed around and through the canopy of the modern petrol filling station at this junction. The very partial views of the building would be at some considerable distance such that it would take some effort to purposefully identify it. It would not be a particularly conspicuous feature in this part of the conservation area.
18. Elsewhere, in large parts of the WCA, due to the height of existing development and vegetation, the proposed multi-storey car park would not be visible in the public realm. This includes within the setting of the better examples of inter-war housing on Dorking Road referred to by the LPA or from higher land at the edge of the WCA on St Margaret's Drive. The structure would become visible at the edge of the WCA at its boundary on Elmslie Close to the rear of the interwar housing on this part of Dorking Road. There is nothing in the evidence before me that this point in Elmslie Close is an important view out of the WCA. Whilst the proposed structure would be visible and introduce a bulkier form of development perceptibly closer to the edge of the WCA, it would be nonetheless against the backdrop of the existing hospital complex, which would significantly reduce any harmful impact from this peripheral perspective.
19. Overall, I find the harm to the heritage significance of the WCA to be only modest, particularly at the historic core close to Woodcote Hall where only the scantest glimpse of the proposed building would be possible. There will be adverse impacts to the setting at the western edge of the WCA but the degree of harm would be tempered by the influence that the existing hospital complex already exerts at this peripheral point. Overall, the harm identified to the heritage significance of the WCA would be less than substantial.

Chalk Lane Conservation Area (CLCA)

20. This is an area that in the late Seventeenth and Eighteenth Centuries saw the construction of several prestigious and architecturally interesting, detached houses. Subsequent development has taken place, but the area retains a clear sense of larger properties within their generally spacious, sylvan grounds. The area provides a sense of transition, moving from close to the southern edge of Epsom town centre towards the rural edge of the Epsom Downs. The heritage significance of the CLCA is therefore the architectural quality of the original period houses and their verdant setting within an area of gradual transition from town to countryside.
21. In large parts of the CLCA the appeal proposal would not be visible. This includes from the northern end of Chalk Lane at its convergence with Woodcote Road and Madans Walk, from within Madans Walk and from various points around the majority of the larger original detached houses described above. The proposed structure would be visible from the north-western edge of the conservation area on Woodcote Road close to the Grade II* listed Queen Anne House and garden wall. It would be seen at some distance across the intervening open sports ground and against the backdrop of the existing scale

and appearance of the modern hospital complex. For the same reasons as set out above, the functional nature and design of the existing hospital, which is at some distance from the boundary of the Conservation Area, does not make a positive contribution to its setting. Whilst the appeal building would be moderately closer to the CLCA than existing hospital buildings it would consolidate rather than materially worsen this situation. Nor is there anything in the evidence before me that the views across the sports ground are particularly important in terms of understanding or appreciating the heritage significance of the CLCA.

22. Overall, I find the harm to the heritage significance of the CLCA by virtue of an additional modern structure within a limited part of its setting, at some distance, to be less than substantial and very much at the lowest end of any spectrum of such harm.

Other Heritage Assets

23. In respect of other conservation areas concern is expressed by third parties regarding the setting of the Worple Road Conservation Area (WRCA). Notwithstanding the mass and scale of the proposed multi-storey car park there would be no clear visibility of the appeal proposal from the western fringes of the WRCA due to the distances involved and intervening development. Accordingly, the heritage significance of the WRCA would not be impacted.
24. There are a number of nearby listed buildings on Dorking Road. Whilst impact on the setting of listed buildings did not form part of the LPAs reason for refusal it has been raised by interested parties and the matter has gained traction since the recent 22-24 Dorking Road appeal decision was issued following the LPAs determination of the planning application for this appeal.
25. The nearest listed buildings to the appeal site are the three Grade II listed buildings to the north of Dorking Road comprising Clock House, The Bell House and the East Lodge. Residential development, and to a lesser extent the utilitarian hospital complex, has occurred around and close to these listed buildings such that how they are experienced, particularly from within Dorking Road has been much compromised. The appeal site is further separated from these listed buildings by the busy A24 Dorking Road and intervening housing at Nos.39-47 Dorking Road. The proposed multi-storey car park would be set back some distance from Dorking Road such that there would be only a limited point on Dorking Road close to the existing entrance road to the hospital where the proposed structure would be seen in the same perspective as the East Lodge. As such there is a very limited relationship between the appeal site and these listed buildings. The proposed structure would utilise what is currently an unprepossessing and cluttered surface car park and replace it with a contemporary building that would readily merge into the scale and appearance of the existing hospital complex. On balance, there would be no material harm to the setting of these listed buildings.
26. A short distance to the west of the hospital is a group of listed buildings clustered around 'The Hylands', including some impressive Grade II* examples. The setting of these buildings was clearly germane in the recent appeal at 22-24 Dorking Road appeal but given the degree of distance and the significant difference in character between the hospital site and this residential part of Dorking Road I find there are significant material differences in the circumstances which are before me. There are some limited perspectives on

the north side of Dorking Road close to the junction with White Horse Drive, where the upper parts of the proposed multi-storey car park would be seen above the existing roofscape of the front part of the hospital, with the listed buildings of the White House Pub (now the Lava Lounge) within the foreground and Nos. 67-69 Dorking Road and The Hylands at the periphery. However, the outline of the upper parts of the proposed building would be at an appreciable distance and again would be read in this perspective as a modest consolidation of the existing institutional hospital complex. Consequently, it would not be a conspicuous feature or materially change the setting of these listed buildings. Overall, I find there would be no harm to the heritage significance of any listed building in the 'Hylands' group.

Conclusion on heritage

27. I therefore conclude that the appeal proposal would result in a degree of harm to the setting of the Woodcote and Chalk Lane Conservation Areas. The proposal would therefore be contrary to the requirements of Policies CS5 of the Core Strategy and Policies DM8 and DM9 of the EDMPD as they relate to heritage assets. These policies seek to conserve and enhance assets including their setting.

28. The scale of harm, however, would be significantly moderated by the existing impact of the hospital buildings on the setting of these conservation areas. The existing hospital complex would form the principal context and backdrop in which the car park structure would be experienced in the limited public views identified from within the Conservation Areas, none of which have been formally identified as being important in understanding or appreciating the heritage significance of these areas. Consequently, the harm identified would be less than substantial and firmly at the lowest end of any spectrum. Nonetheless, the NPPF confirms at paragraph 199 that any magnitude of harm, however modest, still needs to be considered in the context of great weight being given to the conservation of heritage assets, reflecting that they are irreplaceable resources which should be conserved in a manner appropriate to their significance. I turn to heritage balance in the concluding section of this decision for the purposes of paragraph 202 of the NPPF.

Other Matters

29. The extent of the need and therefore the scale of the appeal proposal is contested, particularly in the context of promoting sustainable travel modes and the wider need to transition to a low carbon future. Whilst there is a modest difference between the appellant and LPA figures on the net consequences for overall parking provision at the hospital site, even on the LPAs figures there would be only a modest net increase in parking provision⁴. From my observations, car parking at the hospital site appears to be under notable stress resulting in long queues out of the site, sometimes impeding the safe flow of traffic on the principal A24 Dorking Road. This includes for emergency vehicles accessing Accident & Emergency bays towards the rear of the complex from the Dorking Road entrance. Overall, the modest uplift in total parking provision would not be excessive or unduly encourage significant or unnecessary additional car-based trips to the hospital.

⁴ ID1, net over provision of 55 spaces (in addition to the 50 spaces needed to support the NEECH relocation)

30. In terms of whether less parking could be supported, whilst I noted basic bus stop provision on Dorking Road the site is otherwise some distance from the town centre and railway station for pedestrians. I also observed that cycling infrastructure in the vicinity is limited, generally to occasional narrow on-road lanes with negligible protection. Consequently, I accept that the transport conditions in this part of the Borough are generally geared towards favouring car use, including for staff at the hospital. Allied to this, I also accept that on a practical level many users of the hospital are unlikely to be in a physical condition to walk or cycle or take bus and/or train journeys. Bringing this altogether, I do not find the proposed amount of car parking provision within the appeal proposal to be disproportionate to the travel demands of the hospital site, including those staff parking spaces displaced by the consented Guild Living scheme and additional demand generated by the NEECH⁵ relocation. In the round the appeal proposal would generate environmental benefits over existing conditions in terms of reducing queue lengths and associated emissions and through the significant provision of vehicle charging points as part of the necessary transition to a lower carbon future.
31. A significant proportion of the proposed parking provision would be for staff. It was suggested that the scale of parking provision could be reduced at the Epsom site by utilising parking spaces at the sister hospital site in Sutton or elsewhere. Beyond any temporary arrangement whilst the multi-storey car park would be under construction, I find little practical merit in this as a durable situation given Epsom General Hospital is a 24/7 operation, 365 days a year where there will be peaks of high demand and activity and consequently some fluidity as to when staff are required to be on site. Moreover, extending the working day for staff through additional commuting would, in my view, have a deleterious effect on the attractiveness of working at the hospital, further exacerbating potential staff retention issues. As stated by the appellant existing parking provision at the Epsom site is generally equivalent to 1 space per 3 employees (based on approximately 1,550 employees on site at any one time). The hospital is subject to various travel plan initiatives which if effective would mean that the proposed multi-storey car park and rearranged surface car park layout can be reasonably regarded as a high-tide mark for parking provision.
32. The technical standard of provision, including the overall size of the proposed spaces, the provision of parent and child spaces, the position of parking spaces for disabled persons and provision of drop-off spaces is challenged. The design and layout have not engendered any objection from technical consultees. As set out below a proposed condition could ensure that the operation of the development cannot commence until a Car Park Management Plan has been submitted for the LPA to approve. I consider this an appropriate mechanism to control the standard of parking provision and any necessary detailed management arrangements. Additionally, there is nothing before me to suggest that the existing drop-off arrangements at the front of the hospital site would be withdrawn as a consequence of the appeal proposal. In terms of the proposed disabled parking spaces I note the facility would be served by lifts enabling equal access to all floors. Overall, I consider the concerns raised do not amount to a reason to withhold planning permission subject to conditions.
33. The proposed structure would be positioned directly to the west of the Epsom Sports Ground and to the north of the Epsom Lawn Tennis Club. Concerns are

⁵ NEECH = New Epsom & Ewell Community Hospital, currently under construction.

raised that the upper levels of the car park could be used to surreptitiously observe activities on these sports grounds raising safeguarding issues for younger sports participants. I note both facilities, especially the Tennis Club, are already overlooked from openings on the upper storeys of the hospital buildings and adjacent walkways. From the submitted plans, the car park is laid out to function with maximum operational efficiency. There is little room or scope for persons to furtively loiter at the edges of the building to look out. Nor would it be a pleasant or comfortable environment to do so. Additionally, the precise management of the facility and access to the upper storeys would be an operational matter for the NHS Trust and I find credence in their submission to the hearing that the upper floors would be most likely dedicated to staff parking, limiting wider public access. Again, this could be a matter which could be controlled by a condition requiring a Car Park Management Plan. Furthermore, mature trees within the sports ground close to the boundary with the proposed car park would filter some views from upper parts of the multi-storey building. The proposed external fins would also constrict views out from the building over the sports ground. Overall, I am not persuaded that the appeal proposal would result in an unacceptable safeguarding risk to participants at the sports ground or at the tennis club.

34. The proposed structure would be positioned to the south-west and to the rear of housing on the south side of Dorking Road and at Elmslie Close. Whilst there would be a reasonable degree of separation, the appeal proposal would be noticeable in certain perspectives from these properties, introducing a building a considerable height and massing at a point palpably closer than the existing hospital complex. However, the properties at this location and their rear gardens are principally orientated towards the openness of the Epsom Sports Ground to the south. This open outlook would remain largely unaffected. Accordingly, the appeal proposal would not result in a significant degree of harm on the living conditions of nearby residents by reason of outlook or loss of daylight.

35. The submitted Section 106 agreement makes provision for a financial contribution to enable a travel plan to be audited by Surrey County Council at an index linked sum of £6,150. The LPA has set out in Section 4 of its CIL⁶ Compliance Statement how the obligation would meet the necessary tests. From my observations at the appeal site at both AM and PM peaks and during the mid-morning of a representative mid-week working day I find that further measures to manage traffic demand at the hospital through an associated travel plan would be necessary for the environment and highway safety in accordance with the development plan policies at Section 2 of the CIL Compliance Statement. Accordingly, I find the obligation would meet the necessary requirements and so I have taken it into account.

Balance and Conclusion

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permissions be determined in accordance with the development plan unless material considerations indicate otherwise. As set out above the proposal would not result in significant harm to the general character and appearance of the surrounding area in accordance with the relevant development plan policies.

⁶ Community Infrastructure Levy

37. In respect of heritage matters, I have found there would be less than substantial harm to the significance of the adjacent Woodcote Conservation Area and to the nearby Chalk Lane Conservation Area. In both cases, the harm identified would be at the lowest end of any spectrum of less than substantial. Nonetheless, the modicum of harm identified carries great weight in any balance undertaken in accordance with paragraph 202 of the NPPF. On the other side of the balance the appeal proposal would generate a number of public benefits. These would include supporting the consolidation of operations on the wider site including facilitating the much-needed housing as part of the separately approved Guild Living scheme and supporting access to the relocated NEECH facilities. In doing so the appeal proposal would represent an efficient use of previously developed land. I ascribe these public benefits appreciable weight.
38. Notably, the appeal proposal would allow for more efficient access and exit from the hospital site for users, visitors and staff through an improved access arrangement, clearer public realm and an enhanced parking layout. This would help to address what are periodic, significant congestion issues on the A24 Dorking Road, including impeding time-sensitive ambulance access. I attach substantial weight to this public benefit. Additionally, the appeal proposal would improve pedestrian legibility within the site, including improved access for those with disabilities. This would be a notable public benefit. Subject to the precise form of landscaping details, the proposal also presents an opportunity for biodiversity net gain, which would be a modest public benefit.
39. Drawing this all together, I am satisfied that the overall public benefits in this case clearly outweigh the heritage harm identified. Accordingly, these benefits cumulatively amount to a material consideration that indicates a decision to approve the development other than in accordance with the development plan policies on heritage. On this basis I conclude that the appeal proposal would amount to sustainable development and should therefore proceed.
40. I have taken into account all other matters raised, but there is nothing to indicate other than that the appeal should be allowed, subject to the conditions explained below.

Conditions

41. The agreed statement of common ground (SoCG) has a number of proposed conditions which were considered necessary in the event that the appeal were to be allowed. I have considered these in light of the content of the PPG on the use of conditions and the guidance at paragraphs 55 and 56 of the NPPF. A number of the conditions are necessarily required to be discharged pre-commencement of the development. The appellant confirmed at the hearing that the agreed SoCG is to be taken as their written consent in relation to pre-commencement conditions in accordance with Sections 100ZA (4-6) of the Town and Country Planning Act 1990 (as amended).
42. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans and a separate condition (8) requiring details of finished floor and ridge heights of buildings relative to ground level are both needed in the interests of proper planning and for avoidance of doubt. Conditions (4), (5), (9) and (19) are all necessary to ensure that trees around the site and existing biodiversity value are appropriately protected and the biodiversity value enhanced. Additionally, a

condition (17) requiring details of the landscaping and its implementation and a condition (20) relating to the details of the proposed green walls are both necessary to ensure the building assimilates into its context. For similar reasons conditions (16), (25) and (26) relating to detailed aspects of design and external lighting are also necessary.

43. In the interests of protecting the amenities of nearby residents a condition (3) controlling construction times and a condition (6) requiring compliance with the submitted noise impact assessment are both necessary. In terms of residential amenity and highway safety a condition (10) requiring a construction transport management plan is necessary. Further conditions (11), (21) and (23) are all necessary in the interests of highway safety to ensure that car parking provision on the hospital site is appropriately managed during construction phase and once the multi-car storey car park is completed. To ensure that the proposal does not exacerbate car usage and encourages the transition to a low carbon future, conditions (7), (18) and (22) are all necessary.
44. A condition (12) requiring an appropriate programme for archaeological investigation is necessary given the opportunity presented. A precautionary condition (14) is also necessary regarding potential unknown contamination. Finally, conditions (13), (15) and (24) relating to drainage and underlying water resources are all necessary in the interests of reducing flood risk and protecting the ground water environment.

David Spencer

Inspector.

APPEARANCES

FOR THE APPELLANT:

Tim Spencer – Director, Nexus Planning

Andrew Cook – Executive Director, Pegasus Group

Robert Sutton – Director, Cotswold Archaeology

Trevor Fitzgerald – Director of Estates, Facilities & Capital Projects, NHS Trust

FOR THE LOCAL PLANNING AUTHORITY:

Mike Kiely – Planning Consultant to EEBC

He was assisted by:

Ginny Johnson, Senior Planning Officer, EEBC

Chris Reynolds, Conservation Officer, Surrey County Council

INTERESTED PERSONS

Cllr Liz Frost – Ward Borough Councillor

Cllr Steven McCormick – Ward Borough and County Councillor

Ishbel Kenward – Epsom Civic Society

John Woodley – Local Resident

Philip Humphrey FRICS – Interested Person

DOCUMENTS received at the hearing:

Doc 1. Car Parking Provision Assessment from Mr Kiely

Doc 2. Statement of Philip Humphrey

DOCUMENTS received after the hearing:

Doc 3. Signed and dated Section 106 Agreement

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - J1250-STRIPE-WP-XX-PL-AX-91003 P1 – Location Plan – dated 05.02.2020
 - J1250-STRIPE-WP-XX-PL-AX-91002 P2 – Existing Site Plan – dated 05.02.2020
 - J1250-STRIPE-XX-01-PL-AX-90601 P1 – Existing Site Sections A and B – dated 05.02.2020
 - J1250-STRIPE-XX-01-PL-AX-90602 P1 – Existing Site Sections C and D – dated 05.02.2020
 - J1250-STRIPE-WP-XX-PL-AX-P30501 P7 – General Arrangement Elevations East and West – dated 24.11.2021
 - J1250-STRIPE-WP-XX-PL-AX-P30502 P7 – General Arrangement Elevations North and South – dated 24.11.2021
 - J1250-STRIPE-XX-01-PL-AX-30601 P2 – General Arrangement Sections A and B – dated 05.02.2020
 - J1250-STRIPE-XX-01-PL-AX-30602 P2 - General Arrangement Sections C and D – dated 05.02.2020
 - J1250-STRIPE-WP-00-PL-AX-P30100 P4 – General Arrangement Plan Level 00 – dated 26/03/2021
 - J1250-STRIPE-WP-01-PL-AX-P30101 P5 – General Arrangement Plan Level 01 – dated 24.11.2021
 - J1250-STRIPE-WP-02-PL-AX-P30102 P5 – General Arrangement Plan Level 02 – dated 24.11.2021
 - J1250-STRIPE-WP-03-PL-AX-P30103 P5 - General Arrangement Plan Level 03 – dated 24.11.2021
 - J1250-STRIPE-WP-04-PL-AX-P30104 P5 – General Arrangement Plan Level 04 – dated 24.11.2021
 - J1250-STRIPE-WP-05-PL-AX-P30105 P5 - General Arrangement Plan Level 05 – dated 24.11.2021

- 1250-STRIFE-WP-RL-PL-AX-P30106 P5 - General Arrangement Plan Roof Plan – dated 24.11.2021
 - J1250-STRIFE-WP-XX-PL-AX-91001 P3 – Proposed Site Plan – dated 25.01.2021
- 3) Works related to the construction of the development hereby permitted (including works of demolition or preparation prior to building operations) shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.
- 4) The development hereby permitted shall be carried out in accordance with the arboricultural protection measures set out in the Tree Survey and Arboricultural Integration Report, Reference AR-3941-TSAIR-191101 (dated 1 November 2019), and plans submitted as part of the application shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Local Planning Authority.

This shall include any requirement for arboricultural supervision and site monitoring. The development thereafter shall be implemented in strict accordance with the submitted details, in particular:

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the details set out in the Tree Report and Tree Protection Plan (dated 1 November 2019), without the written approval of the Borough Council;
- b) Any pruning of retained trees shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement;
- c) If any retained tree is removed, uprooted or destroyed 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 Borough Council; and
- d) The above requirements shall have effect until the expiration of 5 years from the date of the first use of the development.

NOTE: "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars.

- 5) The development hereby permitted shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Impact Assessment (dated 16 January 2020) in accordance with the approved timetable detailed in the ecological assessment and plan and maintained as approved for as long as the development is in use.
- 6) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation suggested within the Noise Impact Assessment (dated 10 February 2020) and maintained as approved for as long as the development is in use.
- 7) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation suggested within the Air Quality Assessment (dated February 2020) and maintained as approved for as long as the development is in use.
- 8) The development hereby permitted shall not commence until details of:
 - a) existing and proposed finished site levels;
 - b) finished floor levels and the highest point of the building to be erected;
and
 - c) finished external surface levels,have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be maintained as approved for as long as the development is in use.
- 9) The development hereby permitted shall not commence until tree protection measures in accordance with the Tree Protection Plan, Reference AR-3941 TPP-191101 (dated 1 November 2019) have been installed around retained trees, and any further information provided in accordance with the submitted arboricultural information (dated 1 November 2019).

The developer shall arrange a pre-commencement site meeting after the installation of the tree protection measures between the Local Planning Authority and the developer's project arboriculturist to allow inspection and verification of the protection measures.

No storage of materials shall take place within the root protection zones.

Tree protection measures shall be maintained in-situ and not moved or removed until all construction has finished, and all construction equipment, materials and machinery have been removed from site.

NOTE: "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars.

10) The development hereby permitted shall not 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) HGV deliveries and hours of operation;
- f) vehicle routing;
- g) measures to prevent the deposit of materials on the highway; and
- h) on-site turning for construction vehicles.

The development shall be implemented in accordance with the approved Construction Transport Management Plan and shall be maintained as approved for as long as the construction programme lasts.

11) The development hereby permitted shall not commence until a Plan for the Management of Temporary Car Parking during construction of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- a) the management of visitor parking;
- b) the management of staff car parking; and
- c) any temporary park and ride facilities.

The approved details shall be implemented prior to the commencement of construction and maintained until the first use of the development begins.

12) The development hereby permitted shall not commence until the developer has secured the implementation of a programme of archaeological work to be conducted in accordance with a Scheme of Investigation which has been submitted to and approved in writing by the Local Planning

Authority. The development shall be constructed in accordance with the approved Scheme of Investigation.

13) The development hereby permitted shall not 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 SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The Scheme shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+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 of 6.8 l/s;
- b) 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 (silt traps, inspection chambers etc);
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected;
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system; and
- e) 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.

14) The development hereby permitted shall not 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 and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants

- (including asbestos) with the potential to impact sensitive receptors on and off site;
- b) the scope and detail of the site investigation and risk assessment are subject to the approval in writing by the Local Planning Authority;
 - c) the results of the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority; and
 - d) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

The site shall be remediated in accordance with the approved measures.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved additional measures.

A report verifying that the approved measures and any approved additional measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority prior to the development being used for car parking purposes.

- 15) The development hereby permitted shall not commence until a Piling Method Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The method Statement shall:
- a) detail the depth and type of piling to be undertaken;
 - b) set out the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure; and
 - c) contain a programme for the works.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 16) The carrying out of any above ground level operations shall not commence until details and samples of the external materials to be used for the development shall be made available to be viewed by the Local Planning Authority on site.

With respect to areas of brickwork, a sample of each of the proposed brick finishes (1m X 1m panel) shall be constructed on site for inspection by the Local Planning Authority. These panels shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour proposed for the development and the panels shall be retained on site as a model for the work on site.

Following the site inspection all samples must be subsequently approved in writing before they are used in the construction of the development.

The work shall not be carried out otherwise than in accordance with the approved samples.

- 17) The carrying out of any above ground level operations shall not commence until a detailed Scheme of Hard and Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority, which are to be in accordance with the hard and soft landscaping plan (J1250-STRIPE-WP-XX-PL-AX-91004 P1 – Hard and Soft Landscaping Plan – dated 5 February 2020) and a Soft Landscaping Plan (BD0035-STRIPE-00-00-DR-LA-3001 – Soft Landscaping Plan – dated 19 November 2021) and Landscape Masterplan P21-3421_01 dated 26 November 2021. The Detailed Scheme shall include:

- a) details of the design and external appearance of all railings, fences, gates, walls, bollards and any other means of enclosure;
- b) the location and species of plants and trees to be planted on the site; and
- c) details of all existing trees on the land, and details of any to be retained.

The development shall be carried out in accordance with the approved hard landscaping Scheme prior to the development first being brought into use.

The approved soft landscaping Scheme shall be implemented so that planting can be carried out during the first planting season following the completion of the multi-storey car park or its first use, whichever is the sooner.

All planted materials shall be maintained for five years and any trees or planting that is removed, damaged, dying or diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

- 18) The carrying out of any above ground level operations shall not commence until a Scheme of Electric Vehicle Charging Points (the EVCP Scheme) has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:
- a) at least 10% of the available parking spaces provided with an electric vehicle charge socket;
 - b) 50% of the 10% shall be trickle charge (3kw) and 50% shall be fast charge (7kw);
 - c) a further 10% of the available parking spaces shall be provided with the required infrastructure (ducting, electrical supply, cabling and feed pillar/s) for the future provision of additional electric vehicle charging sockets capable of accommodating 7 kw Mode 3 Type 2 connectors fed by a 230v AC 32 Amp single phase dedicated supply;
 - d) the above provision should apply to the at-grade spaces and the multi-storey car park spaces;
 - e) details of the charging infrastructure to be installed; and
 - f) details of a maintenance plan for the charging infrastructure.

The EVCP Scheme shall be implemented prior to the first use of the development for car parking purposes. It shall be retained and maintained for as long as the development is in use.

- 19) The carrying out of any above ground level operations shall not commence until a scheme to enhance the biodiversity interest of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full and thereafter maintained for as long as the development is in use.

- 20) The carrying out of any above ground level operations shall not commence until full details and a maintenance programme for the green walls has been submitted to and approved in writing by the Local Planning Authority. The green walls shall be planted prior to the first use of the car park and maintained for as long as the development is in use.

- 21) The use of the development hereby permitted shall not begin until:
- a) the multi-storey car park is laid out for 527 car parking spaces as shown on the approved plans;
 - b) the surface-level car park is laid out for 104 car parking spaces as shown on the approved plans; and
 - c) space has been laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear as shown on the approved plans.

Thereafter the parking and turning areas shall be retained and maintained for their designated purposes for as long as the development is in use.

- 22) The use of the development hereby permitted shall not begin until a Travel Plan has been prepared and submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures for the staggering of staff shift patterns and be in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide".

The approved Travel Plan shall be implemented upon first use of the development for car parking purposes. The Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority for as long as the development is in use.

- 23) The use of the development hereby permitted shall not begin until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
- a) a scheme, draw up in consultation with The County Highway Authority, to direct all vehicles turning left onto Dorking Road when leaving the application site to exit only using the westernmost egress onto Dorking Road; and
 - b) directional signage to be erected within the hospital site to direct staff, visitors, ambulances, deliveries and drop-offs to ensure the free flow of vehicles within the application site.

The Plan shall be implemented prior to the first use of the development for car parking purposes and retained for as long as the development is in use.

- 24) The use of the development hereby permitted shall not begin until a Verification Report carried out by a qualified drainage engineer has been submitted to and approved in writing by the Local Planning Authority. The Report must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 25) The use of the development hereby permitted shall not begin until a Mural Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Mural Maintenance Plan shall include measures for the annual inspection of the mural to detect deterioration that requires maintenance outside of the regular maintenance regime that is contained within the Plan. The approved Mural Maintenance Plan shall be implemented following the completion of the multi-storey car park or its first use, whichever is the sooner, and the mural shall be maintained in line with the Maintenance Plan for as long as the multi-storey car park is in situ.
- 26) No external lighting shall be installed on the site or affixed to any buildings or other structures unless the Local Planning Authority has first approved in writing details of the position, height, size, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

NOTE: this relates to post-completion lighting solution, not during the construction phase.

Schedule ends.