



**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT**

**TO ACCOMPANY A PLANNING APPLICATION  
FOR THE CHANGE OF USE OF OFFICES WITHIN CLASS E  
OF THE TOWN AND COUNTRY PLANNING (USE CLASSES)  
(AMENDMENT) ENGLAND REGULATIONS 2020 TO A  
USE WITHIN CLASS C2, NAMELY FOR THE PURPOSES OF  
PROVIDING RESIDENTIAL ACCOMMODATION AND CARE  
TO PEOPLE IN NEED OF CARE IN A NURSING HOME**

**AT THE WELLS, 3 – 13 CHURCH STREET, EPSOM**

**ON BEHALF OF MONTPELIER ESTATES**

**FEBRUARY 2021**

**PF/10398**

## 1.0 INTRODUCTION

1.1 This application seeks consent for:

- i. The change of use of the existing office premises to accommodate a Class C2 Residential Institution, namely a nursing home
- ii. External alterations and extensions to accommodate the proposed use. The external alterations include the reconfiguration of the roof to the rear of The Wells fronting Depot Road.

The accommodation is to be reformatted to provide a nursing home with 54 bedrooms and supporting community space.

1.2 The formal description of development is stated as follows:

*'The change of use of existing premises from Class E (last used as offices) to a Residential Institution within Class C2, external alterations and extensions to accommodate Class C2 use comprising a nursing home at premises known as The Wells 3-13 Church Street, Epsom.'*

1.3 The planning application is accompanied by the following plans showing the existing arrangement:

- Existing Site Layout 100/PL1
- Existing Basement Layout 101/PL1
- Existing Ground Floor Layout 102/PL1
- Existing First Floor Layout 103/PL1
- Existing Second Floor Layout 104/PL1

- Existing Roof Layout 105/PL1
- Existing Elevations 106/PL1
- Existing Elevations 107/PL1
- Existing Cross Sections A + B 108/PL1
- Existing Cross Sections C + D 109/PL1

1.4 The proposed scheme is shown on the following drawings:

- Site Layout Plan – application site edged red
- Proposed Roof Layout 208/PL1
- Proposed Sections 209/PL1
- Proposed Basement 20005/FO1/005/A
- Proposed Ground Floor 20005/FO1/001/A
- Proposed First Floor 20005/FO1/002/A
- Proposed Second Floor 20005/FO1/003/A
- Proposed Third Floor 20005/FO1/004/A
- Proposed Elevations with boundary walls
- Proposed Elevations 1-2 206/PL1
- Proposed Elevations 2-2 207/PL1

1.5 The following reports are provided with this planning application:

- Planning Statement
- Design and Access Statement
- Marketing Report February 2021

- Transport Statement
- Preliminary Ecological Appraisal

### **The Proposed Development**

- 1.6 By way of defining the form of development within Class C2; ‘Care’ is defined in the Order as meaning:

*‘Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.’*

- 1.7 By way of defining the form of development within Class C2 ‘Personal Care’ is ascribed the following meaning by the Care Quality Commission, namely:

*‘The regulated activity of personal care consists of the provision of personal care for people who are unable to provide it for themselves, because of old age, illness or disability, and which is provided to them in the place where those people are living at the time when the care is provided.’*

- 1.8 The form of Residential Institution is to be recognised as a ‘nursing home’ where in reality residents are ‘patients’ who require 24-hour care from qualified nursing staff in response to their physical and/or mental disabilities. Sadly, the length of treatment is relatively short and is often provided as end-of-life care.

- 1.9 Patients have their own single bedroom and en-suite WC facilities. This is a requirement of the Care Quality Commission (CQC) who inspect the premises before first opening of the nursing home and periodically undertake unannounced visits once occupied. This is the only private space allocated to the

patient. All other areas are shared communal spaces, including assisted bathrooms; lounge and dining spaces; activity and relaxation rooms together with the landscaped gardens. There is a staff ratio of about 1.2 per patient, provided 24 hours a day, every day of the year. The nursing home will have a central kitchen where staff prepare food. A laundry also attends to all of the patients washing.

1.10 There is no security of tenure; patients pay weekly fees for the accommodation and nursing services they receive. These fees are met by either the Local Authorities, families of the patient or a blend of both. A number of patients will be bed-bound. Many others will have limited mobility; some will need aids and help to walk. Typically, a high proportion will have some degree of dementia. Nurses and care assistants will help patients to get up, bathe, dress and sometimes to eat. Any outings arranged would be in vehicles driven by staff or family. CQC monitor Operational Policies, staffing levels, medication, patient records and the general cleanliness and maintenance of the property. Every topic of inspection is rated, translated into an overall rating from Excellent to Poor, which is published for open public access. It can vary from inspection to inspection.

1.11 This proposal is distinct to other forms of housing for older people particularly retirement housing, which may or may not fall within Class C2 depending upon the individual circumstances of the proposal. While retirement housing may be provided in response to market demands, say to respond to 'downsizing' moves within the older cohort of the population, nursing home provision is driven by demographics of an ageing population.

1.12 Typically, patients are drawn from a 3 to 5 mile area. Epsom has a population of 483,956 within a 5 mile radius. Those over the age of 85 represent 2.8% of that population, higher than the national average.

1.13 Statistical information, taking account of the existing nursing beds in the area, indicates a shortfall of 2,200 beds with wet-room en-suites and 464 without even a WC and handbasin for each patient. Aside

of this high demand, much of the existing nursing home stock falls below current standards and patient expectations. Older buildings are difficult to improve and up-grade. En-suite shower rooms (wet rooms) are now the norm. This provides full disabled access and sufficient space to allow two staff to aid the patient. Wet rooms also provide level access and space for hoists. Similarly, families have higher expectations of the accommodation generally for their relative; bedrooms are now around 17 square metres whereas those built in the 1990's were frequently just 12m<sup>2</sup>.

- 1.14 Those in the community who require residential accommodation and the provision of personal care, are some of the most vulnerable people in our society. The planning system is intended to be socially inclusive. A civilised society is judged by the way it treats the vulnerable members of society. Such is the need that a land use planning response is required to provide high quality accommodation for the very vulnerable sector of the community.

### **Covid-19**

- 1.15 The health pandemic has led to changes in many aspects of our lives which are not temporal for the duration of the pandemic. Rather the changes that have been induced are structural – and extend into the design of future nursing homes. Nursing home operators now require the ability to isolate small sections of bedrooms should any virus be introduced into the home. The conversion scheme for The Wells has hence been designed to function on the basis of 10 bedroomed clusters capable of resisting, and containing, contagious disease. Existing nursing homes have no, or limited, ability to adapt to this level of containment between patients.

## A nursing home within wider society

1.16 It is now recognised to be an entirely outdated approach to locate nursing homes 'out of the way' in quiet backwaters of urban areas, or to regard the residents as being part of a 'closed community'. This nursing home has been designed to achieve social integration with the wider community. The wider community will be widely invited to engage with and participate in the communal facilities that are proposed within the scheme, including:

- A café-bistro at the heart of the home
- Library space
- Hair salon
- Beauty bar
- Cinema
- Hobbies room
- Fitness space
- Private family dining
- Family room for visits
- Informal activity rooms

1.17 Functions held may also engage the wider community including:

- Participation in social events, e.g., wine tasting, afternoon tea, charity events.
- Attending musical events, literary sessions.
- Visits by school groups
- Day hospital type activities

- Booking hairdressing, beauty and therapy appointments
- Using activity space for rehearsals, keep fit and guest speakers
- Games evenings
- Venue for the community to organise various clubs, parents-toddler groups

1.18 Social stimulation is known to improve patients' wellbeing, enjoyment and longevity. It is to be remember that for many of these patients the nursing home is their world and the most ill will not leave the home at all. As such, the sight of urban activity beyond the home is an important stimulant for their general interest and occupation of time.

#### **A nursing home as a place of employment and enterprises**

1.19 The nursing home will offer a welcome opportunity as a venue for community events which could not otherwise happen. It will support small, local enterprises which would not otherwise exist. For example, a hairdresser can have a dedicated salon made available within the home to serve the whole community. Without the support of the care home, commercial premises elsewhere would not be affordable to the hairdresser or occupational therapists. The heart of the home is the bistro and bar, positioned at the main entrance, where most of the activity and integration occur. There is always particular attention at mid-afternoon when freshly baked cakes arrive from the kitchen.

1.20 The operation of this modern nursing home will provide significant employment opportunities, varying from low skilled maintenance to qualified nursing and managerial staff. The jobs are often part time with shift patterns attractive for parents working around school hours. The anticipated profile of employment in this nursing home is likely to be:

- Managerial / qualified staff
- Low skilled maintenance and support carers.

## 2.0 PLANNING POLICY CONSIDERATIONS

- 2.1 In considering the principle of development, the pre-application response from the LPA has made reference to the demand for extra care (including assisted living). This proposal is **not** for this form of older people housing where some degree of independent living is maintained. None of the residents – as patients – are well enough to live even partially on an independent basis. This distinction is fundamental when considering the merits of this proposal. It is evident that the development plan, comprising the Core Strategy 2007, and the Development Management Policies Document 2015, has no policies that specifically relate to this form of development.
- 2.2 Policy DM21 of the Development Management Policies Document refers to Meeting Local Housing Needs with particular reference to ‘specialised forms of residential accommodation’. All policy statements are to be read in their proper context. Paragraph 4.3 of the Document states:

*‘Our definition of specialised housing includes, but is not restricted to, sheltered accommodation for elderly people, close care accommodation for the elderly and infirm, student accommodation, and housing associated with and essential for the successful operation of a commercial enterprise.’*

None of these forms of accommodation relate to a circumstance of patients requiring 365 days / 24-hour personal care.

- 2.3 As a consequence, while the development plan has a range of policies which have some bearing upon the proposal, it is submitted that this application is to be determined pursuant to Section 70(2) of the Act, which states:

*'In dealing with an application for planning permission... the authority shall have regard to:*

*(a) The provisions of the development plan, so far as is material to the application.'*

2.4 Policies in the development plan which have some relevance to the proposal, but are not to be regarded as being dominant policies for the purpose of decision-taking include:

#### **Core Strategy (2007)**

- Policy CS1 Creating Sustainable Communities in the Borough
- Policy CS5 Conserving and Enhancing the Quality of the Built Environment
- Policy CS6 Sustainability in New Developments
- Policy CS7 Providing for Housing and Employment Development
- Policy CS8 Broad Location of Housing Development
- Policy CS13 Community, Cultural and Built Sports Facilities
- Policy SC16 Managing Transport and Travel

#### **Development Management Policies Document (2015)**

- Policy DM9 Townscape Character and Local Distinctiveness
- Policy DM8 Heritage Assets
- Policy DM10 Design Requirements for New Developments (including House Extensions)
- Policy DM11 Housing Density
- Policy DM12 Housing Standards
- Policy DM22 Housing Mix
- Policy DM35 Transport and New Development

- Policy DM36 Sustainable Transport for New Development
- Policy DM37 Parking Standards

#### **Epsom Town Centre Area Action Plan (April 2011)**

- Policy E5

2.5 National planning policy provided in the Framework is to be given substantial weight in decision-taking.

The development plan was adopted prior to the latest version of national planning policy. In particular the development plan predates national planning policy that seeks to achieve:

- making effective use of land (Section 11)
- achieving well-designed places (Section 12)

2.6 In the context of these policies and the statutory formula for decision-taking the merits of this proposal are considered.

### 3.0 THE PLANNING CONSIDERATIONS

3.1 The Inset Map for Epsom Town Centre (from the Core Strategy) does not allocate The Wells for a specific purpose. The site adjoins the Epsom Conservation Area. The Framework (2019) states (121):

*'Local planning authorities should also take a positive approach to applications for alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.'*

3.2 The need for this specialist form of residential accommodation with personal care is set out at Section 2 of this Statement.

3.3 It is acknowledged that Policy E5 from the Epsom Town Centre Area Action Plan April 2011 seeks to avoid the loss of existing office space from the town centre. This Plan was adopted prior to the Framework 2012. Its policy provisions have to be considered for their consistency with national planning policy (Framework 213). In order to address this policy consideration, the premises have been actively marketed over a considerable period of time.

3.4 Marketing commenced in September 2019, prior to the vacation of the premises by Atkins in January 2020. The accompanying marketing report (prepared on behalf of the owners of the premises and the Applicant) states:

*'The building is tired and dated and the services are now over 20 years old and have reached the end of their economic life. A comprehensive refurbishment will be required which typically cost £120-130 per sq ft and to include:*

- *New reception to include new flooring, lighting, full redecoration and feature lighting.*
- *New mechanical and electrical services including air conditioning.*
- *New ceilings and LED lighting.*
- *Make good the existing raised floor and replace where necessary.*
- *New carpets and floor boxes.*
- *Upgrade the common parts and redecorate throughout.*
- *New toilets throughout and introduce shower facilities.'*

3.5 SHW, the authors of the report dated February 2021, have undertaken an analysis of:

- Office stock and take-up
- Supply of office accommodation
- Rents, incentives, marketing voids
- The marketing that has been undertaken to date.

3.6 The only interest from potential commercial occupiers was received from Regus, who were contemplating opening a serviced office centre in Epsom but had two other buildings they preferred and then put the search on hold; the NHS who have taken cheaper space which was available immediately at Horizon, and RINA Consulting who have taken space in Leatherhead. Bizspace also viewed as a potential serviced office but did not progress.

3.7 Bray Fox Smith reach the following conclusions:

- The Wells has been actively marketed since September 2019 and on the basis of to let or for sale.
- Historically there has been limited demand for offices in Epsom with a 5 year average of 38,000 sq ft but this is skewed by the pre-let to Atkins of 92,613 sq ft in 2016 (if this is excluded the figure reduces to 19,500 sq ft).
- Current supply stands at 116,000 sq ft which is equivalent to 3.5 years supply based on the 5 year average take up of 38,000 sq ft (extending to c.6 years supply if the Atkins pre let is excluded from the 5 year average take up).
- The cost of refurbishment at around £120-130 per sq ft and the lack of activity in the office market, which is unlikely to improve in the short to medium term, makes the project of refurbishment to office use unviable on a speculative basis.
- The recent letting to the NHS at £20.00 per sq ft on Grade A space is at a significant reduction to previous rental levels were £24.00-£26.00 per sq ft was proven. This provides evidence that rents have fallen and makes the refurbishment of The Wells for office use even more unviable when considering the refurbishment costs, marketing void and rent free periods required to let the building.

3.8 No planning purpose is served in precluding an alternative use of commercial premises in the forlorn hope that, at some future date, a commercial occupier may be identified. Such an approach is not consistent with the Framework 121.

3.9 It is important to recognise that marketing commenced six months prior to the first Covid-19 lockdown. The disinterest in these premises reflects the dated style of accommodation; the scale

of costs that would be incurred in refurbishing the premises, and the lack of demand. In short form, the marketing has revealed that there is no occupier interest for offices, and no prudent investor would take on these premises as a commercial investment. The reality is that these premises have outlived their usefulness as a source of supply of office accommodation. The dramatic change in working arrangements as a consequence of the CV-19 health pandemic with increased home working is anticipated to further reduce the demand for office space.

3.10 The fact that the premises are subject to an Article 4 Direction which precludes the permitted development rights under Part III Class O, is not in itself a reason for preventing the change of use. The Article 4 Direction simply brings a prospective change of use within the development management process through the submission of a planning application.

3.11 It is considered that:

- i. The Applicant through the evidence submitted with this application has demonstrated that there is no reasonable prospect of an office use being secured for these premises.
- ii. That up-to-date national planning policy requires the LPA to take a 'positive approach' towards this alternative use particularly in the context of the need for the development.

3.12 The underlying purpose of the Action Plan is to provide a positive mechanism for shaping the town centre of Epsom. The Covid-19 pandemic has resulted in a rapid and structural change in retailing patterns, with increasing emphasis on internet-based shopping.

3.13 Prior to the pandemic the government commissioned research into the future of town centres (High Streets and Town Centres in 2030). The Report dated February 2019, prematurely stated:

*'The six months which our inquiry took place appeared to be the most turbulent for the high street so far.'*

The induced economic effects from the pandemic will be far reaching for both commercial and retail activity within all town centres.

3.14 The Government concluded:

*'We firmly believe that our high streets and town centres can have a better and more balanced future ahead of them if our recommendations are followed. **This will require a shift from the retail focused activities of high streets and town centres today to new uses and purposes which foster greater social interaction, community spirit and local identity and characteristics.**'*

3.15 This proposal should be welcomed for its positive contribution to the future of Epsom Town Centre. The proposed use provides a new source of employment – some new 70 jobs within the nursing home, and additional jobs within the associated community facilities. The mixed-use characteristics of this proposal as described earlier, will contribute to the vitality and vibrancy of the town centre.

#### **Impact of the proposals on the Epsom Conservation Area**

3.16 The proposals principally relate to the restructuring of the existing internal accommodation to form a high-quality nursing home. The scheme includes the provision of amenity space at the ground floor fronting Depot Road which will provide a quieter environment relative to Church Street.

3.17 The main alteration to the existing building is the removal of the pitched roof on the wide return gable to the rear of the frontage building. It is proposed to reconfigure this roof as a flat roof so as to enable accommodation at the third floor to be effectively provided. To the north-east of the site is situated with the Odeon Cinema which is similarly provided with a flat roof.

### **Parking Provision**

3.18 It is important to recognise that no patient will be a car owner / user. Parking provision is solely for the requirements of staff and visitors. A Transport Statement accompanies the submission.

3.19 The Wells is located in a high sustainable location within the town centre of Epsom. Frequent bus services are available to access the premises. Off-site car parking facilities are conveniently located to The Wells. When compared to the subsisting use as offices, the proposal will result in a significant reduction in traffic generation. The provision for 12 car spaces is considered appropriate for the proposed use. In the context of national planning policy, the cumulative residual transport impact upon the highway network will not be severe.

3.20 The Framework (105) makes clear when considering parking provision, it is important to have regard to the 'accessibility of the development', and the 'type, mix and use of development. For this particular development, and having particular regard to the accessibility of The Wells to a wide range of forms of transport provision for 12 parking spaces is considered to be appropriate. No useful planning purpose would be served in a requirement for additional provision for parking.

## Bins / Recycling

3.21 The submitted scheme makes provision for waste storage and recycling.

## 4.0 SUMMARY

4.1 The planning system is not simply to be about scrutiny. The planning system is a creative exercise in finding ways to enhance and improve the places in which we live our lives. This proposal is designed to provide very high-quality accommodation for highly vulnerable people who need, by reason of age or disablement, 365 days / 24-hour personal care by qualified nursing staff. The development plan makes no spatial provision for this form of development, notwithstanding the undeniable need for this form of development.

4.2 In contrast to the need for this development, the existing premises no longer serve a useful purpose as offices. A comprehensive marketing exercise has established that there is no occupier interest in these outdated premises. The Report concludes that it could be commercially imprudent to undertake the comprehensive refurbishment that is required in the expectation that demand would then be realised.

4.3 The Wells represents a wasted asset in a highly sustainable location. Since vacation in February 2020, the building has contributed nothing to the vitality and viability of Epsom Town Centre. The Government has clearly recognised that town centres need to evolve, to be responsive to changing economic circumstances (Framework 8).

4.4 The induced economic crisis, following the Covid-19 health pandemic, has dramatically accelerated change in retailing patterns and in the demand for commercial floorspace. The future for town centres lies in the introduction of new uses that provide greater social interaction, community spirit and local identity.

- 4.5 This high-quality nursing home will achieve all these aspirations with the provision of a new use that has mixed-use characteristics, adding vitality and viability to the town centre. A substantial number of new jobs will become available. Fundamentally the planning system should respond to the needs of a highly vulnerable sector of community – through the provision of high-quality residential accommodation and high-quality care.
- 4.6 In summary this proposal is the essence of sustainable development, recycling a wasted asset to meet a particular social need, in a highly accessible location, and contributing to the role and function of Epsom Town Centre.
- 4.7 The Applicant’s position is that while the proposal may be perceived to be in conflict with Policy E5 from the Action Area Plan, this policy is now not consistent with national planning policy. In the decision-taking of Section 70(2) the planning balance lies firmly in favour of a grant of planning permission.
- 4.8 It is submitted that even if it is concluded the proposal is in conflict with the development plan – which is to be read as a whole – that other material considerations tell firmly in favour of allowing this development (Section 38(6)).