

Agenda item: 15

Paper no: 15

Title of Report:	Fort House Appeal Report	
Status:	TO NOTE	
Committee:	Primary Care Commissioning Committees in Common Part One	Date: 13/09/2019
Venue:	Board Room, Third Floor, NHS Guildford and Waverley CCG Offices, Dominion House, Woodbridge Road, Guildford, Surrey, GU1 4PU	

Presented by:	Nikki Mallinder, Associate Director of Primary Care Commissioning and Development	
Executive Lead sign off:	Nikki Mallinder, Associate Director of Primary Care Commissioning and Development	Date: 27/08/2019
Author(s):	Nick Bowden, WYG Group Nikki Mallinder, Associate Director of Primary Care Commissioning and Development	

Governance

Conflict of Interest: The Author considers:	None identified	✓
Previous Reporting: (relevant committees/ forums this paper has previously been presented to)	N/A	
Freedom of Information: The Author considers:	Open – no exemption applies. Part I paper suitable for publication.	✓

Executive Summary

North West Surrey CCG has submitted the appeal against the decision of Elmbridge Borough Council to refuse permission for the change of use of Burwood Ward, Walton Hospital to provide a General Practice Surgery.

The initial application was submitted to the planning authority on 19th November 2019. The application was presented to the council's planning committee on 4th February 2019, with a recommendation for approval by the case officer. The proposal attracted considerable local interest with 525 objections and 281 letters of support being noted in the committee report. The scheme is supported by officers of both Surrey County and Elmbridge Borough Councils having received support from the highway authority and a recommendation for approval from the Borough Council. The committee overturned the

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case officer's recommendation and refused permission on the 4th February 2019. The reason for refusal stated: "The proposed development would fail to provide sufficient car parking for the numbers of users of the application site and the wider Walton Community Hospital and Walton Health Centre which would result in an increase in parking stress in the local area and have a detrimental impact on the users of that site and the amenities of the neighbouring properties and locality. This would be contrary to policies DM2, DM7 and DM9 of the Elmbridge Development Management Plan 2015.

The appeal has been submitted to the Planning Inspectorate to request that planning permission is granted for this development. Below is the process and timescales in accordance with the s319A

- **23rd August 2019** - The Local Planning Authority to send NWS CCG and Planning Inspectorate completed appeal questionnaire and supporting documentation.
- **20th September 2019** – The Local Planning Authority to send a full detail or appeal case to the Planning Authority if not detailed within appeal questionnaire.
- **4th October 2019** – NWS CCG and Local Planning Authority to submit all final comments or representations from any interested persons or organisations. NWS CCG and the Local Planning Authority will have the opportunity to comment on any matters arising from the others submitted statements. A final copy of statement will be sent to NWS CCG and the Local Planning Authority for information.

A site visit will be arranged for the Planning Inspectorate to visit Burwood Ward.

Implications

What is the health impact/ outcome and is this in line with the CCGs' strategic objectives ?	<ul style="list-style-type: none"> • Objective 4: Support Primary Care Development in line with the NHS Long Term Plan • Objective 5: Safe, effective care providing the best possible health and care outcomes and patient experience
What is the financial/ resource required?	<ul style="list-style-type: none"> • ETTF application successful to support relocation of Fort House. • Community Infrastructure Levy application successful to support relocation. • Void Space in Burwood Ward, Walton Community Hospital costs the CCG £180k per annum.
What legislation, policy or other guidance is relevant?	N/A
Is an Equality Analysis required?	<ul style="list-style-type: none"> • Carried out during consultation.
Any Patient and Public Engagement/ consultation required?	<p>As part of the initial submission:</p> <ul style="list-style-type: none"> • 2 Public meetings • Exhibition • Online Survey • Email Correspondence • Meetings with local elected representatives in Elmbridge Borough Council and Surrey County Council.

Potential risk(s) ? (including reputational)	<ul style="list-style-type: none">• Financial Risk – Loss of ETTF investment (345,000), and ongoing void costs for the CCG (£180k pa)• Risk that the application is not supported during the appeal.
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Recommendation(s)

PCCC is asked to:

- Note the appeal response timescales.
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Next Steps

- (1) Await suitable Inspector to decide the appeal (approximately 11 weeks)



The Planning Inspectorate

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Our Ref: APP/K3605/W/19/3232439

16 August 2019

Dear Mr Bowden,

Town and Country Planning Act 1990
Appeal by North West Surrey Clinical Commissioning Group
Site Address: Walton Community Hospital, Rodney Road, Walton-on-Thames,
Surrey, KT12 3LD

Thank you for your Planning Appeal(s). I am the case officer, if you have any questions, please contact me. I have checked the papers and confirm that the appeal(s) is valid. If I later find out that this is not the case, I will write to you again.

If you have not sent copies of your appeal form(s), full statement of case and other relevant documents to the local planning authority (LPA), please do so immediately.

The procedure and starting date

In accordance with s319A of the Act we have applied the criteria and considered all representations received, including your preferred choice. We consider that the Written representations procedure is suitable and we intend to determine this appeal(s) by this procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

Sending documents to us and looking at the appeal(s)

A timetable is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://www.gov.uk/appeal-planning-inspectorate>.

If emailing documents, please use the email address above. If posting documents please send 2 copies of everything. Whichever method you use, please make sure that all

documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>.

Timetable

The following documents must be sent within this timetable.

By 23 August 2019

The LPA send to me and to you, a copy of their completed appeal questionnaire and supporting documents.

By 20 September 2019

The LPA send me their statement if their appeal questionnaire does not give full details of their case. I will send you a copy of any LPA statement. I will also send a copy of any comments I receive from other interested persons or organisations to both you and the LPA.

By 04 October 2019

You and the LPA should send me any final comments you may have on any representations from interested persons or organisations. You may also comment on matters arising from any statement submitted by the LPA, but this is not an opportunity to add to your full statement of case or to present new evidence. I will send you a copy of any final comments received from the LPA for your information.

Site visit

We will arrange for one of our Inspectors to visit the appeal site. If the Inspector needs to be accompanied by the main parties, or requires you to give him/her access to the site, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will not be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. Inspectors will not accept any documents from you or discuss the merits of the appeal(s) at the site visit.

Up to date information about waiting times for appeals can be found on our "[Appeals: average timescales](#)" page on GOV.UK.

Planning obligations - section 106 agreements

If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. A certified copy must be submitted to me no later than 7 weeks from the date of this letter.

Withdrawing your appeal(s)

If you decide to withdraw your appeal(s), please contact me immediately on the telephone number or email address provided. You must confirm your decision in writing.

Costs

Costs can be awarded in this type of appeal. Details of this can be found on GOV.UK: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs. You should be aware that withdrawal at any stage in the proceedings without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

Mariola Bartkowiak

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