
To consider the submission of appeals to the Planning Inspectorate against Wandsworth Council's decision to refuse consent to planning applications 2010/3703 and 2010/3706

Document Information

This paper provides the Trust Board with information to assist it in coming to a decision about whether or not to appeal against the Council's decision to refuse consent to the two recent planning applications.

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1. Introduction

- 1.1. The purpose of this paper is to assist the Board in coming to a decision about whether or not to appeal against Wandsworth Council's decision to refuse consent to planning applications 2010/3703 and 3706.

2. Background

- 2.1. In March 2006, the Trust Board approved a Strategic Outline Case (SOC) for "an integrated development of mental health service accommodation [at Springfield] within a site-wide regeneration programme... to meet both treatment and community benefit objectives in a financially viable fashion". This SOC was then approved by the South West London Strategic Health Authority (now NHS London) in May 2006.
- 2.2. In April 2007, the Board appointed professional advisers to produce an outline planning application for this development. The first application was turned down by Wandsworth Council (the Council) in March 2009. In the summer of 2009, the Trust decided to prepare a revised planning application, responding to the eight grounds for refusal of the first application. Following engagement about the Trust's proposals with a range of local stakeholders, a revised planning application for a significantly scaled-down development was submitted in August 2010, together with a related listed building consent application.
- 2.3. Officers recommended approval of the revised planning application. It addressed their concerns as expressed in the eight grounds for refusal of the previous application. Furthermore, the revised application was entirely consistent with the Council's draft Site Specific Allocations Document (SSAD) and the GLA's Strategic Housing Land Availability Report (SHLAR). This application was refused in December 2010 on two grounds: Planning Applications Committee members felt there was insufficient justification to show that the shift in travel modes could be achieved, thus increasing congestion in local roads and increasing pressure on parking off the site; and they were not satisfied that the proposed new buildings in the Metropolitan Open Land (MOL) towards Burntwood Lane would make a positive contribution to or adequately safeguard the MOL. The listed building consent application was also refused on the 10th February 2011 on the grounds that the proposed development would be premature in the absence of an acceptable development scheme.
- 2.4. The Trust Board asked the Chief Executive to make a detailed appraisal of the grounds for refusal and the issues surrounding lodging appeals with the Planning Inspectorate, and to advise them as to whether or not the Trust should appeal at its meeting on 30th June 2011, in time for the appeal deadline on 12th July 2011. This appraisal is set out below.

3. Material considerations for the Trust Board

3.1. Mental Health Service Need – Improving Services for our Service Users, their Carers and Families

The SOC established that there was an urgent need for the re-provision of the NHS mental health facilities at Springfield Hospital due to the age and quality of the existing buildings, many of which are now close to the end of their useful lives in spite of significant upgrades in recent years. This conclusion is based on the Trust's primary purpose: the provision of mental health services in an environment which ensures the safety and dignity of patients. It is the Trust's overriding responsibility to ensure that patients are cared for in modern facilities that will best aid their recovery. For this reason no change at Springfield is not an option.

3.2. The preferred option identified in the SOC was to build a series of new buildings at Springfield, within a site-wide regeneration programme to meet both treatment and community benefit objectives. Since the SOC was approved, the first of the planned new buildings, the Wandsworth Recovery Centre, has opened, replacing amongst others the accommodation that was in most urgent need of it, John Meyer Ward.

3.3. Of the existing beds at Springfield:

- 46 are in high quality accommodation with a 60 year life.
- 49 are in accommodation with a 10 to 20 year life.
- 177 are in pre-1948 accommodation with a five to 10 year life.

The pre-1948 accommodation provides a poor environment for both service users and staff, in spite of the Trust having committed considerable resources to its improvement in recent years.

3.4. The five year capital investment plan to improve our existing facilities whilst we develop our long-term future position will maintain the 226 beds in sub-optimal accommodation at a minimum level of safety and quality, but will not increase the useful life of these assets. This is because their fabric cannot provide either the quality of facilities or the future flexibility that the Trust requires, and therefore it is only appropriate to make them safe for short-term use.

3.5. From the point of view of the Trust's clinicians, as well as our commissioners, regulators, local authority partners and wider public, a long-term plan for the provision of facilities that meet current standards and are flexible for the future is essential.

3.6. To respond to this need, the revised planning application for Springfield contains plans to meet the mental health service accommodation needs in new buildings, constructed to appropriate standards. The buildings will be built to flexible designs, which will allow the Trust to respond to improvements in standards over time, as well as to respond to the changing needs of our clinical services as clinical technologies improve and demands for services change.

3.7. Wider community benefits – a health-led regeneration programme for Springfield

The March 2006 SOC was explicit in stating that the new mental health accommodation

should be provided as part of a site-wide regeneration programme to meet both treatment and community benefit objectives.

3.8. This was in recognition of the wider responsibilities of NHS organisations to use the value locked into their assets where possible to promote health and wellbeing through sustainable use of these resources, in addition to their day-to-day provision of care and treatment. Allied to this responsibility, there is now a stronger than ever commitment from Government to use the opportunities presented by town planning to provide social and community development alongside physical developments as an integral part of regeneration schemes.

3.9. Thus, as a mental health service provider, the Trust is very concerned to ensure that any development at Springfield is carefully designed to maximise community benefits of all kinds for new and existing residents, tenants, employees and others who use the site (including of course our patients), as well as improving access to our services and access to the benefits that the development could make available.

3.10. To this end, the Trust has paid particular attention to the following matters:

- The provision of a full range of housing, including homes for shared ownership and affordable rent, given the important link between quality of housing and both physical and mental health. The Trust was particularly pleased that in the revised application we were able to increase the number of affordable houses (as opposed to flats) with gardens for less well-off families. The Trust has also included 56 flats for people with learning disabilities at the request of the Council, as well as 50 close care apartments for older people.
- Allocation of space for community uses, both for our existing partners on the site (Mayfield Gymnastics Club, Mayfield Children's Centre, Share Community) and for possible new community uses, which could include primary care, cultural or arts uses, or other uses to be determined by local need: for instance, local shops, cafes, or other retail facilities.
- Provision of opportunities for a range of active and passive sports and leisure activities within the beautiful landscape, which are intended to make the parkland accessible to more people.
- Provision of land for a school, given the importance of integrating education into the new community and the pressure on existing schools in the neighbourhood.
- Investment in local transport infrastructure, including a new bus route and improvements to junctions around the site, to mitigate the impact of the modest increase in traffic that the development will cause.
- Preservation of the listed buildings, some of which are currently on English Heritage's "at risk" register, within an enhanced landscape, with trees and views preserved to emphasise the unique sense of place at Springfield.

- Environmental sustainability, including the creation of modern, low-carbon infrastructure, with on-site energy generation, low-energy buildings and homes built to the most modern, energy efficient standards. All flat roofs will be green roofs, and rain water will be managed through a sustainable urban drainage system which will serve the entire site.

3.11. From the Trust's perspective, it is vital that any development in which the Trust is involved will have a positive impact on the health and wellbeing of existing and new local people, and the Trust is firmly of the view that the measures described above will indeed provide the means of enhancing what is currently a wasted community resource.

3.12. However, the Trust is aware that some local people remain concerned about our plans. For this reason, over the coming months the Trust will be seeking to engage again with stakeholders, including patients, carers, local residents and staff about the development of services on the Springfield Hospital site, including improving the accessibility of the services and facilities that we provide to all members of our community.

3.13. Responding to the grounds for refusal of the revised planning application

The two grounds for refusal were that there was insufficient justification to show that the shift in travel modes could be achieved, thus increasing congestion in local roads and increasing pressure on parking off the site; and the Council was not satisfied that the proposed new buildings in the Metropolitan Open Land (MOL) towards Burntwood Lane would make a positive contribution or adequately safeguard the MOL.

3.14. Since December 2010, the Trust has undertaken a good deal of work on reviewing both these grounds, and how we could respond to them in the event of an appeal.

3.15. The Trust has been advised by its planning team that both these grounds for refusal can be addressed positively. Exploratory work with Transport for London (TfL) has identified how their remaining concerns regarding the transport element of the plans may be addressed. The Trust has also been in dialogue with the Council to consider how its concerns can be responded to. As a result of this work, our planning team considers that it would be possible to demonstrate to an Inspector and the Secretary of State that any remaining concerns about the application can be resolved.

3.16. The Trust has two options. If it decides to appeal and is successful, this would enable the Trust to generate very significant benefits to its patients, its staff and the wider community that have been described above. It can otherwise choose not to appeal. This would have serious consequences for the Trust.

3.17. Consequences of not appealing

If the Trust does not appeal, or if the appeal is turned down by the Secretary of State, this would severely impact on the urgent necessity for the Trust to provide services from facilities which reach modern standards. The Trust would then need to consider again how it would be able to provide services from modern facilities through undertaking a review of the future location of its services across its portfolio of sites in South West London.

3.18. **Board assurance**

The Trust has taken advice from a very well-qualified planning team, with occasional review from independent experts acting for the Trust to review the planning team's work.

3.19. The Trust is of the view that the work done on its behalf is of the highest standard and meets the expectations in terms of quality and value for money that any public organisation should expect.

4. Recommendation

4.1. It is recommended that the Board asks the Chief Executive to lodge appeals with the Planning Inspectorate against the Council's decision to refuse consent for planning applications 2010/3703 and 2010/3706.

Mike Naylor
Acting Chief Executive
June 2011