

PLANNING COMMITTEE

Thursday 6 October 2022 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/5807128262766646795>

Webinar ID: 677-563-491

Telephone (Listen only): 0330 221 9914, Telephone Access Code: 645-505-264

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds (Chair)
Councillor Phil Neale (Vice-Chair)
Councillor Kate Chinn
Councillor Monica Coleman
Councillor Alex Coley
Councillor Nigel Collin
Councillor Neil Dallen

Councillor David Gulland
Councillor Previn Jagutpal
Councillor Jan Mason
Councillor Steven McCormick
Councillor Lucie McIntyre
Councillor Peter O'Donovan

Yours sincerely



Interim Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: Democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 1 September 2022 (attached) and authorise the Chairman to sign them.

3. DEVELOPMENT SITE AT 65 LONDON ROAD, EWELL, SURREY, KT17 2BL (Pages 9 - 34)

Construction of a four storey building plus basement for use as a care home (Use Class C2) with up to 70 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.

4. HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 35 - 46)

Siting and installation of restroom facilities.

5. HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 47 - 58)

Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective).

6. HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 59 - 74)

Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective).

7. HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 75 - 90)

Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access (Retrospective).

8. HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 91 - 112)

Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand.

9. PLANNING APPEALS UPDATE (Pages 113 - 116)

A report setting out the following recent planning appeal decisions which relate to non-householder developments, which have been received by the Planning Service.

This page is intentionally left blank

Minutes of the Meeting of the PLANNING COMMITTEE held on 1 September 2022

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Phil Neale (Vice-Chair); Councillors Steve Bridger (as nominated substitute for Councillor Nigel Collin), Kate Chinn, Monica Coleman, Alex Coley, Hannah Dalton (as nominated substitute for Councillor Neil Dallen), David Gulland, Previn Jagutpal, Jan Mason, Steven McCormick, Lucie McIntyre and Peter O'Donovan

Absent: Councillor Nigel Collin and Councillor Neil Dallen

Officers present: Justin Turvey (Planning Development Manager), Euan Cheyne (Planning Officer), Jason Ofosu (Principal Solicitor), Lidia Harrison (Principal Solicitor), and Dan Clackson (Democratic Services Officer)

10 DECLARATIONS OF INTEREST

Declarations of Interest

Councillor Steven McCormick, Other Interest: In the interest of openness and transparency, Councillor Steven McCormick declared that he and most of the other Members of the Planning Committee had received a representation from a resident in relation to Item 3 on the Agenda.

11 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Previous Meeting of the Planning Committee held on 21 July 2022 were agreed as a true record by the Committee and signed by the Chair.

12 GREEN GABLES, ASHLEY ROAD, EPSOM

Description

Demolition of existing building and erection of two linked, two storey buildings containing 22 student bedrooms, associated parking and cycle parking.

Decision

The Committee noted a presentation from the Planning Officer.

The Committee considered the possibility of a refusal of the application. The Chair considered it appropriate to require a deferral of the item to the next Planning Committee meeting to allow further discussions to be had.

Following consideration, the Committee resolved (8 in favour, 4 against, 0 abstaining and the Chair not voting) that the application be DEFERRED.

The reason for deferral was in order to arrange a Member site visit, with a view to bringing the application to the next meeting of the Committee, following said site visit.

The request for a site visit was made on the following grounds:

- (1) It was considered by Members to be essential in order to clarify issues, both for Members and the Agent, that could not be understood without such a visit, and which could not be considered prior to such a visit. The Committee considered that particular factors to be seen on site would be significant in terms of the weight to be afforded to them in determining the application, and because, following discussion in Committee, Members had reduced confidence that such factors could be fairly considered in the absence of a site visit to assess such details.

The Committee considered the importance for Members to have access to the rear of the property during the site visit.

13 MONTHLY APPEALS REPORT

The Committee noted the appeal decisions in relation to non-householder developments and noted the Summary of Pending Appeals.

The meeting began at 7.30 pm and ended at 8.47 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

Development Site At 65 London Road, Ewell, Surrey, KT17 2BL

Ward:	Stoneleigh Ward
Site:	Development Site At 65 London Road Ewell Surrey KT17 2BL
Application for:	Construction of a four storey building plus basement for use as a care home (Use Class C2) with up to 70 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RD29SMGYGJ300>

2 Summary

- 2.1 The Site comprises vacant land, measuring approximately 0.32 hectares in size, formally occupied by the "Organ and Dragon" pub.
- 2.2 Planning permission was recently granted at the Site, in August 2021, for the construction of a three to six storey building, comprising 45 flats (Use Class C3), under ref: 20/01079/FUL.
- 2.3 The proposal seeks a four-storey building, plus basement, for use as a care home (Use Class C2), with up to 70 bedrooms and associated communal spaces and services. The proposal seeks car parking, cycle provision, refuse storage and ancillary works. This is an appropriate use for this Site.
- 2.4 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 38 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book".
- 2.5 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.

- 2.6 The proposal seeks to provide car parking, a car club vehicle, cycle parking and an ambulance and deliveries bay. It also seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority's Waste Team.
- 2.7 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF). Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.

3 Site description

- 3.1 The Application Site ("Site") comprises vacant land, which was formally occupied by the "Organ and Dragon" pub, which is understood to have been demolished in 2014.
- 3.2 The Site is a corner plot, off London Road and Ewell By-Pass. It measures approximately 0.32 hectares.
- 3.3 The Site is accessed off London Road.
- 3.4 There are various uses surrounding the Site, including (but not limited to) petrol stations, a car sales garage, commercial uses and houses.
- 3.5 The closest bus stop is approximately 140 metres to the north-east of the Site. Ewell West Train Station is approximately 0.7 miles to the south-west of the Site and Ewell East Train Station is approximately 0.8 miles to the south of the Site.
- 3.6 The Site is designated as:
- Built Up Area
 - Stoneleigh and Auriol Neighbourhood Forum.
- 3.7 The Site is not listed, but there are listed buildings in proximity to it. The Site is not located within a Conservation Area.
- 3.8 The Site is located within Flood Zone 1 (low probability of flooding).

4 Proposal

- 4.1 The proposal seeks a four-storey building, plus basement, for use as a care home (Use Class C2), with up to 70 bedrooms and associated communal spaces and services. The proposal seeks car parking, cycle provision, refuse storage and ancillary works.
- 4.2 The Site measures approximately 0.32 hectares. The density is 219 habitable rooms per hectare.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 31 neighbouring properties. To date 2 letters of objection have been received, including from The Stoneleigh and Auriol Neighbourhood Forum, regarding:
- Proposed Use – C2
 - Height
 - Out of character (overbearing impact, adverse visual impact)
 - Impact on neighbouring amenity

5.2 A Site Notice was displayed (29.06.2022) and the application advertised in the local paper.

6 Consultations

- SCC Adult Social Care: no objection
- SCC Highways: recommend Conditions
- SCC Fire and Rescue: the application has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.
- SCC Archaeology: no archaeological concerns
- SCC LLFA: no objection
- Environment Agency: no response received
- Thames Water: no response received
- EEBC Design and Conservation Officer: recommend conditions
- EEBC Ecology: recommend Conditions
- EEBC Tree Officer: recommend Conditions
- EEBC Environmental Health: recommend Conditions
- EEBC Contaminated Land: recommend Conditions
- EEBC Waste: no objection

7 Relevant planning history

7.1 The below sets out recent (within five years) and relevant planning history relating to the Application Site:

Application number	Decision date	Application detail	Decision
16/00933/FUL	27 June 2017	Erection of a Class A1 convenience supermarket and associated parking, access, servicing, and landscaping. (Amended drawings received 09.05.2017)	Refused
18/00573/FUL	15 February 2019	Development of a supermarket, together with associated parking, access servicing and landscaping	Refused
20/01079/FUL	16 August 2021	Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works	Granted

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 5:	Delivering a sufficient supply of homes
Chapter 8:	Promoting healthy and safe communities
Chapter 9:	Promoting sustainable transport
Chapter 11:	Making effective use of land
Chapter 12:	Achieving well-designed places
Chapter 14:	Meeting the challenge of climate change, flooding and coastal change
Chapter 16:	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	Sustainable Communities
Policy CS5	Built Environment
Policy CS6	Sustainability in New Developments
Policy CS8	Housing Development
Policy CS9	Affordable Housing
Policy CS16	Transport and Travel

Development Management Policies Document 2015

Policy DM4	Biodiversity
Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements
Policy DM12	Housing Standards
Policy DM19	Development & Flood Risk
Policy DM21	Meeting Local Housing Needs
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport
Policy DM37	Parking Standards

9 Planning considerations**Presumption in favour of sustainable development**

- 9.1 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. Where there are no relevant development plan policies, or the policies which are most important for determining an application are “out-of-date”, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.2 In accordance with the NPPF, “out-of-date” includes:
 - for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 9.3 The 2021 Housing Delivery Test (HDT) result for Epsom & Ewell Borough Council was 35%. The delivery of housing has been substantially below the requirement over the last three years. In these circumstances, the NPPF states that the approach to decision making set out in paragraph 11(d) should be applied.
- 9.4 The Government’s standard method identifies a housing requirement of 576 new homes each year. Due to the HDT position, a 20% buffer is needed, which increases the requirement to 691 new homes. Epsom & Ewell Borough Council is currently falling significantly below its five-year housing land supply target, with the identified supply being 0.68 years as of 01 April 2021, as set out in the Authority Monitoring Report (2021/2022). This triggers the approach to decision making set out in paragraph 11(d) of the NPPF.
- 9.5 The Site is designated as a Built-Up Area and in accordance with Policy CS8, a Care Home is an acceptable use at this Site (subject to material considerations).

- 9.6 The scheme would contribute the equivalent of 38 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 9.7 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 9.8 It is important to note the pressing need for housing in Epsom & Ewell, as shown by the Housing Delivery Test (HDT) outcomes and the housing land supply position. Considering that pressing need, significant weight is given to the contribution that the proposal would make to housing land supply.
- 9.9 In this case, the proposal seeks numerous public benefits, including:
- Redevelop a vacant Site and optimise the use of land
 - Provision of a Care Home (Use Class C2)
 - Enable people to move out of existing housing, freeing up housing stock for use by others
 - Contribution that the proposal would make to housing land supply
 - Creating employment opportunities
- 9.10 In considering the above, Officers consider that the proposal offers an opportunity to redevelop the vacant Site and provide a Care Home (C2), which is an appropriate use at this Site. The proposal would enable the freeing up of housing stock for use by others and would contribute towards the housing land supply position. It would also create employment opportunities too.
- 9.11 The minor adverse impacts of this proposal are not considered to demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

Care home provision

Policy

- 9.12 Paragraph 60 of the NPPF sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.13 The NPPF states that the housing needed for different groups in the community should be assessed and reflected in planning policies, including the needs of older people and people with disabilities. National Planning Practice Guidance (NPPG) states that the need to provide housing for older people is critical and that the proportion of older people in the population is increasing. The NPPG goes on to say that giving older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.

- 9.14 Policy CS8 sets out that new housing development will be located within the defined Built-Up area of Epsom and Ewell.
- 9.15 Policy DM21 states that permission will be granted for specialised forms of residential accommodation where there is evidence of need and there will not be overprovision of a particular type of accommodation.
- 9.16 Supporting paragraph 4.9 of Policy DM21 sets out that it is important that the Council ensures that new housing developments provide a choice and mix of housing so that the Borough continues to be comprised of balanced and sustainable communities

Appeal decision (APP/P3610/W/21/3272074)

- 9.17 There is no single, recognised methodology for identifying future residential and nursing care need, as stipulated within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074).

Planning Need Assessment

- 9.18 A "Planning Need Assessment", by Carterwood, dated April 2022, accompanies this application.
- 9.19 The Planning Need Assessment sets out that the proposal would provide 70 single bedrooms, all with an en-suite wetroom, together with communal areas.
- 9.20 The Planning Need Assessment sets out that the proposed care home would be capable of providing care for residents of all dependency levels, including those who require residential or dementia care, within a specialist unit specifically designed to cater to higher dependency needs. It would be flexible in terms of layout, to enable the provision of nursing care and to provide areas where residents can be isolated, should this be necessary. Without this capability, several very high-dependency care home residents would otherwise experience an enforced hospital stay.
- 9.21 The Planning Need Assessment indicates that there is a considerable net need for 1279 and 540 en-suite wetroom bedrooms in the market catchment area (4 miles from the Application Site). In terms of 'specialist dementia' care, the Assessment sets out that there a net need for 529 en-suite wetroom beds in the market catchment area and a net need for 226 en-suite wetroom beds in Epsom and Ewell.

SCC Adult Social Care comments

- 9.22 SCC Adult Social Care commented on this application, on 29.07.2022. The response is set out below:

The Epsom & Ewell Accommodation Statement as produced by Surrey County Council is referenced in the Applicant's Needs Assessment. This states that at the time of publication there was an indicative need for both additional residential and nursing care home provision in the Epsom & Ewell Borough Council area. Since publication, the following care homes have closed in the Epsom & Ewell Borough Council area, which amends the figures as follows:

- *Epsom Lodge - reduction of residential care home supply of 13 beds*
- *The Elders Care Home – reduction of residential care home supply of 23 beds*
- *Homelea – reduction of residential care home supply of 19 beds.*

However, it is recognised that several residential and nursing care home planning applications have been received by Epsom & Ewell Borough Council since the publication of the Accommodation Statement. The outcomes of these applications should be reviewed by the Local Planning Authority to establish if this manifestly changes the outcome of the Accommodation Statement.

While the Applicant is an organisation with no history of operating care homes itself, there is no reference to a care provider working in partnership with the organisation in the application. There is therefore very little indication of what type of care will be delivered on Site, whether the care home will operate with or without nursing care provision, and no description of exactly how the particular development would benefit local residents or the joint health and social care system. The application therefore suffers by comparison with others, which provide details of future operational plans.

Having said this, regrettably, I cannot find anything in the local planning policies which requires clarity on who will operate any future care development, nor any requirement for an operator statement alongside other statements in the application.

Applicant's response to SCC Adult Social Care comments

- 9.23 The Applicant provided a response to SCC Adult Social Care comments on 11.08.2022. The response is summarised below:

The closure of the care homes listed in SCC Adult Social Care's email would increase the need case for new care beds in the Borough. We are aware of other applications for care homes and those that were submitted prior to this application are considered in the Carterwood Planning Needs Assessment. For example, we are aware that Montpellier Estates may not be progressing its plans for a care home at The Wells, 3-13 Church Street, Epsom (subject of application 21/00233/FUL). Any other applications that were submitted after this application should take account of this application (if necessary), rather than the other way around.

The Planning Statement at paragraphs 4.4 – 4.7, with reference to the proposed layout of the care home and the specific spaces provided for support activities and personnel, that the care home would provide residential and nursing care and that provision has been made within the scheme for dedicated dementia care should the final operator decide to take that opportunity, which given there is a clear need is likely. In responding to an identified need for new care beds of this type, the proposed development will benefit residents and the joint health and social care system, noting that the Carterwood Needs Assessment is based on a circa 4-mile market catchment area and the Epsom & Ewell Borough Council area.

Previously refused scheme

- 9.24 The Applicant for the recently approved scheme at the Site (ref: 20/01079/FUL) has identified significant issues with progressing that scheme. This is summarised at paragraphs 3.13 – 3.18 of the Planning Statement accompanying this application.
- 9.25 The Planning Statement sets out that following the grant of the planning permission (ref: 20/01079/FUL), the Applicant appointed a specialist affordable housing consultancy to market the affordable housing units on its behalf. Thirteen organisations were known to operate within the Borough and were approached. Three organisations did not reply, nine organisations responded but confirmed no interest/declined to make an offer. One organisation made an offer for the 12 affordable units, but based on these being used for an intermediate rent to buy product, which was inconsistent with the requirements of the S106 Agreement accompanying the planning permission. So, the Applicant is unable to comply with the terms of the S106 Agreement and the scheme unable to progress.

Officer comment

- 9.26 Carterwood, regulated by the RICS, specialises in health and social care and has put forward its Planning Need Assessment, to support this application. This Assessment has been reviewed by Surrey County Council Adult Social Care who have expertise to consider the need for the use and do not object.
- 9.27 The Planning Need Assessment indicates that there is a need for en-suite wetroom bedrooms in Epsom and Ewell and the wider catchment area. The proposal contributes towards this need.
- 9.28 The scheme would contribute the equivalent of 38 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 9.29 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 9.30 Internally, the scheme has been designed to cater for residents requiring care and support. There is a focus on communal spaces and facilities, which encourages social interaction. Officers give this positive weight, as social and community benefits arising from this scheme.
- 9.31 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation.
- 9.32 Taking the relevant facts into account, Officers are satisfied that the principle of the use on this site is acceptable.

Quality of accommodation

Policy

- 9.33 Nationally Described Space Standards are not applicable to proposed C2 Uses.
- 9.34 Paragraph 3.36 of Policy DM11 requires minimum private outdoor space to be provided for houses and flats, but this requirement is not applicable to proposed C2 Uses.
- 9.35 A Design and Access Statement (DAS), dated May 2022, accompanies this application. Information from this Statement is summarised below:
- 9.36 The DAS sets out that the proposed mix is 70 x single bedrooms.
- 9.37 The DAS sets out that all bedrooms would measure a minimum of 16 sqm, each with an en-suite wet room, totalling approximately 20 sqm in total.
- 9.38 The DAS sets out that communal, dining and lounge provisions are provided, measuring greater than 8sqm/bed.

- 9.39 The DAS sets out that a communal residential garden is provided, for residents' use. The Applicant confirmed via email on 19.08.2022 that this measures 175 sqm in size.

Officer comments

- 9.40 The proposal seeks 70 x single bedrooms, inclusive of en-suite wetrooms. The bedrooms do not benefit from private balconies, but a communal garden is proposed for residents.
- 9.41 Planning policy does not require minimum sized bedrooms or a minimum standard of private outdoor space to be provided for C2 Uses. But Officers consider that the bedrooms proposed are adequately sized and also consider that the communal garden is acceptable, in this case.

Affordable housing

- 9.42 Officers reviewed the proposed floorplans and note that the bedrooms are not self-contained, as these don't comprise kitchen facilities. So, it is considered that the proposal is a C2 Use, rather than a C3 Use. As such, Officers do not consider that the scheme is subject to affordable housing provision.

Design and visual impact

Policy

- 9.43 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.44 Paragraph 130 sets out that planning decision should ensure that developments (inter alia) function well, are visually attractive, are sympathetic to local character and history, optimise the potential of a Site to accommodate and sustainably an appropriate amount and mix of development and create places that are safe, inclusive, and accessible, promoting health and well-being, creating a high standard of amenity for existing and future users.
- 9.45 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas.
- 9.46 Policy DM8 sets out that the Council will resist the loss of Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 9.47 Policy DM9 sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 9.48 Policy DM10 sets out that development proposals will be required to incorporate principles of good design.

Planning history

- 9.49 Planning history is relevant to a planning application, but each planning application is assessed individually and on its own merits.

- 9.50 Officers acknowledge that planning permission was granted at the Site for "Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works" under ref: 20/01079/FUL.
- 9.51 Whilst this proposal is considered individually and on its own merits, it has a reduced height in comparison to the recently approved scheme at the Site and is set further away from neighbouring properties 77 and 77a London Road.

Height and massing

- 9.52 A Design and Access Statement (DAS), dated May 2022, accompanies this application. It sets out that the proposed building measures approximately 13.1 metres in height at Ewell By-Pass, reducing to 11.5 metres in height further along London Road.

Materials and elevational treatment

- 9.53 The DAS sets out that the proposed development utilises brick, with stone banding. These are appropriate materials, compatible with local character.

Layout

- 9.54 The DAS sets out that the Site slopes down from East to West by approximately 3.4 metres. To create level access, the Site has been partially excavated and filled.

Plant

- 9.55 The DAS sets out that an indicative plant enclosure is proposed at roof level. Details and exact requirements would be determined at detailed M&E design stage.

Heritage assets

- 9.56 A Heritage Statement accompanies this application. It sets out that the heritage asset that could be affected by the proposal is the listed terrace, Nos. 79 to 85 London Road.
- 9.57 The Heritage Statement sets out that the Application Site does not serve to reveal or enhance the significance of the listed terrace. The Heritage Statement sets out that the proposed development does not dominate listed building No. 77 but maintains the building line on London Road in a positive way.
- 9.58 The Heritage Statement concludes that there would be no harm to the listed buildings.

Local Planning Authority's Design and Conservation Officer comments

- 9.59 The Local Planning Authority's Design and Conservation Officer formally commented on this application. The comment reviews the Site's location but sets out that it is not Listed and is not in a Conservation Area. There are however two Listed buildings in proximity to the Site. The Comments sets out that the Listed building to the southwest of the Site is of a different character to the proposal or any other buildings in the townscape that and new development should not be expected to relate to it in architectural character, form or scale. To the northeast of the Site is a small terrace of Grade II Listed C19 weatherboard two-storey cottages and there would be some impact on views from the north, when approached on the A24, closer to the development.

- 9.60 The comment sets out that this proposal is significantly reduced in height, by two-storeys, in comparison to the recently permitted scheme. It is four-storeys in height across the whole length of the building, whereas the approved scheme is six-storeys at the corner, reducing to three storeys next to the two-storey house to the northeast. This proposal is set much further away from the Listed buildings and should not have a detrimental effect on them. It also has less car parking on the landscape facing the street, which should improve the appearance of the Site. But there is a very great deal of car parking to the rear of the building, reducing the opportunity to provide green amenity space.
- 9.61 The comments set out that this is a rectangular block, with less of interest, in comparison to the previously recently six-storey permitted scheme. It is less of a marker on the junction and would not have such a presence on the street. On balance, the proposal is acceptable in design and conservation terms subject to a Condition requiring samples of all external materials being attached to any planning permission granted.

Officer comments

- 9.62 The height and massing of the proposed building has been developed to suit the requirements of a Care Home, consolidating accommodation into a single building over fewer floors.
- 9.63 Whilst this proposal is considered individually and on its own merits, it is noted that it has a reduced height in comparison to the recently approved scheme at the Site (ref: 20/01079/FUL) and is set further away from neighbouring properties 77 and 77a London Road. It therefore responds more positively to the surrounding context.
- 9.64 The Local Planning Authority's Design and Conservation Officer has considered this proposal acceptable on design and conservation terms and Officers agree with this. Subject to planning permission being granted, Conditions shall be imposed, requiring details and samples of external materials to be submitted to and approved by the Local Planning Authority.
- 9.65 The proposal is considered to comply with policies DM8, DM9 and DM10.

Neighbouring amenity

- 9.66 Policy DM9 sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 9.67 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight and noise and disturbance.

Separation distances

- 9.68 A Design and Access Statement (DAS), dated May 2022, accompanies this application. It sets out that the proposed building is located approximately:
- 24 metres from 77 and 77a London Road
 - 12 metres from 153 Ewell By-Pass.

Daylight and sunlight

- 9.69 A letter, Waterslade, dated 26.05.2022, accompanies the application. It sets out that in April 2022, it provided a report assessing the effects that the proposed scheme would have on the daylight and sunlight amenity to the properties surrounding the Site. The report concludes that the impact of the proposed scheme would be minimal and all residential neighbouring properties would retain very good daylight and sunlight amenity after development.

Officer comments

- 9.70 Officers do not consider that the proposal would adversely impact neighbouring amenity as a result of the building's positioning, height or mass. A Daylight and Sunlight Report has also been prepared, which sets out that all residential neighbouring properties would retain good daylight and sunlight, once development is complete (subject to planning permission being granted). It is considered to comply with Policy DM9.

Noise

- 9.71 A Noise Assessment, dated 27 May 2022, accompanies this application. It seeks to establish and quantify the existing noise climate and recommend appropriate noise mitigation to protect future occupants and comply with local planning policy.
- 9.72 The assessment has found that with appropriate mitigation, internal noise levels can meet the appropriate noise level in BS 8233 and local planning policy.
- 9.73 The Local Planning Authority's Environmental Health Team reviewed the Noise Assessment and confirmed in a meeting with Officers, on 15.08.2022, that there is no objection to the Noise Assessment, subject to ensuring that Conditions are attached to any planning permission granted.

Air quality

- 9.74 An Air Quality Assessment, dated 03.05.2022, accompanies this application. It provides an assessment of the following potential key impacts associated with the construction and operational phases of the proposed development:
- Nuisance, loss of amenity and health impacts associated with the construction phase of the development on sensitive receptors
 - Changes in traffic-related pollutant concentrations associated with the operational phase of the proposed development
 - Residential suitability of the proposed development location in terms of existing air quality.
- 9.75 The Air Quality Assessment sets out that a qualitative assessment of construction dust effects has been undertaken for the proposed scheme. The construction phase is predicted to have a 'Medium Risk' of nuisance and/or loss of amenity impacts due to dust nuisance. However, the risk of dust nuisance can be mitigated by implementing appropriate mitigation measures.
- 9.76 The Air Quality Assessment sets out that a traffic-related impact assessment has been scoped out as the proposed development is not anticipated to generate a significant amount of traffic. However, dispersion modelling was undertaken to assess the residential suitability. The air quality dispersion modelling has concluded that as a minimum mechanical ventilation with a NOx filter will be required on the ground floor of the proposed development.

- 9.77 The Air Quality Assessment concludes that the proposed development is not considered to conflict with any National, Regional, or Local planning policy in relation to construction and operation phase dust and air quality nuisance.
- 9.78 The Local Planning Authority's Environmental Health Officer formally commented on this application and had correspondence with the Applicant's Air Quality Consultant.
- 9.79 The Local Planning Authority's Environmental Health Officer has recommended conditions to be attached to any planning permission granted.

Highways and parking

Policy

- 9.80 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.81 Paragraph 112 of the NPPF sets out that applications for development should (inter alia) give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards, allow for the efficient delivery of goods, and access by service and emergency vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.82 Policy CS16 sets out that encouragement will be given to development proposals and management policies which foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Throughout the Borough the Council will seek to ensure that highway design responds to the positive characteristics of an area and delivers a high quality public realm for all users.
- 9.83 Policy DM36 sets out that to secure sustainable transport patterns and usage across the Borough, we will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 9.84 Policy DM37 sets out that developments will have to (inter alia) demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.85 There is not a minimum car parking standard for proposed C2 uses.

Car parking

- 9.86 24 staff/visitor car parking spaces are proposed, inclusive of three disabled bays. The parking provision has been calculated to allow for one car parking space for three bedrooms.

Ambulance and deliveries bay

- 9.87 A dedicated ambulance and deliveries bay is proposed.

Access Arrangements

- 9.88 A Transport Assessment (TA), dated May 2022, accompanies this application.

- 9.89 The TA sets out that it is proposed to stop-up the existing dropped kerb access off London Road and introduce a new access road, approximately 13 metres from the north-east Site boundary.
- 9.90 The TA sets out that around the boundary of the Site, a 3-metre footway is proposed, widened from the current width of between 1.5 – 2.0 metres. This enables the footway to become a shared footway/cycleway.

Cycle Parking

- 9.91 The TA sets out that the proposal seeks 10 secured cycle spaces. There would be provision to expand the provision if such need arose.

London Road & Ewell By-Pass signalised junction

- 9.92 The TA sets out that the proposal offers a push button crossing for pedestrians at London Road. Details can be found at Appendix H of the TA.

SCC Highways

- 9.93 SCC Highways formally commented on this application on 28.07.2022. The application was assessed on safety, capacity and policy grounds. SCC Highways recommend Conditions to be attached to any planning permission granted. The response also includes a site-specific comment.

Local Planning Authority's Waste Team

- 9.94 The Local Planning Authority's Waste Team formally commented on this application, on 12.08.2022 with concerns regarding the location of the bin store, the number of proposed bins and the size of these.
- 9.95 The Applicant responded, suggesting a separate temporary bin collection point near to the Site entrance. A revised ground floor site plan was also prepared (ref: 420 (sp) 04 – Proposed Ground Floor Site Plan – dated May 2022), with a bin store accommodating:
- 2 x 1100 litre refuse bins
 - 3 x 1100 litre dry mixed recycling bins
 - 3 x 240 litre glass recycling bins
 - 2 x 180 litre food waste bins.
- 9.96 The Local Planning Authority's Waste Team confirmed that the revised details are acceptable, 23 August 2022.

Officer comments

- 9.97 The proposal seeks to provide car parking, a car club vehicle, cycle parking and an ambulance and deliveries bay. It also seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been assessed by SCC Highways.
- 9.98 The proposal has been assessed by Local Planning Authority's Waste Team, which raises no objection to the revised details.
- 9.99 The proposal complies with Policy CS6.

Trees and landscaping

- 9.100 Paragraph 131 of the NPPF sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 9.101 Policy DM5 of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced.
- 9.102 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 9.103 A Design and Access Statement (DAS), dated May 2022, accompanies this application. It sets out the landscaping proposal. This includes communal garden.
- 9.104 The Applicant prepared a revised soft landscaping drawing (D0456_002 A), amending the tree species and adding additional details on tree pits and planting bed preparations.
- 9.105 The Local Planning Authority's Tree Officer commented on the revised scheme, setting out that it is reasonably acceptable in terms of species choice and tree planting soil volumes. The Tree Officer would prefer more tree planting soil depth and trees perhaps better adapted to climate change. The Tilia, Amelanchier and Pyrus are acceptable. Carpinus can scorch when south facing and Birch can suffer drought stress.
- 9.106 The Local Planning Authority's Tree Officer set out that verge area should have a 750mm radius of composted wood chip or bark chippings as a mulch. The tree stems should also have strimmer guard for protection.
- 9.107 The Local Planning Authority's Tree Officer set out that should planning permission be granted, a Condition is required, to agree the landscape maintenance provision.
- 9.108 The Local Planning Authority's Tree Officer further sets out that planting on the other side of the road would help to soften the built form as well as other environmental improvements.

Officer comments

- 9.109 Officers accept that the Local Planning Authority's Tree Officer has found the removed landscaping scheme reasonably acceptable. Finer details, including appropriate tree species and maintenance provision can be agreed by way of Condition, should planning permission be granted.
- 9.110 Officers do not consider that off-site tree planting is reasonable, having given regard to Regulation 122 of the CIL Regulations, which sets out the limitations on the use of Planning Obligations. It is unlawful for a Planning Obligation to be considered when determining a planning application for a development, which does not meet all of the following tests:
- It is necessary to make the development acceptable in planning terms;
 - It is directly related to the development; and

- It is fairly and reasonable related in scale and kind to the development.

9.111 It is noted that the previously permitted scheme didn't allow for off-site tree planting.

9.112 The proposal is considered to comply with Policy DM5 but note that off-site tree planting is not considered reasonable.

Ecology

9.113 Policy DM4 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity.

9.114 An Ecological Appraisal Report, dated April 2022, accompanies this application. It sets out that the size and nature of proposed development is unlikely to have any negative impacts upon the SSS1, identified 3.1km from the Site. The Report sets out that as a whole, the Site could be considered to support habitats of low ecological value. The Reports sets out suggested mitigation and enhancements, to ensure the Site provides biodiversity enhancements.

9.115 A Reptile Survey, dated June 2020, accompanies this application. This sets out that the Site does not support reptiles, but the availability of suitable habitat means that the presence of reptiles cannot be discounted. It therefore recommends mitigation steps.

9.116 The Local Planning Authority's Ecologist formally commented on this application, on 29.06.2022, setting out that the Reports submitted with this application are in order and subject to Planning Permission being granted, the suggested mitigation and enhancements set out within the Reports should be conditioned.

9.117 Officers note that Local Planning Authority's Ecologist's comments and consider that the proposal complies with Policy DM4.

Flood risk and drainage

9.118 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce or have a neutral impact upon pollution and climate change.

9.119 Policy DM19 sets out that development within Flood Zones 2 & 3 or on Sites of 1ha or greater, a Site Floor Risk Assessment shall be submitted with an application, demonstrating that, where practical, the development would reduce risk both to and from the development or at least be risk neutral.

9.120 A Flood Risk Assessment & SuDS Strategy Report, dated May 2022, accompanies this application. This sets out that the Site is located within Flood Zone 1 and is at very low risk of surface water flooding. The proposed development has appropriate sustainable drainage features to reduce floor risk downstream.

9.121 SCC LLFA formally commented on this application on 30.06.2022, setting that that it is satisfied with the proposed drainage scheme, subject to a Condition being attached to any planning permission granted, requiring details of the design of a surface water drainage scheme.

9.122 The Environment Agency was formally consulted on this application but has not provided a comment.

9.123 Officers note the Environment Agency's response and consider that the proposal complies with Policy DM19.

Archaeology

- 9.124 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 9.125 Policy DM8 of the Development and Management Policies seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 9.126 SCC Archaeology formally commented on this application on 01.07.22, setting out that despite the Site's proximity to an area of high archaeological potential, past development impacts are likely to have removed any archaeological matter. In this instance, there are no archaeological concerns regarding the proposal.
- 9.127 Officers note SCC Archaeology's response and consider that the proposal complies with Policies CS5 and DM8.

Sustainability

- 9.128 Policy CS6 sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.129 An Energy and Sustainability Report, dated May 2022, accompanies this application. It sets out that the proposal would deliver a series of sustainability measures, including:
- Sustainable material selections with timber to be procured with Forest Stewardship Council accreditation and the main contractor to adopt best practice measures to reduce water and energy use through construction
 - The development of a Site Waste Management Plan to ensure waste generation is minimised during construction
 - Water conservation measures aligning with BREEAM WAT 01 requirements
 - SuDs strategy to achieve a run-off rate of 1 l/s in line with Surrey SuDS guidance, with flows attenuated via SuDs measures
 - A comprehensive ecological strategy to deliver a net gain in biodiversity alongside ecological protection measures
 - Incorporation of climate adaptation measures, including permeable paving & landscaping.
 - A 16.57% reduction in CO2 emissions beyond a Part L2a 2013 baseline
 - Renewable heat pumps and PV providing 28.17% of the development predicted energy needs.
- 9.130 Officers consider that the proposal would deliver sustainability measures, complying with Policy CS6.

Community Infrastructure Levy

- 9.131 The scheme would be CIL liable.

10 Conclusion

- 10.1 The Site comprises vacant land, measuring approximately 0.32 hectares in size, formally occupied by the “Organ and Dragon” pub.
- 10.2 Planning permission was recently granted at the Site, in August 2021, for the construction of a three to six storey building, comprising 45 flats (Use Class C3), under ref: 20/01079/FUL.
- 10.3 This application seeks a four-storey building, plus basement, for use as a care home (Use Class C2). This is an appropriate use for this Site.
- 10.4 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 38 units to Epsom & Ewell Borough Council’s housing land supply, when applying the “Housing Delivery Test Measurement Rule Book”.
- 10.5 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site’s existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.
- 10.6 The proposal seeks to provide car parking, , cycle parking and an ambulance and deliveries bay. It also seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority’s Waste Team.
- 10.7 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF). Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.

11 Recommendation

Part A: Grant planning permission, in accordance with the proposed conditions and subject to a Section 106 Agreement being signed by 06 January 2023, and securing the following Heads of Terms:

- Improvements to bus infrastructure at both the A24 northside bus stop and A24 southside, including shelters and real time passenger information
- Push button controlled pedestrian crossing facilities on London Road
- 3-metre-wide footpath on both the London Road and Ewell Bypass frontages of the Application Site, to be dedicated as public highway

Part B: In the event the Section 106 Agreement referred to in Part A is not completed by 06 January 2023 the Head of Planning is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990) as amended), the applicant has failed to comply with Policy CS16 of the Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies Document (2015)

Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall be carried out in accordance with the following approved plans:

420(SP)01 - Location Plan

420(SP)02 – Existing Site Plan

420 (EX)20 - Existing Streetscape Elevations

420(SP)03 Rev P1 - Proposed Site Plan

420(SP)04 Rev P1 - Proposed Ground Floor Site Plan

420(GA)01 - Proposed Basement Floor GA

420(GA)02 - Proposed Ground Floor GA

420(GA)03 - Proposed First Floor GA

420(GA)04 - Proposed Second Floor GA

420(GA)05 - Proposed Third Floor GA

420(GA)06 - Proposed Roof Plan GA

420(GA)20 - Proposed Elevations GA – Proposed Streetscapes

420(GA)21 - Proposed Elevations GA – Southwest

420(GA)22 - Proposed Elevations GA – Southeast

420(GA)23 - Proposed Elevations GA – Northwest

420(GA)24 - Proposed Elevations GA – Northeast

D0456_001 Rev A - Landscape Proposal Hard works

D0456_002 Rev B - Landscape Proposal Soft works

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007)

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

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015

4. Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

5. No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

6. No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. The development hereby approved shall not be first occupied unless and until a Car Club vehicle and parking space with an Electric Vehicle Fast Charge facility (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said Car Club vehicle and parking space with Electric Vehicle Fast Charge facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority. The Developer shall offer a minimum of one year's free membership of the Car Club to all new first-time occupiers of each new dwelling

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

8. The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site has been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

9. The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

10. No part of the development shall be first occupied unless and until the proposed vehicular access to London Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing SK01 Rev G) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

11. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to London Road, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays

The development hereby approved shall not be first occupied unless and until the existing access from the site to London Road has been permanently closed and any kerbs, verge, footway, fully reinstated

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

13. No development shall commence until a Construction Transport Management Plan, to 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
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles (or measures for traffic management)
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021

14. A desk study has been submitted with this planning application. 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, prior to the commencement of development

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework

15. Prior to any occupation of the site, the approved remediation scheme prepared under Condition 14 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework

17. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the 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 required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) 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. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **1 l/s**.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) 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 from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water 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), and confirm any defects have been rectified

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

19. The development hereby approved shall be carried out in accordance with the protection, mitigation, recommendation and enhancement measures detailed in the (WE) Ecological Appraisal Report, dated April 2022 and the (WE) Reptile Survey, dated June 2020. The approved measures shall thereafter be maintained.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

20. The development hereby approved shall be carried out in accordance the Energy and Sustainability Report, dated May 2022. The approved measures shall thereafter be maintained.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007)

21. Prior to residential occupation, the applicant shall submit a report to be approved in writing by the LPA, setting out the approach to reducing levels of nitrogen dioxide in the ground floor residences to acceptable concentrations. The report shall include modelling to predict internal concentrations under a range of circumstances, demonstrate the degree by which occupants can open windows, the frequency of filter changes necessary to maintain efficiency, report the specification of the proposed mechanical system and include sufficient calculations to show the necessary filter dwell time and air volume movement is being achieved.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

22. Prior to residential occupation, the applicant shall submit a report to be approved in writing by the LPA setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/loA Acoustics Ventilation and Overheating Residential Design guide. Such a report shall form the basis of noise and overheating assessment and sufficient mitigation strategies for both shall be defined.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

23. No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of noise has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

Informatives

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types

Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

This page is intentionally left blank

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Siting and installation of restroom facilities
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R58V7FGYM LE00>

2 Summary

- 2.1 This application seeks restroom facilities at "Hobbledown", the Application Site ("Site"). The facilities are necessary for visitors at the Site.
- 2.2 The facilities would be a moveable structure, likened to the design of a traditional Shepherd's Hut, restricted only by its service connections. The structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is sited adjacent to existing trees and natural vegetation, which would provide natural screening
- 2.3 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 2.4 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.

2.5 The Environment Agency formally commented on this application, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective. Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.

2.6 Officers recommend approval.

3 Site description

3.1 The wider Site is known as “Hobbledown”, which is a children’s farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children’s play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.

3.2 The wider Site is designated as:

- Green Belt
- Horton Country Park Nature Reserve

3.3 Part of the wider Site is designated as:

- Critical Drainage Area
- Intermediate Gas Main.

3.4 The wider Application Site is within Flood Zone 1.

4 Background and Proposal

4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:

“Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)”

4.2 Since the planning permission was granted in 2011, “Hobbledown” has undergone major refurbishment and expansion as a leisure attraction.

4.3 This application seeks restroom facilities.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 7 letters of objection have been received regarding:

- Design and visual impact of facilities
- Drainage

6 Consultations

- SCC LLFA: no objection

- Environment Agency: no objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
22/00008/REM	Pending	Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned	Pending
22/00009/FUL	Pending	Siting and installation of restroom facilities	Pending
22/00010/FUL	Pending	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)	Pending
22/00011/REM	Pending	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand	Pending
22/00013/REM	Pending	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Pending
21/02021/FUL	Pending	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Pending
19/01691/FUL	Granted	Development of a bird of prey shelter	10 December 2020
19/01573/REM	Granted	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	16 March 2020
18/00154/FUL	Refused	Erection of bird of prey shelter	03 July 2018
18/00141/FUL	Granted	Use of land for the siting of one canvas yurt and one timber clad tepee	04 July 2018
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018

Application number	Decision date	Application detail	Decision
17/00988/FUL	Granted	Addition of timber and netting outdoor play structure	20 December 2017
14/00144/FUL	Granted at appeal, 02.07.2015	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Granted	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	28 July 2014
14/00146/REM	Granted at appeal, 02.07.17	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	Granted at appeal, 02.07.17
13/01184/FUL	Granted	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	14 February 2014
13/00499/FUL	Granted	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	15 October 2013
11/01394/NMA	Granted	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	1 June 2012

Application number	Decision date	Application detail	Decision
11/00511/FUL	Granted	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	09 December 2011
98/00724/FUL	Granted	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	08 April 1999
98/00220/FUL	Granted	Extension to existing car park for visitors	10 September 1998

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt Land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM1 Extent of the Green Belt

Policy DM3 Replacement and extensions of buildings in the Green Belt

Policy DM4 Biodiversity and New development

Policy DM5 Trees and Landscaping

Policy DM6 Open Space Provision

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

Policy DM19 Development & Flood Risk

Policy DM35 Transport and New Development

Policy DM36 Sustainable Transport for New Development

9 Planning considerations

Principle of Development: Green Belt and Community Facilities

- 9.1 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.2 Paragraph 149 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 9.3 Policy CS2 of the Epsom and Ewell Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 9.4 Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 9.5 Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 9.6 Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.
- 9.7 Planning permission was granted in 2011, under ref: 11/00511/FUL, for (inter alia) the continued use of the wider Site as a children's farm. Since the planning permission was granted, the wider Site has been subject to major refurbishment and expansion as a leisure attraction.
- 9.8 A Cover Letter, dated 22 December 2021, accompanies this application. It sets out that the proposal seeks additional restroom facilities at the Site, which is necessary to provide additional welfare facilities to visitors at the Site. The proposed facilities would be in an area of the Site used for picnics, as established by the Masterplan of planning permission ref: 11/00511/FUL. This would be a moveable structure, restricted only by its service connections and sited adjacent to existing trees and natural vegetation, which would provide natural screening.
- 9.9 The Cover Letter sets out that the proposed structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It would be finished in a grey corrugated metal cladding to the walls and roof, with timber framed windows and doors, with the whole structure mounted on wheels. The design draws inspiration from a traditional Shepherd's Hut.

- 9.10 The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is appropriate in the Green Belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.11 Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 9.12 The wider Site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment, with no uniform design style. The proposed restroom facilities are necessary to provide additional welfare facilities to visitors at the Site and to support the functionality of the children's farm.
- 9.13 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 9.14 The proposed restroom facilities is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. Furthermore, there would be no conflict with Policy CS2.
- 9.15 The proposal is considered to comply with Policies CS13 and DM34, supporting the functionality of the children's farm, to ensure it continues operating as a community facility.

Design

- 9.16 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution of the Borough's visual character and appearance. In assessing this, the Council considers the proposal's compatibility with local character and the relationship to the existing townscape and wider landscape.
- 9.17 Policy DM10 sets out that development proposal will be required to incorporate principles of good design.
- 9.18 The Cover Letter that accompanies this application sets out that the proposal seeks additional restroom facilities are proposed in an area of the Site used for picnics, as established by the Masterplan of planning permission ref: 11/00511/FUL. This would be a moveable structure, restricted only by its service connections and sited adjacent to existing trees and natural vegetation, which would provide natural screening.

- 9.19 The Cover Letter sets out that the proposed structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is finished in a grey corrugated metal cladding to the walls and roof, with timber framed windows and doors, with the whole structure mounted on wheels. The design draws inspiration from a traditional Shepherd's Hut.
- 9.20 The proposed restrooms are modest in size (height, width and depth), comprising an acceptable material palette and positioned appropriately within the Site (noting that this is not a permanent structure). It also benefits from surrounding natural screening. It is considered to comply with Policy DM10.

Neighbour Amenity

- 9.1 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.2 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.
- 9.3 The proposal is considered to comply with Policy DM10.

Flood Risk

- 9.4 Policy DM19 sets out that development at risk from sources of flooding should not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk both to and from the development or at least be risk neutral.
- 9.5 The Applicant confirmed via email on 20.09.2022 that this is a temporary structure on wheels, with an overall footprint of 11.4swm. There is no requirement for a dedicated surface water drainage system associated with the development. Here would be no increase in impermeable surfacing or alteration of drainage at the Site. Rainfall would filter through the existing surface as is currently the situation.
- 9.6 The Environment Agency formally commented on this application, on 15 June 2022, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective.
- 9.7 Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.
- 9.8 The proposal complies with Policy DM19.

Other matters

- 9.9 It has been raised within representation that there are inaccuracies on the Application Form submitted with this application. The Applicant provided the below response, in response to this:

We note comments made by third parties in respect of Flood Risk and acknowledge that the Site does sit within a Critical Drainage Area as identified by Epsom and Ewell Borough Council's Strategic Flood Risk Assessment (SFRA). The Environment Agency (EA) Flood Map for Planning indicates that the Site is located within Flood Zone 1, whereby the annual probability of flooding from fluvial sources is classified as less than 1 in 1,000. The EA's updated Flood Map for Surface Water indicates that the Site is predominantly at 'very low' risk of surface water flooding. This corresponds with an annual Application Site probability of flooding that is less than 1 in 1,000 (0.1%). Notwithstanding third-party comments, there are no open watercourses running through the Site or within 20m of the development. Given the nature of the development, we do not consider that the proposals would exacerbate flood-risk elsewhere or require a Flood Risk Assessment to be undertaken; a view shared by SCC LLFA. Figures relating to the Site area and size of the structure are different figures and are correct. We acknowledge that glimpsed views may be experienced from public bridleway running to the North of the Site.

10 Conclusion

- 10.1 The facilities would be a moveable structure, likened to the design of a traditional Shepherd's Hut, restricted only by its service connections. The structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is sited adjacent to existing trees and natural vegetation, which would provide natural screening
- 10.2 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 10.3 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.
- 10.4 The Environment Agency formally commented on this application, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective. Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.
- 10.5 Officers recommend approval.

11 Recommendation

- 11.1 Grant planning permission, subject to Conditions

Condition(s):

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

P200/3.001 – Location Plan – dated 27.09.21

P200/3.2001 Rev 02 – Proposed Restroom Facility – dated 26.08.21

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007)

2.The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the Application Form.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

2.Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.

This page is intentionally left blank

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R58V7SGYM LF00>

2 Summary

- 2.1 This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder at "Hobbledown", the Application Site ("Site")
- 2.2 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.
- 2.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 2.4 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

2.5 The elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.

2.6 Officers recommend approval of the application.

3 Site description

3.1 The wider Site is known as “Hobbledown”, which is a children’s farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children’s play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.

3.2 The wider Site is designated as:

- Green Belt
- Horton Country Park Nature Reserve

3.3 Part of the wider Site is designated as:

- Critical Drainage Area
- Intermediate Gas Main.

3.4 The wider Application Site is within Flood Zone 1.

4 Background and Proposal

4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:

“Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)”

4.2 Since the planning permission was granted in 2011, “Hobbledown” has undergone major refurbishment and expansion as a leisure attraction.

4.3 This application seeks retrospective planning permission, which is the granting of planning permission after works have taken place. This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of gas tank holder.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 6 letters of objection have been received regarding:

- Precedence set by potentially approving retrospective planning applications
- Green Belt impact
- Visual impact of fencing
- Protection of gas tank
- Vehicle impacts

6 Consultations

- EEBC Ecology: no objection
- EEBC Environmental Health: no objection
- SCC Highways: response outstanding

7 Relevant planning history

Application number	Decision date	Application detail	Decision
22/00008/REM	Pending	Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned	Pending
22/00009/FUL	Pending	Siting and installation of restroom facilities	Pending
22/00010/FUL	Pending	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)	Pending
22/00011/REM	Pending	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand	Pending
22/00013/REM	Pending	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Pending
21/02021/FUL	Pending	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Pending
19/01691/FUL	Granted	Development of a bird of prey shelter	10 December 2020
19/01573/REM	Granted	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	16 March 2020
18/00154/FUL	Refused	Erection of bird of prey shelter	03 July 2018
18/00141/FUL	Granted	Use of land for the siting of one canvas yurt and one timber clad tepee	04 July 2018

Application number	Decision date	Application detail	Decision
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018
17/00988/FUL	Granted	Addition of timber and netting outdoor play structure	20 December 2017
14/00144/FUL	Granted at appeal, 02.07.2015	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Granted	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	28 July 2014
14/00146/REM	Granted at appeal, 02.07.17	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	Granted at appeal, 02.07.17
13/01184/FUL	Granted	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	14 February 2014
13/00499/FUL	Granted	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	15 October 2013
11/01394/NMA	Granted	Revision of entrance kiosk layout and revised floor layout. Re- use of existing	1 June 2012

Application number	Decision date	Application detail	Decision
		playrooms and new barn (6773/71D) not being constructed	
11/00511/FUL	Granted	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	09 December 2011
98/00724/FUL	Granted	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	08 April 1999
98/00220/FUL	Granted	Extension to existing car park for visitors	10 September 1998

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt Land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS16	Managing Transport and Travel

Development Management Policies Submission Document November 2014

Policy DM1 Extent of the Green Belt

Policy DM3 Replacement and extensions of buildings in the Green Belt

Policy DM4 Biodiversity and New development

Policy DM5 Trees and Landscaping

Policy DM6 Open Space Provision

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

Policy DM19 Development & Flood Risk

Policy DM35 Transport and New Development

Policy DM36 Sustainable Transport for New Development

9 Planning considerations

Principle of Development: Green Belt and Community Facilities

- 9.1 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.2 Paragraph 149 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 9.3 Policy CS2 of the Epsom and Ewell Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 9.4 Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 9.5 Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 9.6 Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.
- 9.7 Planning permission was granted in 2011, under ref: 11/00511/FUL, for (inter alia) the continued use of the wider Site as a children's farm. Since the planning permission was granted, the wider Site has been subject to major refurbishment and expansion as a leisure attraction.
- 9.8 This application seeks retrospective planning permission, which is the granting of planning permission after works have taken place. This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder.
- 9.9 The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is appropriate in the Green Belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.10 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.

- 9.11 Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 9.12 The wider Site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application are required to support the functionality of the children's farm. The fencing proposed seeks to screen the existing service yard and the wider Site itself, when viewed from the highway.
- 9.13 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 9.14 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. Furthermore, there would be no conflict with Policy CS2.
- 9.15 The proposal is considered to comply with Policies CS13 and DM34, supporting the functionality of the children's farm, to ensure it continues operating as a community facility.

Design

- 9.16 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution of the Borough's visual character and appearance. In assessing this, the Council considers the proposal's compatibility with local character and the relationship to the existing townscape and wider landscape.
- 9.17 Policy DM10 sets out that development proposal will be required to incorporate principles of good design.
- 9.18 A Cover Letter, documentation and drawings accompany this application.
- 9.19 The Cover Letter, dated 22 December 2021, sets out that the application relates to the functional service yard area, which supports the wider operations of the established farm, including operations relating to animal welfare and the general ongoing maintenance and upkeep of the Site. This part of the Site comprises a range of buildings of typical functional agricultural design.
- 9.20 The Cover Letter sets out that fencing that screens the existing service yard measures approximately 2 metres in height, as shown on Proposed Site Plan drawing ref: 188-3.011 Rev 02. Further fencing continues within the Site, along the north-western boundary of the service yard, measuring approximately 2.3 metres in height. The fencing seeks to provide functionality and screening of the existing service yard.

- 9.21 The Cover Letter sets out that it is proposed to relocate the existing boundary gates a further 2 metres into the Site, as shown on Proposed Site Plan drawing ref: 188-3.011 Rev 02, to allow for a larger area for vehicles to pull off the main carriageway before entering the Site.
- 9.22 The Cover Letter sets out that a concrete plinth is within the service yard, to facilitate the installation of an above ground Gas Holder. It is screened by the existing perimeter fencing, natural screening and close-boarded fencing. It is not generally visible beyond the boundaries of the Site.
- 9.23 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application support the functioning of the wider Site as a children's farm and provides fencing, to act as screening. The design and materials used as considered acceptable. The proposal is considered to comply with Policies DM9 and DM10.

Neighbour Amenity

- 9.1 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.2 The elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.
- 9.3 EEBC Environmental Health were formally commented on this application and raised no objection. The elements sought as part of this application are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties in terms of noise and disturbance.
- 9.4 The proposal is considered to comply with Policy DM10.

Ecology, Trees, and Landscaping

- 9.5 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if (inter alia) the development would enhance the nature conservation potential of the Site, there is no alternative location for the development and there are imperative reasons of overriding public interest for the development. Elsewhere in the Borough, development affecting any Site or building that supports special species protected by Law, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 9.6 Policy DM4 further sets out that whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.

- 9.7 Policy DM5 sets out that landscape proposals are required for new developments, which retain existing trees and other important landscape features where practical.
- 9.8 Policy DM6 sets out that development proposals should not result in the whole or partial loss of open space or outdoor recreation facilities.
- 9.9 Policy DM5 sets out that every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 9.10 The Development Management Policies Document (2015) sets out that the Borough's varied Green Infrastructure assets are a key feature that makes it a unique place to live, work and play. It is a term that is applied to a wide variety of assets, which includes local nature reserves.
- 9.11 The Site is located within Horton Country Park Nature Reserve. The principle of development was established on the Site through the 2011 planning permission (ref: 11/00511/FUL), with the Site since undergoing major refurbishment and expansion as a leisure attraction. It is therefore no longer an open green space.
- 9.12 It is understood that no trees were removed as part of this application.
- 9.13 EEBC Ecology has confirmed no objection to this application.
- 9.14 The proposal is considered to comply with Policies DM4 and DM5.

Transport and car parking

- 9.15 Policy CS16 sets out that development proposals shall (inter alia) minimise the need for travel through measures such as travel plans, provide safe, convenient and attractive accesses for all, be appropriate for the highways network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.16 The Cover Letter accompanying this application sets out that the existing boundary gates are proposed to be relocated a further 2 metres into the Site, to allow for a larger area for vehicles to pull off the main carriageway, before entering the Site. This would be to the benefit of highway safety and the immediate road network, avoiding potential disruptions and obstructions of the carriageway, when larger delivery vehicles are attending the Site and no able to immediately enter at times when the gates are closed.
- 9.17 SCC Highways has been consulted on this application, with the response currently outstanding. Officer considers that the proposal is probably beneficial, given that it enables vehicles to pull off the main carriageway, before entering the Site, avoiding potential disruptions and obstructions of the carriageway.

10 Conclusion

- 10.1 This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder.
- 10.2 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.
- 10.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 10.4 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.
- 10.5 The elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.
- 10.6 Officers recommend approval of the application.

11 Recommendation

- 11.1 Approve, subject to Conditions

Condition(s):

1.The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

188/0.011 Rev 03 – Location Plan – dated November 2021

188/3.011 Rev 02 – Proposed Fence/Gas Holder Site Plan – dated November 2021

LPG Storage Tank Details document

Boundary Fence document

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007)

2.The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the Application Form.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R4VQX8GYMJJ00>

2 Summary

- 2.1 This application seeks retrospective planning permission for timber and netting outdoor play structures, the regularisation of construction finish materials on outdoor play towers, the installation of three bounce pillows and the construction of a Lorikeet enclosure at "Hobbledown", the Application Site ("Site").
- 2.2 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application enhance the wider Site's leisure facility offering and sit comfortably within the wider Site, adding to the characteristics of a well-designed children's farm.
- 2.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development and screened with hedgerows and trees. The proposal would not be inappropriate development and so there would be no need to demonstrate that Very Special Circumstances exist for development to be approved.
- 2.4 The wider Site is positioned away from surrounding residential properties. It is recognised that the elements sought as part of this application may be visible from nearby residential properties, but these are not considered to significantly adversely impact the neighbouring amenity enjoyed at these properties, in terms of loss of privacy, loss of outlook, loss of sunlight/daylight, or noise and disturbance, given the separation distances.

- 2.5 SCC Local Lead Flood Authority formally commented on this application, confirming that the Applicant has considered the surface water flood risk to and from the Site and has suggested appropriate mitigation measures to inform the planning application.
- 2.6 Officers recommend approval of this application.

3 Site description

- 3.1 The wider Application Site is known as “Hobbledown”, which is a children’s farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children’s play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.
- 3.2 The wider Site is designated as:
- Green Belt
 - Horton Country Park Nature Reserve
- 3.3 Part of the wider Site is designated as:
- Critical Drainage Area
 - Intermediate Gas Main.
- 3.4 The wider Site is within Flood Zone 1.

4 Background and Proposal

- 4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:
- “Continued use of agricultural/educational farm as children’s farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)”*
- 4.2 Since the planning permission was granted in 2011, “Hobbledown” has undergone major refurbishment and expansion as a leisure attraction.
- 4.3 This application seeks retrospective planning permission, which is the granting of planning permission after works have been undertaken. This application seeks retrospective planning permission for timber and netting outdoor play structures, the regularisation of construction finish materials on outdoor play towers, the installation of three bounce pillows and the construction of a Lorikeet enclosure.
- 4.4 A Cover Letter accompanies this application, which sets out how this planning application seeks to regularise planning permission. This is summarised below:
- Roofs of play towers, approved under ref: 19/01573/REM have not been finished in accordance with the approved schedule of materials. This application seeks to address matters relating to the outdoor play equipment as built/installed
 - Planning Permission ref: 11/00511/FUL included an approved masterplan (drawing ref: 6773/50 Rev H), which set out and controlled uses of specific areas (zones) across the Site. The proposal includes:
 - a purple bounce pillow located in Zone B
 - a blue bounce pillow located within Zone B

- a green bounce pillow located within Zone C
- three children's huts located within Zone B
- a play structure known as the "Crystalite Mine", consisting of three connected timber towers, located within Zone B
- a Lorikeet enclosure, located adjacent to Zone B.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. To date 9 letters of objection have been received regarding:

- Errors in Application Form
- Continued, unauthorised development at the Application Site
- Design
- Impact on openness in Green Belt and Open Space (visual impact)
- Impact on neighbouring amenity
- Biodiversity
- Trees and landscaping
- Flood Risk

6 Consultations

- SCC LLFA: no objection
- EEBC Environmental Health: no objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
22/00008/REM	Pending	Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned	Pending
22/00009/FUL	Pending	Siting and installation of restroom facilities	Pending
22/00010/FUL	Pending	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)	Pending
22/00011/REM	Pending	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand	Pending
22/00013/REM	Pending	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the	Pending

Application number	Decision date	Application detail	Decision
		farm shop and cafe via McKenzie Way access	
21/02021/FUL	Pending	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Pending
19/01691/FUL	Granted	Development of a bird of prey shelter	10 December 2020
19/01573/REM	Granted	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	16 March 2020
18/00154/FUL	Refused	Erection of bird of prey shelter	03 July 2018
18/00141/FUL	Granted	Use of land for the siting of one canvas yurt and one timber clad tepee	04 July 2018
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018
17/00988/FUL	Granted	Addition of timber and netting outdoor play structure	20 December 2017
14/00144/FUL	Granted at appeal, 02.07.2015	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Granted	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	28 July 2014
14/00146/REM	Granted at appeal, 02.07.17	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to	Granted at appeal, 02.07.17

Application number	Decision date	Application detail	Decision
		Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	
13/01184/FUL	Granted	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	14 February 2014
13/00499/FUL	Granted	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	15 October 2013
11/01394/NMA	Granted	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	1 June 2012
11/00511/FUL	Granted	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	09 December 2011
98/00724/FUL	Granted	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	08 April 1999
98/00220/FUL	Granted	Extension to existing car park for visitors	10 September 1998

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities

Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt Land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS16	Managing Transport and Travel

Development Management Policies Document (2015)

Policy DM1	Extent of the Green Belt
Policy DM3	Replacement and extensions of buildings in the Green Belt
Policy DM4	Biodiversity and New development
Policy DM5	Trees and Landscaping
Policy DM6	Open Space Provision
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM19	Development & Flood Risk
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development

9 Planning considerations

Principle of Development: Green Belt and Community Facilities

Policy

- 9.1 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.2 Paragraph 149 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 9.3 Policy CS2 of the Epsom and Ewell Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 9.4 Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 9.5 Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 9.6 Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.

Consultations

- 9.7 Concerns have been received regarding the retrospective nature of this application and its impact on the openness of the Green Belt. This has been considered by Officers in the assessment of this application.

Officer assessment

- 9.8 Planning permission was granted in 2011, under ref: 11/00511/FUL, for (inter alia) the continued use of the wider Site as a children's farm. Since the planning permission was granted, the wider Site has been subject to major refurbishment and expansion as a leisure attraction.
- 9.9 This application seeks retrospective planning permission, which is the granting of planning permission after works have taken place. This application seeks retrospective planning permission for various elements, including timber and netting outdoor structures, the regularisation of construction finish materials on outdoor play towers, the installation of three bounce pillows and the construction of a Lorikeet enclosure.
- 9.10 The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is appropriate in the Green Belt, if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 9.11 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are requisite and appropriate to support the existing use of the wider Site. They contribute to this community facility, which is considered positively.
- 9.12 Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 9.13 The wider Site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application enhance the wider Site's leisure facility offering and sit comfortably within the wider Site, adding to the characteristics of a well-designed children's farm. When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development and screened with hedgerows and trees.
- 9.14 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and so there would be no need to demonstrate that Very Special Circumstances exist in order for development to be approved. Furthermore, there would be no conflict with Policy CS2.
- 9.15 The proposal is considered to comply with Policies CS13, CS2 and DM34, enhancing the leisure offering at the wider Site.

Design

Policy

- 9.16 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution of the Borough's visual character and appearance. In assessing this, the Council considers the proposal's compatibility with local character and the relationship to the existing townscape and wider landscape.
- 9.17 Policy DM10 sets out that development proposal will be required to incorporate principles of good design.

Consultations

- 9.18 Concerns have been received regarding the design of the elements comprising this proposal and their visual impact. This has been considered by Officers in the assessment of this application.

The proposal

- 9.19 A Cover Letter accompanies this application. It sets out how this planning application seeks to regularise planning permission.
- 9.20 The Cover Letters sets out that roofs play towers, approved under ref: 19/01573/REM, have not been finished in accordance with the approved schedule of materials. This application seeks to address matters relating to the outdoor play equipment as built/installed.

- 9.21 Planning Permission ref: 11/00511/FUL included an approved masterplan (drawing ref: 6773/50 Rev H), which set zones across the Site.

This proposal includes:

- a purple bounce pillow located in Zone B. This measures approximately 11 metres x 5.4 metres and approximately 1 metre in height:



- a blue bounce pillow located within Zone B. This measures approximately 11 metres x 14 metres and approximately 0.3 metres in height:



- a green bounce pillow located within Zone C. This had an approximate diameter of 10 metres and is approximately 1 metre in height:



- three children's huts located within Zone B. The blue top hut measures approximately 2.3 metres x 2,3 metres, with an approximate height of 4.8 metres. The purple top hut measures approximately 2.1 metres x 2.4 metres, with an approximate height of 4 metres. The yellow top hut measures approximately 1.6 metres x 1.6 metres, with an approximate height of 3.2 meters:



- a play structure known as the “Crystalite Mine”, consisting of three connected timber towers, located within Zone B. The two smaller towers measure approximately 1.8 metres x 1.8 metres, with an approximate height of 4.8 metres. The larger tower measures approximately 1.8 metres x 1.8 metres, with an approximate height of 7 metres:





- a Lorikeet enclosure, located adjacent to Zone B. This is predominantly of a timber construction, with neutral coloured netting to the main external enclosure area.



9.22 The Cover Letter sets out that in addition (to the above), Condition 3 of planning permission ref: 19/01573/REM, required the development of the approved play structure (Hobbledown Play Hill) to be constructed in accordance with an approved scheme of materials. This required:

- Play structures and towers: wood (oak and robinia), slides made from stainless steel
- Roofing: wood and oak shingles
- Landscaping/floor: mixture of grass, woodchip and sand.

9.23 The Cover Letter sets out that the materials that have been used for the construction of the approved play structure are “predominantly” in accordance with the approved schedule, but the roof of one of the towers has been finished in aluminium sheeting, to achieve the profile of the approved structure:





Officer assessment

- 9.24 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application sit comfortably within the wider Site, adding to the characteristics of a well-designed children's farm. The design and materials used are considered acceptable. The proposal is considered to comply with Policies DM9 and DM10.

Neighbour Amenity

Policy

- 9.25 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

9.26 Consultations

- 9.27 Concerns have been received regarding the proposal's impact on nearby neighbouring amenity, in terms of the visual impact and noise and disturbance. This has been considered by Officers in the assessment of this application.

Officer assessment

- 9.28 The wider Site is positioned away from surrounding residential properties. It is recognised that the elements sought as part of this application may be visible from nearby residential properties, but these are not considered to significantly adversely impact the neighbouring amenity enjoyed at nearby residential properties, in terms of loss of privacy, loss of outlook, loss of sunlight/daylight, given the separation distances that exist between the wider Site and surrounding residential houses (the nearest residential property at 5 McKenzie Way is approximately 85 metres from the elements included within this application).
- 9.29 EEBC Environmental Health was formally commented on this application and raise no objection. The elements sought as part of this application are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties in terms of noise and disturbance.
- 9.30 The proposal is considered to comply with Policy DM10.

Flood Risk*Policy*

- 9.31 Policy DM19 sets out that development at risk from sources of flooding should not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk both to and from the development or at least be risk neutral.

Consultations

- 9.32 Concerns have been receiving regarding potential increase flood risk at the Site. This has been taken into consideration by Officers in the assessment of this application.

Supporting information

- 9.33 A Flood Risk and Drainage Technical Note, dated 14 April 2022, accompanies this application.
- 9.34 The Technical Note sets out that the site is located in Flood Zone 1 and is considered to be at 'low' risk of surface water flooding. The surface water flood risk area correlates to the Critical Drainage Area. It should be noted that based on the scale and nature of the development, there would be limited interruption to the flood flow routing, within the Site and any loss in volume as a result of this is considered to be insignificant.
- 9.35 The Technical Note sets out that based on the proposed development, it is considered that there would be minimal impact to the surface water run-off regime of the proposed areas of hardstanding.
- 9.36 The Technical Note sets out that overall, it is considered that the development would be safe, without increasing flood risk elsewhere as a result of the small-scale addition of children's play features which is considered to have an insignificant impact on the runoff regime.
- 9.37 *Officer assessment*
- 9.38 SCC LLFA formally commented on this application, confirming that the Applicant has considered the surface water flood risk to and from the Site and has suggested appropriate mitigation measures to inform the planning application.
- 9.39 Officers recommend that a Condition is attached to any planning permission granted, to ensure that the development accords with the Flood Risk Technical Note, reviewed by SCC LLFA.
- 9.40 The Application is considered to comply with Policy DM19.

Ecology, Trees, and Landscaping*Policy*

- 9.41 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if (inter alia) the development would enhance the nature conservation potential of the Site, there is no alternative location for the development and there are imperative reasons of overriding public interest for the development. Elsewhere in the Borough, development affecting any Site or building that supports special species protected by Law, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 9.42 Policy DM4 further sets out that whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.
- 9.43 Policy DM5 sets out that landscape proposals are required for new developments, which retain existing trees and other important landscape features where practical.
- 9.44 Policy DM5 sets out that every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 9.45 The Development Management Policies Document (2015) sets out that the Borough's varied Green Infrastructure assets are a key feature that makes it a unique place to live, work and play. It is a term that is applied to a wide variety of assets, which includes local nature reserves.

Consultations

- 9.46 Concerns have been received regarding the proposal's potential impact on wildlife. This has been considered by Officers in the assessment of this application.

Officer assessment

- 9.47 The Site is located within Horton Country Park Nature Reserve. The principle of development was established on the Site through the 2011 planning permission (ref: 11/00511/FUL), with the Site since undergoing major refurbishment and expansion as a leisure attraction.
- 9.48 The wider Site comprises a variety of buildings, structures and play equipment, with the elements sought as part of this application sitting comfortably within the wider Site, adding to the characteristics of a well-designed children's farm.
- 9.49 It is understood that no trees were removed as part of this application. The Cover Letter, submitted with this application, sets out that existing boundary hedgerows and trees continue to screen the Site.
- 9.50 Whilst no soft landscaping is proposed as part of this application, it is noted that no trees are proposed to be removed and that the Site continues to benefit from boundary hedgerows and trees. The proposal is considered to comply with Policies DM4 and DM5.
- 9.51 The development is contained within the wider site and would not have a detrimental ecological impact on the wider nature reserve.
- 9.52 The development is considered to comply with Policies DM4 and DM5.

Transport and car parking*Policy*

- 9.53 Policy CS16 sets out that development proposals shall (inter alia) minimise the need for travel through measures such as travel plans, provide safe, convenient and attractive accesses for all, be appropriate for the highways network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

Supporting information

- 9.54 The Cover Letter submitted with this application sets out that the Site is operated in accordance with the approved Visitor Management Plan (VMP), associated with the 2011 planning permission (ref: 11/00511/FUL). This ensures that every effort is made by the owners of Hobbledown, to manage access to the Site and to provide as many opportunities as possible for visitors to travel to the Site by modes of travel other than the private car. The VMP is not affected by the development that has been carried out.

Officer assessment

- 9.55 The specific individual elements applied for under this application are unlikely to result in additional trips per se, but they do add to the offer at Hobbledown and, as a consequence, a small overall increase in the number of trips could be generated by the development. SCC Highways have been consulted (and any response will be provided within an update) but given that the development has been carried out without a notable increase in traffic and parking issues, it is considered that the Site offers car parking and operates in accordance with the approved Visitor Management Plan and the impact of this proposal on overall trips and car parking demand is likely to be minimal

10 Conclusion

- 10.1 This application seeks retrospective planning permission for timber and netting outdoor play structures, the regularisation of construction finish materials on outdoor play towers, the installation of three bounce pillows and the construction of a Lorikeet enclosure.
- 10.2 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application enhance the wider Site's leisure facility offering and sit comfortably within the wider Site, adding to the characteristics of a well-designed children's farm.
- 10.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development and screened with hedgerows and trees. The proposal would not be inappropriate development and so there would be no need to demonstrate that Very Special Circumstances exist for development to be approved.
- 10.4 The wider Site is positioned away from surrounding residential properties. It is recognised that the elements sought as part of this application may be visible from nearby residential properties, but these are not considered to significantly adversely impact the neighbouring amenity enjoyed at these properties, in terms of loss of privacy, loss of outlook, loss of sunlight/daylight, or noise and disturbance, given the separation distances.

10.5 SCC Local Lead Flood Authority formally commented on this application, confirming that the Applicant has considered the surface water flood risk to and from the Site and has suggested appropriate mitigation measures to inform the planning application.

10.6 Officers recommend approval of this application.

11 Recommendation

11.1 Grant planning permission, subject to Conditions

Condition(s):

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

188/0/001 Rev 03 – Location Plan – dated November 2021

188/3.101 Rev 03 – Proposed Site Plan – dated 25.11.21

Document relating to play equipment (Crystalite Mine, Bounce Pillows, Play Huts)

Lorikeet Enclosure document

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007)

2.The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and submitted details within the Cover Letter and documents (Document relating to play equipment, Crystalite Mine, Bounce Pillows, Play Huts and Lorikeet Enclosure document)

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

3.The development shall accord with the Flood Risk and Drainage Technical Note (RPS) (HLEF83289, 1, 14 April 2022) and mitigation measures.

Reason: In the interests of flood prevention in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

Informative(s):

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

2.Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access (Retrospective)
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R58V8RGYMLI00>

2 Summary

- 2.1 This (Section 73 of the Town and Country Planning Act 1990) application seeks to amend Condition 14 of planning permission ref: 11/00511/FUL, to allow deliveries associated with the farm shop and café to be made through the McKenzie Way access.
- 2.2 To confirm with Condition 14, delivery lorries with farm shop and café goods are required to access the Site via the main customer access. These vehicles must park and manoeuvre within the main car park, which impedes flow through the car park and creates conflict between HGV movements and customer (vehicular and pedestrian) movements. Risk assessments confirm a significant risk to the health and safety of visitors, including young families visiting the Site.
- 2.3 Often deliveries to the Site (including from KFF, a food wholesaler and Urban Foodservice, a foodservice provider) serve both the animal/agricultural practices and the farm shop/café. It is neither practical, nor reasonable, for an HGV with "mixed deliveries" to unload goods at one access point, to then travel to the other access, to unload other goods.
- 2.4 On average, the Site receives three deliveries per day, six times a week. These deliveries consist of a typical 7.5/12 tonne fixed wheelbase HGV delivery lorry. Deliveries are usually received at times varying between 07:00 – 12:00 (midday).
- 2.5 SCC Highways has been formally consulted on this application and recommends two Conditions to be imposed (should planning permission be granted), including modifying the access at McKenzie Way and implementing parking restrictions and a Traffic Regulation Order. Should planning permission be granted, Officers recommend that Conditions are worded so that works are implemented within a set timeframe.

- 2.6 Officers are satisfied that in overall terms, there would be limited harm caused by this proposal. In terms of pedestrian safety, there may be an improvement, by removing deliveries from the main car park. Subject to proposed Conditions being attached to a new planning permission, ensuring works are carried out within a set timeframe, there is no objection from a highway's perspective. EEBC Environmental Health has also confirmed no objection to the proposal, raising no issues in relation to noise.
- 2.7 Amending the wording of Condition 14 would enable more efficient deliveries, which in turn creates a safer environment and supports the continued success of the business. Officers recommend approval of the application.

3 Site description

- 3.1 The Application Site ("Site") is known as "Hobbledown", which is a children's farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children's play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.
- 3.2 The wider Site is designated as:
- Green Belt
 - Horton Country Park Nature Reserve
- 3.3 Part of the wider Site is designated as:
- Critical Drainage Area
 - Intermediate Gas Main.
- 3.4 The wider Site is within Flood Zone 1.

4 Proposal

- 4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:
- "Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)"*
- 4.2 An "application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990.Planning (Listed Buildings and Conservation Areas) Act 1990" has been submitted to the Local Planning Authority. This is otherwise known as "Section 73 of the Town and Country Planning Act 1990". This allows applications to be made for permission to develop without complying with a Condition(s) previously imposed on a planning permission.
- 4.3 This (Section 73 of the Town and Country Planning Act 1990) application seeks to amend Condition 14 of planning permission ref: 11/00511/FUL, which relates to the McKenzie Way access. The proposal seeks to allow deliveries to the farm shop and cafe via the McKenzie Way access.
- 4.4 Condition 14 of planning permission ref: 11/00511/FUL is as follows:

The vehicular access from McKenzie Way shall not at any time be used by customers of the children's farm and shall be solely used for deliveries associated with the animals and agricultural practices on the site. All deliveries associated with the farm shop and café shall be through the main car park access from the Horton Lane/Abbotts Avenue roundabout.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policies MV8 and DC1 of the Local Plan (May 2000)

- 4.5 This Committee Report does not seek to review all material considerations relating to planning permission ref: 11/00511/FUL. It seeks to review the specific request to amend Condition 14 only. All other material considerations are addressed with planning permission ref: 11/00511/FUL.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 9 letters of objection have been received regarding:

- Congested traffic (health and safety issues)
- Impact on neighbouring amenity (noise and disturbance)
- Retrospective application, but SCC Highways response requires action

Consultations

- SCC Highways: recommend Conditions
- EEBC Environmental Health: no objections.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
22/00008/REM	Pending	Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned	Pending
22/00009/FUL	Pending	Siting and installation of restroom facilities	Pending
22/00010/FUL	Pending	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)	Pending
22/00011/REM	Pending	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand	Pending
22/00013/REM	Pending	Variation of Condition 14 (vehicular access) of planning application	Pending

Application number	Decision date	Application detail	Decision
		11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	
21/02021/FUL	Pending	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Pending
19/01691/FUL	Granted	Development of a bird of prey shelter	10 December 2020
19/01573/REM	Granted	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	16 March 2020
18/00154/FUL	Refused	Erection of bird of prey shelter	03 July 2018
18/00141/FUL	Granted	Use of land for the siting of one canvas yurt and one timber clad tepee	04 July 2018
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018
17/00988/FUL	Granted	Addition of timber and netting outdoor play structure	20 December 2017
14/00144/FUL	Granted at appeal, 02.07.2015	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Granted	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	28 July 2014
14/00146/REM	Granted at appeal, 02.07.17	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen	Granted at appeal, 02.07.17

Application number	Decision date	Application detail	Decision
		garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	
13/01184/FUL	Granted	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	14 February 2014
13/00499/FUL	Granted	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	15 October 2013
11/01394/NMA	Granted	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	1 June 2012
11/00511/FUL	Granted	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	09 December 2011
98/00724/FUL	Granted	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	08 April 1999
98/00220/FUL	Granted	Extension to existing car park for visitors	10 September 1998

7 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport

Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt Land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS16	Managing Transport and Travel

Development Management Document 2015

Policy DM1	Extent of the Green Belt
Policy DM3	Replacement and extensions of buildings in the Green Belt
Policy DM4	Biodiversity and New development
Policy DM5	Trees and Landscaping
Policy DM6	Open Space Provision
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM19	Development & Flood Risk
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development

8 Planning considerations

Principle of development

Proposal overview

8.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:

“Continued use of agricultural/educational farm as children’s farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)”

8.2 An “application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990.Planning (Listed Buildings and Conservation Areas) Act 1990” has been submitted to the Local Planning Authority. This is otherwise known as “Section 73 of the Town and Country Planning Act 1990”. This allows applications to be made for permission to develop without complying with a Condition(s) previously imposed on a planning permission.

8.3 This (Section 73 of the Town and Country Planning Act 1990) application seeks to amend Condition 14 of planning permission ref: 11/00511/FUL, to allow deliveries to the farm shop and cafe via the McKenzie Way access.

8.4 Condition 14 of planning permission ref: 11/00511/FUL is as follows:

The vehicular access from McKenzie Way shall not at any time be used by customers of the children’s farm and shall be solely used for deliveries associated with the animals and agricultural practices on the site. All deliveries associated with the farm shop and café shall be through the main car park access from the Horton Lane/Abbotts Avenue roundabout.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policies MV8 and DC1 of the Local Plan (May 2000)

- 8.5 This Committee Report does not seek to review all material considerations relating to planning permission ref: 11/00511/FUL. It seeks to review the specific request to amend Condition 14 only. All other material considerations are addressed with planning permission ref: 11/00511/FUL.

Policy

- 8.6 Policy CS16 sets out that encouragement is given to development proposals and management policies which foster an improved and integrated transport network. Throughout the Borough the Council will seek to ensure that highway design responds to the positive characteristics of an area and delivers a high-quality public realm for all users. In creating new places, highway design should ensure that the needs of vehicular traffic do not predominate to the detriment of other modes of travel or to the quality of the environment created.
- 8.7 Policy CS16 further sets out that development proposals shall (inter alia) provide safe, convenient and attractive accesses for all, be appropriate for the highways network in terms of the volume and nature of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected and ensure that vehicular traffic generated does not create new, or exacerbate existing, on-street parking problems, nor materially increase other traffic problems.
- 8.8 Policy DM35 sets out that the impact of new development on the transport network will be assessed against other plan policies and transport standards.
- 8.9 Policy DM36 sets out that to secure sustainable transport patterns and usage across the Borough, access needs of pedestrians and cyclists in the design of new developments shall be prioritised.
- 8.10 Policy D38 sets out that the Council will work with its partners to reduce traffic congestion caused by obstructions on the highway, specifically by illegally parked cars and delivery vehicles.

Applicant's Cover Letter

- 8.11 A Cover Letter, dated 22 December 2021, accompanies this application. It sets out that this application seeks to vary Condition 14 of planning permission ref: 11/00511/FUL, to allow deliveries associated with the farm shop and café to be made through the McKenzie Way access, as opposed to the main car park access from the Horton Lane/Abbotts Avenue roundabout.

Applicant's Planning Statement

- 8.12 A Planning Statement, dated 22 December 2021, accompanies this application. It sets out that on since opening in 2012, up to 2020, the Site attracted an overage of 230,000 visitors annually, evidencing the success of the Site as a visitor attraction. On average, the Site receives three deliveries per day, six times a week. These deliveries consist of a typical 7.5/12 tonne fixed wheelbase HGV delivery lorry. Deliveries are usually received at times varying between 07:00 – 12:00 (midday).

- 8.13 The Planning Statement sets out in conformity with Condition 14, delivery lorries with farm shop and café goods are required to access the Site via the main customer access. These vehicles must park and manoeuvre within the main car park, which impedes flow through the car park and creates conflict between HGV movements and customer (vehicular and pedestrian) movements. Risk assessments confirm a significant risk to the health and safety of visitors, including young families visiting the Site. Therefore, the approach to accessing the Site is required to change.
- 8.14 The Planning Statement sets out that often deliveries to the Site (including from KFF, a food wholesaler and Urban Foodservice, a foodservice provider) serve both the animal/agricultural practices and the farm shop/café. It is neither practical, nor reasonable, for an HGV with "mixed deliveries" to unload goods at one access point, to then travel to the other access, to unload other goods.
- 8.15 The Planning Statement sets out that safe and suitable access arrangements can be achieved for all deliveries via the McKenzie Way access. This improves health and safety at the Site, removing conflict between customer (vehicular and pedestrian movements) and HGV movements.
- 8.16 The Planning Statement sets out that the existing gated access is approximately 11.5 metres back off the edge of the carriageway, allowing for vehicles to pull off the main carriageway of McKenzie Way, prior to entering the Site. The Applicant is also looking to further improve access arrangements through the relocation of the existing access gates, 2 metres further into the Site, which is subject to a separate planning application. This would allow sufficient space for vehicles to completely pull off the main carriageway, should the access gates be closed upon arrival to the Site.
- 8.17 The Planning Statement sets out that the operators of Hobbledown do not wish to stop using the main entrance for deliveries, but to have the ability to use the McKenzie entrance, when the timing of a delivery would conflict with visitor opening times.

Applicant email, 28.09.2022

- 8.18 The Applicant provided an email, on 28.09.2022, providing further information around typical vehicle movements at the Site, on a weekly basis. This is summarised below:
- 2 cleaning and PPE deliveries a week, used by the animal, maintenance, and clean departments (Nivek) – currently delivered to the front of the Site (Monday and Thursday)
 - Catering for commercial kitchens and providing food for the zoo animals (fruit and veg) (Urban & Bidfood) – 6 days a week – currently 50% split on front and rear entrance, depending on delivery contents
 - Blacksmith supplies – once a week – rear
 - Waste services – including refuse, recycling and animal incineration and waste – 1 to 2 times a week – rear
 - Animal substrate and dry feed for domestic animals – once a week rear

The only vehicle movements that would be redirected from the front to the rear entrance would potentially be the cleaning and PPE deliveries (x2), which is not a significant intensification of the use of the previously approved delivery access.

The catering delivery serves both the café and zoo operations. Such catering deliveries delivered to the rear of the Site would comply with the provisions of Condition 14 of 11/00511/FUL, by dropping off provisions for zoo/farming operations, i.e. fresh food as required by the various animals.

Consultations

8.19 SCC Highways provided a response on 12 May 2022, recommending conditions to be attached to any planning permission granted. Condition 1 requires the existing access onto McKenzie Way to be modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority. Condition 2 requires parking restrictions and a Traffic Regulation Order to be designed and implemented on McKenzie Way in the vicinity of the Site, including in between proposed access and egress points, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority.

8.20 The Applicant responded to SCC Highways' response, summarised below:

The application does not seek planning permission for any operational development and a widening of the McKenzie Way access would be required to facilitate two-way large vehicle movements. The existing access has previously been considered acceptable in terms of its geometry and for accepting deliveries to the Site, albeit excluding deliveries for the farm shop and café. Deliveries to the Site often serve both the animals/agricultural practices and the farm shop/café elements of the Site, including deliveries of fresh fruit/vegetables and fish. Similarly, there would also be deliveries of consumables that would serve both the needs of staff working within the agricultural side of the Site and those working within the farm shop café. Given that it has previously been accepted that the access is appropriate for deliveries, having regard to its existing geometry, we fail to see why now a wider access is required.

With regards to the need for a plan showing double-yellow lines being introduced, we fail to see the appropriateness or relevance of such a plan, as any restrictions shown would not hold any weight. Vehicles park on the roadside adjacent to the McKenzie Way access to the Hobbledown, with there being no parking restrictions currently in place. This parking is not necessarily related to the operation of Hobbledown. The introduction of any such parking restrictions along this part of the highway would need to be the subject of an appropriate Traffic Regulation Order (TRO) instigated by the LHA, that would need to go through the appropriate process, including public consultation. We do not feel that it would be appropriate for such to be secured through any such planning permission, as should TRO receive any objections any such planning permission would in theory then become 'unimplementable'. We therefore request that this requirement is revisited.

8.21 SCC Highways provided a response to the above, summarised below:

If this application were to be approved as it is and no further improvements made to the access arrangements (as suggested), this may cause problems in the future since there would be the potential for deliveries and servicing to increase. To ensure the access onto McKenzie Way is up to current standards and suitable for servicing, deliveries and any potential increase in use, the recommended improvements would be required.

The Condition is currently in breach, but this does not bear any impact on our stance from a highway's perspective. As such, the previous response providing Conditions to seek access arrangement improvements is still recommended.

8.1 EEBC Environmental Health formally commented on this application, with no objection.

Planning Assessment

8.2 National and Local planning policy encourages the conditions in which business can invest, expand, and adapt. It also promotes social interaction and healthy lifestyles through the provision of social and recreation facilities. Hobbledown is a successful local business, meeting an identified community need and providing employment opportunities.

- 8.3 Since the planning permission was granted in 2011, Hobbledown has undergone major refurbishment and expansion as a leisure attraction. Officers understand that as the business has grown and adapted, so too has its operational requirements.
- 8.4 To accord with Condition 14, delivery lorries with farm shop and café goods are required to access the Site via the main customer access. Delivery lorries must park and manoeuvre within the main car park, which impedes flow through the car park and creates conflict between HGV and customer (vehicular and pedestrian movements) movements. This presents health and safety issues. Furthermore, Officers understand that it is impractical to require a delivery lorry with animal/agricultural goods and farm shop/café goods to unload goods at one access point, to then travel to another access, to unload other goods.
- 8.5 The Planning Statement submitted with this application suggests that on average, the Site receives three deliveries per day, six times a week. These deliveries consist of a typical 7.5/12 tonne fixed wheelbase HGV delivery lorry. Deliveries are usually received at times varying between 07:00 – 12:00 (midday).
- 8.6 SCC Highways has suggested two Conditions to be attached to any planning permission granted. Officers recommend amending the proposed Condition wordings, to ensure that works are carried out within a set timescale.
- 8.7 Subject to the proposed Conditions being attached to a new planning permission, ensuring works are carried out within a set timeframe, there is no objection from a highway's perspective. EEBC Environmental Health has also confirmed no objection to the proposal, raising no issues in relation to noise.
- 8.8 Amending the wording of Condition 14 would enable more efficient deliveries, which in turn creates a safer environment and supports the continued success of the business.

9 Conclusion

- 9.1 This (Section 73 of the Town and Country Planning Act 1990) application seeks to amend Condition 14 of planning permission ref: 11/00511/FUL, to allow deliveries associated with the farm shop and café to be made through the McKenzie Way access.
- 9.2 To confirm with Condition 14, delivery lorries with farm shop and café goods are required to access the Site via the main customer access. These vehicles must park and manoeuvre within the main car park, which impedes flow through the car park and creates conflict between HGV movements and customer (vehicular and pedestrian) movements. Risk assessments confirm a significant risk to the health and safety of visitors, including young families visiting the Site.
- 9.3 Often deliveries to the Site (including from KFF, a food wholesaler and Urban Foodservice, a foodservice provider) serve both the animal/agricultural practices and the farm shop/café. It is neither practical, nor reasonable, for an HGV with "mixed deliveries" to unload goods at one access point, to then travel to the other access, to unload other goods.
- 9.4 On average, the Site receives three deliveries per day, six times a week. These deliveries consist of a typical 7.5/12 tonne fixed wheelbase HGV delivery lorry. Deliveries are usually received at times varying between 07:00 – 12:00 (midday).

- 9.5 SCC Highways has been formally consulted on this application and recommends two Conditions to be imposed (should planning permission be granted), including modifying the access at McKenzie Way and implementing parking restrictions and a Traffic Regulation Order. Should planning permission be granted, Officers recommend that the Conditions are worded so that works are implemented within a set timeframe.
- 9.6 Officers are satisfied that in overall terms, there would be limited harm caused by this proposal. Subject to the proposed Conditions being attached to a new planning permission, ensuring works are carried out within a set timeframe, there is no objection from a highway's perspective. EEBC Environmental Health has also confirmed no objection to the proposal, raising no issues in relation to noise.
- 9.7 Amending the wording of Condition 14 would enable more efficient deliveries, which in turn creates a safer environment and supports the continued success of the business. Officers recommend approval of the application.

10 Recommendation

10.1 Grant, subject to Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (11/00511/FUL)

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on a Friday and Saturday when the internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall additionally be permitted to open until 20:00.

Reason: To safeguard the amenities of neighbouring occupiers as required by Policy DM10 of the Development Management Policies 2015.

3. No permanent public address systems, sirens, horns or klaxons shall be operated on the site at any time. Amplified sound without the use of permanent Public Address Systems is permitted outdoors for entertainment only to audiences of a maximum size of 50 people from 09:00 hours until 19:00 hours Sunday to Thursday, 09:00 hours until 20:00 hours Friday and Saturday. Amplified music is not permitted outdoors. In all cases noise levels relating to amplified sound shall not exceed 65 decibels LAeq (15 minute) at the boundary of the site at any time. For the avoidance of doubt entertainment with the use of amplified sound shall be confined to puppet shows, birds of prey displays and other similar events directly related to the permitted use as a children's farm and shall only be undertaken within the designated areas shown on Drawing No 0013-03 Rev A dated 17/06/14. Granted under 14/00145/REM, dated 28 July 2014

Reason: In the interests of the amenities of adjacent residential properties in accordance with Policy DM10 of the Development Management Policies 2015.

4. With the exception of the tractor tour to be retained on site, no mechanical or fairground rides shall be installed or operated on the site at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with Policy DM10 of the Development Management Policies 2015

5. The materials to be used on the external faces of the play equipment shall be timber and natural rope and netting with the exception of three stainless steel slides and the steel framework for the spiral climbing net in Play Zone A as shown on drawings 6773/40 Rev D, 6773/41 Rev D and 6773/42 Rev D

Reason: To secure a satisfactory external appearance in the interests of the visual amenities of the locality as required by Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

6. No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above existing ground level

Reason: To ensure that the proposed development is of an appropriate height having regard to the height of screening landscaping as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. Detailed drawings of a hard and soft landscaping scheme for the planting of trees and shrubs (showing areas to be grass-seeded or turfed and detailing the means of marking out the parking bays within the car park and any new means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include additional screen planting within the car park, along Horton Lane and adjacent to Play Zone A and the planting of field trees within the grazing fields and animal enclosures. All landscaping, in accordance with the approved landscaping scheme, shall be carried out within the first planting and seeding season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants which die or become damaged during this period

Reason: To ensure the provision and maintenance of landscaping, in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

8. Other than those trees detailed for removal in the Arboricultural Report (dated 28 July 2011), no trees shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual amenity which should be substantially maintained as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

9. Tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan dated 28 July 2011.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site, protected from damage in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

10. The measures to improve the biodiversity of the site as set out in the Ecological Appraisal (dated August 2011) shall be carried out within a period of twelve months from the date on which the development of the site is commenced or within an alternative timescale to be agreed in writing by the Local Planning Authority in accordance with the Ecological Appraisal recommendations and thereafter shall be managed and maintained in accordance with the Ecological Appraisal. These works shall include, but are not limited to, the installation of bat and bird boxes, the provision of habitat piles, creation of permanent wetland habitats and grassland field management.

Reason: To improve the biodiversity of the site in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015

11. Development shall not commence on site until full details of the sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include infiltrations rates into the underlying clay strata and climate change allowance as requested by the Environment Agency in their letter dated 20 September 2011. Thereafter, the sustainable drainage shall be carried out in accordance with the approved details and shall be so maintained.

Reason: To reduce surface water run-off from the site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

12. No new development shall be brought in to use until space has been laid out within the site in accordance with the approved plans for a maximum of 350 cars to be parked and for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking and turning areas shall be used and retained exclusively for their designated purpose

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

13. The Development shall be carried out in accordance with the Travel Plan, approved under 11/01328/COND, dated 28 June 2012, and thereafter maintained

Reason: In accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

14. The vehicular access from McKenzie Way shall not at any time be used by customers of the children's farm and shall be solely used for deliveries and staff movements associated with the safe and efficient operation of the site

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

15. All external fascias, materials, treatments and finishes of the proposed barn extension shall match those of the existing building to the satisfaction of the Local Planning Authority and the treatment and/or finishes of the external surfaces shall be carried out within a period of three months from the date of occupation of the development.

Reason: To secure a satisfactory external appearance in the interests of the visual amenities of the locality as required by Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

16. The development shall be carried out in accordance with the documentation relating to building/engineering operations, approved under 11/01328/COND, dated 28 June 2012

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

17. The development hereby permitted shall accord with the sustainability measures approved under 11/01328/COND, dated 28 June 2012. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with Policy CS6 of the Core Strategy (2007)

18. No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours on Monday to Friday or after 18:30 hours on Monday to Friday, no construction work shall be audible at the site boundary before 08:00 and after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies 2015.

19. Play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K with play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

20. The fields marked F. 1 to 4 inclusive, F. 6 and F. 8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public.

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

21. The animal shelters shown in Zones F. 1 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall be removed when no longer required for that purpose

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

22. Details of the siting and design of cycle parking are approved under 11/01328/COND, dated 28 June 2012.

Reason: To encourage travel to and from the site by bicycle in accordance with Policy CS16 of the Core Strategy (2007)

23. A Visitor Management Plan is approved under 11/01328/COND, dated 28 June 2012. The Visitor Management Plan shall be updated, to control visitor numbers within the approved car park and overflow car park. This shall be submitted and approved by the Local Planning Authority by 06 January 2023.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

24. The development hereby permitted shall be carried out in accordance with the following approved documents: 6773/40 Rev D, 6773/41 Rev D, 6773/2 Rev D, 6773/43 Rev C, 6773/48 Rev C, 6773/49 Rev D, 6773/50 Rev H, 6773/51 Rev D, 6773/71 Rev D, 6773/72 Rev F, 6773/73 Rev E, 6773/75 Rev D, 6773/76 Rev B, 6773/77 Rev B, 6773/78 Rev F, 6773/79 Rev A, Design and Access Statement (July 2011), Planning Statement (August 2011), Surface Water Drainage and Flood Risk Assessment (July 2011), Highway Statement (July 2011), Ecological Appraisal (August 2011), Landscape and Visual Assessment (August 2011) and Arboricultural Report (28 July 2011)

11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012

188/3.021 Rev. 03, under 22/00013/REM

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

25. The proposed parking restrictions and the associated Traffic Regulation Order shall be designed and implemented on McKenzie Way in the vicinity of the Site, including in between the proposed access and egress points, at the Applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

26. Full details, of both hard and soft landscape proposals relating to the overspill car park, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented and thereafter retained

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

27. Notwithstanding the submitted plans, the development hereby approved shall not be utilised unless and until a detailed Car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details of the car parking management plan should include as a minimum:

- Details on the number of proposed overflow car parking spaces
- Formalised car parking bays (minimum dimension to be 2.4m by 4.8m)
- Surface material for overflow car parking area, noting that the fields are unlikely to be usable during wet weather.
- Use of marshals to direct traffic
- Cut off point for when the overflow car parking area will be used
- Anticipated use of the overflow car parking area
- Layout and use of the parking spaces to prevent queuing (resulting in blockages on highway network) and conflict between vehicles

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

29. The existing access onto McKenzie Way shall be modified in accordance with drawing ref: 188-3.011 Rev. 02 of planning application ref: 22/00010/FUL and shall be modified within six months of planning application ref: 22/00010/FUL and 22/00013/REM being granted planning permission

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

Appeal A – Ref: APP/P3610/W/14/3000847

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no 0017-02.
3. The car park hereby permitted shall be surfaced in accordance with the details shown on drawing no 0017-02 and shall be grassed or shall be surfaced in accordance with details submitted to and approved in writing by the local planning authority prior to installation. The surfacing shall be retained as approved.
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This shall include a schedule of the species and sizes of

trees to be planted, a ground preparation specification and details of aftercare maintenance. The approved landscaping shall be implemented before the use of the car park hereby permitted commences and shall be maintained in accordance with the approved details. Any trees that are removed, uprooted, destroyed or die or become seriously damaged or defective within 5 years of planting shall be replaced at the same place by another tree of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation

Appeal B - Ref: APP/P3610/W/14/3000633

20. The fields marked Zone F.1 to 4 inclusive and Zone F.6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847).

Informatives

1. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council
2. A standard fee may be charged for input to and future monitoring of any travel plan
3. Any unilateral undertaking shall be in accordance with Surrey County Council's standard format
4. The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The developer would be expected to fund survey validation and data entry costs.
5. Animal displays should be solely for educational purposes.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand
Contact Officer:	Ginny Johnson

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R58V7ZGYMLG00>

2 Summary

- 2.1 This retrospective Section 73 planning application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.
- 2.2 In response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park then required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 2.3 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The overflow car park is at ground level and so there would be little obtrusive impact on openness. The perception would be of an open site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 2.4 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there is no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

- 2.5 The proposed overflow car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight.
- 2.6 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 2.7 Officers recommend approval of the application.

3 Site description

- 3.1 The Site is known as “Hobbledown”, which is a children’s farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children’s play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.
- 3.2 The wider Site is designated as:
- Green Belt
 - Horton Country Park Nature Reserve
- 3.3 Part of the wider Site is designated as:
- Critical Drainage Area
 - Intermediate Gas Main.
- 3.4 The wider Site is within Flood Zone 1.

4 Proposal

- 4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:
- “Continued use of agricultural/educational farm as children’s farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description)”*
- 4.2 An “application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990.Planning (Listed Buildings and Conservation Areas) Act 1990” has been submitted to the Local Planning Authority. This is otherwise known as “Section 73 of the Town and Country Planning Act 1990”.
- 4.3 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a Condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original Condition(s) should continue.
- 4.4 This (Section 73 of the Town and Country Planning Act 1990) application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, which relates to the Application Site’s masterplan. The proposal seeks for Zones 9 and 10, as identified on the “approved masterplan”, to be accessible by the public for the purposes of overflow car parking, at times of peak demand.
- 4.5 Condition 20 of planning permission ref: 11/00511/FUL is as follows:

The fields marked Zone F. 1 to 4 inclusive and Zone F. 6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public.

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policies DC1, GB1 and GB3 of the Local Plan (2000) and Policy CS2 of the Core Strategy (2007)

- 4.6 This Committee Report does not seek to review all material considerations relating to planning permission ref: 11/00511/FUL. It seeks to review the specific request to amend Condition 20 only. All other material considerations were addressed with planning permission ref: 11/00511/FUL.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 9 letters of objection have been received regarding:
- No justification for additional car parking or information about number of car parking spaces
 - Additional traffic generation
 - Biodiversity impacts

6 Consultations

- SCC Highways: recommend Condition
- SCC LLFA: no comments.
- EEBC Ecology: no objection
- EEBC Tree Officer: recommend Condition

7 Relevant planning history

Application number	Decision date	Application detail	Decision
22/00008/REM	Pending	Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned	Pending
22/00009/FUL	Pending	Siting and installation of restroom facilities	Pending
22/00010/FUL	Pending	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)	Pending
22/00011/REM	Pending	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand	Pending
22/00013/REM	Pending	Variation of Condition 14 (vehicular access) of planning application	Pending

Application number	Decision date	Application detail	Decision
		11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	
21/02021/FUL	Pending	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Pending
19/01691/FUL	Granted	Development of a bird of prey shelter	10 December 2020
19/01573/REM	Granted	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	16 March 2020
18/00154/FUL	Refused	Erection of bird of prey shelter	03 July 2018
18/00141/FUL	Granted	Use of land for the siting of one canvas yurt and one timber clad tepee	04 July 2018
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018
17/00988/FUL	Granted	Addition of timber and netting outdoor play structure	20 December 2017
14/00144/FUL	Granted at appeal, 02.07.2015	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Granted	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	28 July 2014
14/00146/REM	Granted at appeal, 02.07.17	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen	Granted at appeal, 02.07.17

Application number	Decision date	Application detail	Decision
		garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	
13/01184/FUL	Granted	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	14 February 2014
13/00499/FUL	Granted	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	15 October 2013
11/01394/NMA	Granted	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	1 June 2012
11/00511/FUL	Granted	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	09 December 2011
98/00724/FUL	Granted	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	08 April 1999
98/00220/FUL	Granted	Extension to existing car park for visitors	10 September 1998

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 2	Achieving sustainable development
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport

Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt Land
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Green Belt
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS16	Managing Transport and Travel

Development Management Policies Document November 2015

Policy DM1	Extent of the Green Belt
Policy DM3	Replacement and extensions of buildings in the Green Belt
Policy DM4	Biodiversity and New development
Policy DM5	Trees and Landscaping
Policy DM6	Open Space Provision
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM19	Development & Flood Risk
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development

9 Planning considerations

Principle of Development: Green Belt and Community Facilities

Policy

- 9.1 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.2 Paragraph 149 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 9.3 Policy CS2 of the Epsom and Ewell Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 9.4 Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 9.5 Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 9.6 Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.

Applicant's Cover Letter

- 9.7 A Cover Letter accompanies this application, dated 22 December 2021. It sets out that this is a retrospective Section 73 planning application, seeking to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.
- 9.8 For the avoidance of doubt, retrospective planning permission is planning permission sought after works have taken place.

Applicant's Planning Statement – requirement for overflow car parking

- 9.9 A Planning Statement accompanies this application, dated 22 December 2021. It sets out that this Section 73 planning application seeks to allow public access to paddock land within the Site to be used as overflow car parking during times of peak demand.
- 9.10 The Planning Statement sets out that considering Government advice relating to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that DEFRA guidance in relation to social distancing and safe operation during the pandemic was adhered to.

- 9.11 The Planning Statement sets out that in response to the Covid-19 pandemic, Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the informal approved parking areas upon arrival at the Site. Previously car parking was managed by Hobbledown employees/car parking marshals. The informality of the layout of the car park allowed for increased spacing between parked vehicles, which in turn reduced the overall numbers of vehicles that could be accommodated within the approved car parking areas, thereby requiring additional overload car parking provision at peak times.
- 9.12 The Planning Statement sets out that the use of Zones F9 and F10 for overflow car parking has resulted in the Site operating in breach of Condition 20 of planning permission ref: 11/00511/FUL. Allowing for overflow car parking at peak times to allow for appropriate levels of car parking provision is considered vital to the continued safe and successful future operation of Hobbledown.
- 9.13 The Planning Statement sets out that whilst restrictions have eased, Covid-19 remains a threat and businesses will be expected to retain COVID-19 safety measures for the foreseeable future. In common with other visitor-based businesses, Hobbledown has no plans to withdraw its health and safety policies, and these will continue in the interests of health and safety to staff and visitors alike.
- 9.14 The Planning Statement sets out that the use of Zones F9 and F10 for overflow car parking facilities will facilitate the business to continue to operate effectively and safely and constitute an improvement to an established facility.

Green Belt

- 9.15 The Planning Statement sets out that the proposed additional land to be used for overflow car parking is modest in scale and ancillary to the farm park use.
- 9.16 The Planning Statement sets out that the Applicant considers that use of the land for ancillary car parking is not inappropriate within the Green Belt and refers to the Appeal Decision, dated 2015, ref: APP/P3610/W/14/3000847 and APP/P3610/W/14/3000633. These sought the creation of overflow car parking areas, with associated landscaping and variation of Condition 20.
- 9.17 The Planning Statement reviews the impact on openness. It sets out that the Site is adjacent to and has similar characteristics to the existing car parking area.
- 9.18 The Planning Statement sets out that the application is submitted in retrospect, with the Site having been in breach of Condition 20, for overflow car parking. Whilst the use of the land for additional overflow car parking has currently been discontinued, the impacts of the proposed use have in some respects been fully realised.
- 9.19 The Planning Statements sets out that the use of the land for car parking has minimal harm upon the openness of the Green Belt, since no structures are proposed and the ground reinforcement system that has been paid onto the grass is visually unobtrusive. The paddocks area is virtually unchanged in appearance and would be similar in appearance to the car parking area allowed at Appeal in 2015. It would however mean that cars will be parked within the area, which would cause a minor adverse effect. However, the use of the overflow car park would be limited to days on which it is needed, at other times it would be gated. The Applicant is willing to accept a Condition, requiring the area to be unused and gated when there is capacity in the main car park. On balance, the Applicant considers that the effect on openness is "slight adverse".

- 9.20 The Planning Statement sets out that views of the Site would be largely restricted to localised views experiences from within the Site. The existing car parking areas benefit from existing landscaping and natural screening. Any actual or perceived visual harm of the extension to the car park upon the openness would be minimum, or nil on days that it is not used. Since the development would utilise an established brownfield Site and would only be used on limited days, it would not contribute to the unrestricted sprawl of a large built-up area.
- 9.21 The Planning Statement sets out that in relation to safeguarding the countryside, the development falls within an existing visitor attraction, but there would be a small loss of one of the “green areas” in the Site on the days where cars are parked on the paddocks.
- 9.22 Should the Local Planning Authority disagree with the Applicant’s considerations, Very Special Circumstances are provided within the Planning Statement, which are summarised below:

Applicant’s Planning Statement – Very Special Circumstances case	
The need to accommodate additional over-flow parking	<p>The COVID-19 pandemic has resulted in the business having to adapt its working practices and operations to adopt a safer and more suitable environment for its visitors and staff alike. The additional car parking is considered vital to the continued success of Hobbledown, which is an important regional and local leisure destination. The need has been derived from a risk assessment that the business must undertake to meet its legal duties, which noted the risk from COVID of cars being parked close to other cars and people interacting next to their cars. The risk assessment set out that arrangements would need to be made to allow for cars to park with greater spacing to remove that risk. The removal of parking marshals was one outcome of that process.</p> <p>With this new, more ‘relaxed’ parking system in place, the problem of insufficient car parking occurs on a number of occasions throughout the year. In the event of no parking being available visitors are either turned away, which impacts on the viability of the business, or they seek alternative parking within the vicinity of the area, which has the potential to impact on highway safety and the amenity of neighbouring uses including local residents. By allowing the use of the paddock as overflow parking this would accommodate additional parking at those peak times. This will help the attraction to remain competitive and avoiding customer dissatisfaction (through negative feedback to the business) and will also avoid any visitor safety implications caused by customers parking off-site; further minimising the potential for harm to residential amenity if visitors decide to park in nearby residential areas.</p> <p>The business considers that this spacing is necessary to avoid impacts from COVID, and to allow the business to be reliant in the short, medium and long term. Because of the undesirable impacts of not allowing additional spacing, we consider this to be a very significant consideration which, taken on its own, and cumulatively with the other considerations below, outweighs limited harm identified. There are, however, additional considerations which also weigh in the proposal’s favour.</p>

Applicant's Planning Statement – Very Special Circumstances case	
No other sites are suitable for this purpose	The application seeks to allow continued use of land adjacent to the existing car park at the site. The development of any other sites that potentially could accommodate this purpose with the site would likely cause greater harm and would in any event not be immediately adjacent to the existing surfaced car parks causing operational and access issues. The application site is the only possible location for the extension to the car park.
Economic and social benefits and support for tourism/community	<p>The proposed development is vital for the continued economic viability of the business which has significant benefits in terms of the rural economy through income generated through visitor spending and the creation of jobs in the area. The social benefits of the continued operation of the site also attracts weight.</p> <p>The Council has previously supported developments at the site which has assisted in the site's development and competitiveness within the tourism industry. It is further noted that Councils around London have also consistently supported sometimes very significant development at visitor attractions in the Metropolitan Green Belt on the basis of economic benefits. This includes attractions such as the nearby Chessington World of Adventures, Thorpe Park, Legoland, Paradise Wildlife Park, Willows Farm Village and Old MacDonalds Farm. Without these changes being put in place, the business may have to reduce the number of visitors attending at any one time, which would potentially impact upon its viability. The last two years have been an exceptionally difficult time for this business, and it needs support from the Council to allow it operate in the COVID environment, which is likely to exist many years into the future, possibly permanently.</p> <p>For all these reasons, we consider that very special circumstances do exist because the 'other considerations; firmly outweigh the very limited harm caused to the Green Belt by the surfacing of the overflow parking area. As such, it complies with guidance contained within the NPPF, Policy CS2 of the Core Strategy and Policy DM1 of the DMPD.</p>

Appeal decision

- 9.23 Each planning application is assessed individually and on its own merits, but in this case, Officers have considered the Appeal Decision: APP/P3610/W/14/30000847 and APP/P3610/W/14/3000633, which relate to the development of an overflow car parking area and associated landscaping at Hobbledown Children's Farm.
- 9.24 The Inspector reviewed whether the proposed parking area would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF). It is noted that the NPPF has been revised since the 2015 version, but nonetheless, Officers have still considered the Appeal decision.

- 9.25 The Inspector sets out that the test was whether openness would be “preserved”. If it were intended that Green Belt land should be kept exactly as it is, then presumably National policy would not have allowed for any form of development to be accepted as not inappropriate.
- 9.26 The Inspector found that the plastic surfacing treatment was at ground level and therefore there would be little obtrusive impact on openness. Furthermore, a grassed appearance would remain so that the perception would be of an open Site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 9.27 The Inspector found that the proposed would be used for the parking of cars which, although not permanent, would have an effect on openness. The Appellant (in this case) had explained that the proposed facility would largely solve existing problems with the availability of car parking spaces at peak times.
- 9.28 The Inspector found that because of its location, it is likely that the car parking area would be used in the manner suggested by the Appellant (in this case). Even if not, the likely incidence of parked cars would not be materially greater than it is now. As a result, the overall effect on openness would be insignificant. In the light of all factors, the proposal would preserve the openness of the Green Belt.

Applicant email correspondence

- 9.29 An email from the Applicant was received on 27.09.2022. It states that in dealing with previous appeals on the Site (referenced above), the Inspector noted that overspill parking for around 39 cars had already been accepted within Zone 10, as part of the approved Visitor Management Plan, under which the Site operates as per Condition 23 of the original planning permission. The approved area of overflow car parking forms part of the parcel of land subject to this application (Zones F9 & F10). It is also noted that the Inspector accepted that appropriate control over the use of the Site was achieved through the approved Visitor Management Plan and did not impose any further control over the overflow car parking area by way of any additional conditions.
- 9.30 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.

Officer assessment

- 9.31 Planning permission was granted in 2011, under ref: 11/00511/FUL, for (inter alia) the continued use of the wider Site as a children’s farm. Since the planning permission was granted, the wider Site has been subject to major refurbishment and expansion as a leisure attraction.
- 9.32 The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is appropriate in the Green Belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.33 The wider Site is in use as a children’s farm, comprising a variety of buildings, structures and play equipment.

- 9.34 Officers understand that in response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. In response to this, Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park being required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 9.35 The elements sought as part of this application are requisite and appropriate to support the existing use of the wider Site. They contribute to this community facility, which is considered positively.
- 9.36 Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 9.37 The wider Site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment, with no uniform design style. The car park is at ground level and therefore there would be little obtrusive impact on openness. Furthermore, the perception would be of an open Site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 9.38 When considering the wider Site “holistically”, the elements sought as part of this application do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development and screened with hedgerows and trees, serving as natural screening.
- 9.39 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 9.40 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and therefore would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. Furthermore, there would be no conflict with Policy CS2.
- 9.41 The proposal is considered to comply with Policies CS13 and DM34, enhancing the leisure offering at the wider Site.

Neighbour Amenity

Policy

- 9.42 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

Applicant's Planning Statement

- 9.43 The Planning Statement accompanying this application sets out that Condition 20 was imposed in the interests of the amenity of neighbouring residential properties to the east and north of the Site.

- 9.44 The Planning Statement sets out that the operation of the Site, including car parking areas, has previously been considered acceptable in terms of potential impacts on residential amenity of nearby properties. The activities that take place on Site are not considered to result in significant intrusive noise levels.
- 9.45 The Planning Statement sets out that given the context of the Site and relationship with residential properties within the vicinity of the Site, it is considered that the proposed use of Zones F9 and F10 are unlikely to result in any significant impacts on residential amenity or the amenity of neighbouring land uses above current circumstances.
- 9.46 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.

Officer assessment

- 9.47 The car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight. Subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, shall be submitted within a set timeframe of a decision being made.
- 9.48 The proposal is considered to comply with Policy DM10.

Ecology, Trees, and Landscaping

Policy

- 9.49 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if (inter alia) the development would enhance the nature conservation potential of the Site, there is no alternative location for the development and there are imperative reasons of overriding public interest for the development. Elsewhere in the Borough, development affecting any Site or building that supports special species protected by Law, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 9.50 Policy DM4 further sets out that whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.
- 9.51 Policy DM5 sets out that landscape proposals are required for new developments, which retain existing trees and other important landscape features where practical.
- 9.52 Policy DM5 sets out that every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 9.53 The Development Management Policies Document (2015) sets out that the Borough's varied Green Infrastructure assets are a key feature that makes it a unique place to live, work and play. It is a term that is applied to a wide variety of assets, which includes local nature reserves.

Consultation

- 9.54 The Local Planning Authority's Ecologist formally commented on this application, setting out that there has been no evaluation of the ecological effect of the development. However, looking at the photographs and considering the previous land use, the Ecologist is content that the use of these areas for overflow car parking will not have any negative effects on ecology.
- 9.55 The Local Planning Authority's Tree Officer formally commented on this application, asking what control there is to prevent car parking areas taking up more of the Green Belt and proceeding without a landscaped-led design to the car parking layout, if the Condition is modified. The use of grasscrete is a fairly hard landscape element and not normally used where a soft landscape approach is desirable.
- 9.56 The Local Planning Authority's Tree Officer further commented that if there is further car parking, it would be preferable to incorporate new car park trees and hedges, to provide shade, improve the environment, help mitigate Climate Change and provide educational value to visitors.

Officer assessment

- 9.57 The proposal seeks to use Zones F9 & F10 for overflow car parking. This has been considered by both the Local Planning Authority's Ecology and Tree Officer. Subject to planning permission being granted, a Condition would be included to incorporate new trees and hedges into the Site, to provide shade and improve the environment. This complies with Policies DM4 and DM5.

Highways and parking

Policy

- 9.58 Policy CS16 sets out that development proposals shall (inter alia) minimise the need for travel through measures such as travel plans, provide safe, convenient and attractive accesses for all, be appropriate for the highways network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

Consultation

- 9.59 SCC Highways formally commented on this application, recommending a Condition to be attached to any planning permission granted, requiring a car parking management plan.

10 Consultation

- 10.1 This retrospective Section 73 planning application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.

- 10.2 In response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park then required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 10.3 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The overflow car park is at ground level and so there would be little obtrusive impact on openness. The perception would be of an open site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 10.4 The proposal is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there is no need to demonstrate that Very Special Circumstances exist in order that development can be approved.
- 10.5 The proposed overflow car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight.
- 10.6 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 10.7 Officers recommend approval of the application.

11 Recommendation

11.1 Grant, subject to Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (11/00511/FUL)

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on a Friday and Saturday when the internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall additionally be permitted to open until 20:00.

Reason: To safeguard the amenities of neighbouring occupiers as required by Policy DM10 of the Development Management Policies 2015.

3. No permanent public address systems, sirens, horns or klaxons shall be operated on the site at any time. Amplified sound without the use of permanent Public Address Systems is permitted outdoors for entertainment only to audiences of a maximum size of 50 people from 09:00 hours until 19:00 hours Sunday to Thursday, 09:00 hours until 20:00 hours Friday and Saturday. Amplified music is not permitted outdoors. In all cases noise levels relating to amplified sound shall not exceed 65 decibels LAeq (15 minute) at the boundary of the site at any time. For the avoidance of doubt entertainment with the use of amplified sound shall be confined to puppet shows, birds of prey displays and other similar events directly related to the permitted use as a children's farm and shall only be undertaken within the designated areas shown on Drawing No 0013-03 Rev A dated 17/06/14. Granted under 14/00145/REM, dated 28 July 2014

Reason: In the interests of the amenities of adjacent residential properties in accordance with Policy DM10 of the Development Management Policies 2015.

4. With the exception of the tractor tour to be retained on site, no mechanical or fairground rides shall be installed or operated on the site at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with Policy DM10 of the Development Management Policies 2015

5. The materials to be used on the external faces of the play equipment shall be timber and natural rope and netting with the exception of three stainless steel slides and the steel framework for the spiral climbing net in Play Zone A as shown on drawings 6773/40 Rev D, 6773/41 Rev D and 6773/42 Rev D

Reason: To secure a satisfactory external appearance in the interests of the visual amenities of the locality as required by Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

6. No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above existing ground level

Reason: To ensure that the proposed development is of an appropriate height having regard to the height of screening landscaping as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. Detailed drawings of a hard and soft landscaping scheme for the planting of trees and shrubs (showing areas to be grass-seeded or turfed and detailing the means of marking out the parking bays within the car park and any new means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include additional screen planting within the car park, along Horton Lane and adjacent to Play Zone A and the planting of field trees within the grazing fields and animal enclosures. All landscaping, in accordance with the approved landscaping scheme, shall be carried out within the first planting and seeding season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants which die or become damaged during this period

Reason: To ensure the provision and maintenance of landscaping, in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

8. Other than those trees detailed for removal in the Arboricultural Report (dated 28 July 2011), no trees shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual amenity which should be substantially maintained as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

9. Tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan dated 28 July 2011.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site, protected from damage in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

10. The measures to improve the biodiversity of the site as set out in the Ecological Appraisal (dated August 2011) shall be carried out within a period of twelve months from the date on which the development of the site is commenced or within an alternative timescale to be agreed in writing by the

Local Planning Authority in accordance with the Ecological Appraisal recommendations and thereafter shall be managed and maintained in accordance with the Ecological Appraisal. These works shall include, but are not limited to, the installation of bat and bird boxes, the provision of habitat piles, creation of permanent wetland habitats and grassland field management.

Reason: To improve the biodiversity of the site in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015

11. Development shall not commence on site until full details of the sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include infiltrations rates into the underlying clay strata and climate change allowance as requested by the Environment Agency in their letter dated 20 September 2011. Thereafter, the sustainable drainage shall be carried out in accordance with the approved details and shall be so maintained.

Reason: To reduce surface water run-off from the site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

12. No new development shall be brought in to use until space has been laid out within the site in accordance with the approved plans for a maximum of 350 cars to be parked and for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking and turning areas shall be used and retained exclusively for their designated purpose

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

13. The Development shall be carried out in accordance with the Travel Plan, approved under 11/01328/COND, dated 28 June 2012, and thereafter maintained

Reason: In accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

14. The vehicular access from McKenzie Way shall not at any time be used by customers of the children's farm and shall be solely used for deliveries and staff movements associated with the safe and efficient operation of the site

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

15. All external fascias, materials, treatments and finishes of the proposed barn extension shall match those of the existing building to the satisfaction of the Local Planning Authority and the treatment and/or finishes of the external surfaces shall be carried out within a period of three months from the date of occupation of the development.

Reason: To secure a satisfactory external appearance in the interests of the visual amenities of the locality as required by Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

16. The development shall be carried out in accordance with the documentation relating to building/engineering operations, approved under 11/01328/COND, dated 28 June 2012

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

17. The development hereby permitted shall accord with the sustainability measures approved under 11/01328/COND, dated 28 June 2012. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with Policy CS6 of the Core Strategy (2007)

18. No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours on Monday to Friday or after 18:30 hours on Monday to Friday, no construction work shall be audible at the site boundary before 08:00 and after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies 2015.

19. Play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K with play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

20. The fields marked F. 1 to 4 inclusive, F. 6 and F. 8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public.

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

21. The animal shelters shown in Zones F. 1 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall be removed when no longer required for that purpose

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

22. Details of the siting and design of cycle parking are approved under 11/01328/COND, dated 28 June 2012.

Reason: To encourage travel to and from the site by bicycle in accordance with Policy CS16 of the Core Strategy (2007)

23. A Visitor Management Plan is approved under 11/01328/COND, dated 28 June 2012. The Visitor Management Plan shall be updated, to control visitor numbers within the approved car park and overflow car park. This shall be submitted and approved by the Local Planning Authority by 06 January 2023.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of

the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

24. The development hereby permitted shall be carried out in accordance with the following approved documents: 6773/40 Rev D, 6773/41 Rev D, 6773/2 Rev D, 6773/43 Rev C, 6773/48 Rev C, 6773/49 Rev D, 6773/50 Rev H, 6773/51 Rev D, 6773/71 Rev D, 6773/72 Rev F, 6773/73 Rev E, 6773/75 Rev D, 6773/76 Rev B, 6773/77 Rev B, 6773/78 Rev F, 6773/79 Rev A, Design and Access Statement (July 2011), Planning Statement (August 2011), Surface Water Drainage and Flood Risk Assessment (July 2011), Highway Statement (July 2011), Ecological Appraisal (August 2011), Landscape and Visual Assessment (August 2011) and Arboricultural Report (28 July 2011)

11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012

188/3.021 Rev. 03, under 22/00013/REM

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

25. The proposed parking restrictions and the associated Traffic Regulation Order shall be designed and implemented on McKenzie Way in the vicinity of the Site, including in between the proposed access and egress points, at the Applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

26. Full details, of both hard and soft landscape proposals relating to the overspill car park, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented and thereafter retained

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

27. Notwithstanding the submitted plans, the development hereby approved shall not be utilised unless and until a detailed Car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details of the car parking management plan should include as a minimum:

- Details on the number of proposed overflow car parking spaces
- Formalised car parking bays (minimum dimension to be 2.4m by 4.8m)
- Surface material for overflow car parking area, noting that the fields are unlikely to be usable during wet weather.
- Use of marshals to direct traffic
- Cut off point for when the overflow car parking area will be used
- Anticipated use of the overflow car parking area
- Layout and use of the parking spaces to prevent queuing (resulting in blockages on highway network) and conflict between vehicles

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

29. The existing access onto McKenzie Way shall be modified in accordance with drawing ref: 188-3.011 Rev. 02 of planning application ref: 22/00010/FUL and shall be modified within six months of planning application ref: 22/00010/FUL and 22/00013/REM being granted planning permission

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

Appeal A – Ref: APP/P3610/W/14/3000847

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no 0017-02.
3. The car park hereby permitted shall be surfaced in accordance with the details shown on drawing no 0017-02 and shall be grassed or shall be surfaced in accordance with details submitted to and approved in writing by the local planning authority prior to installation. The surfacing shall be retained as approved.
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This shall include a schedule of the species and sizes of trees to be planted, a ground preparation specification and details of aftercare maintenance. The approved landscaping shall be implemented before the use of the car park hereby permitted commences and shall be maintained in accordance with the approved details. Any trees that are removed, uprooted, destroyed or die or become seriously damaged or defective within 5 years of planting shall be replaced at the same place by another tree of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation

Appeal B - Ref: APP/P3610/W/14/3000633

20. The fields marked Zone F.1 to 4 inclusive and Zone F.6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847).

Informatives

1. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council
2. A standard fee may be charged for input to and future monitoring of any travel plan
3. Any unilateral undertaking shall be in accordance with Surrey County Council's standard format
4. The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The developer would be expected to fund survey validation and data entry costs.
5. Animal displays should be solely for educational purposes.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will

pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

This page is intentionally left blank

Planning Appeals Update

Ward	(All Wards)
Contact officer	Justin Turvey

Report prepared by Justin Turvey (Planning Development & Enforcement Manager).

The Planning Service has received the following planning appeal decisions which relate to non-householder developments:

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	Garages 1-6, Westmorland Close, Epsom,	20/01758/FUL	Erection of two storey building to create 2 x two bedroom flats.	DISMISSED
2	Garages 8-11, Westmorland Close, Epsom	20/01759/FUL	Erection of two storey building to create 2 x two bedroom flats.	DISMISSED
3	Garages 1-7, Somerset Close, Epsom, Surrey	20/01760/FUL	Erection of two storey building to create 2 x two bedroom flats.	DISMISSED
4	6 The Grove, Epsom, Surrey, KT17 4DQ	20/01855/FUL	Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building.	DISMISSED

Summary of Issues:

1, 2 & 3. Garages 1-6, Westmorland Close; Garages 8-11, Westmorland Close; Garages 1-7, Somerset Close

The main consideration in all three appeals related to parking and highway safety. At all appeal sites, the Inspector noted that there was a high level of on street parking taking place at the time of his visits. The applications proposed fewer parking spaces than would be required under standards, but had justified this shortfall through submission of a parking survey to demonstrate that capacity existed in the surrounding area. Although the survey was carried out using the established methodology for surveys (The Lambeth Survey), the Inspector accepted the Council's argument that the survey work had not considered the times of day when parking demand was at its

greatest because of commuter parking resulting from the proximity of the sites to rail connections. The Inspector therefore concluded on all three appeals that there was insufficient evidence to demonstrate that the schemes would not create additional parking pressure and create conflict between vehicles and pedestrians.

A second issue with all three appeals was the lack of private amenity space. On this point, the Inspector considered that shared amenity space would be appropriate and the schemes would therefore provide adequate amenity space.

4. 6 The Grove, Epsom

The main issues were the effect of the proposed development on the character and appearance of the Church Street Conservation Area, living conditions for future occupiers of the development, and effect on the living conditions of neighbouring properties.

The Inspector found that despite not being specifically designated in its own right, the building was distinctive within the Conservation Area and made a positive contribution to it. The Inspector found that the replacement building would have a form and scale at odds with the existing building and other buildings surrounding it, as would the proposed detailing of the building. The scheme would therefore not preserve or enhance the character of the Conservation Area.

In terms of living conditions of future occupiers, the Inspector considered that the lack of private amenity space for each unit would mean that the scheme would not provide suitable living conditions for the future occupants and, in addition, that the internal arrangements for some units meant that the scheme would not provide suitable internal living conditions for future occupants.

The Inspector found that the scheme would not cause harm to the living conditions of surrounding occupiers through privacy, outlook, natural light or noise and disturbance issues.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
Land Adjoining Glebe Cottage North Looe Reigate Road Ewell	Appeal Ref: 21/00052 LPA Ref: 21/00635/PDCOU	Change of use of Agricultural Buildings to Residential (Use Class C3)	Delegated Refusal	Started 03.11.2021
324 Kingston Road Ewell	Appeal Ref: 21/00055 LPA Ref: 21/00146/FUL	Demolition of existing dwelling and garage and erection of a two-storey building (with loft accommodation) comprising 7 flat units and associated parking	Non-determination	Started 07.12.2021

Land At Rear Of 89 And 91 Park Avenue East Stoneleigh	Appeal Ref: 21/00015 LPA Ref: 21/01428/FUL	Demolition of the existing pool house at 89 and detached bungalow at 91, and the erection of four houses (comprising 4 no four bedroom detached chalet bungalows) with associated access and parking.	Non-determination	Started 11.02.2022
107-111 East Street, Epsom	Appeal Ref: 21/00046 LPA Ref: 20/00797/FUL	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage	Committee Refusal	Started 20.09.2021
107-111 East Street, Epsom	Appeal Ref: 22/00016 LPA Ref: 21/01708/FUL	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage.	Committee Refusal	Lodged 24.05.2022
Epsom General Hospital Dorking Road Epsom	Appeal Ref: 22/00053 LPA Ref: 20/00249/FUL	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.	Committee Refusal	Lodged 26.11.2021
140 - 142 Ruxley Lane West Ewell	Appeal Ref: 22/00013 LPA Ref: 20/01406/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping.	Non-determination	Started 04.05.2022
Chessington Road West Ewell	Appeal Ref: 22/00007/REF LPA Ref: 21/01557/T56	15m phase 8 monopole c/w wraparound cabinet at base and associated ancillary works	Delegated refusal	Started 22.03.22
Upper High Street Epsom	Appeal Ref: 22/00014/REF LPA Ref: 22/00052/T56	17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets	Delegated refusal	Started 13.05.22
The Stoneleigh Inn Stoneleigh Broadway	Appeal Ref: 22/00023/REF & 22/00024/REF LPA Ref: 21/00790/FUL & 21/00791/LBA	Upgrade of an existing base station consisting of the proposed removal of 3 no existing antennas to be replaced with proposed 2no antennas on new steelwork fixed to chimney brickwork, together with the replacement of 3 no cabinets and ancillary development.	Delegated refusal	Started 27.06.22
10A East Street Epsom	Appeal Ref: 22/00010/REF LPA Ref: 21/01616/FUL	Conversion of ground floor to 1 no. one bedroom flat	Delegated refusal	Started 31.03.22
Land Adjacent To Hollycroft Epsom Road Ewell	Appeal Ref: 21/01167/FUL LPA Ref: 21/01167/FUL	Erection of a two-storey detached dwelling with associated soft landscaping	Delegated refusal	Started 17.06.22
Clayhill Lodge West Hill Epsom	Appeal Ref: 22/00021/REF LPA Ref: 21/00167/FUL	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.	Committee refusal	Started 21.06.22

This page is intentionally left blank