

PLANNING COMMITTEE

Thursday 8 December 2022 at 7.30 pm

Place: Council Chamber - Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/2623878274529183573>

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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

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- 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 Committee held on the 8 December 2022 (attached) and to authorise the Chair to sign them.

3. LANGLEY VALE MEMORIAL WOODLAND SITE, HEADLEY ROAD, EPSOM, (Pages 9 - 32)

Creation of a play space, including play equipment, access path, landscaping and associated infrastructure (EIA development).

4. PLANNING APPEALS REPORT (Pages 33 - 36)

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

Minutes of the Meeting of the PLANNING COMMITTEE held on 3 November 2022

PRESENT -

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

Absent: Councillor Humphrey Reynolds, Councillor Kate Chinn, Councillor David Gulland and Councillor Jan Mason

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

20 VICE-CHAIR PRESIDING AS CHAIR

In the absence of Councillor Humphrey Reynolds (Chair), Councillor Phil Neale (Vice-Chair) confirmed that he would Chair the meeting. This was noted by the Committee.

Councillor Lucie McIntyre was not present at the meeting at this time.

21 ELECTION OF MEMBER TO PRESIDE AS VICE-CHAIR

Following confirmation of Councillor Phil Neale (Vice-Chair) presiding as Chair of the meeting, the Committee elected to appoint Councillor Monica Coleman to preside as Vice-Chair of the meeting.

Councillor Lucie McIntyre was not present at the meeting at the time of the election. Councillor Lucie McIntyre became present immediately following the election.

22 DECLARATIONS OF INTEREST

No Members declared any Disclosable Pecuniary Interests in respect of any items of business on the agenda.

23 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Planning Committee held on the 6 October and authorised the Presiding Chair to sign them.

24 GREEN GABLES, ASHLEY ROAD, EPSOM, KT18 5BB

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.

Following consideration of the Committee, Councillor Steven McCormick proposed a Refusal of the application. This proposal was seconded by Councillor Neil Dallen. The reasons for refusal were the following:

- (1) Visual Impact**
- (2) Loss of Outlook**
- (3) Loss of Privacy**
- (4) Lack of clear and robust evidence demonstrating a need for the development**
- (5) Non-compliance with policies DM9, DM10 and DM21**

Following consideration, the Committee resolved (8 in favour, 2 against, 0 abstaining and the Chair not voting) that:

The application be **REFUSED**.

The meeting began at 7.30 pm and ended at 8.35 pm

Langley Vale Memorial Woodland Site, Headley Road, Epsom

Ward:	Woodcote Ward
Site:	Langley Vale Memorial Woodland Site Headley Road Epsom Surrey
Application for:	Creation of a play space, including play equipment, access path, landscaping and associated infrastructure (EIA development)
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=RELOBIGYH0Q00>

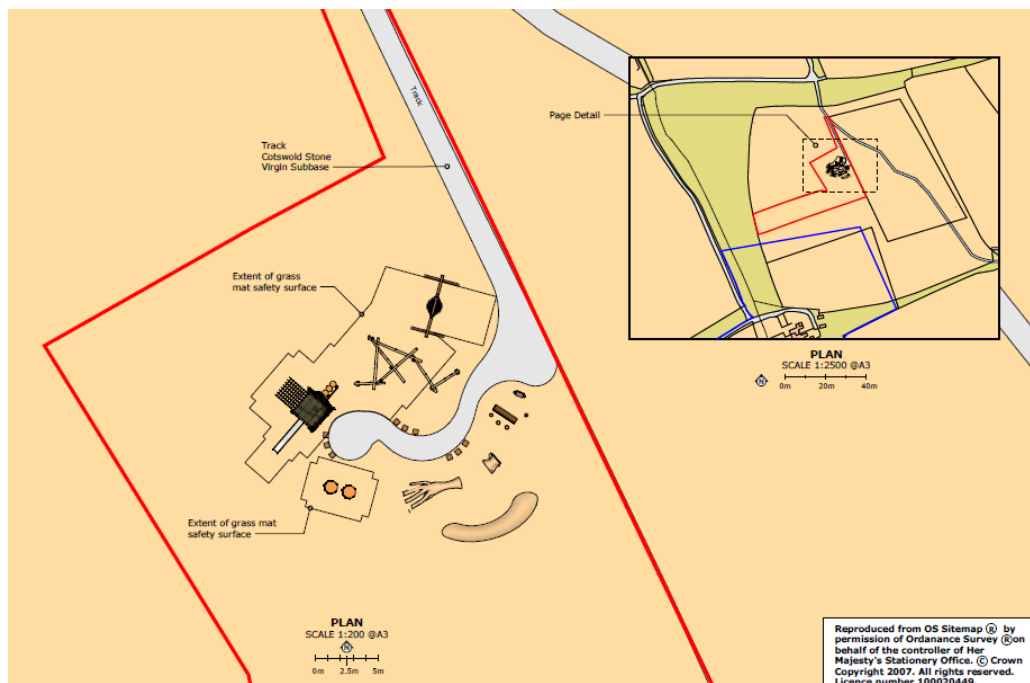
2 Summary

- 2.1 This application seeks full planning permission for a play space, including play equipment, access path, landscaping, and associated infrastructure for use in relation to Langley Vale Wood, the Centenary Woodland for England. For the avoidance of doubt, associated infrastructure means the surfacing around the proposed structures.
- 2.2 The Woodland Trust is the Applicant. This is a charitable organisation that looks after over 1,000 woods and groups of woods, covering 190 square kilometres, including 110 Sites of Special Scientific Interest (SSSI).
- 2.3 The Woodland Trust looked to mark the Centenary of the First World War by planting three million native trees throughout the UK. The trees represent the millions of lives lost and affected by the war. Langley Vale Wood forms part of the Centenary Woodland for England and offers people the opportunity to dedicate trees to relatives as well as creating a place for reflection. A key part of the Centenary Woodland project is recognising the value of nature and its importance for health and wellbeing.
- 2.4 This application seeks to complement the extant planning permissions for the car park, memorial, and paths, approved across three Local Planning Authorities in 2019, as follows:
- Mole Valley District Council – MO/2018/0004 – Approved 11 June 2019
 - Reigate and Banstead Borough Council – 17/02947/F – Approved 5 July 2019
 - Epsom & Ewell Borough Council – 17/01450/FUL – Approved 30 July 2019.
- 2.5 Planning permission can be described as extant if:
- all pre-commencement conditions have been adequately satisfied, and
 - the time limits set by condition for starting the development and/or submitting reserved matters have not expired, or

- material operations comprising the development, or the use authorised by the permission have been initiated before those deadlines expire.
- 2.6 This application represents one of the “outline” elements of the original submission to Epsom & Ewell Borough Council, under ref: 17/01450/FUL, which was withdrawn from the proposal prior to Planning Committee. The proposed play space seeks to facilitate outdoor recreation and education opportunities in the Green Belt as part of the wider Centenary Wood project.
- 2.7 The play space formed part of the original planning application (ref: 17/01450/FUL) and was subject of an Environmental Statement (ES), which covered the whole 259 hectares of Langley Vale Wood. This proposal is accompanied by a Supplementary Environmental Statement (SES), to ensure that all significant environmental impacts associated with the development have been adequately assessed.
- 2.8 The proposal provides facilities to support outdoor recreation and is therefore considered appropriate development within the Green Belt, according with paragraph 149(b) of the NPPF. It is acceptable in landscape and visual terms and does not conflict with the purposes of the Green Belt, maintaining the openness of the area. It provides wider benefits, including public access to outdoor recreation, educational opportunities, and a significant uplift in tree planting.
- 2.9 Officers recommend approval of the planning application.

3 Site description and designations

- 3.1 The Application Site (“Site”) comprises 0.35 hectares of poor semi-improved grassland, located to the north of Gilletts Cottages. Below is a print screen of the proposed Block Plan, which shows the locality of the proposed play space:



- 3.2 The Site is designated:
- Within the Green Belt
 - As a local area of great landscape value, which acts as a buffer to the Surrey Hills Area of Outstanding Natural Beauty (AONB).

4 Proposal

- 4.1 The proposal seeks a play space, to provide outdoor recreational facilities, as part of the wider woodland site, accessed via previously approved hard surfaced paths network to allow public access for all levels of mobility. The play space consists of the following structures (and dimensions):
- Tower (approximately up to 3.95m in height and 2.15m in width)
 - Fallen Tree Crown and hollow log (approximately up to 1.1m in height and 9m in width)
 - Junior Climbing Tree (approximately 1.65m in height and 3.6m in width)
 - Timber Tangle (approximately 3m in height and 7.6m in width)
 - Cube Seat (approximately 0.4m x 0.4m x 0.4m)
 - Bench (approximately 2.0m in length, 0.5m in width x 0.45m in height)
 - Magnifying Post (approximately 0.8m in height and 0.3m diameter)
 - Information Board (approximately 1.5m in height, 0.2m diameter post)
 - Basket Swing (approximately 3.2m in width).
- 4.2 The proposal seeks a new access path, to connect the previously approved hard surfaced paths to the north-east of the current Site. It is not intended to create any additional formal public rights of way as part of this application.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 4 neighbouring properties. To date 5 letters have been received:

Objection (2):

- Additional traffic generation
- Design and positioning of play space within landscape setting.

Neutral (2):

- Clarification asked regarding construction traffic route (construction traffic will take the route to/from the Site via Langley Vale Road to the B290 to avoid the village of Ashted) (this was an objection, but subsequent letter removed objection)
- Requested Construction Environmental Management Plan

- 5.2 Councillor McCormick has requested that this application be considered by Planning Committee because of concerns regarding its Green Belt location.

Consultations

- SCC Highways: unlikely to generate significant additional trips on top of those previously considered. The proposal would not have a material impact on the safety and operation of the adjoining public highway
- Natural England: no objection
- SCC LLFA: no further comments
- SCC Archaeology: recommend Condition
- Reigate & Banstead Borough Council: no objection
- Mole Valley District Council: recommend Condition
- Environment Agency: no comments to make
- EEBC Design and Conservation Officer: no objection
- EEBC Tree Officer: no comment received
- EEBC Ecology Officer:
- EEBC Environmental Health: no objection

6 Relevant planning history

Application number	Decision date	Application detail	Decision
20/00336/NMA	26 March 2020	Non-Material Amendment to Planning Application ref: 19/01083/FUL, dated 18.10.2019, to amend the materiality of the Jutland Wood	Granted
20/00181/NMA	2 March 2020	Non-Material Amendment to Planning Application ref 17/01450/FUL, dated 30.07.2019, to amend the surface materiality of the approved paths	Granted
19/01083/FUL	18 October 2019	Proposed regiment of sculptures (12 stone sculptures) and Jutland Sculpture (14 oak marker posts, 1 sculpture of a sailor and 2 benches)	Granted
17/01450/FUL	30 July 2019	Joint application for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood - Centenary Woodland for England	Granted
16/01909/SCO	09 May 2017	EIA Scoping opinion for development of visitors' centre, car park, memorial area, play space and pathways at Langley Vale Centenary Woodland, Epsom	No objections

7 Planning PolicyNational Policy Planning Framework (NPPF) 2021

Chapter 12	Achieving well-designed places
Chapter 13	Protecting Green Belt land
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS2	Conserving and Enhancing Open Space and Landscape Character
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS5	Conserving and Enhancing the Quality of the Built Environment
Policy CS6	Sustainability in New Developments
Policy CS13	Community, Cultural and Built Sports Facilities
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM1	Extent of the Green Belt
Policy DM8	Heritage Assets

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments (including House Extensions)
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

8 Supplementary Environment Statement

- 8.1 A Supplementary Environmental Statement (SES) (Vol 1), dated July 2022, supports the application for the creation of a play space. The SES is pursuant to the Environmental Statement (ES) submitted to Epsom and Ewell Borough Council with planning application ref: 17/01450/FUL.
- 8.2 The ES was previously scoped under the 2011 EIA Regulations and in accordance with the transitional arrangements for the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the ES report and this SES have been prepared under the 2011 EIA Regulations.
- 8.3 Whilst the Proposed Development in its own right would not meet the criteria for an EIA development, it has historically formed part of a Schedule 2 development and was assessed accordingly in the 2017 ES Report and subsequently as a component of a wider project.
- 8.4 The Applicant volunteered the environmental information in accordance with Regulation 8 of the EIA Regulations for 'subsequent applications where environmental information [was] previously provided' and should be read alongside the 2017 ES Report and a subsequent SES submitted in 2018. The 2018 SES Report did not result in substantive changes and residual environmental effects remained unchanged from those reported in the 2017 ES Report and no additional mitigation or monitoring measures were identified.
- 8.5 The following chapter are included within the 2022 SES, which follow environmental assessments and chapters to the 2017 ES Report:
 - Chapter 10: Biodiversity
 - Chapter 12: Landscape and Visual
 - Chapter 13: Archaeology and Built Heritage.
- 8.6 Owing to the nature and limited scale and footprint of the proposed development, the other ES chapters were scoped out as no additional significant environmental impacts are considered likely.
- 8.7 The 2022 SES concludes that taking account of updated survey work undertaken to date, except for effects on the private view from Gillette Cottages during year one, the design details set out in the SES do not result in additional significant adverse effects to those reported in the 2017 ES Report. As such, substantive changes and additional mitigation are not proposed.

9 Planning considerations

Presumption in favour of sustainable development

Policy

- 9.1 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. For decision making, this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.2 Footnote 7 of paragraph 11 sets out that the policies referred to are those in the NPPF relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Design, Access, Planning and Cultural Significance Statement

- 9.3 The Design, Access, Planning and Cultural Significance Statement accompanying this application sets out that in this review, the focus is on the decision taking, where applications that accord with an up-to-date development plan should be granted without delay unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 9.4 Paragraph 11 requires a presumption in favour of sustainable development be applied to plan making and decision taking. In this review the focus is on the decision taking, where applications that accord with an up-to-date development plan should be granted without delay unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote seven of the NPPF (2021) specifically identifies the Green Belt as one such policy, however the proposed application represents appropriate development within the Green Belt in accordance with paragraph 149 of the NPPF and should be supported. Paragraph 11 goes on to state that planning permission should not be granted if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this instance the proposal is in accordance with the adopted development plan and is appropriate development within the Green Belt. however, in any event the wider public benefits of the proposal in terms of public access and outdoor recreation would outweigh any conflict with the development plan, were it to exist.

Officer Comments

- 9.5 Planning permission should not be granted if any adverse impacts of doing so would significantly outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 9.6 In this instance the proposal is appropriate development within the Green Belt, according with paragraph 149(b) of the NPPF. It provides wider benefits, including public access to outdoor recreation, educational opportunities, and a significant uplift in tree planting.

Green Belt, community facilities, landscape and visual

Policy (Green Belt)

- 9.7 Paragraph 137 of the NPF sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.8 Paragraph 145 of the NPPF sets out that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 9.9 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.
- 9.10 Paragraph 148 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.11 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 include:
- 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.*
- 9.12 Policy CS2 sets out that to ensure the Green Belt continues to serve its key functions, its existing general extent will be maintained, and, within its boundaries, strict control will continue to be exercised over inappropriate development as defined by Government policy.

Policy (Community, Cultural and Built Sports Facilities)

- 9.13 Policy CS13 sets out that the provision of new community, cultural and built sports facilities, and the upgrading of those existing, 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.

Design, Access, Planning and Cultural Significance Statement

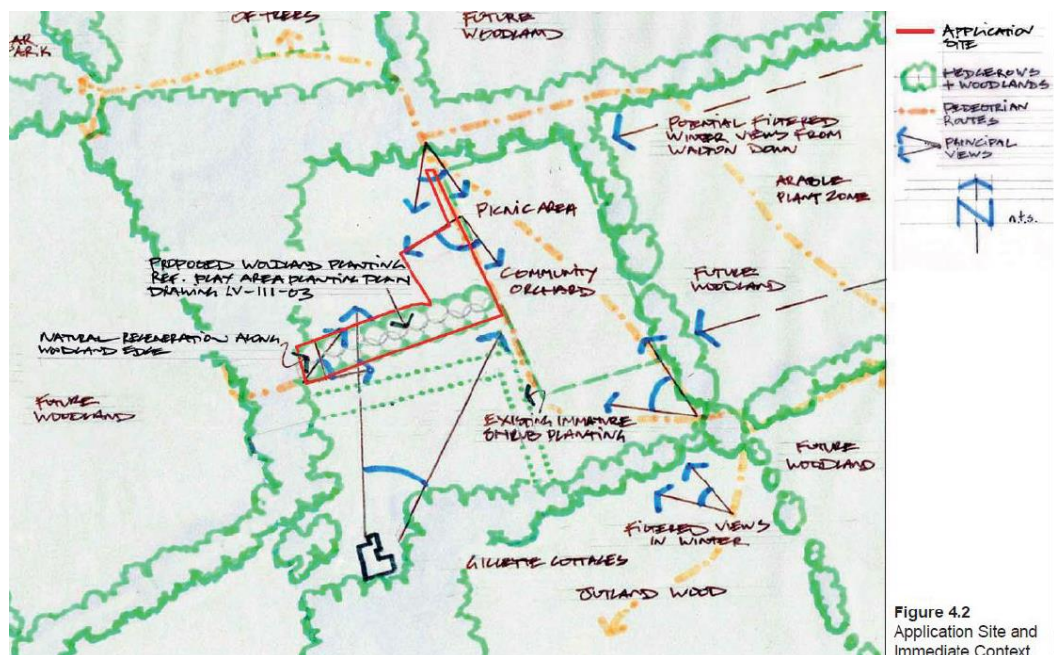
- 9.14 The Design, Access, Planning and Cultural Significance Statement accompanying this application sets out that this proposal forms part of a wider area of land within the Green Belt, which has been afforested and managed for woodland and biodiversity enhancements creating a valuable outdoor recreation resource for future generations.
- 9.15 The Statement sets out that the play space proposed adds to the outdoor recreation facilities at the Site to be attractive to the younger generation through opportunities for outdoor/semi-natural play. The proposal therefore represents sustainable development as it meets the needs of the present without compromising the ability of future generations to meet their own needs.

- 9.16 The Statement sets out that the proposed development through the provision for outdoor recreation is appropriate development within the Green Belt as defined by paragraph 149(b) of the NPPF. In this instance, despite the proposal being appropriate in the Green Belt and as a result there being no need to justify the development as having “very special circumstances” under paragraph 147, the benefits of the proposal including increased access to the Green Belt, outdoor recreation, along with the associated health, social and ecological benefits, and education opportunities that sit alongside the recent planting of 200,000 trees at Langley Vale Wood, represent “very special circumstances” that would justify the proposal in any event.
- 9.17 The Statement sets out that the proposed development is of modest scale and complements the permitted (and implemented) change of use of the wider Langley Vale site to amenity use. As demonstrated within the landscape and visual impact assessment, its impacts on character and views would be confined to “Compartment 1f” and would have no material implications for the openness of the surrounding Green Belt.

Supplementary Environmental Statement (July 2022)

Location

- 9.18 The Supplementary Environmental Statement sets out that the proposed play space would be located within the Brick Field (Compartment 1f in Figure 4.1), to the west of the community orchard. Its location within this compartment and its relationship to its immediate surroundings are shown in Figure 4.2.
- 9.19 Figure 2, included within the Statement, is below, as a print screen:



- 9.20 The Statement sets out that the Site currently comprises species-poor semi-improved grassland, which surrounds it on three sides. The fourth side is formed by the fenced perimeter of the orchard. The Site is crossed by a pedestrian route which links the two main points of access into the compartment: one to the north, giving access to the Regiment of Trees, the car park, and the anticipated future visitor hub, and the other at the eastern corner, giving access to Jutland Wood. There is also a third, more informal route to the west, giving access to Compartment 1d.

- 9.21 The Statement sets out that the compartment is enclosed to the north and west by a belt of deciduous woodland, and to the east and south-east by an outgrown hedgerow. To the south/south-west it has an open boundary (comprising a post-and-wire fence) with the curtilage of Gillette Cottages, which comprises a small paddock. The perimeter of this paddock is defined by an area of immature shrub planting.

Views and visual receptors

- 9.22 The Statement sets out that public views of the play space will be confined primarily to locations within the compartment and to the three main points of access. Representative photos from these locations are presented in Appendix 4.1. Additionally, private views are gained from Gillette Cottages and its curtilage.
- 9.23 The Statement sets out that during winter months, views will be gained from the adjoining compartments to the south and east (1b), and through the point of access from the Regiment of Trees to the north, though filtered to varying degrees by intervening vegetation. There would be no views through the woodland from the west. Potential longer-distance views towards the Site are also gained in winter from rising ground to the north, particularly from public access land/PRoWs on Walton Down (Appendix 4.1).
- 9.24 The Statement sets out that panoramic views towards Langley Wood are gained from the Grandstand at Epsom Racecourse. At the time of the Site visit, vegetation was in leaf and views towards the Site were obstructed by intervening woodland (Appendix 4.2). Since the racing season is confined to June-September (as per the Epsom Racecourse website), the photo is representative of the view experienced by racegoers. The play area is highly unlikely to be visible from this location. Whilst glimpsed or filtered views could be obtained in winter, they are unlikely to be noticed by the casual observer, and in any event the Grandstand is not in use at that time of the year.
- 9.25 The Statement sets out that the main receptors will comprise visitors to Langley Vale Wood, together with residents of Gillette Cottage and users of surrounding PRoW/ access land. These receptor groups are conventionally assumed to be of high sensitivity to visual change.

Future baseline

- 9.26 The Statement sets out that the proposed development is anticipated to be constructed Q1 to Q2 of 2023 and operational by the end of Q3 2023. Installation is anticipated to take approximately two weeks from early 2023 onwards (Officers note that this is subject to planning permission being granted and that a Construction Environmental Management Plan is subject to a Condition, to ensure appropriate construction activities)
- 9.27 By that time, it is anticipated that the visitor car park would be operational. Over the typical timeframe for landscape and visual assessment (10-15 years), the extensive tree planting that has already taken place across the wider site will have become established and altering its character to a substantial degree. So, most of the wider site will develop a more wooded character, which will affect both its spatial structure and its degree of openness, as its inter-visibility with the surrounding area, particularly northwards across Langley Bottom, will decrease. This will create a landscape that is less sensitive to change and will reduce the number of external views and receptors.
- 9.28 The Statement sets out that over this period, it is anticipated that the trees within the Community Orchard will have matured and the shrub planting around the curtilage of Gillette Cottages will have become established. This is likely to increase the degree of screening of inward views, particularly from the east. It is not known how effectively the shrub planting may screen the views from Gillette Cottage, and for assessment purposes it has been assumed that a substantial degree of inter-visibility may remain.

Proposed development and its sources of impact

- 9.29 The Statement sets out that the play space and its associated paths will displace approximately <0.1ha of semi-improved grassland. No visually significant vegetation would need to be removed.
- 9.30 The Statement sets out that impacts would occur both during construction and once the development is complete. Construction is likely to extend over approximately 14 weeks, during which time a range of plant and vehicles would be visible, together with features such as stored materials, security fencing and possibly portable buildings.
- 9.31 The Statement sets out that plans and elevations of the play space are shown in Appendix 3 of the report. Whilst most structures would be less than approximately 2.0-2.5m tall, the “tower” would be approximately 3.95m tall (roughly equivalent to a single-storey building). Movement and noise (from children using the play area) would be additional sources of impact, however these are not anticipated to be significant.

Mitigation/Monitoring

- 9.32 The Statement sets out that woodland planting forms part of the proposed development and is therefore embedded mitigation. The planting will mitigate the potentially moderate adverse visual effect on the view from Gillette Cottages (shown on Figure 4.3 and drawing ref: LV-111-02, provided in Appendix 2.1)
- 9.33 The Statement sets out that the proposed planting comprises a belt of deciduous species, reflecting the composition of the existing woodlands, located between the play area and the existing shrub planting along the boundary with Gillette Cottages. Trees will be planted as forestry whips, which have been found to establish better than standards, owing to the shallow soil in this location on Site.
- 9.34 The Statement sets out that the performance of the planting would be monitored as part of the ongoing management of the overall site, to ensure that it is properly established and maintained.

Officer comments

- 9.35 The play space comprises five distinct structures, associated seating, an information board, magnifying post and planting. The play space predominately comprises timber, to reflect the Site’s rural location and help it to assimilate into the landscape. The proposed structures would not exceed 3.0 metres in height, to remain at a woodland scale, suitable for its rural setting.
- 9.36 The Landscape and Visual Impact Assessment that accompanies the application sets out that the play space is confined to “Compartment 1f”. The Assessment concludes that the proposal would have no significant impact on the views into or out of Langley Vale Wood, causing no harm to the wider landscape from year 15, following the implementation of additional planting.
- 9.37 In line with the above, the play space occupies a small area, its structures are modest in height and comprise natural materials, it would be screened with extensive tree planting, to preserve openness. It is not considered to be inappropriate development within the Green Belt.
- 9.38 The proposed play space is considered to not represent inappropriate development within the Green Belt, in accordance with paragraph 149(b) of the NPPF and is therefore acceptable. As such, Very Special Circumstances are not required.

Design and heritage

Policies

- 9.39 Paragraph 130 of the NPPF sets out that planning decisions should ensure that developments (inter alia) function well, add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and optimise the potential of a Site.
- 9.40 Paragraph 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.41 Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application.
- 9.42 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.
- 9.43 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. The settings of these assets will be protected and enhanced.
- 9.44 Policy CS5 sets out that high quality and inclusive design will be required for all developments.

Design

- 9.45 The Design, Access, Planning and Cultural Significance Statement accompanying this application sets out that the play space, complete with natural play equipment and planting, is spread over an area of 0.35 hectares. It comprises five distinct structures, associated seating, an information board, magnifying post and planting. The proposed structures would be no higher than 4.0 meters above ground level, remaining of a woodland scale, suitable for its rural setting.
- 9.46 The play space is designed in such a way to create a woodland/natural feel, while trying to minimise the land take. The play space utilises natural materials where appropriate. The proposed "fallen tree" is a "real fallen tree", typically a storm blown oak or sweet chestnut that is sawn into three, to allow the removal of the heartwood before being put back together. The tree is fixed into place as soon on drawing 106 – Fallen Tree Crown and Hollow Log Detail 02) Subject to planning permission being granted, a Maintenance Plan is included within the Conditions, to confirm the maintenance/safety approach.
- 9.47 The Design, Access, Planning and Cultural Significance Statement sets out that the hard surface path will connect to those already approved and consist of limestone on a subbase to allow for free drainage. The path connections will ensure access is possible to visitors of all levels of mobility.

Supplementary Environmental Statement (July 2022)

- 9.48 The Supplementary Environmental Statement sets out that the proposed hard surface footpath (pedestrian use only) is proposed from the play space northwards to join an existing path, which links to the Regiment of Trees and an existing path to the south-east connecting to Jutland Wood and the Cherry Avenue. The proposed path also links to an informal pedestrian path to the west towards the woodland belt and beyond this, onto Headley Road.
- 9.49 The Statement sets out that the proposed footpath would be approximately 2m in width, edged with timber boards. The footpath would be excavated so that the top layer is level with the ground and constructed with a layer of gravel to a minimum depth of 77mm. The material would be free from organic material and treated to create a “barrel” shape to ensure rainwater run-off. Below the gravel, a layer of virgin base course material would be laid to a minimum depth of 150mm when compacted and below this a geotextile or similar approved textile. The depth of the proposed footpath is in accordance with the specification of the hard surface paths proposed and assessed as part of the 2017 ES Report.
- 9.50 The Statement sets out that as per the proposals set out in the 2017 ES Report, a 15m buffer would be provided either side of the footpath to minimise impacts on the surrounding environment.

Heritage

- 9.51 The Heritage Statement for the proposed development is contained within the Design, Access, Planning and Cultural Significance Statement as well as the archaeological assessment that accompanies the application.
- 9.52 The Statement sets out that there are 13 designated heritage assets within the vicinity of the Site. No designated heritage assets are impacted by the proposal and there would be no harm to the assets or their settings as a result of the proposed development. Therefore, paragraph 202 of the NPPF is not engaged as there is not “less than substantial harm” to designated heritage assets, but no harm. Notwithstanding that the development represents no harm to the heritage assets, the public benefits of the proposal in the form of outdoor recreation and education opportunities would outweigh any harm were it to exist and should be supported in accordance with paragraph 202 of the NPPF.
- 9.53 The Statement sets out that the proposal has the potential to have a major adverse to neutral impact on the setting and character of the unscheduled assets, but any impact would be localised with regards possible below ground archaeology. The proposed play equipment and paths have been located away from the ancient woodland to ensure no impact on this non-designated heritage asset. The scale of the harm created by the paths is low and while the significance of the heritage asset is moderate to high, the harm is outweighed by the ongoing access and opportunities for outdoor recreation that would result as part of the development and the wider Woodland Trust Site, in accordance with paragraph 203 of the NPPF.

Design and Conservation Officer

- 9.54 The Local Planning Authority's Design and Conservation Officer formally commented on this application (19.10.2022) setting that the Applicant has submitted a heritage statement and that this concludes that there will be no impact on any built heritage assets within the vicinity of the Site. The Design and Conservation Officer agrees that there are no built heritage assets affected by the scheme, so there are no built heritage concerns associated with the proposal.

Officer comments

- 9.55 The proposed play space comprises natural play equipment and planting. It has been designed to create a woodland/natural feel, to assimilate into its environment.
- 9.56 The Site is not within a Conservation Area nor is it close to a Listed Building. The Local Planning Authority's Design and Conservation Officer has confirmed that there are no built heritage assets affected by the proposal and therefore no built heritage concerns.
- 9.57 The proposal is considered to comply with policy CS5.

Ecology

Policy

- 9.58 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of national and local biodiversity action plans in terms of species and habitat.
- 9.59 Policy CS3 sets out that sites that are designated for their nature conservation attributes will be afforded protection appropriate to their designation.
- 9.60 Policy CS3 sets out that Sites of Special Scientific Interest and Ancient Woodland will be afforded the highest level of protection. Development which harms the scientific interest of these areas will not be permitted. Development that would harm Grade 2, Grade 3 SNCIs or Local Nature Reserves will not be permitted unless:
- suitable mitigation measures are put in place, and
 - it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.61 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:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
 - There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
 - There are imperative reasons of overriding public interest for the development
- 9.62 Policy DM4 sets out that development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 9.63 Policy DM4 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.

Preliminary Ecological Appraisal

- 9.64 A Preliminary Ecological Appraisal, dated June 2022, accompanies this application. It recognises that the Site falls within an Impact Risk Zone (IRZ) of a Site of Special Scientific Interest (SSSI) and consultation with Natural England is required.
- 9.65 The Appraisal sets out that due to the small size and type of development proposed, direct or indirect impacts to local statutory and non-statutory sites are not anticipated.

- 9.66 The Appraisal sets out that reptiles, badgers, breeding birds, hedgehog and common toad may utilise the habitats available onsite and therefore mitigation and enhancement measures are proposed for these species, including precautionary working methods and protection of existing habitats.
- 9.67 The Appraisal sets out that overall, the Site is of low ecological importance, calculations through utilisation of the DEFRA biodiversity net gain metric is recommended to guide off setting and loss of habitat. Through implementing the recommended measures detailed in the Appraisal, it is considered that any adverse effects from the proposed development on the habitats and species on Site would be fully mitigated. With suitable enhancement of the habitats on Site, there would be a net gain for local biodiversity.

Supplementary Environmental Statement (July 2022)

- 9.68 The Supplementary Environmental Statement sets out that subject to a Construction Environmental Management Plan and a Site-wide Management Plan being secured as Conditions (should planning permission be granted), there are no adverse residual impacts resulting from the proposed development. Instead, the proposed development is anticipated to result in minor beneficial impacts on Sites of Nature Conservation Importance, ancient woodland, and bats once operational. As such, no significant residual impacts have been identified during construction or operation of the proposed development.

Design, Access, Planning and Cultural Significance Statement

- 9.69 The Design, Access, Planning and Cultural Significance Statement sets out that sets out that the Site is currently open poor semi-improved grassland.
- 9.70 The Design, Access, Planning and Cultural Significance Statement sets out that additional planting is proposed to be introduced as part of the proposal, to provide screening to Gilletts Cottages and ensuring a biodiversity net gain of up to 66.14% is achieved. Whilst not anticipated to become a lawful requirement until late 2023, the Woodland Trust has taken the decision to apply the Biodiversity Metric to deliver the biodiversity net gain as best practice.
- 9.71 The Statement sets out that the Site would continue to be managed as part of the wider Langley Vale Wood.

Natural England

- 9.72 Natural England formally commented on this application, setting out that the Site is bound by ancient semi natural woodland (ASNW), as identified in the reports submitted with the application. Providing that the plans as submitted do avoid impacts upon the root protection zones and the 15m buffer, then this should avoid impact upon the trees present.
- 9.73 The Site is located 2.7km north-east of Mole Gap to Reigate Escarpment SAC and 2.4km south-east of Epsom and Ashted Commons' SSSI. Given these distances and what is proposed on Site, Natural England do not see any direct impact pathways to be concerned about.
- 9.74 Natural England further commented that there should not be any loss of ancient woodland and with good on-site management of construction work, through the use of a Construction Environment Management Plan (CEMP) impact can and should be kept to a minimum.

Local Planning Authority Ecology Officer

- 9.75 The Local Planning Authority's Ecology Officer formally commented on this application on 22.11.2022. The response recommends a Condition to be attached to any planning permission granted, to implement the recommended mitigation and enhancement measures set out in supported reports.

Officer comments

- 9.76 The proposal is supported by a Preliminary Ecological Appraisal and Natural England and the Council's Ecology Officer have reviewed and commented on this. Subject to a Condition being attached to planning permission (if granted), the proposal would provide a net gain in biodiversity.
- 9.77 The proposal is considered to comply with Policy DM4.

Trees and landscaping

Policy

- 9.78 Policy DM5 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia) planting and requiring landscaping proposals in submissions for new development, which retain existing trees and other importance landscape features where practicable. Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required.
- 9.79 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.

Arboricultural Implications Report

- 9.80 An Arboricultural Implications Report, dated June 2022, accompanies this application.
- 9.81 The Report sets out that there are no proposed incursions into the adjacent ancient woodland, or into the associated 15m buffer zone. Consequently, the proposal would not result in any loss of ancient woodland and would avoid any potentially harmful effects on the woodland.
- 9.82 The Report sets out that no trees are proposed to be removed, no retained trees would be required to be pruned and there would be no incursions into the Root Protection Areas of trees to be retained.
- 9.83 The Report sets out that the proposal incorporates 0.2ha of broadleaved planting, equating to approximately 100 additional trees. Therefore, the proposal would not result in any negative alteration of the existing Arboricultural landscape and would provide a net increase in numbers of trees. This is a significant benefit of the proposal.

Design, Access, Planning and Cultural Statement

- 9.84 The Design, Access, Planning and Cultural Significance Statement sets out that additional planting is proposed to be introduced as part of the proposal, to provide screening to Gilletts Cottages and ensuring a biodiversity net gain of up to 66.14% is achieved. Whilst not anticipated to become a lawful requirement until late 2023, the Woodland Trust has taken the decision to apply the Biodiversity Metric to deliver the biodiversity net gain as best practice.
- 9.85 The Statement sets out that the Site would continue to be managed as part of the wider Langley Vale Wood.

Local Planning Authority Tree Officer

- 9.86 The Local Planning Authority's Tree Officer formally commented on this application. the comment is based on the play space and access proposal, as shown within the red line area in the Arboricultural Implications Plan. Views on access paths and ways outside of the red line is that they should not involve excavation into tree root protection areas and should be subject to approved Arboricultural methods, in line with BS5837.
- 9.87 The Tree Officer has no objection to the play space on Arboricultural grounds. This is well outside the buffer for the ancient woodland and the part of the proposal closer to the adjacent woodland is designated for natural regeneration with supplementary woodland planting to the east. This proposal involves no tree loss and is clearly a significant increase in tree cover, with approximately 1,100 new trees as shown on the planting plan.

Officer comments

- 9.88 There are no proposed incursions into the adjacent ancient woodland, or into the associated 15m buffer zone. The proposal seeks vast tree planting, which is a significant scheme benefit.
- 9.89 The proposal is considered to comply with Policy DM5.

Archaeology*Policies*

- 9.90 Policy DM8 sets out that within areas of high archaeological potential, applicants are required to undertake prior assessment of the possible archaeological significance of the site and the implications of their proposals, and may be required to submit, as a minimum, a desk-based assessment to accompany any application. Where desk-based assessment suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation to inform the determination of the application.

Supplementary Environmental Statement (July 2022)

- 9.91 The Supplementary Environmental Statement includes a chapter on archaeology and built heritage (ES Chapter 13).
- 9.92 The Statement sets out that following implementation of updated mitigation, the proposed development would have no additional significant impacts or adverse residual effects on archaeology or historical aspects of the Site. As reported in the 2017 ES Report, the overall impacts of the proposed development on archaeological and historical resource would remain negligible.

Surrey County Council Archaeology

- 9.93 Surrey County Council (SCC) Archaeology commented on this application, recommending that a compliance condition is attached to any planning permission granted, for the development to be carried out in accordance with the written scheme of archaeological investigation (Drawing No – 22_01047_FUL-WSI-1242257.pdf)

Officer comments

- 9.94 The proposal has been reviewed by SCC Archaeology, which does not object to the scheme, subject to an appropriate compliance condition being attached to any planning permission granted. So, the proposal is considered to comply with Policy DM8.

Flood risk*Policies*

- 9.95 Policy DM19 sets out that development within Flood Zone 2 & 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding will 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.

Supplementary Environmental Statement (July 2022)

- 9.96 The Supplementary Environmental Statement sets out that the play space and play equipment are within the maximum design parameters as previously assessed in the 2017 ES Report. The play area is within the previously approved assessed footprint and the play equipment is within the maximum height parameters for height, length and width of each structure. On this basis, no additional significant drainage or flood risk impacts have been identified during construction or operation.

Design, Access, Planning and Cultural Statement

- 9.97 The Design, Access, Planning and Cultural Significance Statement sets out that the Site is in Flood Zone 1 and comprises 0.35ha so a site-specific Flood Risk Assessment is not necessary in this instance. However, drainage commentary within the Supplementary Environmental Statement concludes that no additional significant drainage or flood risk impacts have been identified during construction or operation.

Surrey County Council Local Lead Flood Authority (SCC LLFA)

- 9.98 Surrey County Council Local Lead Flood Authority (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. The Flood Risk Assessment indicated that the new pathways will be permeable allowing water to infiltrate into the ground mimicking natural behaviour. This will also be the case for the surfacing on the play area itself and therefore, there would be no increase in the impermeable area of the Site.

Environment Agency

The Environment Agency formally commented on the application, setting out no objection or detailed comment in relation to the provision of a play space with play equipment.

Officer comments

- 9.99 The Site itself does not trigger the need for a Flood Risk Assessment. But the play space area falls within the previously assessed footprint. No additional significant drainage or flood risk impacts were identified. SCC LLFA and the Environment Agency have commented on this application, with no objection. The proposal is considered to comply with Policy DM19.

Transport, construction and connectivity*Policies*

- 9.100 Policy CS16 sets out that encouragement will be given to development proposals that 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.

- 9.101 Policy CS16 sets out that 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.
- 9.102 Policy CS16 sets out that development proposals should (inter alia) minimise the need for travel, provide safe, convenient and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

Mole Valley District Council (MVDC) (MO/2018/0004)

- 9.103 The approved visitor car park is divided into a permanent car parking area for 70 vehicles and an overflow car parking area for a further 100 vehicles. These elements fall within the authoritative area of Mole Valley District Council, approved under planning application ref: MO/2018/0004.
- 9.104 Mole Valley District Council (MVDC) commented on this application, with no objection to the proposed play area. If planning permission is granted, MVDC ask that consideration is given to the use of a Construction Transport Management Plan (CTMP) condition, which formed part of the planning permission issued by MVDC in relation to application ref: MO/2018/0004, for the site access and car park.

Supplementary Environmental Statement (July 2022)

- 9.105 The Supplementary Environmental Statement sets out that the proposed development does not provide any car or cycle parking and is not anticipated to result in any additional trips on the local highway network during construction or operation. As such, there are no additional significant transport impacts identified. Construction traffic would take the route to/from the Site via Langley Vale Road to the B290 to avoid the village of Ashstead.
- 9.106 The Statement sets out that the proposed development is anticipated to be constructed Q1 to Q2 of 2023 and operational by the end of Q3 2023. Installation is anticipated to take approximately two weeks from early 2023 onwards (Officers note that this is subject to planning permission being granted and that a Construction Environmental Management Plan is subject to a Condition, to ensure appropriate construction activities)

Design, Access, Planning and Cultural Statement

- 9.107 The Design, Access, Planning and Cultural Statement sets out that a car park was approved in 2019, recognising that a significant proportion of visitors would be travel by vehicle to the Site due to the rural nature of its immediate surroundings. Additionally, there is a well-defined network of footpaths, bridleways and byways connecting Langley Vale Wood – Centenary Woodland for England with local population centres, offering residents the opportunity to walk to the Site. Indeed, the overall strategy of the Woodland Trust for Langley Vale Wood – Centenary Woodland for England is to provide opportunities for pedestrian, horse riders and cyclists as well those travelling by private car and coach to access the Site.
- 9.108 The Statement sets out that the original application was supported by a transportation statement, which highlighted that the capacity of the highway network is sufficient to accommodate the proposal, subject to the localised widening of Headley Road to allow coach access. As the proposed play space was included within the original assessment, the conclusions which remain valid, the mitigation measures identified and now under construction remain sufficient to mitigate the impact of the proposed play space.

- 9.109 The Statement sets out that the entrance to Langley Vale Wood is within 150m of the bus stops on Grosvenor Road, which are served by the E5, 317 and 676 bus routes linking the Site with Banstead, Tadworth, Langley Vale, Epsom, Ashted and Leatherhead. There are two train station (Tattenham Corner and Tadworth) both within walking distance of the wider site and the Woodland Trust proposes to publicise these routes on its website and signpost it on the ground. It is recognised that those with young children wishing to make use of the proposed play space are most likely to travel to the Site by private car or organised coach. The hard surfaced path will connect play space with the wider hard surfaced path network and in turn to the existing rights of way, to ensure that the play space is accessible to those of limited mobility.

Surrey County Council Highways

- 9.110 Surrey County Council Highways formally commented on this application. The response sets out that the County Highway Authority (CHA) undertook an assessment of the proposed play area and notes that this would be ancillary to the wider use of the Site as a memorial woodland and is unlikely to generate significant additional trips on top of those previously considered. The CHA is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Therefore, it has no highway requirements.

Officer comments

- 9.111 A car park was approved in 2019, which accounted for the play space. This concluded that there is highway capacity to accommodate the overall proposal. Additionally, there is a well-defined network of footpaths, bridleways and byways connecting Langley Vale Wood – Centenary Woodland for England with local population centres, offering residents the opportunity to walk or cycle to the Site.
- 9.112 SCC Highways has formally commented on this application, setting out that the play space is unlikely to generate significant trips above what has already been considered. It is satisfied that the application would not have a material impact on the safety or operation of the adjoining public highway.
- 9.113 Subject to planning permission being granted, a CTMP condition would be attached to the planning permission. The proposal is considered to comply with Policy CS16.

Sustainability, Climate & Environmental Impact of the Proposal

- 9.114 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives. The environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.
- 9.115 Consideration of sustainability and climate change are embedded within the Local Planning Authority's Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development, both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high-quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.

Design, Access, Planning and Cultural Statement

- 9.116 The Design, Access, Planning and Cultural Statement sets out that the proposal provides opportunities for outdoor recreation, contributing to the health and wellbeing of the local population. It also seeks the protection of the natural environment through active management by the Woodland Trust.
- 9.117 The Statement sets out that as the proposal is for play equipment associated with the play space, there is no ongoing heating, cooling or lighting requirements. Natural materials have been used, where feasible. The proposal creates very limited energy demand for maintenance and repair during its day-to-day function.

Officer comments

- 9.118 The proposal seeks to incorporate principles of sustainable design within the play equipment. The proposed play space integrates within the wider Site, where outdoor recreation is encouraged, and the natural environment is managed.
- 9.119 The proposal is considered to comply with Policies CS1 and CS6.

10 Conclusion

- 10.1 This application represents one of the outline elements of the original submission to Epsom & Ewell Borough Council, under ref: 17/01450/FUL, which was withdrawn from the proposal prior to Planning Committee. The proposed play space seeks to facilitate outdoor recreation and education opportunities in the Green Belt as part of the wider Centenary Wood project.
- 10.2 The play space formed part of the original planning application (ref: 17/01450/FUL) and was subject of an Environmental Statement (ES), which covered the whole 259 hectares of Langley Vale Wood. This proposal is accompanied by a Supplementary Environmental Statement (SES), to ensure that all significant environmental impacts associated with the development have been adequately assessed.
- 10.3 The proposal provides facilities to support outdoor recreation and is therefore considered appropriate development within the Green Belt, according with paragraph 149(b) of the NPPF. It is acceptable in landscape and visual terms and does not conflict with the purposes of the Green Belt, maintaining the openness of the area. It provides wider benefits, including public access to outdoor recreation, educational opportunities, and a significant uplift in tree planting.
- 10.4 Officers recommend approval of the planning application.

11 Recommendation

- 11.1 In consideration of the Environmental Statement which has been received under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Committee **GRANT PLANNING PERMISSION** subject to Conditions:

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:

100 – Site Location Plan Rev 04 – dated 08.06.2022

101 – Site Block Plan Rev 04 0 dated 08.06.2022

102 – South & West Elevations Rev 02 – dated 19.10.2021

103 – North & East Elevations Rev 02 – dated 19.10.21

104 – 2 x 2 Tower Detail 1 Rev 02 – dated 19.10.2021

105 – 2 x 2 Tower Detail 2 Rev 02 – dated 19.10.2021

106 – Fallen Tree Hollow Log Detail Rev 02 – dated 19.10.2021

107 – Junior Climbing Tree Detail Rev 02 – dated 19.10.21

108 – Timber Tangle & Cube Seat Detail Rev 02 – dated 19.10.21

109 – Bench, Mag Post, Info Board Detail Rev 02 – dated 19.10.21

110 – Basket Swing Detail Rev 02 – dated 19.10.21

Langley Vale 111 Planting Plan – dated 26.05.22

LV-112-00 – Grass Mat Detail – dated 19.10.2021

SK19 – Section Detail of Path – dated 17.03.2022

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. The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and the details shown on drawings:

104 – 2 x 2 Tower Detail 1 Rev 02 – dated 19.10.2021

105 – 2 x 2 Tower Detail 2 Rev 02 – dated 19.10.2021

106 – Fallen Tree Hollow Log Detail Rev 02 – dated 19.10.2021

107 – Junior Climbing Tree Detail Rev 02 – dated 19.10.21

108 – Timber Tangle & Cube Seat Detail Rev 02 – dated 19.10.21

109 – Bench, Mag Post, Info Board Detail Rev 02 – dated 19.10.21

110 – Basket Swing Detail Rev 02 – dated 19.10.21

SK19 – Section Detail of Path – dated 17.03.2022

LV-112-00 – Grass Mat Detail – dated 19.10.2021

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

4. 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 (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing, avoiding Farm Lane, Park Lane and Headley Road to the south
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused by construction vehicles accessing the site
- (j) no construction movements (including HGVs) to or from the site shall take place between the hours of 8.00 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs

associated with the development at the site to be laid up, waiting, in Headley Road, Downs Road, Langley Vale Road, Farm Lane, Park Lane and Sheppherd's Walk during these times

(k) on-site turning for construction vehicles 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: 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 in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015

5. Prior to the commencement of development, a Construction Environment Management Plan, including a Construction Method Statement for the hard surface paths construction must be submitted to and approved by the Local Planning Authority, to avoid any adverse impact on arable plants. The development shall be undertaken in accordance with the Construction Environment Management Plan and Construction Method Statement as approved

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

6. The development shall accord with the Arboricultural Implications Report, dated June 2022, its Tree Protection Plan (SJA TPP 21324-041) and the Play Area Planting Plan (drawing ref: LV-111-03) The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained 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. No development shall take place until details of landscape planting have been submitted to and approved in writing by the local planning authority. The approved landscape planting scheme hereby approved shall be 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.

8. The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Preliminary Ecological Appraisal, dated June 2022, prior to the first use of the development and/or in accordance with the approved timetable detailed in the Appraisal. 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

9. Prior to the commencement of development, a survey of the Application Site by an appropriately qualified ecologist shall be undertaken to check for any new signs of badger sett construction in the vicinity of the play area. The scope of which shall be agreed with the Local Planning Authority in advance. If any changes in badger activity is detected, such as a new sett

construction, a suitable course of action shall be submitted to and approved by the Local Planning Authority.

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

10. The development shall be carried out in accordance with the written scheme of archaeological investigation, dated November 2021, as submitted in support of the application. The development shall be carried out in accordance with the agreed details.

Reason: The site lies in an area of archaeological potential, particularly for all periods. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy

11. The mitigation measures detailed in the approved Flood Risk Assessment (EAS, October 2017, Rev 7, 479) and Site Block Plan (Rev 4, June 2022, 101) shall be carried out in full prior to the first use of the development and/or in accordance with the approved timetable detailed in the Flood Risk Assessment

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

12. Prior to first use of the development, a maintenance and management plan shall be submitted to and approved by the Local Planning Authority.

Reason: To secure the appropriate maintenance of the play area

INFORMATIVES

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. 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

Planning Appeals Report

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	10A East Street, Epsom	21/01616/FUL	Conversion of ground floor to 1 no. one bedroom flat.	DISMISSED
2	324 Kingston Road, Ewell	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	DISMISSED Costs claim Dismissed
3	107 - 111 East Street, Epsom	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	DISMISSED
4	107 - 111 East Street	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.	DISMISSED
5	North Looe, Reigate Road, Ewell	21/00635/PDC OU	change of use of agricultural buildings to residential (Use Class C3)	DISMISSED

Summary of Issues:

1. 10A East Street, Epsom

The main considerations related to the living conditions of future occupiers and parking provision.

In relation to living conditions, the Inspector agreed with the Council that the proposed lightwell serving the bedroom would be unacceptable as the only window serving the room and therefore that the application had not demonstrated that it could provide adequate daylight and sunlight to the room. In addition, as it was unopenable, it would not allow adequate ventilation to the room. The Inspector also found that the lightwell to the rear would be significantly enclosed by surrounding buildings and would not allow adequate daylight and sunlight.

In relation to parking, the Inspector found that as the site is located within a very accessible location, where development using alternative means of transport should be encouraged, the addition of a single unit would be unlikely to harm highway safety and local amenity.

2. 324 Kingston Road, Ewell

The appeal was made on the basis of non-determination. The main issues were the effect of the proposed development on the character and appearance of the area, living conditions for future occupiers of the development, living conditions of neighbouring properties, and parking.

In relation to living conditions, the Inspector found that the development would cause an unacceptable degree of overlooking to neighbouring properties, resulting in loss of privacy. The Inspector found that in terms of amenity of occupiers, the development would afford adequate indoor and outdoor space.

In relation to character, the Inspector found that, as viewed from the street, the building would be comparable to other properties and that it would be reasonably set in from the boundaries, and therefore that it would not be harmful in terms of character.

In relation to parking, the Inspector considered that the site was well served by public transport and, given its accessibility, the shortfall in parking spaces against standards was acceptable in this instance.

A costs claim was made against the Council on the basis that the Council had not determined the application in time. However, given that the Council would have refused the planning application, an appeal would have been submitted whether or not the Council determined the application in time. The Inspector also noted that the Council had also been involved in dialogue with the applicant during the course of the application. The costs claim was therefore dismissed.

3 & 4. 107 - 111 East Street, Epsom

For both the 23-unit scheme and the 21-unit scheme the Inspector considered that the main issues were parking, highway safety, character and appearance of the surrounding area and the provision of affordable housing.

In both appeals the Inspector acknowledged the sustainable location of the site, but felt that the shortfall of parking proposed would lead to increased car parking issues in the vicinity of the site.

In relation to safety, the Inspector found that the rear access route was well used by pedestrians, and, given the resulting intensification of use in this access and its narrow width, both schemes were likely to increase the potential for conflict between pedestrians and vehicles. The Inspector considered that the covered walkway proposed under the 21-unit scheme would also be unacceptable in terms of pedestrian safety.

Although the Inspector noted that there were taller buildings in the wider area, he found that the more immediate context was of smaller scale residential buildings and as such, given the height and bulk of the building in both schemes, that they would be incongruous compared to the neighbouring dwellings. The Inspector felt that this was exacerbated by the prominent location of site and its visibility from a number of vantage points.

In relation to affordable housing, the Inspector concluded that the s106 Agreements submitted under the appeals would have provided appropriate levels of affordable housing had the appeals been allowed.

5. North Looe, Reigate Road, Ewell

'Permitted development' rights exist to permit the change of use of a building and any land within its curtilage from use as an agricultural building to a dwellinghouse, subject to certain criteria assessed through the submission of an application for prior approval.

The application had been refused by the Council on that basis that the proposal failed to meet one of the permitted development requirements (that the site is in an agricultural use). Assessing the evidence submitted by the appellant, the Inspector agreed with the Council that the agricultural use had not been demonstrated and therefore the appeal was dismissed as the proposal did not qualify as permitted development.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
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
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 Hearing 02.11.2022
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
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
289 London Road Ewell	Appeal Ref: 22/00030/REF LPA Ref: 22/00966/FUL	Erection of 3-bedroom detached dwelling following the demolition of existing garage (amended scheme)	Delegated refusal	Started 21.09.2022
81 College Road Epsom	Appeal Ref: 22/00032/REF LPA Ref: 22/01028/FUL	Erection of a 3-bed, detached 1 1/2 storey family dwelling with landscaping and other associated works	Delegated refusal	Started 27.10.2022