

# Public Document Pack

Democratic Services



## PLANNING COMMITTEE

Thursday 9 March 2023 at 7.30 pm

Place: Council Chamber - Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/5806578510376687189>

Webinar ID: 264-620-731

Telephone (Listen only): +44 20 3713 5012, Telephone Access Code: 851-511-029

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 Neil Dallen
Councillor Phil Neale (Vice-Chair)	Councillor David Gulland
Councillor Kate Chinn	Councillor Jan Mason
Councillor Monica Coleman	Councillor Steven McCormick
Councillor Alex Coley	Councillor Lucie McIntyre
Councillor Nigel Collin	Councillor Peter O'Donovan

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto: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](mailto: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](mailto: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](mailto: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 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 8 December 2022 (attached) and to authorise the Chair to sign them.

### 3. **21/02021/FUL - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 13 - 34)

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

### 4. **22/00009/FUL HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 35 - 52)

Siting and installation of restroom facilities.

### 5. **22/00010/FUL - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 53 - 72)

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

### 6. **22/00011/REM - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 73 - 108)

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.

### 7. **22/00013/REM - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 109 - 136)

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.

### 8. **PLANNING APPEALS REPORT** (Pages 137 - 140)

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



This page is intentionally left blank

**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 8 December 2022**

---

**PRESENT -**

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

In Attendance: Ward Councillor Steven McCormick

Absent: Councillor Monica Coleman, Councillor Alex Coley and Councillor Neil Dallen

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

---

**25 DECLARATIONS OF INTEREST**

No Members declared the existence of any Disclosable Pecuniary Interests in respect of any items of business to be considered at the meeting.

**26 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the previous Meeting of the Committee held on the 3 November 2022 and authorised the Chair to sign them.

**27 LANGLEY VALE MEMORIAL WOODLAND SITE, HEADLEY ROAD, EPSOM,**

**Description**

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

**Decision**

The Committee noted a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved (6 in favour, 2 against, 1 abstaining and the Chair not voting) to **APPROVE** the application subject to the following 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) Prior to first use, details of landscape planting shall be 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.

**28** PLANNING APPEALS REPORT

The Committee noted the report setting out the planning appeal decisions received by the Planning Service in relation to non-householder developments.

*The meeting began at 7.30 pm and ended at 8.22 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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

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

## 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 Overview

- 2.1 This planning application was presented to Planning Committee on 06 October 2022, along with four other planning applications at Hobbledown, the Application Site ('Site'). All five planning applications are detailed within the below table:

<b>Application reference number</b>	<b>Description Of Development</b>
21/02021/FUL (this application)	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
22/00009/FUL	Siting and installation of restroom facilities
22/00010/FUL	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
22/00013/REM	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

22/00011/REM	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
--------------	---

- 2.2 All planning applications were deferred by Planning Committee, as they were not accompanied by a Site-wide Flood Risk Assessment. This is captured within the Minutes of the Planning Committee.
- 2.3 The Applicant has since prepared the following documentation to accompany this planning application, for the installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective):
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.4 This Report seeks to clarify:
- What new documentation has been prepared by the Applicant to accompany this planning application, since its deferral by Planning Committee on 06 October 2022
  - The Statutory Consultees formally consulted on the new documentation supporting this planning application and their responses
  - Representation received from neighbouring properties regarding the new documentation supporting this planning application and their responses
  - Other queries raised by Members during Planning Committee on 06 October 2022 relating to this application
  - Relevant sustainability policies.
- 2.5 This Report focuses on the new documentation only. The Planning Committee Report, dated 06 October 2022, should be referred to. This is appended to this Report.

#### **New documentation accompanying this application**

- 2.6 Since deferral by Planning Committee on 06 October 2022, The Applicant has prepared the following documentation to accompany this planning application, for the installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective):
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.7 The following paragraphs summarises the content of the new documentation.

#### Flood Risk Assessment, RPS, 25<sup>th</sup> November 2022

- 2.8 A Flood Risk Assessment (FRA) accompanies this application, and the other planning applications at Hobbledown, which were deferred by Planning Committee on 06 October 2022.
- 2.9 The aim of the FRA is to outline the potential for the Site to be impacted by flooding, the impacts of the proposed development on flooding in the vicinity of the Site, and the proposed measures which could be incorporated into the development to mitigate the identified risk. The FRA has been produced in consultation with SCC LLFA.

- 2.10 The Site is located within Flood Zone 1 and a Critical Drainage Area. The risk associated with flooding from fluvial/other sources of flooding is considered to be very low.
- 2.11 The FRA sets out that the total area covered by all planning applications is 382m<sup>2</sup>. This is approximately 0.07% of the total Site. This is a small proportion of area compared to the size of the Site, so likely to have a minimal impact of surface water runoff rate. The potential to provide surface water attenuation, including the use of Sustainable Drainage Systems (SuDS) has been considered as part of the preliminary design process. Table 4 (proposed mitigation) on page 21 of the FRA confirms no mitigation is required.
- 2.12 The FRA sets out that based on surface water calculations, there would be no to minimal change in surface water runoff rate as a result of the development. It does set out that the bounce pillows themselves during intense rainfall would be likely to allow an element of ponding initially.
- 2.13 Overall, the FRA sets out that the development proposed would be safe, without increasing flood risk elsewhere.

Emails from Planning Agent dated 09.12.2022 and 28.02.2023

- 2.14 An email from the Planning Agent, dated 09.12.2022 confirms that Planning Committee deferred all planning applications presented to Planning Committee on 06 October 2022, as they were not accompanied by a Flood Risk Assessment. As such, the Applicant has prepared this, to support the planning applications.
- 2.15 The Agent confirmed in an email, dated 28.02.2023, that both Local and National Policy Guidance requires an appropriate assessment proportionate to the scale of development proposed. In this respect, the Flood Risk Assessment is considered appropriate to the development proposals in question; something that is clearly confirmed by the lack of any technical objection from either the County Council as LLFA or the Environment Agency.

**Statutory Consultee responses**

- 2.16 Statutory consultation responses received are as follows:

Consultee	Original comment	Comment on updated documentation
Environment Agency	No requirement for consultation	17.01.2023: This is a mis consultation and falls outside the EA's remit.
SCC LLFA	25.04.2022: 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	21.12.2023: FRA reviewed. No further comments

SCC Highways	01.10.2022: The application would not have a material impact on the safety and operation of the adjoining public highway	11.01.2023: The application would not have a material impact on the safety and operation of the adjoining public highway
EEBC Environmental Health	15.06.2022: No comments	No requirement for re-consultation

### Neighbour representation

- 2.17 Neighbours consulted on the original planning application and those that commented on the original planning application were notified of new documentation.
- 2.18 3 letters from neighbouring properties have been received, summarised as follows:
- The Flood Risk Assessment does not include an appraisal of developments on the entire Site as required by Planning Committee. A thorough Flood Risk Assessment should be conducted, including all development added to the Site
  - Previous Committee Reports did not reference Policy CS6 or DM6.

### Queries raised by Members during Planning Committee, 06 October 2022

- 2.19 Officers have reviewed the recording of the Planning Committee, dated 06 October 2022. During the meeting, Officers answered questions raised by Planning Committee. The recording confirms that Planning Committee raised queries relating to:
- Committee Report refers to reviewing the Site holistically
  - Development in the Green Belt
  - No Flood Risk Assessment.
- 2.20 Officers answered the queries raised by Planning Committee during the meeting.

### Officer review of additional documentation

- 2.21 Condition 24 of the 2011 Planning Permission sets out that the development permitted shall be carried out in accordance with approved documents, including the Flood Risk Assessment, dated July 2011. This confirms that the flood risk associated the original development was assessed in 2011. The FRA confirmed that the proposed development was appropriate and sustainable.
- 2.22 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. This concludes that overall, the development would be safe, without increasing flood risk elsewhere as a result of the small-scale addition of children's play features.
- 2.23 SCC LLFA has confirmed it has no further comments and the Environment Agency has not commented, as this scale of application does not fall within its remit.



**Sustainability, Climate & Environmental Impact of the proposal**

- 2.24 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.
- 2.25 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.
- 2.26 The updated documentation includes a Flood Risk Assessment, which confirms that the development proposed would be safe, without increasing flood risk elsewhere. It is considered to comply with relevant sustainability policies, including CS1 and CS6 of the Core Strategy 2007.

**Conclusion**

- 2.27 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. SCC LLFA has confirmed it has no further comments and the Environment Agency has confirmed that this application does not fall within its remit for formal consultation.
- 2.28 Officers recommend approval of this planning application, subject to Planning Conditions.

**Recommendation**

- 2.29 Approve subject to Conditions

**Conditions**

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

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

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

## 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 as 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](mailto:contactus@epsom-ewell.gov.uk).

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

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

## 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=R58V7FGYMLE00>

## 2 Overview

- 2.1 This planning application was presented to Planning Committee on 06 October 2022, along with four other planning applications at Hobbledown, the Application Site ('Site'). All five planning applications are detailed within the below table:

<b>Application reference number</b>	<b>Description Of Development</b>
22/00009/FUL (this application)	Siting and installation of restroom facilities
22/00010/FUL	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
22/00013/REM	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
22/00011/REM	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

- 2.2 All planning applications were deferred by Planning Committee, as they were not accompanied by a Site-wide Flood Risk Assessment. This is captured within the Minutes of the Planning Committee.
- 2.3 The Applicant has since prepared the following documentation to accompany this planning application, for the siting and installation of restroom facilities:
- Flood Risk Assessment, dated 25 November 2022
  - Commercial Sewage Pumping Station
  - Email from Planning Agent dated 09 December 2022.
- 2.4 This Report seeks to clarify:
- What new documentation has been prepared by the Applicant to accompany this planning application, since its deferral by Planning Committee on 06 October 2022
  - The Statutory Consultees formally consulted on the new documentation supporting this planning application and their responses
  - Representation received from neighbouring properties regarding the new documentation supporting this planning application and their responses
  - Other queries raised by Members during Planning Committee on 06 October 2022 relating to this application
  - Relevant sustainability policies.
- 2.5 This Report focuses on the new documentation only. The Planning Committee Report, dated 06 October 2022, should be referred to. This is appended to this Report.

#### **New documentation accompanying this application**

- 2.6 Since deferral by Planning Committee on 06 October 2022, The Applicant has prepared the following documentation to accompany this planning application, for the siting and installation of restroom facilities:
- Flood Risk Assessment, dated 25 November 2022
  - Commercial Sewage Pumping Station
  - Email from Planning Agent dated 09 December 2022.
- 2.7 The following paragraphs summarise the content of the new documentation.

#### Flood Risk Assessment, RPS, 25<sup>th</sup> November 2022

- 2.8 A Flood Risk Assessment (FRA) accompanies this application, and the other planning applications at Hobbledown, which were deferred by Planning Committee on 06 October 2022.
- 2.9 The aim of the FRA is to outline the potential for the Site to be impacted by flooding, the impacts of the proposed development on flooding in the vicinity of the Site, and the proposed measures which could be incorporated into the development to mitigate the identified risk. The FRA has been produced in consultation with SCC LLFA.
- 2.10 The Site is located within Flood Zone 1 and a Critical Drainage Area. The risk associated with flooding from fluvial/other sources of flooding is considered to be very low.

- 2.11 The FRA sets out that the total area covered by all planning applications is 382m<sup>2</sup>. This is approximately 0.07% of the total Site. This is a small proportion of area compared to the size of the Site, so likely to have a minimal impact on surface water runoff rate. The potential to provide surface water attenuation, including the use of Sustainable Drainage Systems (SuDS) has been considered as part of the preliminary design process. Table 4 (proposed mitigation) on page 21 of the FRA confirms no mitigation is required.
- 2.12 The FRA sets out that based on surface water calculations, there would be no to minimal change in surface water runoff rate as a result of the development.
- 2.13 Overall, the FRA sets out that the development proposed would be safe, without increasing flood risk elsewhere.

#### Commercial Sewage Pumping Station

- 2.14 Commercial Sewage pumping station details supports this application, providing technical information regarding the foul drainage system.

#### Email from Planning Agent dated 09.12.2022, 23.02.2023 and 28.02.2023

- 2.15 Emails have been received from the Planning Agent, summarised below.
- 2.16 Planning Committee had suggested a sedum roof and alternative cladding for the proposed restroom facilities. The Agent confirms that the unit is not suitable for a sedum roof and there is no need for additional cladding. As set out in the Planning Statement, this is a low-key structure, which is already constructed and stored elsewhere on Site. The facilities are of an appearance that would not be misplaced in such a rural setting and are reflective of the rural character of the wider Site.
- 2.17 The context of the surrounding Site would provide some natural screening to the restroom facilities and avoid any undue visual intrusion into the wider surrounding landscape. The proposed restroom facilities are enclosed and are sufficiently distanced from the existing kiosk such that it would not compromise the kiosk's operation.
- 2.18 This is an additional facility to complement existing facilities within the main building complex, where disabled and baby changing facilities are located. This is not proposed as a replacement for existing facilities.
- 2.19 The purpose of the pumping system is to remove wastewater from the proposed restroom facilities. The pump would be a below ground installation and as such would not generate any significant noise. There would be no requirement for the pumping station to be emptied as it would transfer wastewater from the restroom facilities to the main sewer system serving the wider Site. A drawing has not been provided of the exact location of the pumping station, as this is a Building Regulation matter, rather than a Planning issue. However, a Condition could be accepted for this.
- 2.20 The proposed restroom facilities is moveable, but planning permission is sought for its permanent siting. No hardstanding is proposed around the proposed restroom facilities.
- 2.21 The fitting of a water butt is not an option given the potential risk to public health.
- 2.22 Both Local and National Policy Guidance requires an appropriate assessment proportionate to the scale of development proposed. In this respect, the Flood Risk Assessment is considered appropriate to the development proposals in question; something that is clearly confirmed by the lack of any technical objection from either the County Council as LLFA or the Environment Agency.

**Statutory Consultee responses**

2.23 Statutory consultation responses received are as follows:

<b>Consultee</b>	<b>Original comment</b>	<b>Comment on updated documentation</b>
SCC LLFA	03.02.2022: No objection	07.02.2023: As there is no change to the impermeable area or Surface Water drainage system we would have no further comments
Environment Agency	15.06.2022: As there is no intention to discharge foul drainage to ground from the proposed development, we have no comments on the proposal from a groundwater protection perspective	No comments received

**Neighbour representation**

2.24 Neighbours consulted on the original planning application and those that commented on the original planning application were notified of new documentation.

2.25 3 letters from neighbouring properties have been received, summarised as follows:

- The Flood Risk Assessment includes only the area covered by the Bounce Pillows, some play structures, the lorikeet enclosure and the gas tank holder, all added without planning permission, and the proposed location for the restroom facilities. It does not include an appraisal of developments on the entire Site as required by Planning Committee. A thorough Flood Risk Assessment should be conducted, including all development added to the Site
- It is unclear why details of a pumping station technical specification have been submitted with this application, or where the pump would be located, how connections would be made to the sewer, the flooding impact and the impact of noise generated by the pump
- Clarity required regarding whether a septic tank is proposed
- Clarity required whether hardstanding is proposed around the restroom facilities
- Previous Committee Reports did not reference Policy CS6 or DM6.

**Queries raised by Members during Planning Committee, 06 October 2022**

2.26 Officers have reviewed the recording of the Planning Committee, dated 06 October 2022. During the meeting, Officers answered questions raised by Planning Committee. The recording confirms that Planning Committee raised queries relating to:

- Committee Report refers to reviewing the Site holistically
- Development in the Green Belt
- No Flood Risk Assessment
- Clarification on sewage removal
- Potential noise from pumping
- Can a sedum roof and water butt be installed?
- Structure is moverable, but application is applied for on a permanent basis
- Will the proposal provide disabled access?

2.27 Officers answered the queries raised by Planning Committee during the meeting.

**Officer review of additional documentation**

- 2.28 Condition 24 of the 2011 Planning Permission sets out that the development permitted shall be carried out in accordance with approved documents, including the Flood Risk Assessment, dated July 2011. This confirms that the flood risk associated the original development was assessed in 2011. The FRA confirmed that the proposed development was appropriate and sustainable.
- 2.29 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. This concludes that overall, the development would be safe, without increasing flood risk elsewhere as a result of development. SCC LLFA has reviewed this application and confirmed no further comments. No further comment has been received from the Environment Agency, who did not object to the scheme when first consulted.
- 2.30 As stipulated within the Committee Report, dated 06 October 2022, the proposed restroom facilities are considered necessary to provide additional welfare facilities, to complement the existing facilities within the main building complex, where disabled and baby changing facilities are located.
- 2.31 This is a moveable structure, restricted only by its service connections. The Planning Agent confirmed there would be no hardstanding, a sedum roof is not proposed and a water butt could not be provided.
- 2.32 The Planning Agent has confirmed that the pump would be a below ground installation and as such would not generate any significant noise. Officers note that the proposal is positioned away from nearby residential properties by approximately 60 metres, so not to adversely impact neighbouring dwellings in terms of noise or disturbance.

**Sustainability, Climate & Environmental Impact of the proposal**

- 2.33 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.
- 2.34 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.
- 2.35 The updated documentation includes a Flood Risk Assessment, which confirms that the development proposed would be safe, without increasing flood risk elsewhere. It is considered to comply with relevant sustainability policies, including CS1 and CS6 of the Core Strategy 2007.

**Conclusion**

- 2.36 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. SCC LLFA has confirmed no further comments and the Environment Agency has not provided a further response beyond their original no objection.
- 2.37 Officers recommend approval of this planning application, subject to Planning Conditions.

### **Recommendation**

- 2.38 Approve 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:

P200/3.001 Rev 01 – 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)

3. 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.

4. Prior to the occupation of the development, details of the storage tank, including its location, shall be submitted to the Local Planning Authority for approval. The development shall accord with the approved details.

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

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



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

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

## **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](mailto:contactus@epsom-ewell.gov.uk).

This page is intentionally left blank

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

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

## 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=R58V7SGYMLF00>

## 2 Overview

- 2.1 This planning application was presented to Planning Committee on 06 October 2022, along with four other planning applications at Hobbledown, the Application Site ('Site'). All five planning applications are detailed within the below table:

<b>Application reference number</b>	<b>Description Of Development</b>
22/00010/FUL (this application)	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
22/00009/FUL	Siting and installation of restroom facilities
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
22/00013/REM	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

22/00011/REM	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
--------------	---

- 2.2 All planning applications were deferred by Planning Committee, as they were not accompanied by a Site-wide Flood Risk Assessment. This is captured within the Minutes of the Planning Committee.
- 2.3 The Applicant has since prepared the following documentation to accompany this planning application, for the erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective):
- Flood Risk Assessment, dated 25 November 2022
  - Email, AvantiGas
  - Commissioning Certificate
  - Email from Planning Agent dated 09 December 2022
  - 004 Rev B – Service Yard – dated Oct '22.
- 2.4 This Report seeks to clarify:
- What new documentation has been prepared by the Applicant to accompany this planning application, since its deferral by Planning Committee on 06 October 2022
  - The Statutory Consultees formally consulted on the new documentation supporting this planning application and their responses
  - Representation received from neighbouring properties regarding the new documentation supporting this planning application and their responses
  - Other queries raised by Members during Planning Committee on 06 October 2022 relating to this application
  - Relevant sustainability policies
- 2.5 This Report focuses on the new documentation only. The Planning Committee Report, dated 06 October 2022, should be referred to. This is appended to this Report.

#### **New documentation accompanying this application**

- 2.6 Since deferral by Planning Committee on 06 October 2022, The Applicant has prepared the following documentation to accompany this planning application, for the erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective):
- Flood Risk Assessment, dated 25 November 2022
  - Email, AvantiGas
  - Commissioning Certificate
  - Email from Planning Agent dated 09 December 2022.
  - 004 Rev B – Service Yard – dated Oct '22.
- 2.7 The following paragraphs summarises the content of the new documentation.

#### **Flood Risk Assessment, RPS, 25<sup>th</sup> November 2022**

- 2.8 A Flood Risk Assessment (FRA) accompanies this application, and the other planning applications at Hobbledown, which were deferred by Planning Committee on 06 October 2022.

- 2.9 The aim of the FRA is to outline the potential for the Site to be impacted by flooding, the impacts of the proposed development on flooding in the vicinity of the Site, and the proposed measures which could be incorporated into the development to mitigate the identified risk. The FRA has been produced in consultation with SCC LLFA.
- 2.10 The Site is located within Flood Zone 1 and a Critical Drainage Area. The risk associated with flooding from fluvial/other sources of flooding is considered to be very low.
- 2.11 The FRA sets out that the total area covered by all planning applications is 382m<sup>2</sup>. This is approximately 0.07% of the total Site. This is a small proportion of area compared to the size of the Site, so likely to have a minimal impact of surface water runoff rate. The potential to provide surface water attenuation, including the use of Sustainable Drainage Systems (SuDS) has been considered as part of the preliminary design process. Table 4 (proposed mitigation) on page 21 of the FRA confirms no mitigation is required.
- 2.12 The FRA sets out that based on surface water calculations, there would be no to minimal change in surface water runoff rate as a result of the development.
- 2.13 Overall, the FRA sets out that the development proposed would be safe, without increasing flood risk elsewhere.

Email, AvantiGas, dated 20 October 2022

- 2.14 An email from AvantiGas, dated 20.10.2022, confirms that the installation (of the gas tank) accords with AvantiGas requirements, installed on 27 August 2021. The fence is 1 metre away from the tank to provide the appropriate barrier of protection for the circumstances on Site.

Emails from Planning Agent, 09.12.2022 and 28.02.2023

- 2.15 The Planning Agent confirms that Planning Committee raised comments about the safety of the Gas Tank installation. The Agent confirmed that this is a Building Control issue, rather than a Planning issue, but the email from AvantiGas confirms that the installation is appropriate and safe, with an installation Commissioning Certification provided too by the installer.
- 2.16 An email from the Agent confirms that it is expected that concerns raised by Planning Committee over the actual use of the land would be addressed as part of a future planning application and that this planning application seeks to regularise operational development that has taken place.
- 2.17 The Agent confirmed that the gas tank currently sits on a concrete plinth. Details are found within the LPG Storage Tank Details document, submitted with this planning application.
- 2.18 The Agent confirms that the electricity cabinet does not form part of the current application, being a later installation to the gas holder. This will be subject of a further application.
- 2.19 The Agent set out that both Local and National Policy Guidance requires an appropriate assessment proportionate to the scale of development proposed. In this respect, the Flood Risk Assessment is considered appropriate to the development proposals in question; something that is clearly confirmed by the lack of any technical objection from either the County Council as LLFA or the Environment Agency.

004 Rev B – Service Yard – dated Oct'22

- 2.20 Drawing ref: 004 Rev B – Service Yard – dated Oct'22 seeks to demonstrate moveability within the Site from McKenzie Way access. The Agent confirmed through email that a large refuse lorry (11.8m in length) could manoeuvre within the Site.

### **Statutory Consultee responses**

- 2.21 Statutory consultation responses received are as follows:

<b>Consultee</b>	<b>Original comment</b>	<b>Comment on updated documentation</b>
Environment Agency	No requirement for consultation	11.01.2023: This is a mis consultation and falls outside the EA's remit.
SCC LLFA	No requirement for consultation	15.12.2022: No comments
SCC Highways	04.10.2022: Response provided for ref: 22/00013/REM, which recommended alterations/improvements to the existing access to allow for deliveries to take place. Both application 22/00010/FUL and 22/00013/REM are somewhat linked, and so the response for 22/00010/FUL is subject to the outcome of 22/00013/REM	11.01.2023: Satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.  The CHA notes that whilst these proposals do not currently affect the highway and therefore no comments have been made, should a further application (22/00013) be approved at the Site, further assessment would need to be undertaken with regards to the boundary treatment at the (northern) McKenzie Way access.
EEBC Ecology	24.10.2022: No issues with this application relating to biodiversity	No requirement for re-consultation
EEBC Environmental Health	19.05.2022: No comments	No requirement for re-consultation

### **Neighbour representation**

- 2.22 Neighbours consulted on the original planning application and those that commented on the original planning application were notified of new documentation.
- 2.23 3 letters from neighbouring properties have been received, summarised as follows:
- The Flood Risk Assessment includes only the area covered by the Bounce Pillows, some play structures, the lorikeet enclosure and the gas tank holder, all added without planning permission, and the proposed location for the rest rooms. It does not include an appraisal of developments on the entire Site as required by Planning



Committee. A thorough Flood Risk Assessment should be conducted, including all development added to the Site

- It is not clear that the fencing would provide adequate protection against impact from a vehicle to the tank, which is a health and safety risk
- The area forms part of field F2 of the approved Masterplan (6773/50 Rev H), restricted by Condition 20, to be solely used for the keeping of animals. Would require planning permission for a change of use
- The email from Ricardo Freitas of Avantigas, to Ashley Terry of Hobbledown has no context as to its purpose.
- What is not evident is whether the planning application has been amended to cover matters including resurfacing/concreting, change of Condition of use of part of field F2, the electricity cabinet, etc
- Previous Committee Reports did not reference Policy CS6 or DM6.

#### **Queries raised by Members during Planning Committee, 06 October 2022**

2.24 Officers have reviewed the recording of the Planning Committee, dated 06 October 2022. During the meeting, Officers answered questions raised by Planning Committee. The recording confirms that Planning Committee raised queries relating to:

- Committee Report refers to reviewing the Site holistically
- Development in the Green Belt
- No Flood Risk Assessment
- Confirmation of whether the concrete plinth is installed and forms part of this planning application
- Whether there has been a Buildings Control inspection.

2.25 Officers answered the queries raised by Planning Committee during the meeting.

2.26 Other queries included:

- Condition 20 of the original 2011 Planning Permission (as amended) affects Field F7, subject of this planning application
- Policy CS6 Sustainability not referred to.

#### **Officer review of additional documentation**

2.1 Condition 24 of the 2011 Planning Permission sets out that the development permitted shall be carried out in accordance with approved documents, including the Flood Risk Assessment, dated July 2011. This confirms that the flood risk associated the original development was assessed in 2011. The FRA confirmed that the proposed development was appropriate and sustainable.

2.2 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. This concludes that overall, the development would be safe, without increasing flood risk elsewhere as a result of development. SCC LLFA has reviewed this and confirmed no further comments. The Environment Agency has confirmed that this is a mis consultation and falls outside of the EA's remit. SCC Highways confirms that their original consultation response remains appropriate.

2.3 The gas tank is positioned on a concrete plinth, which forms part of this planning application.

- 2.4 Drawing ref: 004 Rev B – Service Yard – dated Oct'22 submitted with this planning application seeks to demonstrate moveability within the Site from McKenzie Way access. The Agent's email, dated 14.12.2022, sets out that a large refuse lorry (11.8m in length) could manoeuvre within the Site.
- 2.5 The Applicant provided an email from AvantiGas, confirming that the installation of the gas tank is appropriate and safe, with an installation Commissioning Certification included too.
- 2.6 Officers sought legal advice with regards to the planning applications deferred at Planning Committee on 06 October 2022. This is detailed within the below section but concludes that the Applicant is entitled to submit a retrospective planning application, which should be considered on its own merits. Should planning permission be granted, the Applicant should submit a S.73 planning application (Section 73 of the Town and Country Planning Act 1990) to vary the relevant Condition of the original Planning Permission, to amend the Masterplan.

#### **Counsel advice**

- 2.7 Officers sought legal advice with regards to the planning applications deferred at Planning Committee on 06 October 2022.
- 2.8 This is a retrospective application for full Planning Permission for operational development. The application "*relates to the functional service yard area*", which is the north-eastern part of the Site shaded orange on the 2011 Masterplan (Drawing no. 6773/50 Rev H).
- 2.9 Should Planning Permission be granted, it would be inconsistent with the Masterplan (6773/50 Rev H), as the proposal encroaches into Zone F2 (Large Animals Walk Through).
- 2.10 The Applicant has chosen to submit a retrospective planning application and is entitled to do so. As case law makes clear, the Local Planning Authority must consider this planning application on its own merits. Subject to this planning application being granted Planning Permission, the Applicant should submit a S.73 planning application, to vary the relevant Condition of the original Planning Permission, to amend the Masterplan.

#### **Sustainability, Climate & Environmental Impact of the proposal**

- 2.11 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.
- 2.12 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.

- 2.13 The updated documentation includes a Flood Risk Assessment, which confirms that the development proposed would be safe, without increasing flood risk elsewhere. It is considered to comply with relevant sustainability policies, including CS1 and CS6 of the Core Strategy 2007.

#### **Conclusion**

- 2.14 The Applicant has provided additional documentation, including a Flood Risk Assessment, a drawing to demonstrate moveability within the Site and an email to confirm the safety of the gas tank to support this planning application. No objections have been received by Statutory Consultees.
- 2.15 Officers recommend approval of this planning application, subject to Planning Conditions.

#### **Recommendation**

- 2.16 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  
004 Rev B – Service Yard – dated Oct'22  
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

This page is intentionally left blank

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

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

## **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=R58V7SGYMLF00>

## **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](mailto:contactus@epsom-ewell.gov.uk).



**22/00011/REM - Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT**

<b>Ward:</b>	<b>Ruxley Ward</b>
<b>Site:</b>	<b>Hobbledown Horton Lane Epsom Surrey KT19 8PT</b>
<b>Application for:</b>	<b>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</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

**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 Overview**

- 2.1 This planning application was presented to Planning Committee on 06 October 2022, along with four other planning applications at Hobbledown, the Application Site ('Site'). All five planning applications are detailed within the below table:

<b>Application reference number</b>	<b>Description Of Development</b>
22/00011/REM (this application)	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
22/00013/REM	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
22/00009/FUL	Siting and installation of restroom facilities
22/00010/FUL	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)

21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
--------------	---

- 2.2 All planning applications were deferred by Planning Committee, as they were not accompanied by a Site-wide Flood Risk Assessment. This is captured within the Minutes of the Planning Committee.
- 2.3 The Applicant has since prepared the following documentation to accompany this planning application, for the 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.
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.4 This Report seeks to clarify:
- What new documentation has been prepared by the Applicant to accompany this planning application, since its deferral by Planning Committee on 06 October 2022
  - The Statutory Consultees formally consulted on the new documentation supporting this planning application and their responses
  - Representation received from neighbouring properties regarding the new documentation supporting this planning application and their responses
  - Other queries raised by Members during Planning Committee on 06 October 2022 relating to this application.
- 2.5 This Report focuses on the new documentation only. The Planning Committee Report, dated 06 October 2022, should be referred to. This is appended to this Report.

#### **New documentation accompanying this application**

- 2.6 Since deferral by Planning Committee on 06 October 2022, The Applicant has prepared the following documentation to accompany this planning application, for the variation of Condition 20 of Planning Permission ref: 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:
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.7 The following paragraphs summarises the content of the new documentation.

#### Flood Risk Assessment, RPS, 25<sup>th</sup> November 2022

- 2.8 A Flood Risk Assessment (FRA) accompanies this application, and the other planning applications at Hobbledown, which were deferred by Planning Committee on 06 October 2022.
- 2.9 The aim of the FRA is to outline the potential for the Site to be impacted by flooding, the impacts of the proposed development on flooding in the vicinity of the Site, and the proposed measures which could be incorporated into the development to mitigate the identified risk. The FRA has been produced in consultation with SCC LLFA.

- 2.10 The Site is located within Flood Zone 1 and a Critical Drainage Area. The risk associated with flooding from fluvial/other sources of flooding is considered to be very low.
- 2.11 The FRA sets out that the total area covered by all planning applications is 382m<sup>2</sup>. This is approximately 0.07% of the total Site. This is a small proportion of area compared to the size of the Site, so likely to have a minimal impact of surface water runoff rate. The potential to provide surface water attenuation, including the use of Sustainable Drainage Systems (SuDS) has been considered as part of the preliminary design process. Table 4 (proposed mitigation) on page 21 of the FRA confirms no mitigation is required.
- 2.12 The FRA sets out that based on surface water calculations, there would be no to minimal change in surface water runoff rate as a result of the development.
- 2.13 Overall, the FRA sets out that the development proposed would be safe, without increasing flood risk elsewhere.

Email from Planning Agent dated 09.12.2022 and 28.02.2023

- 2.14 The Planning Agent confirms that Planning Committee deferred all planning applications presented to Planning Committee on 06 October 2022, as they were not accompanied by a Flood Risk Assessment. As such, the Applicant has prepared this, to support the planning applications.
- 2.15 Concerns were raised with regards to the need for the overflow car parking area. As set out in this application's documentation, the use of the area subject of the application is only required during peak times, which usually coincide with school holidays.
- 2.16 With regards to controlling the use of the Site, the Applicant has acknowledged that they would accept a Condition for a revised/updated Visitor Management Plan to further control the use of the area, and Condition 23 below has been updated.
- 2.17 Both Local and National Policy Guidance requires an appropriate assessment proportionate to the scale of development proposed. In this respect, the Flood Risk Assessment is considered appropriate to the development proposals in question; something that is clearly confirmed by the lack of any technical objection from either the County Council as LLFA or the Environment Agency.

**Statutory Consultee responses**

- 2.18 Statutory consultation responses received are as follows:

Consultee	Original comment	Comment on updated documentation
Environment Agency	No requirement for consultation	11.01.2023: This is a mis consultation and falls outside the EA's remit
SCC LLFA	09.02.2022: As there is no change to the drainage strategy or Surface Water drainage system, there are no further comments.	15.01.2023: No further comments

SCC Highways	<p>12.05.2022: SCC Highways recommends Conditions imposed on any planning permission granted, including a car parking management plan</p> <p>15.09.2022: A formal response was provided, approving the proposals subject to a Condition requesting that a Car Parking Management Plan being submitted. If the existing Visitor Management Plan could be updated to answer the requirements of the Condition recommended, this should be sufficient</p>	11.01.2023: the originally provided response, dated 12.05.2022, is still applicable
EEBC Ecology	15.06.2022: There has been no evaluation of the ecological effect of the development. However, looking at the photographs and considering the previous land use, the Officer is happy that the use of these areas for overflow parking will not have any negative effects on ecology	No requirement for re-consultation
EEBC Trees	26.09.2022: 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.	No requirement for re-consultation

### Neighbour representation

- 2.19 Neighbours consulted on the original planning application and those that commented on the original planning application were notified of new documentation.
- 2.20 2 letters from neighbouring properties have been received, summarised as follows:
- The Flood Risk Assessment includes only the area covered by the Bounce Pillows, some play structures, the lorikeet enclosure and the gas tank holder, all added

without Planning Permission, and the proposed location for the rest rooms. It does not include an appraisal of developments on the entire Site as required by Planning Committee. A thorough Flood Risk Assessment should be conducted, including all development added to the Site

- Query why Conditions attached to the original 2011 Planning Permission (as amended) are updated and included within the recommended Conditions for both S.73 planning applications
- Previous Committee Reports did not reference Policy CS6 or DM6.

#### **Queries raised by Members during Planning Committee, 06 October 2022**

2.21 Officers have reviewed the recording of the Planning Committee, dated 06 October 2022. During the meeting, Officers answered questions raised by Planning Committee. The recording confirms that Planning Committee raised queries relating to:

- Committee Report refers to reviewing the Site holistically
- Development in the Green Belt
- No Flood Risk Assessment

2.22 Officers answered the queries raised by Planning Committee during the meeting.

2.23 Other queries included:

- Policy CS6 Sustainability not referred to.

#### **Officer review of additional documentaiton**

2.24 Condition 24 of the 2011 Planning Permission sets out that the development permitted shall be carried out in accordance with approved documents, including the Flood Risk Assessment, dated July 2011. This confirms that the flood risk associated the original development was assessed in 2011. The FRA confirmed that the proposed development was appropriate and sustainable.

2.25 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. This concludes that overall, the development would be safe, without increasing flood risk elsewhere as a result of development. SCC LLFA has reviewed this and confirmed no further comments. The Environment Agency has confirmed that this is a mis consultation and falls outside of the EA's remit.

2.26 As set out in the Committee Report, dated 06 October 2022, 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.

2.27 As set out in the Committee Report, dated 06 October 2022, 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.

- 2.28 As set out in the Committee Report, dated 06 October 2022, each planning application is assessed individually and on its own merits, but in this case, Officers considered the Appeal Decisions: 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. Both Appeals were allowed, and Planning Permission granted, for an overflow car parking area and associated landscaping. It should be noted that the Inspector found that the parking and associated development in that Appeal would not represent inappropriate development in the Green Belt when allowing the Appeal.
- 2.29 As set out in the Committee Report, dated 06 October 2022, 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, which is reflected in Conditions 23 and 27 below.
- 2.30 SCC Highways formally commented on this application, recommending a Condition to be attached to any Planning Permission granted, requiring a car parking management plan.
- 2.31 Planning Permission granted under Section 73 takes effect as a new, independent Planning Permission to carry out the same development as previously permitted subject to new or amended Conditions. The new Planning Permission sits alongside the original Planning Permission, which remains intact and unamended. In this case, the Conditions listed on the original Planning Permission (as amended) are repeated and updated, where necessary.

#### **Sustainability, Climate & Environmental Impact of the proposal**

- 2.32 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.
- 2.33 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.
- 2.34 The updated documentation includes a Flood Risk Assessment, which confirms that the development proposed would be safe, without increasing flood risk elsewhere. It is considered to comply with relevant sustainability policies, including CS1 and CS6 of the Core Strategy 2007.

#### **Conclusion**

- 2.35 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. SCC LLFA confirms no further comment, and the Environment Agency confirms that the application falls outside of their remit for formal comment.
- 2.36 Officers recommend approval of this planning application, subject to Conditions. Note that the Conditions listed on the original 2011 Planning Permission (as amended) are repeated, and updated, as required.

#### Recommendation

- 2.37 Approve, subject to Conditions

1. The development hereby permitted was required to begin before the expiration of three years from the date of the original planning permission (11/00511/FUL) This Condition has been complied with.

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 prior to use of the relevant area.

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)

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)

28. 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: 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

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

<b>Ward:</b>	<b>Ruxley Ward</b>
<b>Site:</b>	<b>Hobbledown Horton Lane Epsom Surrey KT19 8PT</b>
<b>Application for:</b>	<b>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</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 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:

<b>Applicant’s Planning Statement – Very Special Circumstances case</b>	
<b>The need to accommodate additional over-flow parking</b>	<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>

<b>Applicant's Planning Statement – Very Special Circumstances case</b>	
<b>No other sites are suitable for this purpose</b>	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.
<b>Economic and social benefits and support for tourism/community</b>	<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: 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

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

<b>Ward:</b>	<b>Ruxley Ward</b>
<b>Site:</b>	<b>Hobbedown Horton Lane Epsom Surrey KT19 8PT</b>
<b>Application for:</b>	<b>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</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 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 Overview

- 2.1 This planning application was presented to Planning Committee on 06 October 2022, along with four other planning applications at Hobbedown, the Application Site ('Site'). All five planning applications are detailed within the below table:

<b>Application reference number</b>	<b>Description Of Development</b>
22/00013/REM (this application)	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
22/00009/FUL	Siting and installation of restroom facilities
22/00010/FUL	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)
22/00011/REM	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

- 2.2 All planning applications were deferred by Planning Committee, as they were not accompanied by a Site-wide Flood Risk Assessment. This is captured within the Minutes of the Planning Committee.
- 2.3 The Applicant has since prepared the following documentation to accompany this planning application, for the 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:
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.4 This Report seeks to clarify:
- What new documentation has been prepared by the Applicant to accompany this planning application, since its deferral by Planning Committee on 06 October 2022
  - The Statutory Consultees formally consulted on the new documentation supporting this planning application and their responses
  - Representation received from neighbouring properties regarding the new documentation supporting this planning application and their responses
  - Other queries raised by Members during Planning Committee on 06 October 2022 relating to this application.
- 2.5 This Report focuses on the new documentation only. The Planning Committee Report, dated 06 October 2022, should be referred to. This is appended to this Report.

#### **New documentation accompanying this application**

- 2.6 Since deferral by Planning Committee on 06 October 2022, The Applicant has prepared the following documentation to accompany this planning application, for the 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:
- Flood Risk Assessment, dated 25 November 2022
  - Email from Planning Agent dated 09 December 2022.
- 2.7 The following paragraphs summarises the content of the new documentation.

#### Flood Risk Assessment, RPS, 25<sup>th</sup> November 2022

- 2.8 A Flood Risk Assessment (FRA) accompanies this application, and the other planning applications at Hobbledown, which were deferred by Planning Committee on 06 October 2022.
- 2.9 The aim of the FRA is to outline the potential for the Site to be impacted by flooding, the impacts of the proposed development on flooding in the vicinity of the Site, and the proposed measures which could be incorporated into the development to mitigate the identified risk. The FRA has been produced in consultation with SCC LLFA.
- 2.10 The Site is located within Flood Zone 1 and a Critical Drainage Area. The risk associated with flooding from fluvial/other sources of flooding is considered to be very low.

- 2.11 The FRA sets out that the total area covered by all planning applications is 382m<sup>2</sup>. This is approximately 0.07% of the total Site. This is a small proportion of area compared to the size of the Site, so likely to have a minimal impact of surface water runoff rate. The potential to provide surface water attenuation, including the use of Sustainable Drainage Systems (SuDS) has been considered as part of the preliminary design process. Table 4 (proposed mitigation) on page 21 of the FRA confirms no mitigation is required.
- 2.12 The FRA sets out that based on surface water calculations, there would be no to minimal change in surface water runoff rate as a result of the development.
- 2.13 Overall, the FRA sets out that the development proposed would be safe, without increasing flood risk elsewhere.

Email from Planning Agent dated 09.12.2022 and 28.02.2023

- 2.14 An Email from the Planning Agent confirms that Planning Committee deferred all planning applications presented to Planning Committee on 06 October 2022, as they were not accompanied by a Flood Risk Assessment. As such, the Applicant has prepared this, to support the planning applications.
- 2.15 The Agent set out that both Local and National Policy Guidance requires an appropriate assessment proportionate to the scale of development proposed. In this respect, the Flood Risk Assessment is considered appropriate to the development proposals in question; something that is clearly confirmed by the lack of any technical objection from either the County Council as LLFA or the Environment Agency.

**Statutory Consultee responses**

- 2.16 Statutory consultation responses received are as follows:

Consultee	Original comment	Comment on updated documentation
Environment Agency	No requirement for consultation	11.01.2023: this is a mis consultation and falls outside the EA's remit
SCC LLFA	No requirement for consultation	15.12.2022: No comments
SCC Highways	12.05.2022: Recommends Conditions be imposed on any planning permission granted, including:	11.01.2023: Assessed the additional information submitted and consider that the originally provided response is still appropriate

	McKenzie Way being modified in accordance with a scheme to be submitted to and approved by the Local Planning Authority and proposed parking restrictions and associated Traffic Regulation Order being designed and implemented on McKenzie Way	
EEBC Environmental Health		Neighbour representation sent to EEBC Environmental Health for consideration, including concerns regarding wheeling trollies through a service yard.  EEBC Environmental response (20.02.2023) states that this does not fall within Planning Legislation. The duty holder must manage their own risk. Nothing further to add.

### Neighbour representation

- 2.17 Neighbours consulted on the original planning application and those that commented on the original planning application were notified of new documentation.
- 2.18 3 letters from neighbouring properties have been received, summarised as follows:
- The Flood Risk Assessment includes only the area covered by the Bounce Pillows, some play structures, the lorikeet enclosure and the gas tank holder, all added without planning permission, and the proposed location for the rest rooms. It does not include an appraisal of developments on the entire Site as required by Planning Committee. A thorough Flood Risk Assessment should be conducted, including all development added to the Site
  - Potential issues with wheeling trollies comprising ready-to-eat food, through a service yard where waste is compacted or stored or animals kept. Risk that pathogens could be transferred from the area. Requested that EEBC Environmental Health is consulted
  - Staff movements, would these include pedestrian access only, or vehicular access?
  - Query why Conditions attached to the original 2011 Planning Permission (as amended) are updated and included within the recommended Conditions for both S.73 planning applications
  - Previous Committee Reports did not reference Policy CS6 or DM6.

### Queries raised by Members during Planning Committee, 06 October 2022



- 2.19 Officers have reviewed the recording of the Planning Committee, dated 06 October 2022. During the meeting, Officers answered questions raised by Planning Committee. The recording confirms that Planning Committee raised queries relating to:
- Committee Report refers to reviewing the Site holistically
  - Development in the Green Belt
  - No Flood Risk Assessment
  - Should there be a Planning Condition to avoid school time?
  - Would double yellow lines be imposed on McKenzie Way?
  - A single vehicle only should move at any time.
- 2.20 Officers answered the queries raised by Planning Committee during the meeting.
- 2.21 Other queries included:
- Policy CS6 Sustainability not referred to.

#### **Officer review of additional documentation**

- 2.22 Condition 24 of the 2011 Planning Permission sets out that the development permitted shall be carried out in accordance with approved documents, including the Flood Risk Assessment, dated July 2011. This confirms that the flood risk associated with the original development was assessed in 2011. The FRA confirmed that the proposed development was appropriate and sustainable.
- 2.23 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. This concludes that overall, the development would be safe, without increasing flood risk elsewhere as a result of development. SCC LLFA has reviewed this and confirmed no further comments. The Environment Agency has confirmed that this is a mis consultation and falls outside of the EA's remit.
- 2.24 EEBC Environmental Health considered the additional documentation submitted with this application and the neighbour representation too. It confirms no objection.
- 2.25 SCC Highways has considered the additional documentation submitted with this application and confirms that its original response still stands.
- 2.26 Planning Permission granted under Section 73 takes effect as a new, independent Planning Permission to carry out the same development as previously permitted subject to new or amended Conditions. The new Planning Permission sits alongside the original Planning Permission, which remains intact and unamended. In this case, the Conditions listed on the original Planning Permission (as amended) are repeated and updated, where necessary.

#### **Sustainability, Climate & Environmental Impact of the proposal**

- 2.27 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.

- 2.28 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.
- 2.29 The updated documentation includes a Flood Risk Assessment, which confirms that the development proposed would be safe, without increasing flood risk elsewhere. It is considered to comply with relevant sustainability policies, including CS1 and CS6 of the Core Strategy 2007.

### Conclusion

- 2.30 The Applicant has provided additional documentation, including a Flood Risk Assessment, to support this planning application. SCC LLFA confirms no further comment and the Environment Agency confirms that the application falls outside of their remit for formal comment.
- 2.31 Officers recommend approval of this planning application, subject to Conditions. Note that the Conditions listed on the original 2011 Planning Permission (as amended) are repeated, and updated, as required.

### Recommendation

- 2.32 Approve, subject to Conditions

1. The development hereby permitted was required to begin before the expiration of three years from the date of the original planning permission (11/00511/FUL) This Condition has been complied with.

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 prior to use of the relevant area.

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)

28. 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: 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

<b>Ward:</b>	<b>Ruxley Ward</b>
<b>Site:</b>	<b>Hobbledown Horton Lane Epsom Surrey KT19 8PT</b>
<b>Application for:</b>	<b>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)</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 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 average 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: 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



## Planning Appeals Report

<b>Ward</b>	<b>(All Wards)</b>
<b>Contact officer</b>	<b>Justin Turvey</b>

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	Epsom General Hospital, Dorking Road, Epsom	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	ALLOWED
2	91 Park Avenue East, Stoneleigh	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.	DISMISSED
3	113 Longdown Lane South, Epsom	-	Enforcement Notice: Without planning permission, there has been a change of use of the outbuildings, shaded yellow on the attached plan, to a separate dwelling house	QUASHED (ALLOWED)
4	Clayhill Lodge, West Hill, Epsom	21/00167/FUL	Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.	DISMISSED

### Summary of Issues:

#### 1. Epsom General Hospital

The appeal was dealt with as a Hearing on 2<sup>nd</sup> November 2022, with a site visit made on 3<sup>rd</sup> November. The main considerations in the appeal related to the effect of the proposals on the general character and appearance of the surrounding area and the effect of the proposals on the historic environment.

In relation to character and appearance, the Inspector considered that the site itself was fairly utilitarian, with minimal landscaping, poor legibility and buildings of a large scale with varying appearance, but did note that the area surrounding this part of the hospital site was more green and pleasant. The Inspector accepted that the multi-storey car park would be taller than the surrounding structures, but found its size and appearance to be compatible with the character of the hospital site within which it would be located. The Inspector gave weight to the features proposed to reduce the bulky appearance and add detail to the structure, including the green wall and metal fins, as well as improvements to the legibility of the site and the potential for increased landscaping. The Inspector also considered that views of the structure would be limited from the public realm and that where the car park was visible, it

would be seen in the context of existing hospital buildings and would not be harmful. In consideration of this issue, the Inspector concluded that:

*‘whilst the proposed multi-storey car park would appear as a bold, functional and contemporary structure of considerable height and massing it would nonetheless appropriately assimilate into the general scale and utilitarian appearance of the host hospital complex such that it would not result in any significant harm to the general character and appearance of the surrounding area’.*

In relation to heritage, the Inspector accepted that there would be some harm to the setting of the Woodcote and Chalk Lane Conservation Areas, however, the harm would be moderated by the existing buildings and would be at the lowest end of the scale of harm and found that there would no harm to any surrounding Listed Buildings.

The Inspector also considered other matters raised at appeal. In relation to the need for the level of parking proposed, he concluded that the amount of parking was proportionate to the needs of the hospital, particularly taking into account the level of parking displaced by the Guild Living scheme, which was previously allowed at appeal. In technical terms the Inspector found that the proposed spaces and internal layout of the car park was acceptable subject to a Car Park Management Plan condition. The Inspector dismissed concerns regarding the potential for overlooking, safeguarding issues and impact on the amenity of nearby residential properties. The Inspector agreed that a financial contribution towards monitoring of a Travel Plan was necessary.

Undertaking the planning balance, the Inspector concluded that the proposal would not result in significant harm to the general character and appearance of the surrounding area and that there would be very limited harm to the significance of the Woodcote and Chalk Lane Conservation Areas. The Inspector considered the public benefits of the scheme including the efficient use of land, allowing consolidation of operations on site, more efficient access and exit for hospital users and improved legibility and landscaping. The Inspector was satisfied that *the overall public benefits in this case clearly outweigh the heritage harm identified* and this warranted approval of the scheme, despite the identified conflict with the Development Plan. The appeal was allowed subject to conditions.

## **2. 91 Park Avenue East, Stoneleigh**

The main issues related to character and appearance, highways safety, and biodiversity.

In relation to character, the Inspector found that the backland development would be at odds with the established character, harmfully eroding the well-established and characterful pattern of housing along the frontage and spacious rear gardens. Proposed landscaping would not have been sufficient to mitigate this harm in the Inspector’s view.

The Inspector noted that the County Highway Authority raised no objection in terms of movements and highways capacity; however, the Inspector considered that the submitted tracking details showed that the movement of larger vehicles would conflict with pedestrian areas of the site and drivers may need to carry out reversing manoeuvres where there was limited visibility, resulting in conditions prejudicial to highway safety.

The site was located within an area with some ecological value. The Inspector found that in the absence of any ecological appraisal, it was not possible to rule out potentially harmful impacts and accordingly the appeal failed in relation to ecological impact.

### **3. 113 Longdown Lane South, Epsom**

By way of background, planning permission was granted for an outbuilding for ancillary residential accommodation in 2010, and for use of a stable block as ancillary residential accommodation in 2011. In 2014 an Enforcement Notice was served on the basis that a change of use to separate dwellings had occurred, and required removal of the kitchens. The Inspector considered that there was issue with the 2014 Notice as it only required removal of the kitchens, not the cessation of the use.

In 2020 a second Notice was served, the subject of this appeal, requiring the use as separate dwellinghouses to cease. At appeal, the Inspector found that because of the issue with the 2014 Notice, the 2020 Notice could not require the use to cease as it had effectively been granted consent under the previous Notice. Accordingly, the 2020 Notice was quashed.

### **4. Clayhill Lodge, West Hill, Epsom**

The main issues related to the impact of the development on the Stamford Green Conservation Area and the provision of amenity space for the proposed dwellings.

The Inspector considered that the development would erode the spacious and green character of this part of the Conservation Area and would not be able to mitigate this loss with the landscaping proposed given the amount of built form proposed – the scheme would therefore fail to preserve or enhance the Conservation Area.

The Inspector also found that the proposed gardens were small for properties of the size proposed and that some would be enclosed by high walls, making them less attractive to use. Accordingly, the Inspector concluded that the properties would not be provided with adequate levels of amenity space.

**Summary of Pending Appeals:**

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
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 wrapround 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
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
Epsom Lodge 1 Burgh Heath Road Epsom	Appeal Ref: 22/00037/REF LPA Ref: 22/00431/FUL	Change of use of vacant Care Home (Use Class C2) to Dwellinghouses (Use Class C3) including associated alterations and erection of two storey side extension (to create 6 flats (1 x 1 bed and 5 x 2 bed).	Delegated refusal	Started 22.12.2022
39 Manor Green Road Epsom	Appeal Ref: 22/00034/REF LPA Ref: 22/00695/FUL	Change of use of gym/yoga studio to residential to create a 1 bedroom dwelling with associated garden and parking	Delegated refusal	Started 29.11.2022
52A Park Avenue East Stoneleigh	Appeal Ref: 22/00036/REF LPA Ref: 22/01085/FUL	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings	Delegated refusal	Started 08.12.2022
52A Park Avenue East Stoneleigh	Appeal Ref: 22/00035/REF LPA Ref: 22/01086/FUL	Erection of additional storey and subdivision of the existing bungalow to provide a pair of semi-detached dwellings and single storey dwelling in rear garden	Delegated refusal	Started 06.12.2022