

Public Document Pack

Democratic Services



PLANNING COMMITTEE

Thursday 18 April 2024 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

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 Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ding', is written over a faint circular stamp.

Chief Executive

For further information, please contact 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.

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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

Agendas, reports and minutes for this 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.

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

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 Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may 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

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

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 - 28)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 7 March 2024 (attached) and to authorise the Chair to sign them.

3. **6A BUCKNILLS CLOSE, EPSOM, SURREY, KT18 7NY** (Pages 29 - 76)

Demolition of residential dwelling at 6A Bucknills Close and the construction of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping, and access arrangements.

4. **23/01345/FUL, HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 77 - 108)

Construction of Prairie Dog enclosure (Retrospective).

5. **23/01349/FUL, HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 109 - 134)

Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective).

6. **24/00025/REM: HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT** (Pages 135 - 162)

Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (Retrospective).

7. 24/00026/REM: HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 163 - 188)

Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath and timber wash stations (Retrospective).

8. UPCOMING APPLICATIONS (Pages 189 - 190)

Summary of Likely Applications to be heard at Planning Committee.

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Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 7 March 2024

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Julian Freeman, Jan Mason, Bernie Muir, Phil Neale, Peter O'Donovan and Kim Spickett (as nominated substitute for Councillor Clive Woodbridge)

Absent: Councillor Neil Dallen and Councillor Clive Woodbridge

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Alex Awoyomi (Solicitor) and Dan Clackson (Democratic Services Officer)

44 DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests were made by Members with respect to any items of business to be considered at the meeting.

45 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 08 February 2024 and authorised the Chair to sign them.

46 FORMER POLICE STATION, CHURCH STREET, EPSOM, KT17 4PS

Description:

Demolition of the existing police station ambulance station and erection of a new residential, nursing and dementia care home for the frail elderly (Use Class C2) comprising ancillary communal facilities and dementia care, basement parking, reconfigured vehicular access onto Church Street, landscaping and all other associated works.

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

The Committee received a presentation on the application from the Planning Officer.

Public Speaking:

A member of the public spoke in objection to the application.

The Applicant spoke in support of the application.

The Applicant's Agent spoke in support of the application.

Decision:

Following consideration, Councillor Peter O'Donovan proposed a motion to agree the Officer recommendation as set out in the report. The motion was seconded by Councillor Phil Neale.

Subsequently, the Committee resolved (6 for, 1 against, 1 abstaining, and the Chair not voting):

PART A

To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:

- a) **Real Time Passenger Information display**
- b) **Pedestrian crossing point on Church Street**
- c) **Improvements to bus stops on Church Street**
- d) **Travel Plan Auditing fee**

and the following conditions and informatives.

and;

PART B

That if the Section 106 Agreement referred to in Part A is not completed by 09 September 2024, the Head of Place Development is authorised to refuse the application for the following reason:

"In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015."

Conditions:**(1) Time limit**

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

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

(2) Approved details

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

- Drawing Number APL001 Site Location Plan Rev B
- Drawing Number APL002 Topographical Plan Rev B
- Drawing Number APL004 Proposed Site Plan Rev G
- Drawing Number APL005 Proposed Landscape Plan Rev H
- Drawing Number APL006 Proposed Basement Plan Rev E
- Drawing Number APL007 Proposed Ground Floor Plan Rev D
- Drawing Number APL008 Proposed First Floor Plan Rev D
- Drawing Number APL009 Proposed Second Floor Plan Rev D
- Drawing Number APL010 Proposed Third Floor Plan Rev D
- Drawing Number APL012 Proposed Roof Plan Rev D
- Drawing Number APL013 Proposed Church St. Elevation A-A' Rev D
- Drawing Number APL014 Proposed South Elevation B-B' Rev D
- Drawing Number APL015 Proposed West Elevation C-C' Rev D
- Drawing Number APL016 Proposed Elevations D-D' to G-G' Rev D
- Drawing Number APL017 1:100 Proposed Elevation H-H' Rev D
- Drawing Number APL018 1:250/1:500 Proposed Street Elevations Rev D
- Drawing Number APL019 1:200 Proposed Site Sections Rev D
- Drawing Number APL029 1:100 Basement Fire Strategy Plan Rev C
- Drawing Number APL030 1:100 Ground Floor Fire Strategy Plan Rev C

- Drawing Number APL031 1:100 First Floor Fire Strategy Plan Rev B
- Drawing Number APL032 1:100 Second Floor Fire Strategy Plan Rev B
- Drawing Number APL033 1:100 Third Floor Fire Strategy Plan Plan Rev B

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.

Pre-Commencement Conditions

(3) Materials

No development shall commence until details of all external materials to be used for the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

(4) Construction Transport Management Plan

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) measures to prevent the deposit of materials on the highway
- g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h) 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: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2023., and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

(5) Ground Contamination

Following demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

- a) A desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos and PFAS) with the potential to impact sensitive receptors on and off-site.

The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

- b) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

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

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

(6) Groundwater Site Investigation

No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following components:

- a) A preliminary risk assessment which has identified:
- all previous uses.
 - potential contaminants associated with those uses.

- a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved prior to any occupation of the development

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

(7) Sustainable Drainage System (SuDS) Details

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels or confirmation from a geotechnical engineer that ground contamination precludes the use of infiltration.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall

be provided using a maximum discharge rate of 1.0 l/s, discharged to the surface water sewer.

- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including proposed green roof, rain garden planters, permeable paving and filter drains.
- d) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The surface water drainage scheme shall be implemented as approved prior to any occupation of the development.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007, Policy DM19 Development Management Policies Document 2015 and paragraph 173 of the National Planning Framework 2023.

(8) Environmental Construction Plan

The development hereby permitted shall not commence until an Environmental Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

(9) Tree Protection Plan

No development (including demolition and all preparatory work) shall take place until a detailed tree protection plan and arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority, which are to be in accordance with Method Statement 1845KCXXYTREE REV D and Tree Protection Plan 1845 KCXX YTREE

TOO01 REV D. Specific issues to be dealt with in the enhanced Tree Protection Plan and Arboricultural Method Statement shall include:

- a) Methods of demolition within the root protection areas of retained trees numbered 3-5 and 9-14.
- b) Location and installation of services/ utilities/ drainage in particular adjacent to the frontage verge trees numbered 3-8 and side flank trees numbered 9-14.
- c) Details of construction for foundations or other structures which require excavation within the RPAs of retained trees.
- d) A full specification for the construction of any, basement, roads, parking areas, hard surfacing, hard landscaping and driveways which are constructed within the RPA's of retained trees, including details of the tree protection measures and no-dig specifications.
- e) An enhanced specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) A specification for scaffolding and ground protection within RPAs of construction exclusion zones, where total protection cannot be achieved due to access and construction requirements.
- g) Details of site access, temporary contractor parking, on site welfare facilities and services, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- h) Methodology and detailed assessment of root pruning within RPAs.
- i) Arboricultural supervision and inspection by a suitably qualified arboricultural consultant.
- j) Reporting to the LPA of inspection and supervision.
- k) Methods to improve the rooting environment for retained and proposed trees.

The development thereafter shall be implemented in strict accordance with the approved details.

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

(10) Tree Working Procedures

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan. To include a reasonable supervision and monitoring programme with the LPA for the duration of development. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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

(11) Archaeology details

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented as approved prior to any occupation of the development.

Reason: To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015

Pre-Above Ground Level Condition

(12) Hard and Soft Landscaping

No development above ground level shall take place until a detailed Scheme of Hard and Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority, which are to be in accordance with the hard and soft landscaping plan APL005 revision F. The detailed scheme shall include.

- a) Details of the design and external appearance of all hard surface, fences, gates, walls, bollards and any other hard landscaping features
- b) The location, species and size of plants and trees to be planted on the site.

- c) Details of underground tree planting pits and/or crate systems, planting and tree surround specifications
- d) Schedules of landscape maintenance and aftercare

All planted materials shall be maintained for five years and any trees or planting that is removed, damaged, dying or diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

Pre-Occupation Conditions

(13) Modified Access

No part of the development shall be first occupied unless and until the proposed modified accesses to Church Street have been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

(14) Access and Egress

No part of the development shall be occupied until 'No Entry' signing and 'No Entry' markings have been provided at the site egress and 'Entry' signing, and 'One Way' markings have been provided within the site ingress in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be permanently retained and maintained.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

(15) Kerb/Verge/Footway Reinstatement

The development hereby approved shall not be first occupied unless and until all existing redundant accesses have been permanently removed or closed, and all kerbs, verge, footway, adjacent to the frontage of the site have been fully reinstated and all redundant Ambulance station signage and roadmarkings and the fire station wig wags have been relocated to the satisfaction of Surrey Fire and Rescue and Surrey County Council.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

(16) Parking and Turning

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

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

(17) Sustainable Transport Measures

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- a) The secure parking of bicycles within the development site, this shall be secure, covered and lit and at-grade to allow for accessible cycle parking,
- b) Facilities within the development site for cyclist to change into and out of cyclist equipment/ shower,
- c) RTPI display linked to Surrey County Council's RTPI system to be installed within a communal area of the development,
- d) Provision of an uncontrolled pedestrian crossing point on Church Street
- e) Improvements to the two bus stops on Church Street closest to the site to consist of real time passenger information, shelter provision, lighting, raised kerbing and seating

and thereafter shall be kept permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To meet the objectives of of Section 9 'Promoting Sustainable Transport' in the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015

(18) Travel Plan

Prior to the occupation of the development, a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Workplace Travel Plan (Framework)' document. The approved Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development to the satisfaction of the Local Planning Authority.

Reason: To meet the objectives of Section 9 'Promoting Sustainable Transport' in the National Planning Framework 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015

(19) Ground Contamination Verification Report

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework 2023

(20) Groundwater Verification Report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation

shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework 2023

(21) Landscape Management Plan

A landscape management plan covering a period of no less than 5 years, including long term design objectives, management responsibilities, maintenance and inspection schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner. Should Cedar T4 fail during development or during the 5-year maintenance period the details of a compensatory tree planting scheme with aftercare showing tree species, number, stock size and planting specification shall be submitted to and approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or in the opinion of the local planning authority become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

(22) Compliance with Flood Risk Assessment

Prior to the first occupation of the development, the development hereby permitted shall be constructed in accordance with the Flood Risk and Surface Water Management Statement, prepared by SLR, reference 402.12442.00002 Version 2 and dated May 2022. The development is to be maintained in accordance with the recommendations of the Flood Risk Assessment for the life of the development.

Reason: To ensure the design makes adequate provision for flood protection and does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007, Policy DM19 Development Management Policies Document 2015 and paragraph 173 of the National Planning Framework 2023.

(23) Compliance with Noise Assessment

Prior to the first occupation of the development, the development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted Noise Assessment, prepared by SLR, reference 402.12442.0000_Noise Version 1 and dated May 2022. Prior to occupation of the site, the applicant shall submit evidence to the Local Planning Authority that this mitigation has been installed and/or commissioned as necessary.

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

(24) Compliance with Sustainable Design Measures

Prior to the first occupation of the development, the sustainable design measures shall be carried out in strict accordance with the Energy and Sustainability Assessment, prepared by SLR, reference 401.12442.00002 version 1 and dated May 2022, and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

(25) Compliance with External Lighting Strategy and Lighting Impact Assessment

Prior to the first occupation of the development, the mitigation methods recommended in the External Lighting Strategy and Lighting Impact Assessment, prepared by DPA and dated 16 May 2023, shall be carried out in strict accordance and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the occupiers of the development and surrounding properties are not unduly affected by light pollution in accordance with Policy DM10 of the Development Management Policies 2015.

(26) Compliance with Ecology Report

Prior to the first occupation of the development, the development hereby permitted shall be carried out in strict accordance with the recommendations and ecology enhancements set out in the Preliminary Ecological Appraisal and Bat Preliminary Roost Assessment, prepared by Surrey Wildlife Trust, reference 3717-1 Version 1.0 and dated 07 March 2019 and the recommendations and ecology enhancements set out in the Updated Bat Survey Report, prepared by Surrey Wildlife Trust, reference 3717-6 Version 1.0 and dated 16 September 2022.

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.

Other**(27) Hours of work**

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

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

(28) Compliance with Arboricultural Report

The development shall be carried out strictly in accordance with the Arboricultural Method Statement produced by Keen Consultants dated September 2022, the Tree Protection Plan produced by Keen Consultants and dated April 2022 and the Tree Survey and Impact Assessment produced by Keen Consultants and dated September 2023.

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 and ground protection has been erected in accordance with the Method Statement and Tree Protection Plan. Within any exclusion or fenced area 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 tree protection measures 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.

(29) Groundwater Remediation Strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework 2023

(30) Ground Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Where consent is approved, the development shall be carried out in accordance with the approved details prior to any occupation of the development.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework 2023

(31) Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework 2023

Informatives:

- (1)** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2)** 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.

- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
- (5) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the

classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

- (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) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (8) 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.
- (9) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
- (10) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (11) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- (12) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (13) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

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- (14) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on the Lead Local Flood Authority website
- (15) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standard
- (16) Sub ground structures should be designed so they do not have an adverse effect on groundwater.
- (17) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- (18) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
 - some naturally occurring clean material can be transferred directly between sites.
- (19) Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- (20) The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice The Environmental regulations page on GOV.UK
- (21) A build over agreement is required with Thames Water before commencing works, as the proposed development is within 3 metres of a public sewer (of which, the internal diameter is less than or equal to

150mm). Further information can be found at <https://www.thameswater.co.uk/help/home-improvements/building-over-sewers-or-public-drains>

- (22) Thames Water do not permit driven piles within 15m of a public sewer. Technical guidance can be found at <https://www.thameswater.co.uk/media-library/home/help/home-improvements/building-near-our-pipes/build-over-technical-specs.pdf>
- (23) The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation. <http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>
- (24) Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design.

Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>.

Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.

- (25) Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005

- (26) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. We recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
- (27) Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (i.e., Sprinklers, Water Mist etc) as part of a total fire protection package to:
- protect life;
 - protect property, heritage, the environment and our climate;
 - help promote and sustain business continuity; and
 - permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens

The meeting began at 7.30 pm and ended at 8.12 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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6A Bucknills Close, Epsom, Surrey, KT18 7NY

Application Number	24/00107/FUL
Application Type	Full Planning Permission (Minor)
Address	6A Bucknills Close, Epsom KT18 7NY
Ward	Woodcote and Langley Vale Ward
Proposal	Demolition of residential dwelling at 6A Bucknills Close and the construction of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping, and access arrangements
Expiry Date	26 March 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	9
Reason for Committee	Called in by Ward Member
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at 6A Bucknills Close
Glossary	Available here



SUMMARY

1. Summary and Recommendation

- 1.1. The application is recommended for approval, subject to conditions and informatives.
- 1.2. The application has been called to Committee by the Local Ward Member for the following planning reasons:

“The access road is unsuitable to serve 5 properties and be used by pedestrians. It looks as if you can't see the exit when you enter the drive way from either end, so drivers will not be aware whether the driveway is clear. White Horse Drive is already very congested at various times of the day, and the additional vehicles will add to this. It is also a road used by a large number of parents and children travelling to the schools.

Would the new footpath to Bucknills Close be used? It would need to be lit (light pollution into the back gardens of the neighbouring properties) and narrow and enclosed (a perceived safety issue for users or result in overlooking and lack of privacy).

The proposed position of the refuge / recycling bins is also an issue. I cannot see the residents from the pair of semis, taking all their refuse and recycling there. Nor can I see any of them being happy to take their bins down to Whitehorse Drive every time they need to be emptied. Given that each property may have 4 bins / containers (rubbish, dry recycling, glass, food), that makes 20 containers to house in a relatively narrow pavement in Whitehorse Drive.”

- 1.3. The application seeks planning permission for the demolition of the existing bungalow on site and the erection of 5 no. three bedroom units, together with car parking, landscaping, and access arrangements.
- 1.4. This application follows the refusal of planning application 23/00577/FUL for the demolition of the existing bungalow on site and the erection of 6 units, together with car parking, landscaping, and access arrangements.
- 1.5. This previous application was refused for the following reasons:

1) Vehicular and pedestrian risks

There is inadequate space available within the curtilage of the site to accommodate both pedestrian and vehicular movements in a safe manner. In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access road to allow oncoming vehicles from Whitehorse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity.

The proposal would result in the risk of collision between vehicles and pedestrians using the access road and the development could cause danger and inconvenience to pedestrians and other highway users and interfere with the free flow of traffic on the adjoining highway, which would be contrary to Section 9 of the National planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007. criterion 3 of Policy DM16 and Policies DM36 and DM37 of the Epsom and Ewell Borough Council Development Management Policies 2015, and objective 3 of the Surrey Transport Plan (LTP4) 2022-2032.

2) Lack of Car Parking

It has not been robustly demonstrated that the shortfall of on-site parking associated with the proposed development would not have a harmful impact on the surrounding area in terms of street scene harm or the availability of on-street parking. As such the proposed development cannot be considered an exception to policy and therefore fails to comply with criterion 3 of Policy DM16 and Policy DM37 of the Parking Standards for Residential Development SPD 2015.

3) Lack of Landscaping

The scale and layout of the proposed development prevents satisfactory replenishment landscaping on the site to mitigate for substantial tree loss, to the detriment of the verdancy of the area. Furthermore, it has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of incompatibility, hard surface and below ground constraints that could prevent root growth and/or impact on future tree health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the National Planning Policy Framework 2023 and Policies DM5, DM9 and criterion 5 of DM16 of the Development Management Policies Document 2015.

- 1.6. This refused application is currently the subject of a valid planning appeal, although a start date has not yet been provided from the Planning Inspectorate and as such, no appeal decision has been made at the time of the writing of this report.
- 1.7. The application before Members seeks to address the concerns raised by Officers against the previous application (23/00577/FUL).
- 1.8. The proposed development would contribute four net gain houses towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes.
- 1.9. The proposal would represent the optimal use of a vacant brownfield site for an identified housing need.

- 1.10. The proposal would provide 4 no. three bedroom family market homes, meeting a need as identified in the latest evidence of the Housing and Economic Needs Assessment (HEDNA).
- 1.11. The proposal would not cause harm to the significance of an existing Grade II Listed Wall that partially encloses the south of the site.
- 1.12. The proposal would meet the National and local requirements for internal floor area and would therefore provide an acceptable level of internal amenity for future occupiers.
- 1.13. The site is located within a main settlement, town centre location that is near to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.
- 1.14. Subject to conditions in the event that planning permission is granted, the County Highway Authority has raised no objection to the scheme in respect of additional traffic generation, access or pedestrian safety.
- 1.15. The layout, scale, form and design of the proposed development would reflect the characteristics of the context that surrounds it.
- 1.16. It has been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a significant harmful impact on neighbouring residential amenity, subject to conditions to prevent new windows in the future.
- 1.17. The proposal would accord with the Council's policies in relation to ecology, flood risk, land contamination and environmental sustainability.
- 1.18. The Council currently does not have a 5-year housing land supply. This means that the presumption in favour of sustainable development (paragraph 11 of the NPPF, also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 1.19. The provision of private amenity space within this scheme would not be wholly sufficient to meet the recreation needs of future occupiers and would represent an adverse impact in the planning balance.
- 1.20. Whilst the Council's Transport and Waste Manager has raised a concern against the scheme, the refuse and recycling arrangements have not changed from the scheme refused under 23/00577/FUL, a scheme to which the Council's Transport and Waste Manager raised no objection. There would also be reduced waste generation from the reduced number of dwellings. However, the objection from the Council's Transport and Waste in respect to refuse/recycling provision would represent an adverse impact in the planning balance.

- 1.21. The proposal would fail to provide comparative canopy mass planting in comparison to the loss of existing quality trees through the precursory site clearance, this being the basis of an objection from the Council's Trees Officer.
- 1.22. Overall, this agenda report will demonstrate that whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

PROPOSAL

2. Description of Proposal

2.1. The proposal involves the following works:

- The demolition of the existing single storey bungalow and the erection of 5 no. three bedroom houses, comprising a pair of semi detached properties and a terrace of three properties.
- The semi-detached dwellings would measure 6.2 metres in width, 8.2 metres in depth and 9.1 metres in height individually. The terrace dwellings would measure 6.2 metres in width, 8.2 metres in depth and 9.1 metres in height individually
- Pedestrian and vehicular access is via the existing access from White Horse Drive, with a new segregated route for future pedestrians proposed to the rear of the site, which would link to an existing public footpath (Footpath FP69).
- 10 vehicle parking spaces would be provided within the site to serve the proposed development.

3. Key Information

	Existing	Proposed
Site Area	0.19h	
Units	1	5
Floorspace	97m ²	645m ²
Number of Storeys	1	2.5
Density	5 units per hectare	26 units per hectare
Car Parking Spaces	3	10
Cycle Parking Spaces	2	12

SITE

4. Description

- 4.1. The site measures 0.19 hectares and contains an existing single storey dwelling and a number of ancillary residential outbuildings. The southern boundary is partially enclosed with a Grade II Listed Wall.
- 4.2. The site is accessed partially via a shared drive from White Horse Drive, before the access becomes private to the site. The access road is shared with two residential properties (13a and 13b White horse Drive) and one commercial unit. (13 White horse Drive) which is a general builders office and yard.
- 4.3. Bounding the rear (west) of the site is a public footpath that provides access from Bucknills Close to Dorking Road.

5. Constraints

- Built Up Area
- SSSI Impact Zone
- Critical Drainage Area
- Great Crested New Impact Zone (Red)

6. Planning History

App No.	Description	Status
23/00577/FUL	Demolition of residential dwelling at 6A Bucknills Close and the construction of six residential units (1 x 2-bed, 2 x 3-bed and 3 x 4-bed) together with car parking, landscaping and access arrangements.	Refusal 16 November 2023 Appeal in Progress: Awaiting Start Date

CONSULTATIONS

Consultee	Comments
Internal Consultees	
County Highway Authority	No objection subject to conditions and informatives
Lead Local Flood Authority	No objection subject to conditions and informatives
Council Conservation Officer	No objection subject to informative
Council Ecologist	No objection
Council Tree Officer	Objection
Council Waste Manager	Objection

Consultee	Comments
Public Consultation	
Neighbours	<p>The application was advertised by means of neighbour notification to 27 neighbouring properties, concluding on 28 February 2024.</p> <p>9 submissions were received, two of which came from the same address. They raised the following issues:</p> <ul style="list-style-type: none"> • Accidents waiting to happen with more congestion of White Horse Drive due to existing school traffic • Safety issues with access arrangements, particularly with vehicles turning • Increase in dwellings on a narrow road with poor sightlines existing onto a main road that is narrowed by vehicle parked on street opposite • Inadequate space to accommodate both pedestrian and vehicles in a safe manner • Inadequate space to provide a passing space for vehicle utilising the access road to allow oncoming vehicles from White Horse Drive to pass safely, resulting the potential to reverse back out onto White horse Drive • Shortfall of onsite car parking as the spaces proposed would not adequately cover visitors or service providers, creating pressure on street parking • The proposal would exacerbate existing parking problems on White Horse Drive • The proposal would exacerbate existing traffic on White Horse Drive, which is already gridlocked during school times in the morning and afternoon. • White Horse Drive will be blocked by construction traffic <p><u>Officer comment:</u> Highways issues are discussed in the body of the report.</p> <ul style="list-style-type: none"> • Many trees on site have already been removed <p><u>Officer comment:</u> Precursory tree loss is discussed in the body of the report.</p>

Consultee	Comments
	<ul style="list-style-type: none"> • Impact on wildlife <p><u>Officer comment:</u> Biodiversity issues are discussed in the body of the report.</p> <ul style="list-style-type: none"> • Noise and disturbance from both construction and from residents of the completed development • Loss of views to 6c Bucknills Close • Loss of sunlight to 6c Bucknills Close • Loss of light to neighbouring properties • Loss of privacy to neighbouring properties <p><u>Officer comment:</u> Neighbour impacts are discussed in the body of the report.</p> <ul style="list-style-type: none"> • Proposed properties are not in keeping with the character of the bungalow at 7a Bucknills Close <p><u>Officer comment:</u> Design impacts are discussed in the body of the report.</p> <ul style="list-style-type: none"> • The refuse collection arrangements present issues as identified by the Council/s Waste Manager • Bins put on the pavement of White Horse Drive will cause obstruction <p><u>Officer comment:</u> Refuse and Recycling matters are discussed in the body of the report.</p> <ul style="list-style-type: none"> • Surface water would be pumped into the private foul water drain that serves 13, 13a and 13b White Horse Drive. Permission for this connection has not been given • Only 6a Bucknills Close has a right of way over access road owned by occupier of 13 White Horse Drive. Objection on the basis that more than one house on 6a would exceed easement granted <p><u>Officer comment:</u> Matters relating to third party access are private matters that are not material considerations in the assessment of this planning permission.</p>

Consultee	Comments
	<p>In the event said accesses are not granted, the development could not be carried out in accordance with any approved plans, in the event permission is granted.</p>
<p>Woodcote Residents Association</p>	<p>Objection. Woodcote (Epsom) Residents' Society (W(E)RS) has carefully examined this application and wishes to object for the reasons as set out below.</p> <p>This new application has been submitted to address the reasons for refusal relating to 23/00577/FUL, namely the vehicular and pedestrian risks associated with the site access road; inadequate levels of on-site parking and a lack of landscaping.</p> <p>Whilst the on-site car parking shortfall and almost complete lack of landscaping associated with earlier application seem to have been addressed we consider that the access arrangements are still wholly inadequate.</p> <p>This application results in unamended site access arrangements but has now incorporated a separate pedestrian link at the rear of the site which provides footpath access onto Dorking Road via Bucknills Close. The applicant asserts in the Transport Statement that the 'small amount of additional pedestrian movements generated by the proposal would most likely to be travelling via Bucknills Close.'</p> <p>Whilst it is possible that a resident catching a bus might be attracted to use this footpath given the location of the bus stop, in the vast majority of cases residents wishing to walk into Epsom town centre or access local facilities such as schools, the hospital or Rosebery Park would use the quickest and shortest route. This would be via the access road onto Whitehouse Drive.</p> <p>We contend therefore that this application continues to fail to comply with the requirement in the SCC Design Guide that 'driveways should be widened to 4.1 metres where parking may regularly occur along the access road or where they also provide regular pedestrian access'.</p> <p>W(E)RS considers that the previous reason for refusal must still stand with inadequate space</p>

Consultee	Comments
	<p>available within the access road to safely accommodate both pedestrian and vehicular movements.</p> <p>In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access road to allow oncoming vehicles from Whitehorse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity, especially at school arrival or departure times. The application would be contrary to Policy CS16 of the Core Strategy 2007, Policy DM16 and DM36 of the Epsom and Ewell Borough Council Development Management Policies 2015.</p> <p><u>Officer comment:</u> Highway matters are discussed in the body of the report.</p> <p>W(E)RS also has significant reservations about the practicality of the revised arrangements in this application for the refuse and recycling collection at an on-site bin collection point at the south-west corner of the site. Residents would be responsible for taking their own bins to the Bin Collection Point on collection days but in the case of Unit 1 this would involve pushing/pulling a number of bins some 86m distance from the rear garden bin storage area to the bin collection point on Bucknills Close.</p> <p>Residents at Unit 2 would have to transport bins over a distance of around 75m. It seems inconceivable that residents would be prepared to transport bins over this kind of distance. Nor should they be required to do so, especially from an accessibility and equalities perspective given that there are likely to be some elderly or disabled occupiers at some point in the future.</p> <p>It is considered that the unsatisfactory refuse /recycling arrangements means that the layout conflicts with Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.with regard to the safe and convenient provision of refuse and recycling.</p> <p><u>Officer comment:</u> As discussed in the body of the report below, the refuse/recycling arrangements remain the same as those under application against</p>

Consultee	Comments
	<p>which the Council Transport and Waste Manager originally raised no objection.</p>
<p>Epsom Civic Society</p>	<p>Objection. Epsom Civic Society contends that the access arrangements are still inadequate and accordingly this application should be refused.</p> <p>The current application has not made any change to the site access driveway but has now incorporated a separate pedestrian link at the rear of the site which provides footpath access onto Dorking Road via Bucknills Close.</p> <p>The applicant asserts in the Transport Statement that the 'small amount of additional pedestrian movements generated by the proposal would most likely to be travelling via Bucknills Close.'</p> <p>Epsom Civic Society challenges that assumption. In the majority of cases residents will wish to walk into Epsom town centre or access facilities such as local schools, the hospital or the park and would use the quickest and shortest route which is via the access road onto Whitehouse Drive. Accordingly, the application continues to fail to comply with the requirement in the SCC Design Guide that 'driveways should be widened to 4.1 metres where parking may regularly occur along the access road or where they also provide regular pedestrian access'.</p> <p>The previous reason for refusal still stands with inadequate space available within the access driveway to safely accommodate both pedestrian and vehicular movements.</p> <p>In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access driveway to allow oncoming vehicles from Whitehouse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity, especially at school arrival or departure times. The application would be contrary to Policies CS16, DM16 and DM36.</p> <p><u>Officer comment:</u> Highway matters are discussed in the body of the report.</p>

Consultee	Comments
	<p>Epsom Civic Society also significant reservations about the practicality of the revised arrangements in this application for the refuse and recycling collection that is now shown as an on-site bin collection point at the south-west corner of the site.</p> <p>Residents would be responsible for taking their own bins to the Bin Collection Point on collection days but in the case of Unit 1 this could involve pushing/pulling a number of bins some 90m distance from the rear garden bin storage area to the bin collection point on Bucknills Close. Residents at Unit 2 would have around 80m distance to negotiate.</p> <p>Epsom Civic Society considers it unacceptable that residents should be required to transport bins over this kind of distance, especially if elderly or infirm. Accordingly, we submit that the layout conflicts with Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015 with regard to the safe and convenient provision of refuse and recycling.</p> <p><u>Officer comment:</u> As discussed in the body of the report below, the refuse/recycling arrangements remain the same as those under application against which the Council Transport and Waste Manager originally raised no objection.</p>

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Planning Policy

7.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS16: Managing Transport and Travel

7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM16: Backland Development
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

7.4. Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2023
- Sustainable Design Supplementary Planning Document 2016

7.5. Other Documentation

- Housing and Economic Development Needs Assessment 2023
- Epsom and Ewell Environmental Character Study 2008
- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

8. Presumption in Favour of Sustainable Development

- 8.1. Paragraph 11 of the NPPF 2023 stipulates that development proposals which accord with an up-to-date development plan should be approved

and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

- 8.2. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 8.3. Paragraph 11(d) of the NPPF 2023 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 8.4. Footnote 7 to paragraph 11d identifies designated heritage assets as being assets of particular importance. There are no policies within the NPPF 2023 which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11d (ii) of the NPPF 2023 and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

9. Principle of Development

9.1. Location of Development

- 9.2. The site is located within the built-up area of Epsom and the principle of development could be considered acceptable, subject to compliance with the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

9.3. Development of a Residential Garden

- 9.4. Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats.
- 9.5. The site is backland by definition as it involves development of an existing residential garden but is also already in a backland location. The assessment of the criteria of the policy, including that it utilises an existing long driveway that already serves several other properties, is referred to in the relevant sections of the Agenda Report below.

10. Housing Delivery

- 10.1. Paragraph 60 of the NPPF 2023 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with

Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.

- 10.2. The Council has calculated its five-year housing land supply position as being 1.59 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

11. Density

- 11.1. The Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 11.2. The proposal would have a housing density of 26 units per hectare, thereby making efficient use of the site in accordance with Policy DM11 of the Development Management Policies Document 2015. It also compares sufficiently favourably with the surrounding density which averages at 23 dwellings per hectare.

12. Affordable Housing

- 12.1. Paragraph 225 of the NPPF 2023 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to them, according to their degree of consistency with the NPPF.
- 12.2. Policy CS9 of the CS is the Council's policy in respect of securing affordable housing on new residential development sites, with triggers for securing affordable housing being a net gain of five dwellings, or a site area of 0.15ha.
- 12.3. However, Policy CS9 of the CS is not consistent with paragraph 64 of the NPPF 2023, which seeks the provision of affordable housing on major development sites (10 or more dwellings) or sites of 0.5 hectares or more. Paragraph 64 of the NPPF 2023 therefore has greater weight than Policy CS9 of the CS.
- 12.4. As such, affordable housing cannot be sought on this development.

13. Housing Mix

- 13.1. Paragraph 63 of the NPPF 2023 states that the size, type, and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

- 13.2. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 13.3. Furthermore, the Housing and Economic Development Needs Assessment (HEDNA) 2023 Update recommends the breakdown of dwellings by size, as follows:

Beds	Provided	HEDNA Required
1	0%	10%
2	0%	35%
3	100%	35%
4 +	0%	20%

- 13.4. Whilst the proposal involves a much higher proportion of larger units than encouraged with the HEDNA, it meets Policy DM22 of the Development Management Policies Document 2015, as it would provide a minimum of 25% 3+ bedroom units. It is also located amongst other larger dwellings.
- 13.5. The proposal would therefore adequately support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities.

14. Heritage and Conservation

- 14.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.
- 14.2. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 14.3. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 14.4. Part of the southern boundary consists of a Grade II Listed Wall, the significance of which lies in its survival as an 18th Century garden wall, with orange brick and buttresses.
- 14.5. The proposal would not result in the loss of any part of the existing listed wall and the proposal would continue to retain its existing residential setting. As such, the Council's Conservation Officer has not attributed any harm to the significance of the setting of this Listed Wall as a result of the proposal.

- 14.6. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm as required by paragraph 202 of the NPPF 2023. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) and Policy DM8 of the Development Management Policies Document 2015.
- 14.7. In the event permission is granted, it is reasonable to recommend an informative to advise that Listed Building Consent would be required from the Council before any works of alteration or demolition of the wall can be carried out and that the Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

15. Landscaping and Trees

- 15.1. Paragraph 136 of the NPPF 2023, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.
- 15.2. The application is supported by an Arboricultural Report prepared by DPA, dated January 2024 which identifies that no trees are to be removed from the site to accommodate the proposal and recommends tree protection to specific off site trees during the construction phase of the development.
- 15.3. The history of the site suggests that the site was cleared of trees in advance of this planning application, including a significant Yew, Spruce and Cypress trees. It is also noted that during the assessment of previous planning application 23/00577/FUL, an Ash tree had been removed by the adjacent land owner.
- 15.4. A supporting Landscape Arrangement Plan (CWLD-NH-BC-LA-2361-02) identifies that 24 new trees are to be planted on the site, along with a number of native and ornamental hedging/planting.
- 15.5. The Council's Tree Officer acknowledges that the current scheme is an improvement to that refused 23/00577/FUL and that the reduction of built form on site to provide a frontage amenity space is welcomed. The Council's Tree Officer has suggested that further trees could be planted on this frontage area, to provide a denser tree scape. In the event permission is granted, a further soft landscaping scheme can be conditioned to secure this additional tree planting.
- 15.6. In the event that planning permission is granted, the Council's Tree Officer seeks some security this frontage amenity space can be kept in perpetuity and to be kept free from any residential amenity development.

- 15.7. This can be achieved through the soft landscape scheme condition. Because it is not within the curtilage of any of the dwellings, it would not be possible to erect any outbuildings in this area.
- 15.8. The Council's Tree Officer has not raised any objection to the proposed landscape provision or raised any concern in respect to whether this can be fully established in the long term. In the event planning permission is granted, the Council's Tree Officer has recommended conditions to secure a hard and soft landscaping scheme, including tree planting pit design, details in respect to landscape maintenance and management and an enhanced tree protection plan and method statement.
- 15.9. However, the Tree Officer is concerned that the proposal does not mitigate the precursory tree loss with comparative canopy mass planting.
- 15.10. Whilst Officers agree with the Council's Tree Officer that site clearance of quality trees as a precursor to development is not environmentally acceptable, given that the previous trees and hedgerows were not subject to any protection orders, the removal of trees can be carried out without the benefit of any planning or tree permission.
- 15.11. There is a fine balance between site optimisation and tree retention. The NPPF 2023 is clear in paragraph 136 that existing trees are to be retained wherever possible, whilst paragraph 123 of the NPF 2023 promotes effective use of land. It is clear that in order to maximise the use of the vacant brownfield site, there would be some tree loss. The proposal would provide some mitigation canopy cover, although it is acknowledged that this would not be to the extent that the site previously benefitted from.
- 15.12. Previous planning application 23/00577/FUL was refused, inter alia, for reasons relating to the failure to provide replenishment landscaping on the site to mitigate for substantial tree loss, to the detriment of the verdancy of the area. In contrast, the reduction of built form that sought under 23/00577/FUL allows for more tree planting, more open amenity areas and more soft landscaping.
- 15.13. However, the failure to provide comparative canopy mass planting is an adverse impact of the scheme to be weighed in the planning balance.

16. Quality of Accommodation

16.1. Internal Space

- 16.2. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Unit	Beds	Persons	Floorspace	Required	Complies
Plot 1	3	6	117m ²	108m ²	Complies
Plot 2	3	6	117m ²	108m ²	Complies
Plot 3	3	6	137m ²	108m ²	Complies
Plot 4	3	6	137m ²	108m ²	Complies
Plot 5	3	6	136m ²	108m ²	Complies

- 16.3. The above table demonstrates that all the proposed units would either meet or exceed the technical housing standards and would have an acceptable level of internal amenity, complying Nationally Described Space Standards 2015.
- 16.4. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 16.5. Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

16.6. Outdoor Space

- 16.7. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and meets the minimum requirements of 70m² for 3 or more bedrooms and a depth of 10 metres.

Unit	Beds	Provided		Required		Complies
		Depth	Area	Depth	Area	
Plot 1	3	7.2m	70m ²	10m	70m ²	Complies
Plot 2	3	7.2m	74m ²	10m	70m ²	Complies
Plot 3	3	16m	94m ²	10m	70m ²	Complies
Plot 4	3	16m	103m ²	10m	70m ²	Complies
Plot 5	3	4-18m	119m ²	10m	70m ²	Complies

- 16.8. Although the plans supporting this application would significantly exceed the amenity area standard, Plots 1, 2 and partially Plot 5 would not meet the minimum depth requirement. However, given that the private external amenity provision is exceeded and the shortfall is minimal, it would be difficult to substantiate a reason for refusal based upon the depth only.
- 16.9. Notwithstanding this, the proposal would fail to meet Policy DM12 of the DMPD and this is considered to be an adverse impact to be weighted in the planning balance.

17. Design and Character

- 17.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 17.2. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 17.3. Criterion 1 of Policy DM16 of the DMDP requires demonstration that a proposal would not have an adverse impact upon rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents.
- 17.4. Criterion 4 of Policy DM16 of the DMDP require demonstration that a proposal would be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens.
- 17.5. The site is a residential plot, one of four residential plots that lie behind the gardens of residential properties that front White Horse Drive. A fifth backland plot contains a commercial premises. The site is accessed via a private driveway that runs the length of 13a and 15 White Horse Drive . Although a large plot, given the juxtaposition of the surrounding built form, the site does not contribute either individually or as part of a larger swath of green infrastructure.
- 17.6. The surrounding area has a suburban character that comprises of primarily detached properties that vary in appearance. The residential properties along White Horse Drive typically front onto the highway and are served by longitudinal plots, albeit plot sizes differ considerably. White Horse Drive also accommodates a large school.
- 17.7. Whilst the proposal would result in the loss of the existing chalet bungalow on site, it is not of any great architectural merit that warrants its retention and therefore there is no objection to its loss.
- 17.8. The proposal would introduce a significant amount of permanent built form and associated hard surfacing into existing garden, behind the street facing building line. However, the site is one of five plots in a backland location, and therefore the proposal reflects a backland layout that is not entirely uncharacteristic of this area. There would also not be any introduction of a long access drive, which Policy DM16 seeks to avoid.

- 17.9. The plots would be laid out to incorporate the existing backland built form into a loose L shaped pattern, and the proposed dwellings would be modest in size, sitting comfortably within their plots and reflecting the scale of plots surrounding the site. The proposal would therefore have a coherent relationship with the existing backland development and the wider area which comprises several cul-de-sacs.
- 17.10. In terms of design, the built form has been traditionally designed, utilising a mixture of hipped roofs and car slides, with features of interest, such as canopies and dormer windows. The design would enable the proposed dwellings to integrate well with the surrounding built vernacular.
- 17.11. Whilst the scheme would not be readily visible from the White Horse Drive street scene as a result of the intervening built form, Plots 3, 4 and 5 would be visible from the Bucknills Close. However, the proposed built form would be viewed in context with the existing properties on Bucknills Close and would therefore not appear incongruous from this public vantage point.
- 17.12. In light of the above, the proposal would accord with Policies CS1 and CS5 of the CS, Policies DM9, DM10 and criteria 1 and 4 of Policy DM16 DMPD.

18. Neighbour Amenity

- 18.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 18.2. Criterion 5 of Policy DM16 of the Development Management Policies Document 2015 require demonstration that a proposal would not have an adverse impact on the privacy of existing homes and gardens and unacceptable light spillage avoided.
- 18.3. **6b Bucknills Close**
- 18.4. The rear elevation of Plot 5 would be within 4.0 metres of the far rear shared boundary with 6b Bucknills Close and within 13 metres of its flank elevation. Whilst it is acknowledged that the proposal would therefore have a greater presence upon the occupiers of this neighbouring property than the existing situation, the separation distances retained would prevent any overbearing impacts or any loss of outlook.
- 18.5. In terms of loss of sunlight, whilst the proposal may result in a small loss of light to the curtilage of this neighbouring property in the very early hours of the morning during the summer months, it would continue to receive sunlight from early morning onwards.

18.6. With respect of overlooking, the dormer window at first floor level in Plot 3 is orientated on the roof slope so as not to provide direct views of the internal or external rear curtilage of 6b Bucknills Close. Whilst it is acknowledged that the occupiers of this neighbouring property are likely to have a greater perception of overlooking from the proposed development, any views achievable of private amenity area would be obscured due to the juxtaposition of the dormer windows and these areas.

18.7. 7a Bucknills Close

18.8. The north flank elevation of 7a Bucknills Close is within 1.3 – 2.8 metres of the shared northern boundary, with a minimum distance of 2.5 metres retained between the built form.

18.9. 7a Bucknills Close is a single storey bungalow and therefore the presence of the two storey built form at Plot 3 would be greater upon the occupiers of this neighbouring property than that of the existing bungalow. However, as a result of the separation distances to retained between the built form and the flank to flank relationship, the occupiers would not face any issues of overbearing or loss of outlook impacts.

18.10. With respect to loss of internal light, there are two double windows and one single window on the north flank elevation of 7a Bucknills Close, all of which are fixed in obscure glaze. One of these double windows are top opening only, with the single paned window fixed shut. The remaining double window does not appear to be fixed. The third party correspondence submitted in objection to this application advises that these windows serve bathrooms and kitchens. The drawings associated with previous planning permission at 7a Bucknills Close confirms this (90/00190/FUL).

18.11. Officers note that one of kitchens is dual aspect, with the primary window located on the western elevation. Utilising the plans associated with 90/00190/FUL, the light to this western window would not be breached by the built form in Plot 3. Whilst the proposal may therefore result in some loss of light to this kitchen through the secondary north window, this internal accommodation would still gain unrestricted light from the primary window.

18.12. The bathrooms at 7a Bucknills Close are not primary accommodation and therefore any loss of light to these windows caused by the proposal would not significantly harm the amenities of the occupiers of this neighbouring property.

18.13. The remaining kitchen window would be within 3.8 metres of the two storey built form of Plot 3, which is likely going to reduce the levels of light this window currently gains. Furthermore, this window is likely to lose direct sunlight mid evening in the summer months, as a result of the intervening built form.

18.14. However, the window would still receive daylight, albeit slightly reduced, as a result of the separation distances and this would continue to receive sunlight during the majority of the summer months and all through the winter months. Whilst the occupiers may note a marginal loss of light to the kitchen as a result of the development, it would not be so significant as to cause a level of harm that would warrant a reason for the refusal of this application.

18.15. As a result of the southern orientation of this neighbouring building, the proposal would not cause any issues in terms of loss of sunlight to the rear external amenity area.

18.16. In terms of overlooking, the first floor windows proposed in Plot 3 may create some new opportunities for overlooking towards the far rear curtilage of 7a Bucknills Close. However, any overlooking achieved would be focused towards the far rear curtilage of 7a Bucknills Close rather than the more private patio areas, which is a situation considered to be typical in a dense residential area such as this.

18.17. 13a White Horse Drive

18.18. The east principal elevations of Plots 4 and 5 would be within 24 metres of the west boundary of 13a White Horse Drive, with a distance of over 28 metres retained proposed and existing built form. These separation distances would prevent and issues of overbearing, loss of light, overlooking or loss of outlook impacts.

18.19. Plots 1 and 2 would be 10.8 metres from the boundary of the rear curtilage of 13a Bucknills Close, with front facing primary windows. Officers are satisfied that this distance would prevent any opportunities for clear and direct overlooking into the private curtilage of this neighbouring property.

18.20. 13 White Horse Drive

18.21. Plots 1 and 2 would be within 2.4 metres of high level windows associated with this property. However, as 13 Bucknills Close purpose built office block and not residential accommodation, the relationship is considered acceptable.

18.22. Roseberry School

18.23. Given the educational function of this neighbouring complex, the relationship to the proposed development is considered to be acceptable.

18.24. 5 & 6 Orchard Gardens

18.25. The first floor windows proposed in Plots 1 and 2 may create some new opportunities for overlooking towards the far rear curtilage of these neighbouring properties. However, any overlooking achieved would be focused towards the far rear curtilage Close rather than the more private patio areas, which would be over 20 metres from the new windows.

18.26. General Amenity

18.27. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.

18.28. Whilst the proposed development would introduce additional light spillage than the existing situation, given the urban character of the area, the light spillage generated by the proposal would not extend to a level above and beyond a domestic use that would otherwise harm the amenities of the occupiers of surrounding properties.

18.29. The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and would be minimised through conditions securing working/delivery hours and a Construction Management Plan. The Construction Management Plan would seek to control HGV movements and deliveries, as well as secure a programme of works.

18.30. In light of the above, and on balance, it is considered that the proposal would comply with Criterion 2 of Policy DM16 and Policy DM10 of the DMPD.

19. Parking and Access

19.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, 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.

19.2. Previous planning application 23/00577/FUL was refused due to concerns raised by the County Highway Authority relating to the access to the site, and an increased amount of vehicular and vulnerable road user conflict, generating a highway safety risk.

19.3. Trip Generation

- 19.4. The application is supported by a Transport Statement (TS), prepared by RGP, reference 23/7054/TS02 and Transport Statement Addendum (TSA), reference 23/7054/TN02 and dated March 2024. In respect of existing vehicular trip generation, the TS contains data of a traffic count survey of the existing access taken in November 2023 undertaken over a 24 hour period, whilst the TSA contains data of a more recent undertaken traffic count survey over a seven day period in February 2024.
- 19.5. The traffic surveys have identified that the level of vehicle movements utilising the existing access road are consistently low, with an average of 18 two way vehicle movements during a typical weekday, with 1-2 of those movements taken during peak hours.
- 19.6. In terms of existing pedestrian trip generation along the existing access, both surveys suggest this averages as 19 two way pedestrian movements during a typical weekday. These movements were found to typically be outside of the peak hours and generally associated with school activities and postal/courier deliveries.
- 19.7. In considering the proposed trip generation associated with the development, the TRICS database has been consulted using data associated with similar development scenarios, as well as considering this data against the most recent Census data for the local area.
- 19.8. In forecasting the proposed vehicle trip generation associated with the proposed development, a generation of an additional 17 two way vehicle movements have been calculated, totalling an overall average of 35 two way movements from the site as a result of the proposal, which includes a maximum of 3 additional car movements during both peak AM and PM during a typical weekday. For pedestrian movements, this has been calculated to increase to an overall of 6 two way pedestrian movements, totalling an overall average of 25 two way pedestrian movements as a result of the proposal.
- 19.9. The TS and TSA concludes that the proposed vehicle movements associated with the development would not have a material impact on the and that the proposed levels of pedestrian movements.
- 19.10. The County Highway Authority note that the proposal seeks a reduced number of dwellings from that sought under previous planning application 23/00577/FUL and are satisfied that the traffic count survey and TRICS Assessment undertaken and reported within both the TS and TSA provide a robust and realistic assessment of the likely impact of the both the vehicular and pedestrian resulting from the proposed development

19.11. In terms of the impact of vehicular traffic on the highway network, the County Highway Authority are satisfied the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

19.12. In terms of the increase in pedestrian movements, the County Highway Authority seek to secure transport mitigation in the form of:

- Provision of improvements to bus stops of Dorking Road (Westlands Court and Epsom Hospital) to provide Real Time Passenger Information
- Provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible and that the access road is shared use
- Retention of the passing place located on the access road on the eastern side of the site, adjacent to 13b White Horse Drive

19.13. Subject to securing the above mitigation measures, the County Highway Authority considered that any additional risk to pedestrian safety resulting from the proposal can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

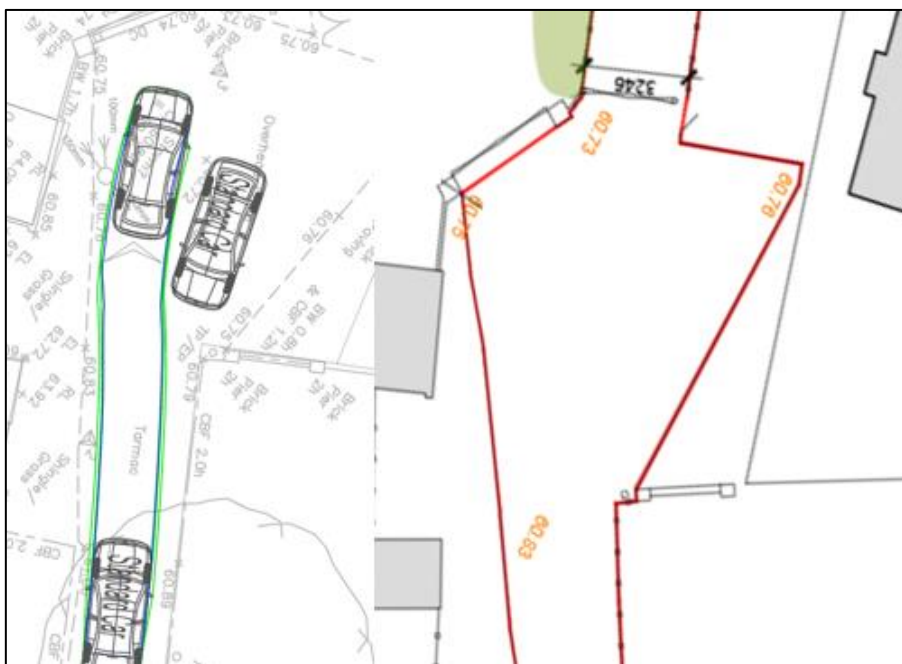
19.14. Vehicular Access and Manoeuvrability

19.15. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

19.16. The proposed development would be served by the existing private drive and shared access to White Horse Drive. The proposal would retain the existing access but proposes improvement to its geometry and surface.

19.17. The TS states that the 3.1 metre width (at its narrowest point) of the existing access meets the minimum access requirements set out in the Surrey Design Guide, which is 2.75 metres for a domestic driveway, but where they are likely to be served by service vehicles or a parking court, they should be a minimum of 3.0 metres wide.

19.18. The existing access provides a single lane width for a distance of 55 metres from White Horse Drive, up to a widened area and passing place as shown below:



19.19. The TS considers the existing access to provide sufficient inter visibility between vehicles at either end and allow a vehicle to wait safely and pass either end. The TS suggests that due to the good intervisibility, it would be extremely unlikely that a vehicle would need to reverse back onto White Horse Drive. Notwithstanding this, such a manoeuvre would be no different to that associated with any of the driveways on White Horse Drive.

19.20. As illustrated in the Transport Assessment, the scheme originally sought to extend the double yellow lines on the northern side of the carriageway, opposite the entrance. This was to enable that any street parked vehicles would not prevent larger vehicles, such as a fire appliance, from entering the site, by being an obstruction within the turning circle.

19.21. However, a revised swept path analysis now demonstrates that a fire vehicle can enter the site when travelling from either direction along Whitehorse Drive, even when there are vehicles parked on the carriageway opposite the entrance. There would therefore not be any loss of on street car parking.

19.22. The County Highway Authority have reviewed the vehicle access arrangements, including the swept path analysis for fire vehicles, and have not raised any highway safety concerns in this regard.

19.23. Pedestrian Access and Manoeuvrability

19.24. Paragraph 114 of the NPPF 2023 requires safe and suitable access whilst 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

19.25. The width of the existing access onto White Horse Drive would not meet the 4.1 metres required for an access road that would also allow for regular pedestrian access via a 1.0m path alongside the access, as well as vehicular access.

19.26. Although the proposal is likely to generate a small number of pedestrian movements, to prevent the regular use of the existing access, a new segregated route for future pedestrians is proposed to the rear of the site, which would link to an existing public footpath (Footpath FP69). This new pedestrian route would extend along the south flank of Plot 3, as depicted by the green line shown in the drawing below:



19.27. The TS advises that this new footpath would be the quickest route to local bus services, as shown in the map overpage. The new footpath would provide a dedicated walking route that is only 25m longer than via the vehicular access when measured from Plots 3, 4 and 5, which is minor.



19.28. The County Highway Authority are satisfied that subject to securing the aforementioned mitigation measures, any additional risk to pedestrian safety resulting from the proposal can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

19.29. Car Parking

19.30. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed unit. Parking spaces are to be 2.4m x 4.8m.

The proposal would provide 10 vehicle parking spaces within the site, comprising 2.0 no. dedicated off road spaces to serve each unit, thereby meeting the Council's residential Parking Standards.

19.31. In respect of electric vehicle charging, one charging point per dwelling will be provided, which meets the requirements of the County standards.

19.32. Cycle Parking

19.33. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

19.34. The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development 2023.

19.35. In order to meet the County Cycle Standards, 3 or more bedroom units would be expected to provide 2.0 secure cycle storage spaces. Each unit would be provided with secure, undercover cycle storage that would accommodate 2.0 cycles. In the event that permission is granted, it would be reasonable to seek the design details of this proposed storage.

19.36. Construction Management

19.37. The County Highway Authority recognise that the construction phase of the proposed development would be likely to result in an increased highway risk, due to the presence of larger vehicles and potentially higher number of vehicle movements at different times of the day. As such, the County Highway Authority recommend a condition to secure a Construction Management Plan, in order to limit any risks to highway safety and capacity during this phase.

20. Refuse and Recycling Facilities

20.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway.

20.2. The proposal includes individual bin storage for each property but also seeks to provide communal bin storage to the rear of Plot 3 to serve the proposed development. This communal bin store would be accessed via the new pedestrian route that would extend along the south flank of Plot 3. The communal bin store would then be accessed by the Council's Waste Service as part of their collection route that includes 6a, 6b, 6c and 7a Bucknills Close. The Council's Waste and Transport Manager raises no objection in respect of the capacity or collection location of the proposed communal storage area.

20.3. The refuse and recycling facility proposed under this current application remain unchanged from that submitted under previous planning application 23/00577/FUL, to which the Council's Waste and Transport Manager raised no objection.

20.4. Notwithstanding this, the Council's Waste and Transport Manager has now raised concerns in respect of the 'drag distance' between Plots 1 and 2 and the proposed communal bin store, citing the excessive distances potentially creating health and safety issues for future residents of these plots or, in the event that future occupiers qualify for the Council's assisted collection service, potential health and safety issues for the Council's Waste Service employees.

- 20.5. The drag distance to the communal bin store would be approximately 60 metres Plot 1 (blue line) Plot 2 (red line), as shown in the diagram below:



- 20.6. These distances exceed the guidance of 30 metres set out in the Annex 2 of the Sustainable Design SPD.
- 20.7. Under planning application 23/00577/FUL, the applicant worked with the Council's Waste and Transport Manager to adjust the previous scheme to satisfy detailed comments and secure a scheme that the Council's Waste and Transport Manager was satisfied with.
- 20.8. It is noted that the location of the proposed refuse/recycle storage area and Plots 1 and 2 remains identical to the scheme refused under 23/00577/FUL. The Council's Waste and Transport Manager did raise concerns under 23/00577/FUL to the drag distance relating to Plots 1, 2 and 6, but after the submission of amended plans demonstrating the provision of individual storage areas for Plots 1, 2 and 6 in rear gardens rather than a communal bin storage areas outside of Plot 6, was satisfied.
- 20.9. The Council's Waste and Transport Manager acknowledges that the objection relating to the drag distance of Plots 1, 2 and 6 of 23/00577/FUL was not maintained but considers that the concern raised should form part of the consideration for this proposal.
- 20.10. Given that the Council's Waste and Transport Manager appeared satisfied with amended plans supporting 23/00577/FUL and given that the scheme under this current application remains identical in terms of drag distance, Officers consider that it would now be unreasonable to refuse the application on this basis.

21. Ecology and Biodiversity

- 21.1. Paragraphs 180 and 186 of the NPPF 2023, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 21.2. The application is supported by a Preliminary Ecological Appraisal, prepared by Ecology Partnership, dated 2023, a Bat Roost Survey, prepared by Environmental Business Solutions, dated 16 August 2023 and a subsequent revision, dated 24 August 2023.
- 21.3. None of the emergency surveys noted bats emerging from any of the existing buildings on site. The Bat Roost Survey therefore concludes that the proposed development would not have a negative impact on local bat or bird population.
- 21.4. The Council's Ecologist has reviewed all the supporting ecological documents and is concerned about the downgrading of the suitability of the bungalow as low and the subsequent limited coverage of the emergency surveys time wise. However, the Council's Ecologist has recommended that if the bungalow is not demolished by the beginning of the next bat season, then another bat assessment and follow up surveys are required before demolished can occur. Officers are satisfied that, in the event of an approval, such a recommendation can be conditioned.
- 21.5. In light of the above, the proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site, as a result of a minor biodiversity net gain would arise from the proposed development, in accordance with Policy DM4 of the Development Management Policies Document 2015. The application predates policy requirements for mandatory 10% biodiversity net gain but the biodiversity enhancements outlined in the supporting ecology reports (bat boxes, sparrow and swift nests and fruit tree planting) are conditioned, in the event the application is granted.
- 21.6. The Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

22. Flooding and Drainage

22.1. Flood Risk and Vulnerability

- 22.2. Paragraphs 165 and 173 of the NPPF 2023, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 22.3. The application is supported by a Management of Surface Run Off Document, prepared by Hurbet Stumpp Ltd, Revision B, dated 11 May 2023.
- 22.4. In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development, would be wholly in Flood Zone 1. As such the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 22.5. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 22.6. With respect to pluvial flooding, the site is mainly comprising of garden curtilage, which is underlain with London Clay. The built form and hard surfacing proposed would increase impermeability of the site.
- 22.7. In considering a suitable surface water drainage system, as a result in the underlying London Clay, the use of infiltration drainage is discounted as a method for the disposal of surface water run of created by the development. It is therefore proposed to discharge surface water runoff into the existing surface sewer at a controlled rate, by utilising a granular blanket beneath permeable paving and two below ground chambers. The chambers would discharge into a packaged pumping station, which will limit the discharge into the receiving sewer.
- 22.8. Rainwater butts would be provided to each new dwelling to receive and store surface water runoff from the roof. When full, they will overflow back into the rainwater downpipes and into the below ground surface water drainage system.
- 22.9. The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2023 and has recommended that should permission be granted, a suitable conditions is required to ensure that the drainage system is installed in accordance with

the agreed details and is properly implemented and maintained throughout the lifetime of the development.

- 22.10. As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

23. Contamination and Remediation

- 23.1. Paragraph 189 of the NPPF 2023 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users. The site is listed as potentially contaminated on the Council's register.
- 23.2. The Council's Land Contamination Officer has advised that there is infilled land on the site. In the event that permission was granted, the Council's Land Contamination Officer recommended conditions to secure a site investigation scheme and any subsequent remediation.
- 23.3. In the event permission is granted, these conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM17 of the DMPD and the requirements of the NPPF 2023.

24. Environmental Sustainability

- 24.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 24.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 24.3. The application is supported by a Design and Access Statement, prepared by Twenty 20 Architecture Ltd, rev C, dated May 2023 which identifies the sustainable measures proposed for the development.
- 24.4. These include insulation in compliance with or to exceed the requirements of Building Regulations, energy efficient condensing boilers and high efficiency panel radiators with individual thermostatic valves or under floor heating for domestic heating and ventilation via natural means of opening windows and trickle vents with mechanical extractors for bathroom/ WC if appropriate. Low flow appliances with supply restrictor valves, low flow

shower heads, spray taps and dual flush toilets would potentially provide up to 40% saving in water usage.

- 24.5. Whilst the supporting details do not show for the provision for solar panels, the applicant is agreeable to provide these and therefore in the event planning permission is granted, details of these can be secured by way of condition.
- 24.6. In light of the above, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

25. Accessibility and Equality

- 25.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. The dwellings are open plan and adaptable for disabled use and level access is afforded through pedestrian areas such that no issues are raised.
- 25.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

26. Planning Obligations and Community Infrastructure Levy

- 26.1. Paragraphs 55 and 57 of the NPPF 2023 requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 26.2. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 26.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

27. Planning Balance

- 27.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 27.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 27.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 27.4. **Social Considerations**
- 27.5. The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. Given the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.
- 27.6. The proposal would use a vacant brownfield site for an identified housing need. Given the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.
- 27.7. **Economic Considerations**
- 27.8. The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a minor benefit

27.9. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Brough and therefore this would amount to a minor benefit

27.10. Social Adverse Effect

27.11. Whilst Plots 1, 2 and partially Plot 5 would fail to meet the depth requirement of Policy DM12 of the DMPD, given that the private external amenity provision is exceeded and the short fall to full policy compliance is minimal, this would amount to a minor adverse effect.

27.12. The proposal would result in an undesirable 'drag' distance for the refuse and recycle bins between Plots 1 and 2 and the bin collection area. However, as the Council's Waste and Transport Manager appeared did not object to the scheme submitted under 23/00577/FUL and given that the scheme under this current application remains identical in terms of drag distance, this would amount to a minor adverse effect.

27.13. Environmental Adverse Effect

27.14. The proposal would fail to provide comparative canopy mass planting in comparison to the loss of existing quality trees through the precursory site clearance. Although tree re-provision is sought on the site, it would not mitigate for the extent of the loss. However, in order to promote the effective use of this vacant, brownfield site for net gain housing that would contribute to the Council's housing deficit, tree loss would be inevitable. The Council's Tree Officer is satisfied that the replacement tree planting has sufficient underground environment and growth space to reach potential. For this reason, the failure to fully mitigate for the primitive tree loss on the site would amount to a moderate adverse effect.

27.15. Conclusion

27.16. Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

27.17. In the event of an approval, there is reasonable justification to remove permitted development rights from the new development, in order to prevent overdevelopment of the site, detrimental impacts on new tree planting, adverse effects on neighbouring amenity and adverse traffic and parking implications. Officer therefore recommend a condition to remove Class A – F permitted development rights.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives:

1. Time Limit

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

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

2. Approved Details

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

Drawing Number 2024/PO255 LP
Drawing Number 2024/PO255 CP
Drawing Number 2024/PO255 001 Rev A
Drawing Number 2024/PO255 010
Drawing Number 2024/PO255 011
Drawing Number 2024/PO255 C001 Rev A
Drawing Number 2024/PO255 012 Rev A
Drawing Number CWLD-NH-BC-LA-2361-02
Drawing Number CWLD-NH-BC-LA-2361-04

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.

Pre-Commencement Conditions

3. Materials

No development shall commence unless and until details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4. Construction Transport Management Plan

No development shall commence unless and 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) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (i) no HGV movements to or from the site shall take place between the hours of 08:00 and 9.00 am and 3.00 pm and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, White Horse Drive, Dorking Road or Ebbisham Road during these times
- (j) on-site turning for construction vehicles (or measures for traffic management)

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

5. Ground Contamination

No development shall commence unless and until a ground contamination desk study and Conceptual Site Model shall be undertaken in accordance with current best practice guidance. The results of the desk study shall be submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

6. Enhanced Arboricultural Method Statement/ Tree Protection Plan

No development shall commence unless and until an enhanced Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved

in writing by the local planning authority. 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. Hard and Soft Landscaping

No development shall commence unless and until full details of both hard and soft landscape proposals, including tree planting pit design and a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

Pre-Demolition Condition (May 2024)

8. Updated Bat Survey

Notwithstanding the conclusions of the Preliminary Ecological Assessment, prepared by The Ecology Partnership, dated March 2023, and the Bat Roost Assessment, prepared by The Ecology Partnership, revised August 2023, in the event that the existing building has not been demolished by the next Bat Season (commencing May 2024), an updated Bat Assessment and follow up surveys shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place post May 2024.

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.

Pre Occupation Conditions

9. Transport Mitigation

The development hereby approved shall not be first occupied unless and until a scheme to improve highway/transportation matters in the following areas:

- Provision of improvements to bus stops on Dorking Road (Westlands Court and Epsom Hospital) to provide RTPI (Real Time Passenger Information).
- Provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible, and that the access road is shared use.
- Retention of the passing place located on the private access road on the eastern side of the site, adjacent to No. 13b.

shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

10. Parking/Turning

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

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

11. Electric Vehicle Charging Points

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

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

12. Refuse/Recycling Store Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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 Policy DM10 of the Development Management Policies 2015.

13. Cycle Store Details

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles within the development have been submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

14. Solar Panels Details

The development hereby approved shall not be first occupied unless and until details of the provision of solar panels within the development have been submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved panels shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

15. Compliance with Drainage Scheme

The drainage system shall be installed in strict accordance with the Management of Surface Water Run-off, Revision B prior to first occupation of the development. The maintained drainage system shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

16. Compliance with Ecological Surveys

In the event that the demolition of the existing building is carried out prior to May 2024, the development shall be carried out in strict accordance with the Preliminary Ecological Assessment, prepared by The Ecology Partnership, dated March 2023, and the Bat Roost Assessment, prepared by The Ecology Partnership, revised August 2023, prior to the first occupation, and shall be maintained as such thereafter and no change shall take place without the prior written consent of 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.

17. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by Twenty 20 Architecture Ltd dated Jan 2024 (Rev B), reference 1726 and dated July 2021, prior to the first occupation, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

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

During and Post Development Conditions

18. Ground Contamination Investigation

If the desk study Conceptual Site Model indicates there are ground contamination risks, intrusive ground investigation and risk assessment shall be undertaken following any demolition and prior to the commencement of further development in accordance with current best practice guidance to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off-site. The report of the findings, including the revised Conceptual Site Model, shall be submitted to and approved by the Local Planning Authority and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

19. Ground Contamination Remedial Method Statement

If ground/groundwater contamination, filled ground and/or ground gas are found to present unacceptable risks, prior to the commencement of further development unless otherwise agreed in writing by the Local Planning Authority, and in accordance with current best practice guidance, a detailed scheme of risk management measures to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be designed and submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures including waste management and waste disposal.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

20. Ground Contamination Remediation

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 19 must be carried out in accordance with its terms. The Local Planning Authority and Contaminated Land Officer must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

21. Ground Contamination Remediation Verification

Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

22. Unexpected Ground Contamination

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

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

23. Certificate of Completion Ground Contamination

Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

24. Long Term Monitoring and Maintenance Ground Contamination

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These must be conducted in accordance with current best practice guidance.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

25. Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

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

26. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this order) development under Classes A-F shall be carried out on the site.

Reason: To safeguard the privacy and amenity of the adjoining occupiers, maintain adequate amenity space, protect the future health and wellbeing of replacement tree planting and to safeguard the cohesive appearance of the development in accordance with Policy DM10 of the Development Managements Policies Document 2015.

27. No Additional Windows/Openings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed in the development hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

Informatives

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

2. 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.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

4. 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).
5. 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 or organisation responsible for the damage.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building

Regulations) and two formal quotes from the distribution network operator showing this.

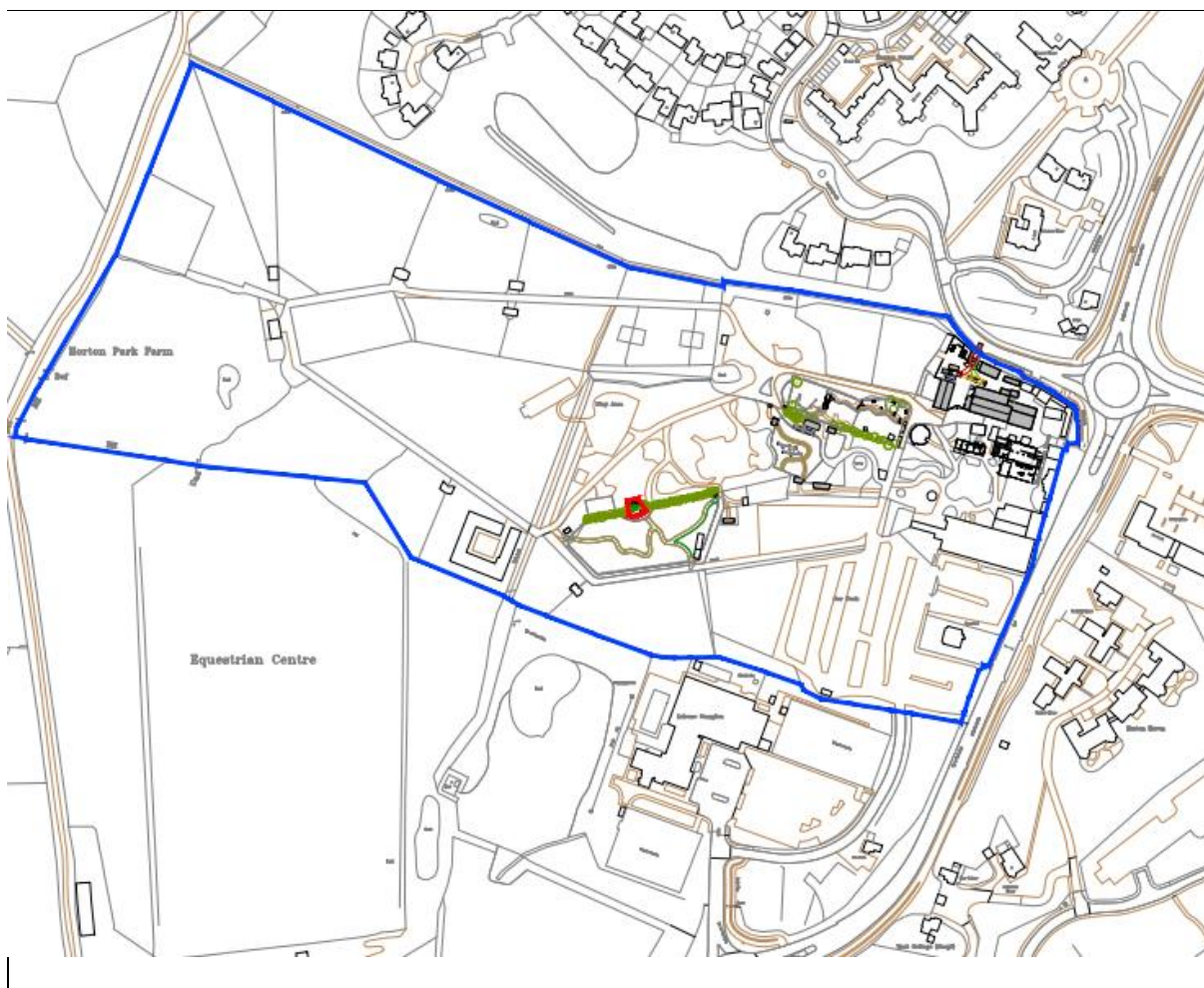
7. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant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

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

8. This permission does not grant any works of alteration to, or demolition of the existing Grade II wall, as such works require Listed Building Consent. Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

23/01345/FUL, Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	23/01345/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton Ward
Proposal	Construction of Prairie Dog enclosure (Retrospective)
Expiry Date	19 April 2024
Recommendation	Approval, subject to conditions and informatives
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here: Hobbledown
Glossary	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The planning application was presented to Planning Committee on 8 February 2024, with a recommendation for conditional approval, and was deferred for the following reason:

“In order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the Report”

- 1.2. This Update Report summarises the additional information received from the Applicant since the deferral of the planning application, relevant Consultee responses, and neighbour representation. It does not seek to review all material considerations contained within the original Committee Report, dated 8 February 2024. For ease, the original Committee Report is appended to this Update Report.
- 1.3. Officers maintain the recommendation for approval of the application, subject to Conditions.

PROPOSAL AND DESIGNATIONS

2. Description of Proposal and Designations

- 2.1. The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Prairie Dogs. Retrospective planning permission is sought, as the development is built.
- 2.2. The Site has the following constraints:
- Green Belt
 - Great Crest Newt Impact Zone
 - Critical Drainage Area.

CONSULTATIONS

Consultee	Comments
Surrey County Council Lead Local Flood Authority (SCC LLFA)	Response dated 04.03.2024: Reviewed <i>“Hobbledown Applications EOT, RPS, February 2024, ref: HLEF03991”</i> . The Applicant has considered the surface water flood risk to and from the Site and the LLFA are content that the existing site-wide

Consultee	Comments
	mitigation measures for the additional impermeable area will manage the surface water run-off.
Public Consultation	
Neighbours	There was no requirement to re-consult neighbours on the additional information, but further comment (objection) has been received from one resident regarding flood risk and drainage implications, which is discussed within this Update Report.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

3. Planning Policy

- 3.1. The Planning Policy relevant to this planning application is contained within the original Committee Report, which is appended to this Update Report.

PLANNING ASSESSMENT

4. Update Report

- 4.1. This Update Report summarises the additional information received from the Applicant since the deferral of the planning application, relevant Consultee responses, and neighbour representation. It does not seek to review all material considerations contained within the original Committee Report, dated 8 February 2024. For ease, the original Committee Report is appended to this Update Report.

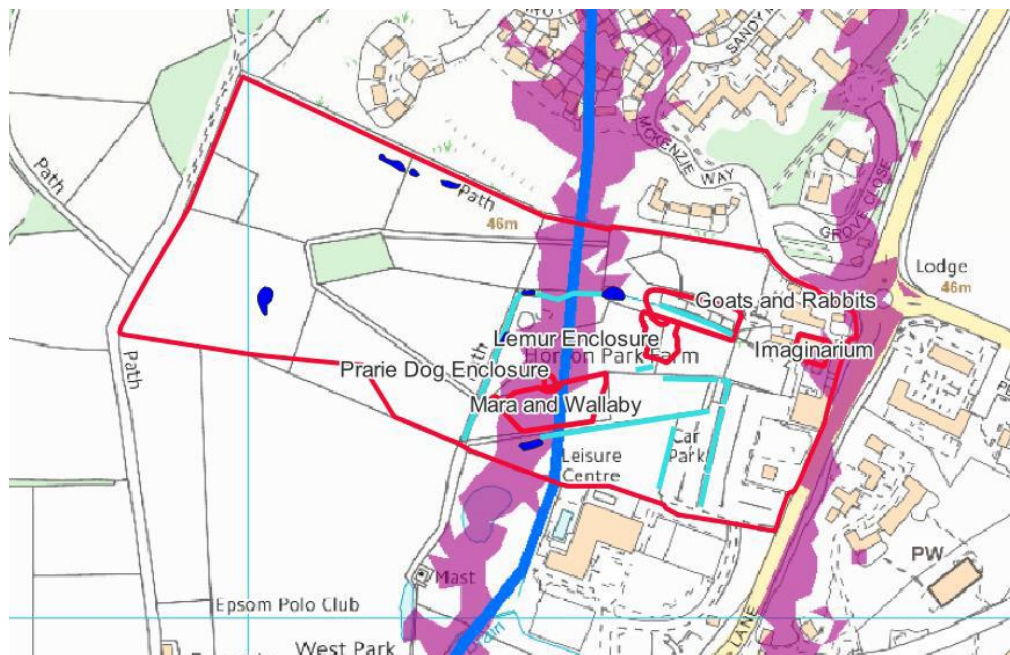
5. Flooding and Drainage

- 5.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 5.2. The Site is within Flood Zone 1 which is low flood risk area but also falls within a Critical Drainage Area which is an area that has been identified by the Environment Agency as an area with identified drainage issues where flooding may occur if surface runoff is not effectively managed.
- 5.3. Representation has been received, setting out that the letter, by RPS, dated 23.02.2024 does not provide any information to support the application(s). It contains details of a subset of developments on the Site and refers to development for which applications have been submitted in the last two years. The representation queries the total impermeable area quoted in the RPS letter and queries the accuracy of estimated ditch volumes around the wider Hobbledown site. The representation further

sets out that the fields outside the identified Critical Drainage Area are waterlogged and contribute to surface water run-off across the bridleway and Clarendon Park.

- 5.4. The representation received has been taken into consideration by Officers in the assessment of this planning application.
- 5.5. In response to the Planning Committee's decision to defer the planning application, the Applicant prepared and submitted the following on 26.02.2024:
 - Letter, by RPS, dated 23.02.2024 (this document is publicly available)
 - 012A – Hedgerow Planting – dated March '24 (this document is publicly available).
- 5.6. The RPS letter provides two maps, which shows the boundary of the wider Hobbledown site, the location of the subject Application Site (red line boundary), as well as existing ditches and ponds (blue infills). Also shown are the two corridors of the Critical Drainage areas (diagonal orange hatching below and purple shading on the following map), through the wider Hobbledown site:





- 5.7. The RPS letter sets out that the wider Hobbledown site measures approximately 13.3ha. When the Flood Risk Assessment (FRA) for the number of small-scale play facilities within the existing visitor's attraction was prepared, (planning application ref: 21/02021/FUL, FRA report ref: HLEF85197, granted 31.03.2023), the site which was assessed as measuring 0.6ha. This itself appears to be a misprint – it should be 6 hectares.
- 5.8. The RPS letter sets out that the elements discussed in the most recent FRA report, ref: HLEF03991, which is a new revision to the 2021 FRA, which include the Prairie Dog enclosure and the Imaginarium area, are not confined within the 6ha area, but they are part of the wider Hobbledown site. As such, the statement in section 9.3 of the FRA report, is not correct but this inconsequential because the impermeable areas are being measured against a smaller total area rather than the more accurate larger hectareage of the Hobbledown site.
- 5.9. For clarity, section 9.3 of the FRA report sets out:

“The overall resultant ‘impermeable’ areas associated with such facilities is 80.32 m², (minimal area proportion of the total site area) at several discrete locations across the site. The largest being ‘Lemur Enclosure – Hardstanding A’ at 37.24 m². It was confirmed that the Imaginarium features have been developed on already existing hardstanding, RPS has taken a conservative approach and calculated this as new hardstanding. Similar facilities with a total area of 382m² were previously assessed within a Flood Risk Assessment undertaken for the site (report reference HLEF85197) which was undertaken in in November 2022, and these have been included within the below drainage calculations. Therefore, the total impermeable area for all

facilities at the site is 479m². This represents 8% of the total area of the site which is 0.6ha”

- 5.10. Instead, the total impermeable area of 462m² for all facilities at the site should be compared to the size of the wider Hobbledown site of 13.3 ha, and not the 6ha (or 0.6ha) area. In this case, the impermeable area for the new facilities would represent 0.35% of the total area. Even when accounting for a smaller 6ha site, it would be less than 8% of the site.
- 5.11. The letter sets out that no survey of the ditches were undertaken and the estimation of the available volume was assumed based on visual assessment.
- 5.12. In an email dated 26.02.2024, the Applicant's Agent sets out that notwithstanding the Site's location within the Critical Drainage Area, the Applicant maintains that given there is only limited change to the overall permeability of the wider site resulting from the development and given that there is a SUDS in place serving the wider site, that it would not have a significant impact on the existing rainwater runoff regime. Rainwater is left to naturally percolate to the ground as had previously been the case prior to development taking place and embracing the principles of SUDS.
- 5.13. SCC LLFA was formally re-consulted on the additional information received. SCC LLFA confirmed in a consultation response dated 04.03.2024 that the Applicant has considered the surface water flood risk to and from the Site and the LLFA is content that the existing site-wide mitigation measures for the additional impermeable area will manage the surface water run-off.
- 5.14. Officers recognise the concern raised by a nearby neighbour but are content that the FRA submitted with this planning application, and the additional letter by RPS, demonstrate that the development does not result in any increase in potential for flooding on Site or exacerbate the probability of flooding of adjacent land. There is also no objection from SCC LLFA. The Environment Agency refer to standing advice and this does not alter this stance. The proposal therefore accords with Policy DM19.
- 5.15. Discussion at the previous meeting of the Planning Committee referred to Condition 2 of the draft recommendation, which required compliance with the recommended mitigation in the Flood Risk Assessment, of which there was no proposed mitigation. The Condition was imposed on the advice of SCC LLFA. Based on the recommendations of the FRA, discussions at the Planning Committee and since, it is clear that Condition 2 is surplus to requirements and serves no purpose. The revised comments from SCC LLFA reflect the current situation and raise no objection based on site wide drainage measures.

6. Ecology and Biodiversity

- 1.1 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 1.2 As stipulated within the original Committee Report (appended to this Update Report), a short section of poor-quality hedgerow was in part removed to facilitate the construction of the Prairie Dog enclosure and three low quality trees which were retained within the enclosure have died. A Condition was proposed, should planning permission be granted, to improve the biodiversity value of this Site.
- 1.3 As a result of proposing a Condition and Member discussion during the Planning Committee, the Applicant has further considered mitigating the loss of short sections of hedgerows as a result of this planning application, and planning application ref: 23/01343/FUL, granted 09.02.2024.
- 1.4 An email was received by the Applicant's Agent on 13.03.2024, with a drawing, ref: 012A – Hedgerow Planting – dated March '24. This drawing is publicly available.
- 1.5 The proposed hedgerow would measure approximately 102 metres, along the northern boundary of the wider Hobbledown site. It would comprise native species in the following mix:
 - Hawthorn (*Crataegus monogyna*): 40%
 - Blackthorn (*Prunus spinosa*): 30%
 - Guelder-rose (*Viburnum opulus*): 20%
 - Field Maple (*Acer campestre*): 10%
- 1.6 The email sets out that the proposed mix would provide a balance of species, reflective of guidance on appropriate native species within the Horton Country Park Local Nature Reserve Management Plan 2017-20217, and species previously found in the short sections of hedgerow that have been removed.
- 1.7 The email sets out that hawthorn would be the dominant species as it is often considered a cornerstone of traditional hedgerows for its dense growth habit, thorny nature, and wildlife value. Blackthorn provides valuable habitat and food for wildlife. Guelder-rose adds diversity and ornamental value with its attractive flowers and berries, while Field Maple contributes to the mix with its distinctive foliage and suitability for hedgerow planting. This mix also ensures a variety of flowering times,

foliage types, and berry production, which can support a wide range of wildlife throughout the year.

- 1.8 The email sets out that the hedgerow would be based on a planting density of 6 plants (60-80cm plants) per metre, planted in a double staggered row to give a good hedge. The average growth rate would be some 20-40cm a year with a final height in the region of 4-5m.
- 1.9 The email sets out that the planting would be implemented during the first planting season available from late October to late March. All plants and planting shall comply with the requirements of all current/relevant British Standard specifications including BS 3936 and BS 4428.
- 1.10 The email sets out that aftercare/maintenance would consist of regular visits to maintain all planted areas in a weed and litter free condition. Maintenance to include watering, pruning, and pest and disease control as required. In the first year any plants that may have been damaged or died are to be replaced in the following planting season.
- 1.11 The email sets out that once established, the proposed hedgerow would have further benefits of providing additional natural screening of the site and assist in natural drainage along the northern boundary of the wider Hobbledown site. Healthy hedgerows typically have dense root systems that can help absorb excess water from the soil, reducing surface runoff and facilitating infiltration.
- 1.12 Officers are content that the proposed hedgerow would provide numerous net benefits once planted, established and maintained, including ecological/biodiversity enhancements, assisting in natural drainage, and providing an element of screening. This accords with Policies CS3 of the CS and Policy DM4 of the DMPD.
- 1.13 As a result, Officers recommend that drawing ref: 012A – Hedgerow Planting – dated March '24 is subject to a Condition, should planning permission be granted.

CONCLUSION

- 6.1. The additional information supplied by the Applicant Team is considered to address the Members' reason for deferring this planning application.
- 6.2. Officers are content that the FRA submitted with this planning application, and the additional letter by RPS demonstrate that the development does not result in any increase in potential for flooding on Site or exacerbate the probability of flooding of adjacent land. The proposal accords with Policy DM19.
- 6.3. Officers are also content that the proposed hedgerow would provide numerous benefits once planted, established and maintained, including

ecological/biodiversity enhancements, assisting in natural drainage, and providing an element of screening.

- 6.4. There was also discussion at the meeting of the Planning Committee as to whether a Condition could be applied for the structure to be removed if it were no longer used for its intended purpose. There is planning justification for this to be applied, and so it has been added accordingly.
- 6.5. The planning application is recommended for approval.

RECOMMENDATION

To grant planning permission subject to the following Conditions and Informatives:

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 001, received by the local planning authority on 10 November 2023.

Reason: For 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) Biodiversity enhancement measures

The scheme to enhance the biodiversity interest of the Site, as detailed on drawing ref: 012A – Hedgerow Planting – dated March '24, shall be implemented in full and approved and thereafter maintained.

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

3) Removal of Structure

If the structure hereby permitted should cease being used for the purposes of a Prairie Dog enclosure, then the approved structure shall be removed from the land, and the land shall be restored to its condition before the development took place within 3 months of the date that the use ceased.

Reason: The structure hereby permitted would constitute inappropriate development in the Green Belt were it not for the proposed use and removal would be required to protect the long-term openness of the area in accordance with Sections 12 and 13 of the National Planning Policy Framework 2023, Policies CS2 and CS5 of the Core Strategy 2007 and Policies DM3, DM10 and DM26 of the Development Management Policies Document 2015.

Informatives

1) Positive and Proactive Discussion

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) Changes to the Approved Plans

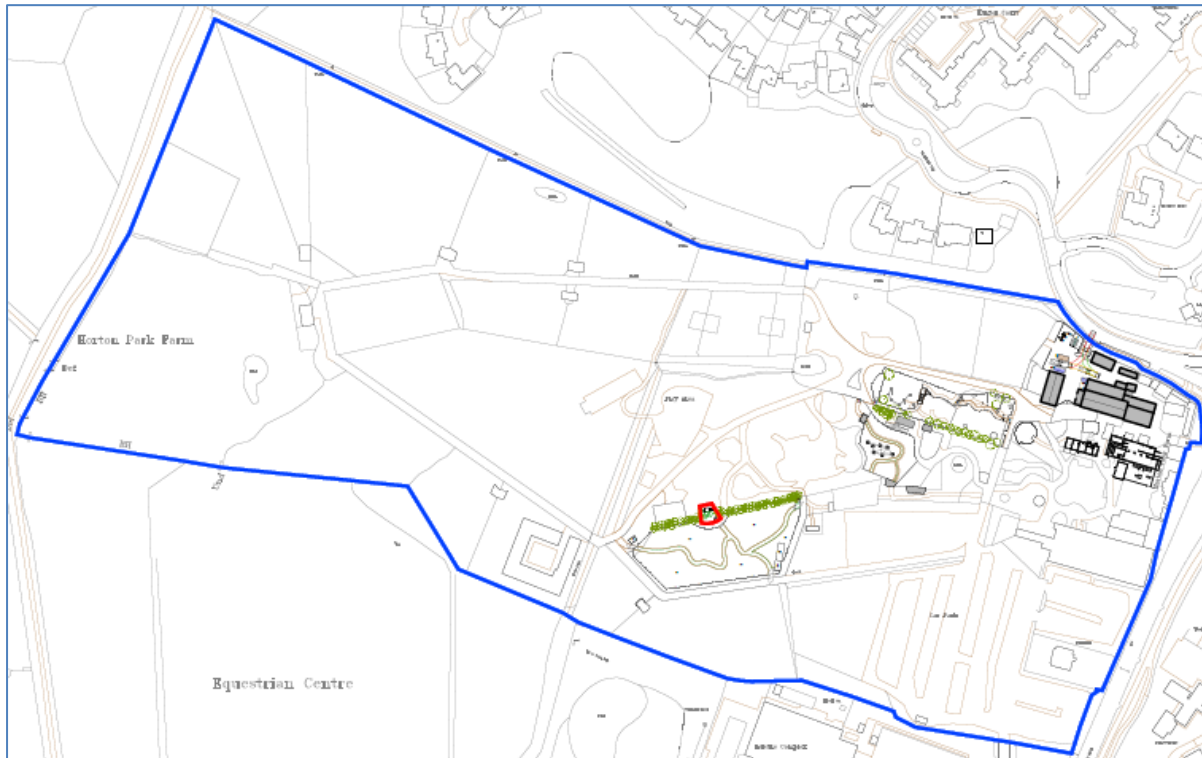
Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

APPENDICES

- 1) Committee Report, ref: 23/01345/FUL, dated 08 February 2024.

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

Application Number	23/01345/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton
Proposal	Construction of a Prairie Dog enclosure (retrospective)
Expiry Date	05 January 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	5
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here



SUMMARY

1. Summary and Recommendation

- 1.1 This application is a minor planning application, but has been called into Planning Committee by Cllr Kieran Persand for the following reasons:
- *Conflict with policies DM 1, 4 and 6, CS 1, 2, 3, 5 and 6, and NPPF paras 137 and 149 (with reference to previous version of the NPPF)*
 - *Failure to comply with Conditions 9, 19 and 20 of planning permission 11/00511/FUL*
 - *Visual effect on the landscape.*
 - *Flood, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 (with reference to previous version of the NPPF)*
- 1.2 The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Prairie Dogs. Retrospective planning permission is sought, as the development is built.
- 1.3 The wider Hobbledown site is subject to an extensive planning history. This is detailed within this Report.
- 1.4 This application has received objections from nearby neighbours. The objections have been considered by Officers within the assessment of this application.
- 1.5 The Site is within the Green Belt, but acceptable in principle as it not defined as inappropriate development. It forms an acceptable part of the wider Hobbledown site, and the application is recommended for approval, subject to Conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the erection of a Prairie Dog enclosure, including:
- Mix of feature walling to 3m and low-level walls to 1m around the perimeter
 - Mound with tunnels leading to accommodate viewing shelter.

3. Key Information

	Existing	Proposed
Site Area	91m ²	
Floorspace	Not specified	Additional 5m ²
Car Parking Spaces	No change	
Cycle Parking Spaces	No change	

SITE

4. Description

4.1. The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Prairie Dogs. The Site comprises an enclosed mound with a central viewing shelter and associated permeable pathways.

5. Constraints

- Green Belt
- Great Crest Newt Impact Zone
- Critical Drainage Area.

6. History

Application number	Application detail	Decision date
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Pending
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)	Pending
23/01343/FUL	Construction of Lemur Dog enclosure (Retrospective)	Pending
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access), Condition 29 (Delivery Management Plan) of Planning Permission ref: 22/00013/REM (dated 31.03.2023) 22/00013/REM Description of Development: Variation of Condition 14 (vehicular access) of	Pending

Application number	Application detail	Decision date
	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	Granted 31 March 2023
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 overflow car parking at times of peak demand	Granted 31 March 2023
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	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	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	Granted 28 July 2014
14/00146/REM	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,	Granted at appeal, 02 July 2017

Application number	Application detail	Decision date
	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	
13/01184/FUL	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	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Granted 1 June 2012
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, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	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	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

6.1. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. This is viewed as the original permission for the wider Hobbledown site. Since the grant of the original planning permission, several planning applications have been approved, which authorised further development on the land.

6.2. The original planning permission approved a Masterplan (ref: 6773/50 Rev H). In respect of this current application, this Site is located predominantly within Zone C of the approved Masterplan.

- 6.3. Condition 19 of the original planning permission stated that 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.
- 6.4. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.5. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.6. Subsequent planning permissions, under ref: 14/00146/REM and 22/00011/REM varied Condition 20, allowing public access to Zones F7, F9 and F10, and allowing the use of these areas for parking provision associated with the wider use of the Hobbledown site.
- 6.7. The development subject of this application is not considered to conflict with the provisions of either Conditions 19 or 20 of the original planning permission.
- 6.8. For the avoidance of doubt, the wording of Conditions 19 and 20 of planning permission ref: 11/00511/FUL are provided below:

Condition 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 1 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 Policies DC1, GB1 and GB3 of the Local Plan (2000) and Policy CS2 of the Core Strategy (2007).

Condition 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

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).

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Highway Authority	No objection
Flood Authority	No objection
Surrey Archaeology	No objection
Newt Officer	No comments
Ecology	The removed vegetation may have had biodiversity value
Policy	No comments received
External Consultees	
Woodland Trust	No comment provided
Natural England	No comment provided
Surrey Wildlife Trust	No comment provided
Public Consultation	
Neighbours	<p>The application was advertised by neighbour notification to 11 neighbouring properties and by public advertisement. 4 submissions were received which raised the following issues:</p> <ul style="list-style-type: none"> • Conflict with policies DM 1, 4 and 6, CS 1, 2, 3, 5 and 6, and NPPF paras 137 and 149 • Failure to comply with Conditions 9, 19 and 20 of planning permission ref: 11/00511/FUL • Loss of trees • Visual effect on the landscape • Development within a Critical Drainage Area, and flood risk, failing to comply with Policy DM19, 159, 160, 161, 162 and 167 <p>Officer comment: These matters are discussed in the body of the report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

7.1. Town and Country Planning Act 1990

- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space.

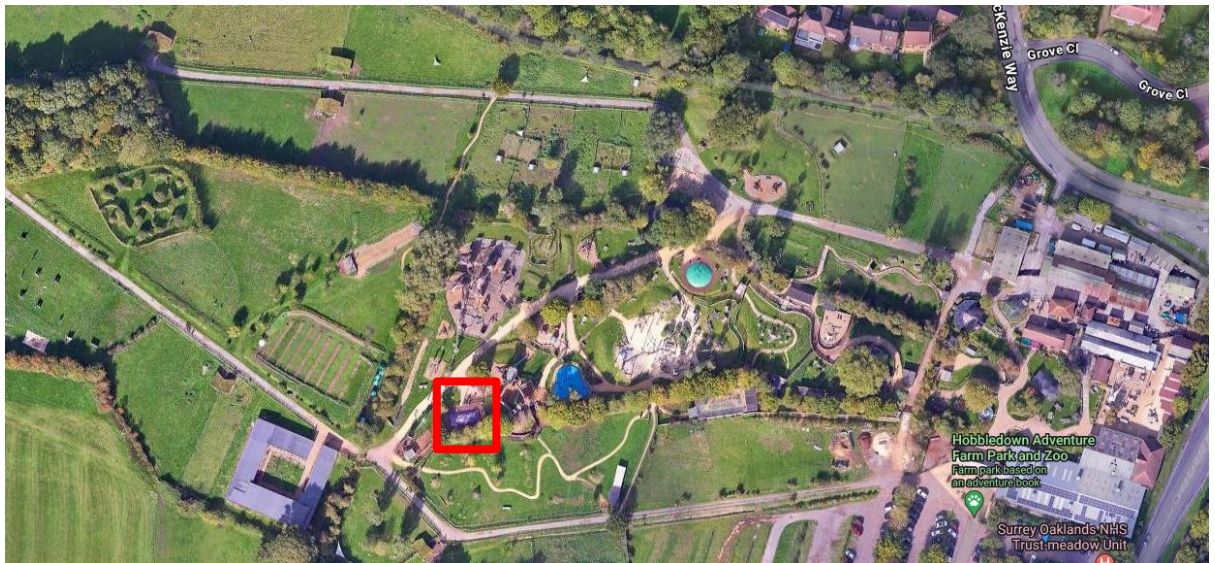
PLANNING ASSESSMENT

10. Principle of Development: Green Belt and Community Facilities

10.1. Green Belt

- 10.2. Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.3. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.4. Paragraph 152 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.
- 10.5. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): 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.
- 10.6. Paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include (inter alia) b) engineering operations.
- 10.7. Policy CS2 of the Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 10.8. There are concerns from the Councillor who called in this planning application, and neighbours, that the proposal does not comply with Policy CS2, constituting inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

- 10.9. 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 not inappropriate development 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.
- 10.10. 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.
- 10.11. The Prairie Dog enclosure is positioned within the wider Hobbledown site, surrounded by development. The items that make up the Prairie Dog enclosure include:
- The mound and resulting tunnelling through the mound. This is an engineering operation and having been landscaped appropriately does not adversely affect the overall character or openness of the area (i.e. it preserves the openness)
 - The paths through the Site. These are negligible in terms of any change to form and appearance, and could be viewed as engineering operations
 - The walls form part of enclosing the space and keeping the animals contained. Its height is necessary to ensure containment
 - The timber shelter provides viewing opportunities for visitors and is modest in its nature.
- 10.12. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities, complying with b) of paragraph 154 of the NPPF. The test is then whether the proposal preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it. This is discussed in the below paragraph.
- 10.13. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment. The proposal, being the structure and the walls, does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in, given that it is located within the wider Hobbledown site, which is subject to buildings and development. This is best depicted in the aerial photograph below.



10.14. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would be sited within a well established groundkeeper’s enclave area of the golf course.” (paragraph 14).

10.15. The same approach is adopted here. Whilst there is some built form, it is very minor in its scale and form, and it is sufficiently contained. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.

10.16. The proposal also constitutes “engineering operations”, given that it comprises a mound. b) of paragraph 155 of the NPPF allows for engineering operations, so long as the proposal preserved openness and does not conflict with the purposes of including land within it. As above, the proposal does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the

Green Belt, or the purposes of including land within in. Likewise, the paths can be considered in the same manner.

- 10.17. The proposal does not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

10.18. Community Facilities

- 10.19. 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.
- 10.20. 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.
- 10.21. 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.
- 10.22. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough. The proposal complies with Policies CS13 and DM34.

11. Design, character, and impact upon the landscape

- 11.1. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 11.2. Paragraph 174 of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 11.3. Policy CS5 of the CS sets out that the Council will protect and seek to enhance the Borough's heritage assets. High quality design will be required for all developments.
- 11.4. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 11.5. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.6. There are concerns from the Councillor who called in this planning application, and neighbours, that it does not comply with Policies CS5 and DM6, with concerns around the visual impact of the proposal on the landscape. This has been considered by Officers within the assessment of this planning application.
- 11.7. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, numerous planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land and the continued expansion of the Site.
- 11.8. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 11.9. The design of the Prairie Dog enclosure is as follows:
- A central mound enclosed by a blockwork wall, which is timber clad to the outer surface and by metal sheet cladding to the inner surface
 - The enclosure includes a gate for staff access and a viewing shelter within the mound, which children can access by way of a connecting tunnel beneath the surface of the mound

- To the rear of the enclosure is feature timber panelling backing on to existing play structures
- The boundaries of the enclosure vary in height from 0.9m to the front and up to 3m (feature timber panels) at the rear. A permeable footpath (gravel surface covered with wood chippings/bark) has been created around the enclosure, connecting to the wider footpath network throughout the Site, allowing suitable access.

11.10. The materials used in the construction of the enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character or natural setting (e.g., use of timber within the boundary fencing).

11.11. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.

11.12. The development is in keeping with the character and appearance of the wider Hobbledown site and complies with Policy DM9.

12. Trees

12.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

12.2. There are concerns from the Councillor who called in this planning application that it does not comply with Conditions 8 and 9 of the original planning permission, ref: 11/00511/FUL, dated 9th December 2011. This is a matter with an ongoing Enforcement Case. In short, the Council's Trees Officer has reviewed recent tree works on the Site and is content that they fall within the scope of the Lease. Whether there is a breach of the planning permission remains open though the subject application, which allows for consideration of any alleged works.

12.3. Condition 8 set out that other than trees detailed for removal in the Arboricultural Report, dated 28 July 2011), no other trees shall be lopped, topped, or felled without the prior written consent of the Local Planning Authority, and Condition 9 set out that tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan, dated 28 July 2011. These concerns have been taken into consideration by Officers, as part of the assessment of this application.

- 12.4. There are concerns raised from neighbours, that trees have been lost as part of this proposal. This has been taken into consideration by Officers, as part of the planning assessment.
- 12.5. There are no trees subject to a Tree Protection on the Site, and the Site does not fall within a Conservation Area.
- 12.6. The development of the Prairie Dog enclosure required the pruning and partial removal of a previous hedgerow, known as "G4". The hedgerow was considered to have been a low quality (Category C), interspersed with some Category B trees, so not considered a constraint upon construction.
- 12.7. The Prairie Dog enclosure has been constructed partially within the RPA of T14, covering approximately 18% of the trees RPA. BS5837 guidance states that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. Providing the work was carried out sympathetically and within current guidance, this incursion into the RPA of T14 would be deemed acceptable.
- 12.8. Although there are currently no outward signs of distress, T8, T9, T12 & T14 may also become negatively impacted by soil compaction, associated with the increased footfall within their RPAs, as visitors frequent the Prairie Dog enclosure.
- 12.9. It is recognised that the development of the Prairie Dog enclosure required the pruning and partial removal of a previous low-quality hedgerow and that there may be some soil compaction on T8, T9, T12 & T14 as a result of increased footfall.
- 12.10. The proposal does not strictly accord with Policy DM5, and this weighs negatively within the planning balance. Further discussion is raised in Section 13 with respect to ecological implications.

13. Ecology and Biodiversity

- 13.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 13.2. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS3 and DM4. This has

been considered by Officers within the assessment of this planning application.

- 13.3. The development has been completed, so the impacts are fully realised. Whilst the Site falls within the Green Belt, it is not within any statutory or non-statutory Nature Conservation Areas.
- 13.4. A short section of poor-quality hedgerow was in part removed to facilitate the construction of the Prairie Dog enclosure and three low quality trees which were retained within the enclosure have died.
- 13.5. The hedgerow would have had some ecological value for nesting/foraging birds, but the Applicant considers that the Site was generally of limited ecological potential prior to the installation of the Prairie Dog enclosure, particularly given that it sits within the wider Hobbledown site, which is subject to recreation and leisure activities and regular footfall.
- 13.6. Retained elements of the hedgerow have been incorporated in the managed landscaped habitat around the Prairie Dog enclosure. Hobbledown also regularly undertakes landscape maintenance, installing new planting across the wider Hobbledown site to ensure opportunities for biodiversity are maintained and where possible enhanced. The wider Hobbledown site provides significant opportunities for further biodiversity enhancement.
- 13.7. NatureSpace Partnership confirms that his type of application is not considered to be relevant to the District Licensing Scheme, nor would there be any impact on Great Crested Newts or their habitats.
- 13.8. The Local Planning Authority's Ecologist confirmed that some habitat has been removed, so there could have been negative effects on biodiversity, which weighs negatively within the planning balance. Should planning permission be granted, a Condition is recommended to improve the biodiversity value of this Site.

14. Neighbour Amenity

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The Site is positioned within the wider Hobbledown site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 160 metres northeast of the Site. There are play areas/equipment, trees, and hedgerows within the intervening land.

- 14.3. Given the nature of the development and its positioning within the wider Hobbledown site, there are no issues with regards to sunlight, privacy, or visual intrusion for nearby residential properties. Furthermore, given the ample distance from residential properties, there are no issues with regards to noise and disturbance for nearby residential properties. Noise associated with traffic movements and general footfall would be reasonable within the context of the existing operations.
- 14.4. The proposal accords with Policies CS5 and DM10.

15. Transport and car parking

- 15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, 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.
- 15.2. The development does not affect the existing vehicular access or car parking provision and would be unlikely to result in increased movements to or from the Site. Regardless, the existing carpark is sufficient to accommodate existing operations.
- 15.3. Surrey County Council Highways (SCC Highways) is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. SCC Highways therefore has no highway requirements.
- 15.4. The proposal accords with Policy CS16.

16. Flooding and Drainage

- 16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 16.2. There are concerns raised from neighbours, that the proposal is on a Critical Drainage Area, and that it causes flood risk.
- 16.3. The Site is within Flood Zone 1, and falls within a Critical Drainage Area.
- 16.4. The application is supported by a Flood Risk Assessment, provided by the Applicant, which sets out that surface water flooding could occur in the centre of the wider Hobbledown site boundary in 3.33% (1 in 30 year)

event. Some of the features covered by the various planning application are located within the area with surface water flood risk, including the Prairie Dog enclosure, but, as this is a small-scale development, it is not considered to obstruct the surface water flow path or would be at risk of surface water flooding.

- 16.5. As confirmed within the FRA, it is considered that the development would be safe, without increasing flood risk elsewhere.
- 16.6. The Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the drainage system is installed in accordance with approved documents, and is maintained afterwards.
- 16.7. The proposal accords with Policies CS6 and DM19.

17. Sustainability

- 17.1. Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 17.2. Policy CS1 of the CS sets out that the Council expects 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.
- 17.3. Policy CS5 of the CS sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 17.4. Policy CS6 sets out that proposals should result in a sustainable environment and reduce or have a neutral impact upon pollution and climate change.
- 17.5. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS1 and CS6. This has been considered by Officers within the assessment of this planning application.
- 17.6. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton

Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, several planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land.

17.7. The principle of development is established. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, play equipment and educational learning. Materials are mostly timber, ongoing energy use is minimal and the scale of the development is not significant. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.

17.8. The proposal complies with Policy CS1.

18. Accessibility and Equality

18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development.

18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

19. Refuse and Recycling Facilities

19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. The existing facilities are sufficient to accommodate any foreseeable waste generation from the proposed Prairie Dog enclosure, including patronage and animal waste.

20. Planning Obligations and Community Infrastructure Levy

20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m², is not chargeable.

CONCLUSION

21. Planning Balance

21.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development

Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

- 21.2. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities. The Prairie Dog enclosure is positioned within the wider Hobbledown site, surrounded by development. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. The proposal would not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. The proposal complies with (b) of paragraphs 154 and 155 of the NPPF, and Policy CS2.
- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.
- 21.4. The materials used in the construction of the Prairie Dog enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The development required the pruning and partial removal of a previous hedgerow, classed as Category C, meaning it was not a constraint upon construction. There was also some likely compaction within the root protection area of some retained trees.
- 21.6. Conditions 8 and 9 of the original planning permission are realised, but an Applicant can apply for full planning permission for an additional form of development on the Site. The removal of the hedgerow and soil compaction weighs negatively within the planning balance, but it was classed as Category C and the level of overall harm is marginal. It is also unfortunate that the hedgerow may have had ecological value. The loss of habitat weighs negatively within the planning balance, but a Condition is included, should planning permission be granted, to ensure biodiversity enhancement.
- 21.7. The Site is positioned within the wider Hobbledown site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 160 metres north of the Site.

There are animal enclosures, trees, and hedgerows within the intervening land.

- 21.8. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding and a Critical Drainage Area. The area of hardstanding within the viewing shelter measures approximately 5m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.9. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value.
- 21.10. Economic and social benefits are afforded moderate weight. Environmental benefits, which are of some harm, are afforded minor weight. Overall, the benefits clearly outweigh harm, and the proposal is recommended for approval, subject to Conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 001, received by the local planning authority on 10 November 2023.

Reason: For 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) Compliance with Flood Risk Assessment

The mitigation measures detailed in the approved Flood Risk Assessment (ref: HLEF03991, Version 3, dated 14 September 2023) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

3) Biodiversity enhancement measures

A scheme to enhance the biodiversity interest of the site shall be submitted to and agreed in writing by the local planning authority within one month of the date of this Decision. The scheme shall be implemented in full and approved and thereafter maintained.

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

Informatives

1) Positive and Proactive Discussion

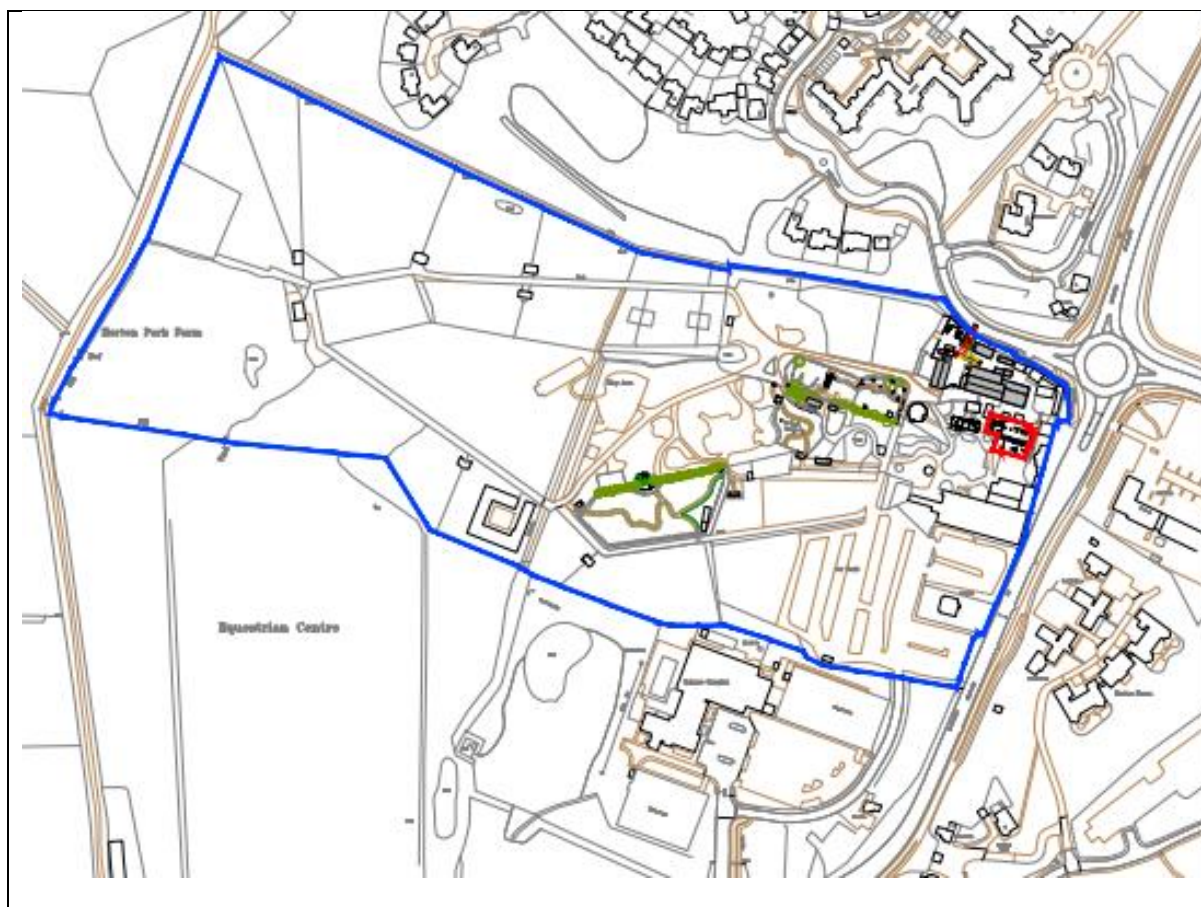
In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, 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) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

23/01349/FUL, Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	23/01349/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton Ward
Proposal	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)
Expiry Date	19 April 2024
Recommendation	Approval, subject to conditions and informatives
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here: Hobbledown
Glossary	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The planning application was presented to the Planning Committee on 8 February 2024 with a recommendation for conditional approval and was deferred for the following reason:

“In order to obtain additional information and clarity on the sustainable drainage system referenced by the Local Flood Authority at paragraph 16.6 of the report”.

- 1.2. This Update Report summarises the additional information received from the Applicant since the deferral of the planning application, relevant Consultee responses, and neighbour representation. It does not seek to review all material considerations contained within the original Committee Report, dated 8 February 2024. For ease, the original Committee Report is appended to this Update Report.

- 1.3. Officers recommend approval of the application, subject to Conditions.

PROPOSAL AND DESIGNATIONS

2. Description of Proposal

- 2.1. The Application Site ('Site') is an area of land within the wider Hobbledown Site, where a timber covered entrance and exit ways and a buggy storage area outside the Imaginarium have been constructed. Retrospective planning permission is sought, as the development is built.

- 2.2. The Site has the following constraints:

- Green Belt
- Great Crest Newt Impact Zone
- Critical Drainage Area

CONSULTATIONS

Consultee	Comments
Surrey County Council Lead Local Flood Authority (SCC LLFA)	Response dated 04.03.2024: Reviewed “Hobbledown Applications EOT, RPS, February 2024, ref: HLEF03991” and “Letter Correspondence, Laister Planning Limited, undated”. As there is no change to the impermeable area, we would have no further comments. There appears to be opportunity to accommodate sustainable drainage systems (SuDS) within the

Consultee	Comments
	site. Consideration should be given to including SuDS where possible. <u>Officer comment:</u> This is discussed in the body of the report.
Public Consultation	
Neighbours	There was no requirement to re-consult neighbours on the additional information, but further comment (objection) has been received from one resident regarding flood risk and drainage implications, which is discussed within this Update Report.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

3. Planning Policy

- 3.1. The Planning Policy relevant to this planning application is contained within the original Committee Report, which is appended to this Update Report.

PLANNING ASSESSMENT

4. Update Report

- 4.1. This Update Report summarises the additional information received from the Applicant since the deferral of the planning application, relevant Consultee responses, and neighbour representation. It does not seek to review all material considerations contained within the original Committee Report, dated 8 February 2024. For ease, the original Committee Report is appended to this Update Report.

5. Flooding and Drainage

- 5.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 5.2. The Site is within Flood Zone 1 which is low flood risk area but also falls within a Critical Drainage Area which is an area that has been identified by the Environment Agency as an area with identified drainage issues where flooding may occur if surface runoff is not effectively managed.
- 5.3. Concerns have been raised by a nearby neighbour around the Agent's unsubstantiated assertions regarding the ground surfacing before and after the Imaginarium development remaining the same. The new additions are impermeable.

- 5.4. In response to the Planning Committee's decision to defer the planning application, the Applicant prepared and submitted the following:
- 12.02.2024: Email and Imaginarium Aerial Context image (both publicly available)
 - 20.02.2023: Email with Imaginarium Drainage image (publicly available)
- 5.5. The email, dated 12.02.2024, sets out that whilst acknowledged to be in an area of critical drainage, the actual drainage regime is not affected by the development that has been undertaken and therefore would have a neutral impact on the critical drainage area.
- 5.6. The email, dated 12.02.2024, sets out that as can be seen from aerial imagery showing the Application Site both pre and post development, the overall surfacing of the area subject to this planning application does not change as a result of the development. It was hardstanding (self-binding gravel) prior to development and is the same post development. This area has always been hard surfaced, previously tarmacked, but subsequently over-laid with self-binding gravel since Hobbledown have operated the wider site.
- 5.7. The email, dated 12.02.2024, sets out that in terms of the drainage system, the courtyard area and the Imaginarium building (including the application development) drain directly to the main storm drain sewer system as indicated on the Application Form as originally submitted, and not part of any SUDs.
- 5.8. The email, dated 20.02.2024, includes an image of three storm drain points within the area of the Site.
- 5.9. Surrey County Council Lead Local Flood Authority (SCC LLFA) reviewed the documentation submitted with the planning application and confirmed that *"as there is no change to the impermeable area, we would have no further comments. There appears to be opportunity to accommodate sustainable drainage systems (SuDS) within the Site. Consideration should be given to including SuDS where possible"*.
- 5.10. In response to SCC LLFA's response, the Agent confirmed that there is no objection to a Condition (should planning permission be granted) requiring the installation of a planter to capture/attenuation of surface water runoff from the roof of the development.
- 5.11. Officers are satisfied that the Applicant has provided the information requested by Members during the deferral of the planning application, and that SCC LLFA has no objection to the additional information, subject to a Condition, should planning permission be granted.
- 5.12. Discussion at the previous meeting of the Planning Committee referred to Condition 2 of the draft recommendation, which required compliance with the recommended mitigation in the FRA, of which there was no proposed

mitigation. SCC LLFA did not recommend this Condition but it was imposed on the advice given by SCC LLFA for application ref: 23/1343/FUL and 23/1345/FUL for the Lemur Enclosure and Prairie Dog Enclosure respectively and to enable consistency across the wider Hobbledown site. Based on the recommendations of the FRA, discussions at the Planning Committee and since, it is clear that Condition 2 is surplus to requirements and serves no purpose. The revised comments from SCC LLFA maintain no objection but recommend additional sustainable drainage, which is conditioned and represents a proactive and better outcome.

CONCLUSION

6. Conclusion

- 6.1. The additional information supplied by the Applicant Team is considered to address the Members' reason for deferring this planning application.
- 6.2. A Condition is proposed, should planning permission be granted to ensure that a planter to installed, to capture. attenuate surface water runoff from the roof of the development, to accommodate sustainable drainage systems (SuDS). The proposal accords with Policy DM19.
- 6.3. The planning application is recommended for approval.

RECOMMENDATION

To grant planning permission subject to the following Conditions and Informatives:

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 002 Rev A, received by the local planning authority on 10 November 2023.

Reason: For 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) Sustainable Drainage

Within three months of the date of this planning permission, details of a planter, to capture/attenuate surface water runoff from the roof of the development hereby permitted in a sustainable manner, shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved details shall be installed within one

month of the date of that approval and thereafter maintained for the lifetime of the development.

Reason: To accommodate sustainable drainage systems (SuDS) within the Application Site, to accord with Policy DM19 of the Development Management Policies Document (2015).

Informatives

1) Positive and Proactive Discussion

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) Changes to the Approved Plans

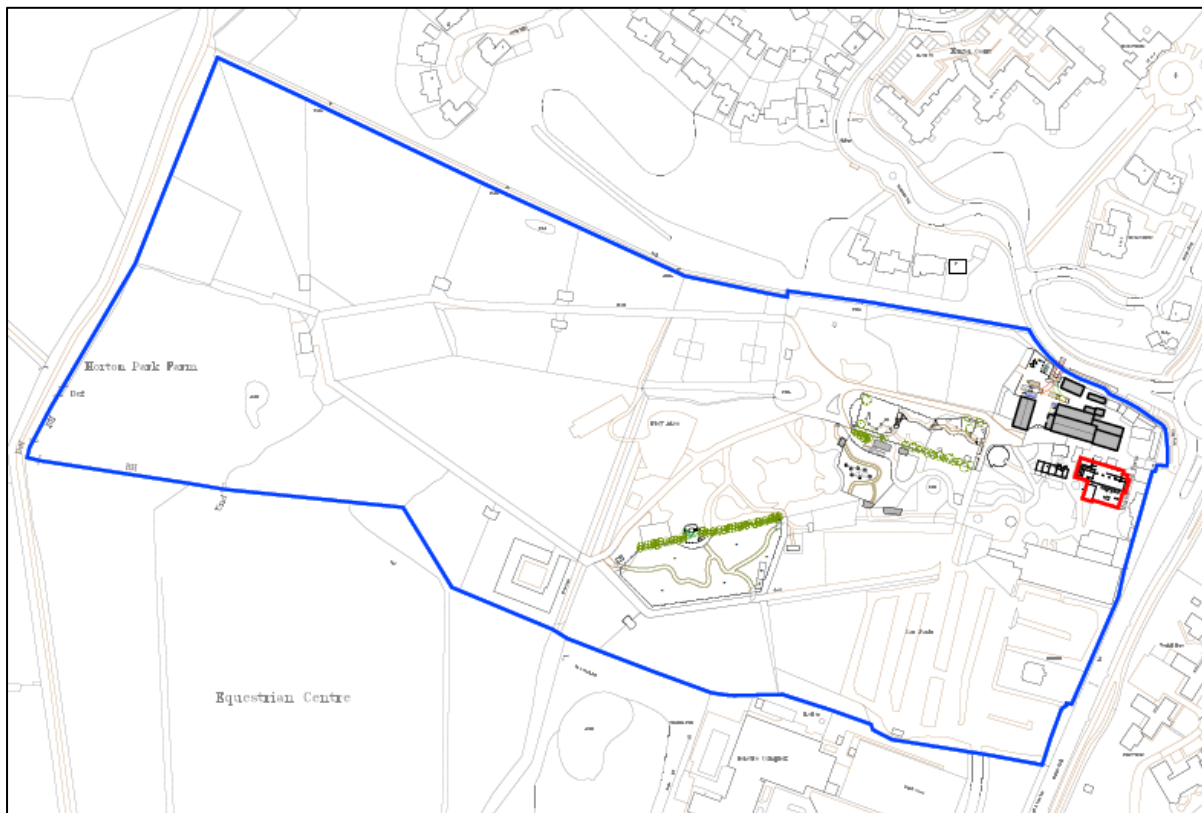
Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

APPENDICES

- 1) Committee Report, ref: 23/01349/FUL, dated 08 February 2024.

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

Application Number	23/01349/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton
Proposal	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (retrospective)
Expiry Date	05 January 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	7
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here



SUMMARY

1. Summary and Recommendation

- 1.1 This application is a minor planning application, but has been called into Planning Committee by Cllr Kieran Persand for the following reasons:
- *Conflict with policies DM19, CS 1, 2, 5 and 6, and NPPF paras 137 and 149 (paragraphs of previous version of NPPF)*
 - *Visual effect on the landscape.*
 - *Flooding, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 (paragraphs of previous version of NPPF)*
- 1.2 The Application Site ('Site') is an area of land within the wider Hobbledown Site, where a timber covered entrance and exit ways and a buggy storage area outside the Imaginarium have been constructed. Retrospective planning permission is sought, as the development is built.
- 1.3 The wider Hobbledown site is subject to an extensive planning history. This is detailed within this Report.
- 1.4 This application has received objections from nearby neighbours. The objections have been considered by Officers within the assessment of this application.
- 1.5 The site is within the Green Belt but acceptable in principle as it not defined as inappropriate development. It forms an acceptable part of the Hobbledown Site and the application is recommended for approval, subject to conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the erection of a Lemur enclosure, including:
- Erection of timber exit/entry building
 - Erection of covered buggy parking structure
 - Erection of play equipment (wheels, tubes, barrels, pumps and tipping jugs) with a main tower to 4.8m and surrounded by post and rope fencing.

3. Key Information

	Existing	Proposed
Site Area	0.05 hectares	

	Existing	Proposed
Floorspace	Not specified	Additional 23m ² + 21m ² of play equipment
Car Parking Spaces	No change	
Cycle Parking Spaces	No change	

SITE

4. Description

4.1. The Application Site ('Site') relates to a building and area of land within the wider Hobbledown site, called the "Imaginarium". It is located immediately to the north of the Site's main complex of buildings.

5. Constraints

- Green Belt
- Great Crest Newt Impact Zone
- Critical Drainage Area.

6. History

Application number	Application detail	Decision date
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Pending
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending
23/01343/FUL	Construction of Lemur Dog enclosure (Retrospective)	Pending
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access), Condition 29 (Delivery Management Plan)	Pending

Application number	Application detail	Decision date
	<p>of Planning Permission ref: 22/00013/REM (dated 31.03.2023)</p> <p>22/00013/REM Description of Development: 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</p>	
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
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 overflow car parking at times of peak demand	Granted 31 March 2023
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	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	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	Granted 28 July 2014

Application number	Application detail	Decision date
14/00146/REM	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 July 2017
13/01184/FUL	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	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Granted 1 June 2012
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, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	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	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

- 6.1. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. This is viewed as the original permission for the Hobbledown Site. Since the grant of the original planning permission, several planning applications have been approved, which authorised further development on the land.

- 6.2. The original planning permission approved a Masterplan (ref: 6773/50 Rev H). In respect of this current application, this Site is located predominantly within Zone C of the approved Masterplan, which is labelled as a “Natural & Water Play area”.
- 6.3. Condition 19 of the original planning permission stated that 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.
- 6.4. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.5. Subsequent planning permissions, under ref: 14/00146/REM and 22/00011/REM varied Condition 20, allowing public access to Zones F7, F9 and F10, and allowing the use of these areas for parking provision associated with the wider use of the Hobbledown site.
- 6.6. The development subject of this application is not considered to conflict with the provisions of either Conditions 19 or 20 of the original planning permission.

CONSULTATIONS

Consultee	Comments
EEBC Ecology	No objection
EEBC Policy	No comments received
Highway Authority	No objection
Flood Authority	No objection
Surrey Archaeology	No objection
Newt Officer	No comments
Woodland Trust	No comment provided
Natural England	No comment provided
Surrey Wildlife Trust	No comment provided
Public Consultation	
Neighbours	The application was advertised by neighbour notification to 11 neighbouring properties and by public advertisement. 5 submissions were received which raised the following issues:

Consultee	Comments
	<ul style="list-style-type: none"> • Conflict with policies DM19, CS 1, 2, 5 and 6, and NPPF paras 137 and 149 • Visual effect on the landscape • Ecological impacts • Development within a Critical Drainage Area, flood risk, impacts on paths, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 <p>Officer comment: This is discussed in the body of the report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development

- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space
- Waste

PLANNING ASSESSMENT

10. Principle of Development: Green Belt and Community Facilities

10.1. Green Belt

10.2. Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.3. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.4. Paragraph 152 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.

10.5. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): 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

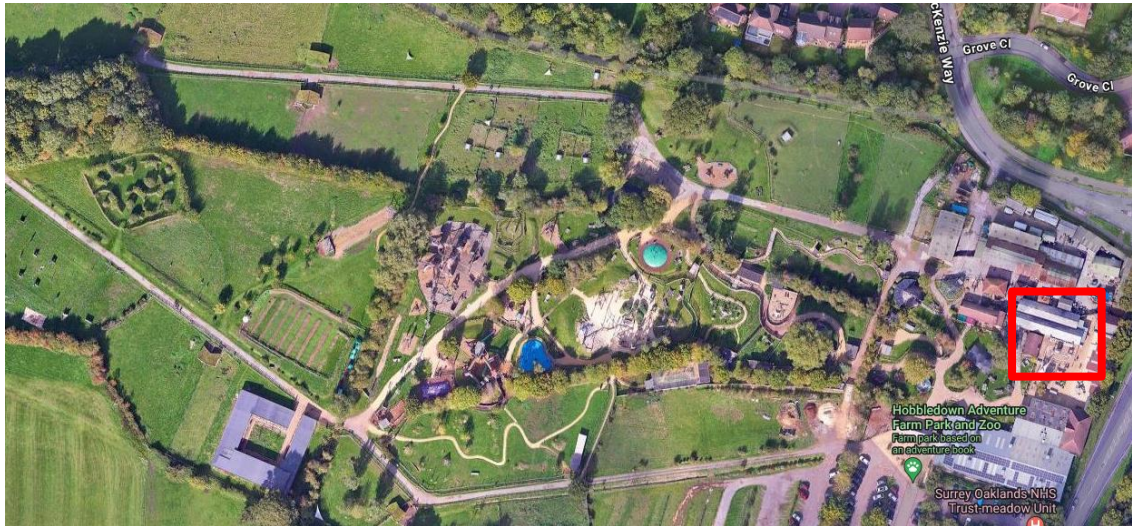
allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

- 10.6. Policy CS2 of the Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 10.7. Policy DM3 of the DMPD sets out that the extension of buildings in the Green belt will only be supported where (inter alia) the proposal would not constitute inappropriate developments in the Green Belt (e.g. the increase would be no greater than 30% above the volume of the original building).
- 10.8. There are concerns from the Councillor who called in this planning application, and neighbours, that the proposal does not comply with Policy CS2, constituting inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

Play equipment

- 10.9. 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 not inappropriate 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.
- 10.10. 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.
- 10.11. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities. The additional play facilities within the Site does not result in any change of use, with the facilities remaining ancillary to the wider use of the main authorised use of the wider Hobbledown site.
- 10.12. The wider Hobbledown 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.
- 10.13. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. They are well contained within the main complex of buildings and open and uncovered structures complementing existing facilities at the Site. There is a degree

of height to the main tower, but it is compatible with the heights of surrounding buildings and preserves the openness of the site and the Green Belt. On the aspect of encroaching development, this is best depicted in the aerial photograph below.



- 10.14. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would be sited within a well established groundkeeper’s enclave area of the golf course.” (paragraph 14).

- 10.15. The same approach is adopted here. Whilst there is some built form, it is very minor in its scale and form, and it is sufficiently contained. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.

Building works

- 10.16. Policy DM3 of the DMPD which allows replacement and extensions of buildings in the Green Belt where they are not materially larger than the existing building it replaces (taking into account floorspace, bulk and height) and in the same use. Quantitatively, the volume should be no more than 30% larger than the original building, which is as it existed on 1 July 1948 or as it was built originally. The proposal must also not have a detrimental impact on rural character through its siting and design.
- 10.17. The building works do not constitute a 30% increase in volume over and above the existing Imaginarium building and is well contained within the wider Hobbledown site amongst other buildings. On that basis, it is not inappropriate development. The percentage increase is approximately <8%, having regard to the original building, which has had very minor extensions since its erection well before 1948.

Overall conclusion

- 10.18. No aspect of the proposal would constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.
- 10.19. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2, and is acceptable in principle. This has been the considered approach in previous assessments of planning applications on the Site, retrospective or otherwise.

10.20. Community Facilities

- 10.21. 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.
- 10.22. 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.
- 10.23. 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.

10.24. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough. The proposal complies with Policies CS13 and DM34.

11. Design, character, and impact upon the landscape

- 11.1. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 11.2. Paragraph 174 of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 11.3. Policy CS5 of the CS sets out that the Council will protect and seek to enhance the Borough's heritage assets. High quality design will be required for all developments.
- 11.4. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 11.5. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.6. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS5 and DM6. This has been considered by Officers within the assessment of this planning application.
- 11.7. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original

planning permission, numerous planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land and the continued expansion of the Site. This is acceptable as demonstrated in Section 10.14.

- 11.8. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 11.9. The timber entrance and exit ways, and buggy park, are low-key structures finished with timber cladding. These are sympathetic to the context of the Site itself, and in keeping with other buildings and structures within the wider Hobbledown site. These elements do not detract from the visual amenities of the Site, sitting comfortably adjacent to other timber clad structures.
- 11.10. The play equipment has a somewhat significant height but fits entirely in context with the existing facilities. The Site provides themed-based play activities and facilities, and the additional facilities sought as part of this planning application expand the existing provision, enhancing the Site's recreational offering.
- 11.11. The development enclosure has been completed and so its impacts are fully realised. Views of the development are broadly restricted to localised views from within the wider Hobbledown site itself.
- 11.12. The development is in keeping with the character and appearance of the wider Hobbledown site and complies with Policy DM9.

12. Trees

- 12.1. There are no trees on the Site. There are therefore no comments to make with respect to trees.

13. Ecology and Biodiversity

- 13.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

- 13.2. Concerns have been raised by neighbours regarding the ecological impacts of this development, which have been taken into consideration by Officers, as part of the assessment of this application.
- 13.3. The development relates to an existing single-storey building and adjacent hardstanding courtyard area, which is in regular use as part of the wider Hobbledown site. Given the nature of the development and its siting within the context of the wider Hobbledown site, the development does not have any direct impact on any significant features of ecological or biodiversity value and is considered to have a neutral impact on such matters.
- 13.4. EEBC Ecology formally commented on this application, setting out that it would not have any effect of biodiversity due to its location and existing features.
- 13.5. The proposal complies with Policy DM4.

14. Neighbour Amenity

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at Pelman Way, which is approximately 65 metres east of the Site.
- 14.3. Given the nature of the development and its positioning within the wider Hobbledown Site, there are no issues with regards to sunlight, privacy, or visual intrusion for nearby residential properties. Furthermore, given the ample distance from residential properties, there are no issues with regards to noise and disturbance for nearby residential properties. Noise associated with traffic movements and general footfall would be reasonable within the context of the existing operations.
- 14.4. The proposal accords with Policies CS5 and DM10.

15. Transport and car parking

- 15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, 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.

- 15.2. The development does not affect the existing vehicular access or car parking provision and would be unlikely to result in increased movements to or from the Site. Regardless, the existing carpark is sufficient to accommodate existing operations.
- 15.3. Surrey County Council Highways (SCC Highways) is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. SCC Highways therefore has no highway requirements.
- 15.4. The proposal accords with Policy CS16.

16. Flooding and Drainage

- 16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 16.2. The site is within Flood Zone 1, and falls within a Critical Drainage Area.
- 16.3. The Planning Statement that accompanies this application sets out that the development has been undertaken on an area of existing area of hardstanding with a gravel top finish. The development has been in place since the end of 2021. The Operators of Hobbledown have not been aware of any significant instances of sustained surface water flooding in the area of the development since and prior to these works having taken place.
- 16.4. A Flood Risk Assessment (FRA), submitted by the Applicant with this application sets out that surface water flooding could occur in the centre of the wider Hobbledown site boundary in a 3.33% (1 in 30 year) event. Some of the features covered by the various planning application are located within the area with surface water flood risk, including the Imaginarium, but, as this is a small-scale development, it is not considered to obstruct the surface water flow path or would be at risk of surface water flooding.
- 16.5. As confirmed within the FRA. it is considered that the development would be safe, without increasing flood risk elsewhere.
- 16.6. Surrey County Council Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the drainage system is installed in accordance with approved documents, and is maintained afterwards.

16.7. The proposal accords with Policies CS6 and DM19.

17. Sustainability

- 17.1. Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 17.2. Policy CS1 of the CS sets out that the Council expects 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.
- 17.3. Policy CS5 of the CS sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 17.4. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS1 and CS6. This has been considered by Officers within the assessment of this planning application.
- 17.5. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, several planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land.
- 17.6. The principle of development is established. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, play equipment and educational learning. Materials are mostly timber, ongoing energy use is minimal and the scale of the development is not significant. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 17.7. The proposal complies with Policy CS1.

18. Accessibility and Equality

- 18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development.
- 18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

19. Refuse and Recycling Facilities

- 19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. The existing facilities are sufficient to accommodate any foreseeable waste generation from the proposed Lemur enclosure, including patronage and animal waste.

20. Planning Obligations and Community Infrastructure Levy

- 20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m², is not chargeable.

CONCLUSION

21. Planning Balance

- 21.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 21.2. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities and proportionate extensions to existing buildings. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. The proposal would not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. The proposal complies with (b) of paragraph 154 of the NPPF and Policy CS2.
- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play

equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.

- 21.4. The materials used in the construction of the building extension and play equipment are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 65 metres east of the Site.
- 21.6. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding and a Critical Drainage Area. The area of hardstanding within the viewing shelter measures approximately 23m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.7. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value. The extensions to the buildings are also ancillary features to support existing operations.
- 21.8. Economic and social benefits are afforded moderate weight. Environmental benefits, which are of some character harm, are afforded very minor weight. Overall, the benefits clearly outweigh harm and the proposal is recommended for approval, subject to Conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 002 Rev A, received by the local planning authority on 10 November 2023.

Reason: For 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) Compliance with Flood Risk Assessment

The mitigation measures detailed in the approved Flood Risk Assessment (ref: HLEF03991, Version 3, dated 14 September 2023) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

Informatives

1) Positive and Proactive Discussion

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.

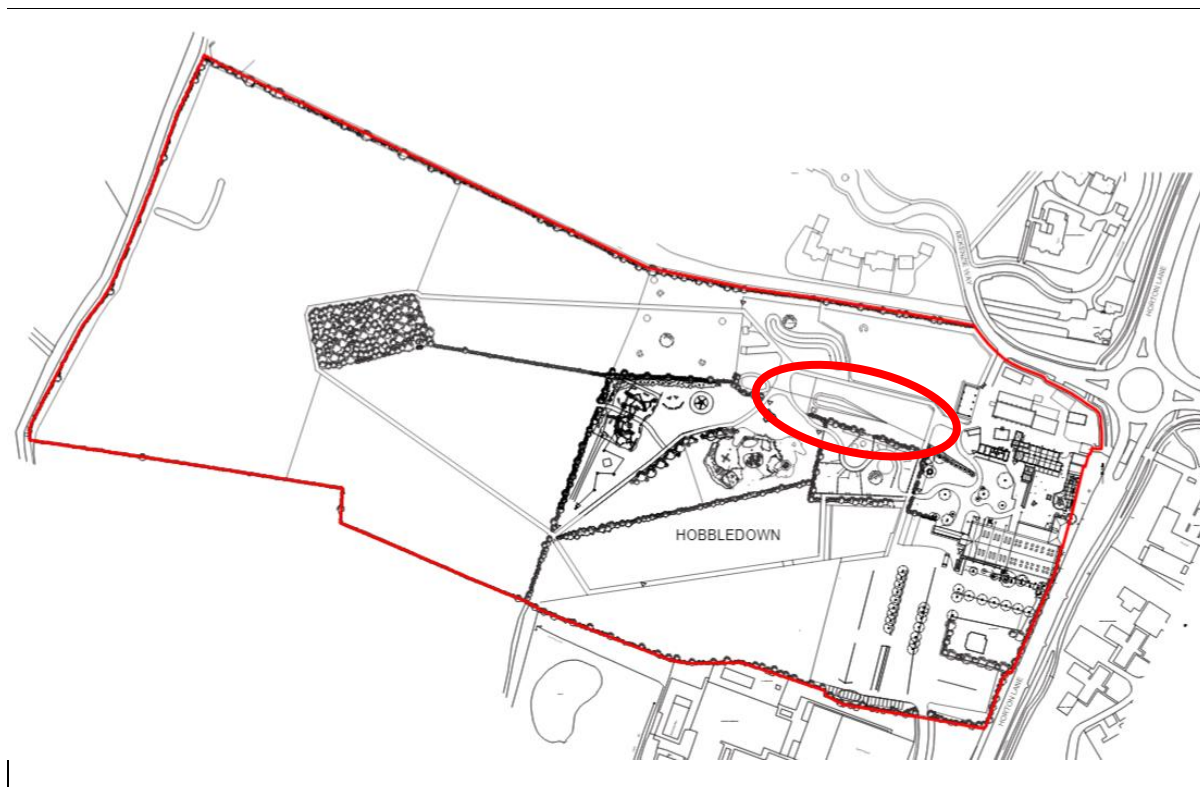
2) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

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24/00025/REM: Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	24/00025/REM
Application Type	Full Planning Permission (Major)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton Ward
Proposal	Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (retrospective)
Expiry Date	19 April 2024
Recommendation	Approval, subject to conditions and informatives
Reason for Committee	Called in by Member of the Council
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here: Hobbledown
Glossary	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. This Section 73 Planning Application has been called-in by a Councillor for the following reasons:
 - Impact on the openness of the green belt
 - Neighbourhood amenity impact
- 1.2. The application relates to an area of paddock land (approximately 0.2Ha in area) used for the keeping of animals (goats, rabbits and guinea pigs), identified as Zone F1 on the approved Masterplan of Planning Permission ref: 11/00511/FUL (as amended by five subsequent section 73 variations across the site).
- 1.3. A gravel footpath has been created within the paddock in Zone F1 to allow visitors to the wider Hobbleodwn site to walk through the animal enclosure. This has resulted in a breach of Condition 20 of 11/00511/FUL, amended most recently in 24/00024/REM. This application seeks to vary the wording of Condition 20, removing any reference to Zone F1 within the Condition wording, to allow for public access through this zone.
- 1.4. This application also seeks planning permission for associated ancillary development, which includes a footpath, timber structures and wash stations.
- 1.5. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not unacceptably increase flood risk on or off the Site.
- 1.6. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent Sections 73 planning applications.
- 1.7. Officers recommend approval of this application.

PROPOSAL

2. Description of Proposal

- 2.1. Condition 20 of Planning Permission ref: 11/00511/FUL initially read as follows:

“The fields marked F. 1 to 4 inclusive and F. 6 to 10 inclusive 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 Policies DC1, GB1 and GB3 of the Local Plan (200) and Policy CS2 of the Core Strategy (2007)”

- 2.2. Condition 24 of Planning Permission ref: 11/00511/FUL refers to approved drawings and documents.
- 2.3. The Planning Permission included an approved Masterplan, ref: 6773/50 Rev H, which set out and controlled uses of specific areas across the wider Hobbledown site. The 2011 Masterplan approved layout indicated that much of the wider site (known as Zones F1 to 10) would be occupied by animal walkthrough areas. In turn, Condition 20 attached to the Planning Permission stated that Zones F1 – 4 inclusive and Zone F6 to 10 may only be used for the keeping of animals and not at any time accessible to the public. Zone 1 is shown in the plan below.



- 2.4. Subsequent planning permissions in 2015 (ref: 14/00146/REM), 2023 (ref: 22/00011/REM) and 2024 (ref: 24/00024/REM) varied Condition 20 to the effect that allows public access to Zones F7, F9 and F10, allows use of these areas for parking provision associated with the wider use of the

Hobbledown site and for service yard use in Zone F2. The revised condition 20, as it is most recently amended, now reads:

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, other than that part of F.2, as specified on drawing ref: 009 - Service Yard (2) - dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847).

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.

- 2.5. The creation of a footpath through Zone F1 has resulted in a breach of Condition 20 of Planning Permission ref: 11/00511/FUL as it will be accessible to the public. This application therefore seeks to vary the wording of Condition 20 of Planning Permission ref: 11/00511/FUL, removing any reference to Zone F1 within the Condition wording, to allow for public access through this zone.
- 2.6. This application also seeks planning permission for associated ancillary development, which includes a footpath, timber structures (including a two timber entrance enclosure and climbing structures) and wash stations. Hutches and signage structures would not be development within the scope of s55 of the Town and Country Planning Act 1990 and do not form part of this application.

SITE

3. Description

- 3.1. This application relates to an area of paddock land, which measures approximately 0.2Ha, authorised for the keeping of animals, identified as Zone F1 on the Masterplan approved under Planning Permission ref: 11/00511/FUL. A gravel footpath has been created within the paddock, to allow visitors of the wider Hobbledown site to walk through the animal enclosure.

4. Constraints

- Green Belt
- Flood Zone 1

5. History

- 5.1. The wider Hobbledown site is subject to an extensive planning history:

Application	Description of Development	Decision
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 22/00011/REM, to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath and timber wash stations (retrospective)	Pending (at Planning Committee)
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)	Pending (at Planning Committee)
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending (at Planning Committee)
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access) and Condition 29 (Delivery Management Plan) of 22/00013/REM	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Approved 8 March 2024
23/01343/FUL	Construction of a Lemur enclosure, including an entrance structure (retrospective)	Granted 9 February 2024
23/00818/FUL	Alterations to entrance facilities, including infilling walls to the front (southern) elevation, infilling two existing door opening, proposed double door to the rear (northern) elevation, proposed two windows and double doors to the front elevation, proposed serving hatch to the side (eastern) elevation and reconfiguration of internal space	Granted 7 September 2023
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
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	Granted 31 March 2023
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	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows	Granted 31 March 2023

Application	Description of Development	Decision
	and construction of Lorikeet enclosure/structure (retrospective)	
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	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	Granted 28 July 2014
14/00146/REM	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 July 2017
13/01184/FUL	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	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October

Application	Description of Development	Decision
		2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn(6773/71D) not being constructed	Granted 1 June 2012
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, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	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	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

CONSULTATIONS

The application was consulted to all parties on 23 January 2024. Re-consultation took place on 7 March 2024 as the description of development of this application was amended to reflect operational development.

Consultee	Initial Response	Responses following re-consultation
Environment Agency	This application falls outside of the Environment Agency's remit, so it was no comments to make	The Environment Agency has assessed this application as having a low environmental risk. We therefore have no comments to make
SCC LLFA	As there is no change to the impermeable area due to the permeable nature of the footpaths created, it would have no further comments	No further comments
SCC Archaeology	No Archaeological Concerns	No response received
SCC Highways	The application would not have a material impact on the safety and operation of the adjoining public highway	As per original response
Newt Officer	This application is not considered to be relevant to the District Licensing Scheme	No response received

Natural England	No response received	No response received
Surrey Wildlife Trust		
The Woodland Trust		
Epsom Civic Society		
EEBC Conservation Officer		
EEBC Planning Policy		
EEBC Tree Officer		
EEBC Ecology		
EEBC Environmental Health		
Public Consultation		
in accordance with the Statement of Community Involvement 2022		
Neighbours	<p>The application was advertised by means of a site notice (form 25 January to 15 February 2024 and 7-28 March 2024) and press notice and notification to neighbouring properties (form 23 January to 13 February 2024 and 7-28 March 2024).</p> <p>Originally, two letters of representation were received from neighbours, with comments regarding the following:</p> <ul style="list-style-type: none"> • Green Belt • Noise and disturbance • The proposed field lies between two critical drainage areas, and would increase flood risk (a Condition has been recommended) <p>Two further letters of representation were received, following re-consultation, with the following comments:</p> <ul style="list-style-type: none"> • Queries regarding the Description of Development and neighbour notification • It is not appropriate or valid for additional ancillary development to be included in this application. The application should be changed to include the altering of the Condition only • Limited details submitted surrounding “ancillary development <p><u>Officer comment</u>: These matters are discussed in the body of the report.</p>	

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Planning Policy

6.1. Planning Policy Framework 2023 (NPPF)

- Chapter 2: Achieving Sustainable Development
- Chapter 6: Building a Strong, Competitive Economy
- Chapter 8: Promoting Healthy and Safe Communities
- Chapter 12: Achieving Well-Designed and Beautiful Places
- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

6.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS16: Managing Transport and Travel

6.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk

7. Planning Guidance

7.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space

PLANNING ASSESSMENT

8. Principle of Development

8.1. Material Amendment

- 8.2. Paragraph 13 of the NPPG in relation to Flexible Options for Planning Permission states that “There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”

- 8.3. The principle of the development was established in the original permission and nothing in this application alters this conclusion.
- 8.4. The original approval involved “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)”. The Masterplan formed part of Condition 20.
- 8.5. The subject variation seeks to amend the restrictions associated with the approved Masterplan so that it can be accessed by the public for the purposes of an animal walkthrough area. This amendment is within the scope of Condition 20 of the original permission.
- 8.6. The proposal also includes associated ancillary development including footpath, timber structures and wash stations (retrospective). Within the framework of the original description and approval, which includes the keeping of animals within Zone F1, the amendments to this zone are material. There is no change to the description of the approved development and having regard to recent case law, the extent of the changes are appropriate within the scope of the s73 application.

8.7. Green Belt and Community Facilities

- 8.8. Paragraphs 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.9. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.10. Paragraph 152 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.
- 8.11. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): 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.

- 8.12. Paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction
 - b) engineering operations
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order
- 8.13. Policy CS2 of the CS establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 8.14. Policy CS13 of the CS 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.
- 8.15. Policy DM25 of the DMPD 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.
- 8.16. Policy DM34 of the DMPD 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.
- 8.17. Part of the reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was *“in the interests of the visual amenity of the Green Belt”*. It is therefore appropriate to assess how the proposed change of wording to the Condition may impact the Green Belt. Furthermore, there are concerns from neighbours that the proposal constitutes inappropriate

development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

- 8.18. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment.
- 8.19. This application relates to an area of paddock land, which measures approximately 0.2Ha, authorised for the keeping of animals, identified as Zone F1 on the approved Masterplan. A gravel footpath has been created within the paddock, to allow visitors of the wider Hobbledown site to walk through the animal enclosure.
- 8.20. The Planning Statement submitted with this application sets out that boundaries of the enclosure are typically timber post and wire fencing, with timber post and rail fencing bounding the footpath route. The footpath is of permeable gravel surfacing, with timber entrance/exit gateway features, which include hand-washing facilities. An email received by the Agent on 04.04.2023, sets out that other elements subject to this application include the feeding station. For the avoidance of doubt, this application seeks approval for the timber post and wire fencing, the footpath, the timber entrance/exist gateway features, including the hand-washing facilities, climbing structures and the feeding station. These can be found on drawing ref: 011 – Goats & Rabbit Enclosure (2) – dated Nov'23, which is publicly available.
- 8.21. This is a retrospective planning application, meaning that the impacts of the ancillary development, including the footpath, timber structures and wash stations are already known.
- 8.22. The proposal complies with a – e of paragraph 143 of the NPPF, as the Site is within the wider Hobbledown site, and does not encroach outside of this.
- 8.23. The entrance enclosures, feeding stations, climbing structures and wash stations are considered to comply with b) of paragraph 154 of the NPPF, as they provide appropriate facilities (in connection with the existing use of land) for outdoor recreation as they are limited to the existing keeping of animals within the enclosure. These aspects of the proposal preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, due to the modest height, width and mass of the structures and wash basins. The wooden structures also comprise a sensitive design and material choice, which assimilates within the wider Hobbledown site.
- 8.24. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would belong as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it...”

- 8.25. The same approach is adopted here. Whilst there is some built form, it is minor in its scale and form, and it is well contained amongst the rest of the development in the Hobbledown Site. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.
- 8.26. The additional paths comply with b) of paragraph 155 of the NPPF, as these constitute engineering operations. In this case, the paths do not adversely impact the openness of the Green Belt due to being minor in scale and form, comprising sensitive design and materials, being well contained within the wider Hobbledown Site and extending existing access paths. This has been the considered approach in previous planning applications on the wider Hobbledown site.
- 8.27. The creation of the paths has also improved public accessibility within the wider Hobbledown site. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough.
- 8.28. The variation to Condition 20 would allow movement of visitors within Zone F1. There is no development associated with this change but it results in congregation of people in an area that there is currently no permission for this to occur. By extension, there would be a degree of harm to the openness of the Green Belt. However, again, it would not conflict with, or have a materially greater impact on, the openness of the Green Belt, or the purposes of including land within it because visitors are already allowed in various other areas of the Hobbledown site, including those areas that are further removed from the main precinct of development. By extension, the variation to Condition 20 does not constitute inappropriate development in the Green Belt and the principle of the proposal is accepted. This has been the considered approach in the variation to Condition 20 in previous variation applications.

8.29. Overall, the proposal preserves the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in, given that it is located within the wider Hobbledown site, which is subject to buildings and development. The proposal complies with b) of paragraph 143 of the NPPF and b) of paragraph 155 of the NPPF, and Policies CS13 and DM25 and the principle of development is accepted.

9. Design and Character

- 9.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Paragraph 180 of the NPPF 2023 requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'
- 9.2. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 9.3. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 9.4. As advanced in the consideration of the proposal against Green Belt policy, the proposed structures and paths are modest elements with sympathetic materials that complement the existing timber fencing and wider surrounds. The materials used are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character or natural setting (e.g., use of timber within the boundary fencing).
- 9.5. There are no adverse character impacts and no objection is raised.

10. Neighbour Amenity

- 10.1. Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise

whilst Paragraph 185 of the NPPF seeks to mitigate and reduce noise impacts.

10.2. Part of the “reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was “in the interests of the amenity of neighbouring residential properties”. It is therefore appropriate to assess how the proposed change of wording to the Condition may impact neighbouring amenity.

10.3. This is a retrospective planning application, meaning that the impacts of the use of the gravel footpath are already known. The use of this by visitors would generate some noise, but the paths and washbasins are sufficiently separated from residential properties that the noise generated is not considered to adversely impact neighbouring amenity in terms of noise or disturbance, even when considered as part of the wider Hobbledown site.

10.4. The proposal complies with Policy DM10.

11. Flooding and Drainage

11.1. The Council expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.

11.2. Policy DM19 of the DMPD sets out that development within Flood Risk Zones 2 and 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding as identified by the Borough Council's SFRA, will not be supported unless:

- In fluvial flood risk areas, the sequential and exception tests have been applied and passed and it is a form of development compatible with the level of risk; and
- For all sources of risk, it can be demonstrated through a site FRA that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and
- Where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.

11.3. The Site is within Flood Zone 1 (low probability of flooding) and is not within a Critical Drainage Area.

11.4. The reason for Condition 20 does not relate to flood risk, but nonetheless, it is reviewed as part of this assessment, given that concerns have been raised by neighbours that the proposal may exacerbate flood risk on and off site and because timber structures form part of the proposal.

11.5. A revised Condition wording was recommended within a representation, to ensure that the gravel surfacing does not exceed 10% of the area of the

field to form public walkways, to ensure that the surfacing does not increase the susceptibility of any part of the Site to surface water flooding, or increased flood risk elsewhere. It also suggests that the hand washing systems would be removed when no longer required for that purpose.

11.6. A Flood Risk Assessment accompanies this application, submitted by the Applicant, dated August 2023. It sets out that the Site is located within Flood Zone 1 and at low risk of surface water flooding. There would be minimal impact to the surface water run-off regime on areas of “hardstanding”, and as such would pass to the ground in a similar manner to the baseline situation. Overall, the development would be safe, without increasing flood risk elsewhere.

11.7. The Planning Statement submitted with this application sets out that the Site is at very low risk from flooding from “rivers and the sea” and “surface water”. Flooding from reservoirs and groundwater is unlikely in this area. Given the nature and scale of the development, it is unlikely to be affected by flooding or exacerbate flood-risk elsewhere. Aside from the small hand washing stations at the entrance and exit to the walkways, Zone F1 is predominantly open areas of land, including landscapes areas and permeable gravel pathways. Rainwater is left to naturally percolate to the ground as previously has been the case prior to development taking place, embracing the principles of SUDs.

11.8. The Environment Agency were formally consulted on this application the response sets out that “*we have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee*”. In its second response, it sets out that it assessed this planning application as having a low environmental risk. Therefore, it has no comments to make.

11.9. SCC Lead Local Flood Authority (LLFA) was formally consulted on this application. The response sets out that “*as there is no change to the impermeable area due to the permeable nature of the footpaths created, it would have no further comments*”. In its second response, it sets out that there are no further comments.

11.10. Given the submission of a Flood Risk Assessment with the application, the Planning Statement, and lack of objection from the Environment Agency and SCC LLFA, Officers are satisfied that the Condition proposed by the nearby resident is not required, and that the proposal complies with Policy DM19. There is no need or justification for the imposition of any flooding or drainage conditions.

12. Trees and Landscaping

12.1. The proposal would not affect existing trees and no objection is raised.

13. Ecology and Biodiversity

13.1. The proposal would not affect existing biodiversity features and no objection is raised.

14. Parking, Traffic and Access

14.1. The proposal would not affect existing parking and access arrangements.

15. Accessibility and Equality

15.1. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no significant adverse impacts as a result of the development. If anything, the extensions to the pathways improves accessibility through the site which is supported.

16. Other considerations

16.1. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent Sections 73 planning applications. Conditions 20 and 24 of the recommendation are also determinative of the pending decision in 24/00025/REM.

CONCLUSION

17. Planning Balance

17.1. The proposed variation to Condition 20 of planning permission ref: 11/00511/FUL, to allow public access to Zone F1 is considered to result in development that would remain compliant with the Statutory Development Plan and other material considerations, including the NPPF.

17.2. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use of this. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not increase flood risk on or off the Site.

17.3. Condition 20 shall be amended accordingly, which is consistent with previous variations to allow access to Zones F7, F9 and F10. Condition 24 is also amended, to reflect drawings submitted with this application.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives (with modifications to Conditions 20 and 24):

1. Timescale

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. Hours of Operation

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. Public Address System

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. Fairground rides

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. Materials of Play equipment

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. Height of Play Equipment

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. Hard and Soft Landscaping

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. No Removal of Trees

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. Compliance with Arboricultural Report and Tree Protection Plan

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. Biodiversity Enhancements

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. Sustainable Drainage

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. Car Parking

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. Travel Plan

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. Access via McKenzie Way

The vehicular access from McKenzie Way shall not at any time be used by customers of the Site 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. Materials of Barn Extension

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. Building and Engineering Operations

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. Sustainability Measures

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. Construction Hours

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. Zones – Play Activities and Equipment

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. Zones – Public Access

The fields marked F2, F3, F4, F6 and F8 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, other than that part of F.2, as specified on drawing ref: 009 – Service Yard (2) – dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847)

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. Zones – Animal Shelters

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. Cycle Parking

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. Visitor Management Plan

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, approved under ref: 22/00011/REM.

The overflow car park, approved under ref: 22/00011/REM, shall be used once car parking is at capacity. The updated Visitor Management Plan shall be submitted to and approved by the Local Planning Authority. It should set out anticipated dates when the car park reaches capacity and detail dates when the overflow car park can be used. The number of days shall not exceed 50 of each calendar year.

The Visitor Management Plan shall be submitted to 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. Approved Plans

The development hereby permitted is to be 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)
- as amended by 11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012
- as amended by 188/3.021 Rev. 03, approved under 22/00013/REM,

- as amended by 009 – Service Yard (2) (dated Nov'23, approved under 24/00024/REM,
- and as amended by 011 – Goats & Rabbit Enclosure (2) – dated Nov'23

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. Deliveries

Condition 25 of Planning Permission ref: 22/00013/REM sets out that Deliveries to the farm shop and cafe via McKenzie Way access as permitted by that planning permission shall not commence unless and until the proposed parking restrictions and the associated Traffic Regulation Order have been designed and implemented on McKenzie Way in the vicinity of the Site, including both sides of 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. This Condition is relevant to Planning Permission ref: 22/00013/REM

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

26. Hard and Soft Landscaping (Car Park Overspill)

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. Car Park Management Plan

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
- The maximum number of days that the overflow car park can be used

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. Modifications to McKenzie Way

Condition 28 of Planning Permission ref: 22/00013/REM states that no part of the development permitted under the development approved shall be first utilised unless and until the existing access onto McKenzie Way has been modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority. This Condition is relevant to Planning Permission ref: 22/00013/REM only.

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)

Informatives

Informative 1:

Conditions relating to Appeal A (ref: APP/P3610/W/14/3000847) and Appeal B (ref: APP/P3610/W/14/3000633) are listed below:
Appeal A - Ref: APP/P3610/W/14/3000847

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

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

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

Informative 2:

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

Informative 3:

A standard fee may be charged for input to and future monitoring of any travel plan

Informative 4:

Any unilateral undertaking shall be in accordance with Surrey County Council's standard format

Informative 5:

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

Informative 6:

Animal displays should be solely for educational purposes

Informative 7:

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)

Informative 8:

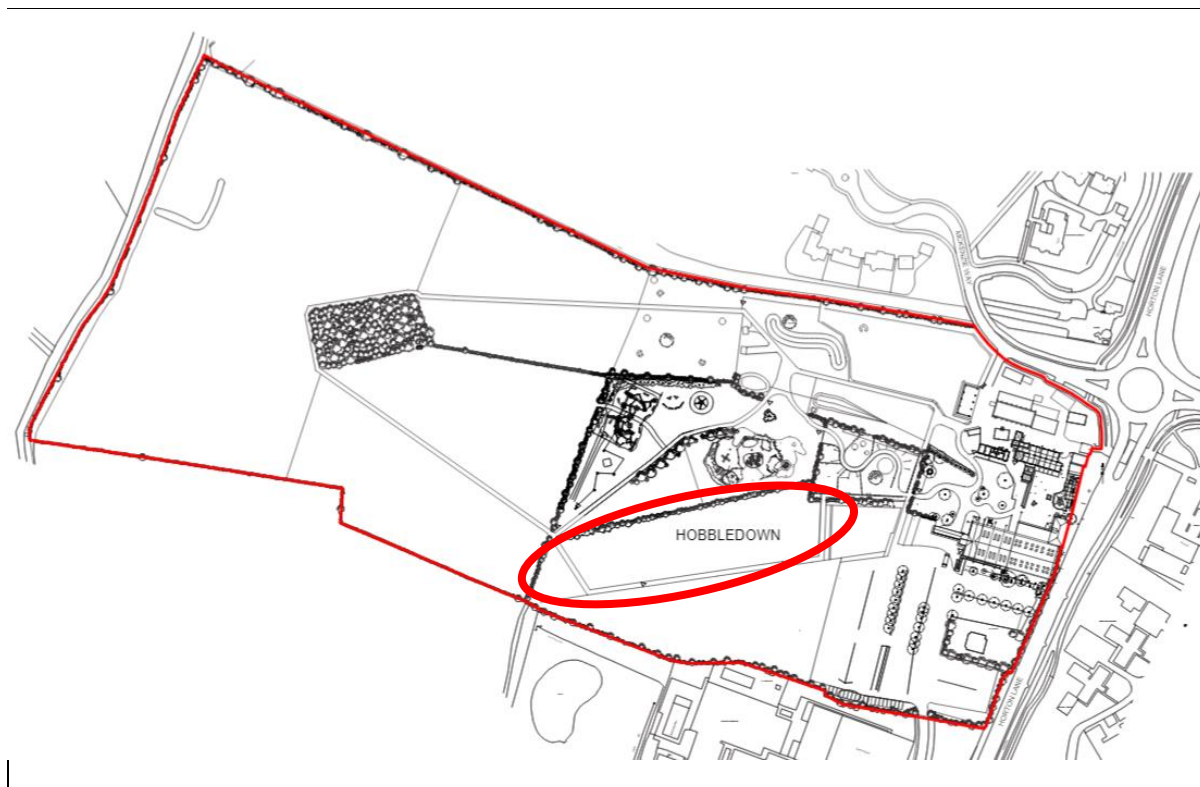
Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a

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

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24/00026/REM: Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	24/00026/REM
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton Ward
Proposal	Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00025/REM, to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath and timber wash stations (retrospective)
Expiry Date	19 April 2024
Recommendation	Approval, subject to conditions and informatives
Reason for Committee	Called in by Member of the Council
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here: Hobbledown
Glossary	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. This Section 73 Planning Application has been called-in by a Councillor for the following reasons:
 - Impact on the openness of the green belt.
 - Neighbourhood amenity impact.
- 1.2. This application relates to an area of paddock land, which measures approximately 0.28Ha of area, used for the keeping of animals (wallabies and mara), identified as Zone F8 on the approved Masterplan of Planning Permission ref: 11/00511/FUL (as amended by five subsequent section 73 variations across the site).
- 1.3. A gravel footpath has been created within the paddock in Zone F8 to allow visitors to the wider Hobbledown site to walk through the animal enclosure. This has resulted in a breach of Condition 20 of 11/00511/FUL, amended most recently in 24/00024/REM. This application seeks to vary the wording of Condition 20, removing any reference to Zone F8 within the Condition wording, to allow for public access through this zone.
- 1.4. This application also seeks planning permission for associated ancillary development, which includes a footpath and timber wash stations.
- 1.5. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not increase flood risk on or off the Site.
- 1.6. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent S.73 planning applications.
- 1.7. Officers recommend approval of this planning application.

PROPOSAL

2. Description of Proposal

- 2.1. Condition 20 of Planning Permission ref: 11/00511/FUL initially read as follows:

“The fields marked F. 1 to 4 inclusive and F. 6 to 10 inclusive 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 Policies DC1, GB1 and GB3 of the Local Plan (200) and Policy CS2 of the Core Strategy (2007)”

- 2.2. Condition 24 of Planning Permission ref: 11/00511/FUL refers to approved drawings and documents.
- 2.3. The Planning Permission included an approved Masterplan, ref: 6773/50 Rev H, which set out and controlled uses of specific areas across the wider Hobbledown site. The 2011 Masterplan approved layout indicated that much of the wider site (known as Zones F1 to 10) would be occupied by animal walkthrough areas. In turn, Condition 20 attached to the Planning Permission stated that Zones F1 – 4 inclusive and Zone F6 to 10 may only be used for the keeping of animals and not at any time accessible to the public. Zone F8 is shown in the plan below.



- 2.4. Subsequent planning permissions in 2015 (ref: 14/00146/REM) and 2023 (ref: 22/00011/REM) varied Condition 20 to the effect that allows public access to Zones F7, F9 and F10, and allows use of these areas for parking provision associated with the wider use of the Hobbledown site; with the revised condition 20 of permission 22/00011/REM stating:

"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, 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)

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"

- 2.5. The creation of a footpath through Zone F8 has resulted in a breach of Condition 20 of Planning Permission ref: 11/00511/FUL. This application therefore seeks to vary the wording of Condition 20 of Planning Permission ref: 11/00511/FUL, removing any reference to Zone F8 within the Condition wording, to allow for public access through this zone.
- 2.6. This application also seeks planning permission for associated ancillary development, which includes a footpath and timber wash stations. Perimeter fencing and an animal enclosure are immune from enforcement action and do not form part of the application.

SITE

3. Description

- 3.1. This application relates to an area of paddock land, which measures approximately 0.28Ha of area, used for the keeping of animals (wallabies and mara), identified as Zone F1 on the Masterplan approved under Planning Permission ref: 11/00511/FUL. A gravel footpath has been created within the paddock to allow visitors to the Site to walk through the animal enclosure.

4. Constraints

- Green Belt
- Flod Zone 1
- Critical Drainage Area.

5. History

- 5.1. The wider Hobbledown site is subject to an extensive planning history.

Application	Description of Development	Decision
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00026/REM, to	Pending (at Planning Committee)

Application	Description of Development	Decision
	allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (retrospective)	
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)	Pending (at Planning Committee)
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending (at Planning Committee)
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access) and Condition 29 (Delivery Management Plan) of 22/00013/REM	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yardarea (retrospective)	Approved 8 March 2024
23/01343/FUL	Construction of a Lemur enclosure, including an entrance structure (retrospective)	Granted 9 February 2024
23/00818/FUL	Alterations to entrance facilities, including infilling walls to the front (southern) elevation, infilling two existing door opening, proposed double door to the rear (northern) elevation, proposed two windows and double doors to the front elevation, proposed serving hatch to the side (eastern) elevation and reconfiguration of internal space	Granted 7 September 2023
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
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	Granted 31 March 2023
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	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023

Application	Description of Development	Decision
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	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	Granted 28 July 2014
14/00146/REM	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 July 2017
13/01184/FUL	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	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013

Application	Description of Development	Decision
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn(6773/71D) not being constructed	Granted 1 June 2012
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, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	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	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

CONSULTATIONS

The application was consulted to all parties on 23 January 2024. Re-consultation took place on 7 March 2024 as the description of development of this application was amended to reflect operational development.

Consultee	Responses	Responses following re-consultation
Environment Agency	This application falls outside of the Environment Agency's remit, so it was no comments to make	We have reviewed the submitted information and have no objection.
SCC LLFA	As there is no change to the impermeable area due to the permeable nature of the footpaths created, it would have no further comments	We have no further comments
SCC Archaeology	No Archaeological Concerns	
SCC Highways	The application would not have a material impact on the safety and operation of the adjoining public highway	As per original response
Newt Officer	This application is not considered to be relevant to the District Licensing Scheme	
Natural England	No response received	
Surrey Wildlife Trust		

The Woodland Trust		
Epsom Civic Society		
EEBC Conservation Officer		
EEBC Planning Policy		
EEBC Tree Officer		
Public Consultation		
in accordance with the Statement of Community Involvement 2022		
Neighbours	<p>The application was advertised by means of a site notice (form 25 January to 15 February 2024 and 7-28 March 2024) and press notice and notification to neighbouring properties (form 23 January to 13 February 2024 and 7-28 March 2024).</p> <p>Two letters of representation were originally received from neighbours, with comments regarding the following:</p> <ul style="list-style-type: none"> • Green Belt • Noise and disturbance • The proposed field lies between two critical drainage areas, and would increase flood risk (a Condition has been recommended) <p>Two further letters of representation were received, following re-consultation, with the following comments:</p> <ul style="list-style-type: none"> • Queries regarding the Description of Development and neighbour notification • It is not appropriate or valid for additional ancillary development to be included in this application. The application should be changed to include the altering of the Condition only • Limited details submitted surrounding “ancillary development”. <p><u>Officer comment:</u> These matters are discussed in the body of the report. Of note, the application site is within a critical drainage area.</p>	

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Planning Policy

6.1. Planning Policy Framework 2023 (NPPF)

- Chapter 2: Achieving Sustainable Development
- Chapter 6: Building a Strong, Competitive Economy
- Chapter 8: Promoting Healthy and Safe Communities

- Chapter 12: Achieving Well-Designed and Beautiful Places
- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

6.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS16: Managing Transport and Travel

6.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk

7. Planning Guidance

7.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space

PLANNING ASSESSMENT

8. Principle of Development

8.1. Material Amendment

8.2. Paragraph 13 of the NPPG in relation to Flexible Options for Planning Permission states that “There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”

8.3. The principle of the development was established in the original permission and nothing in this application alters this conclusion.

8.4. The original approval involved “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)”. The Masterplan formed part of Condition 20.

- 8.5. The subject variation seeks to amend the restrictions associated with the approved Masterplan so that it can be accessed by the public for the purposes of an animal walkthrough area. This amendment is within the scope of Condition 20 of the original permission.
- 8.6. The proposal also includes associated ancillary development including footpath and wash stations (retrospective). Within the framework of the original description and approval, which includes the keeping of animals within Zone F8, the amendments to this zone are material. There is no change to the description of the approved development and having regard to recent case law, the extent of the changes are appropriate within the scope of the s73 application.

8.7. Green Belt and Community Facilities

- 8.8. Paragraphs 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.9. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.10. Paragraph 152 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.
- 8.11. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): 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.
- 8.12. Paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction
 - b) engineering operations
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order
- 8.13. Policy CS2 of the CS establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 8.14. Policy CS13 of the CS 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.
- 8.15. Policy DM25 of the DMPD 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.
- 8.16. Policy DM34 of the DMPD 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.
- 8.17. Part of the reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was *"in the interests of the visual amenity of the Green Belt"*. It is therefore appropriate to assess how the proposed change of wording to the Condition may impact the Green Belt. Furthermore, there are concerns from neighbours that the proposal constitutes inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.
- 8.18. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment.
- 8.19. This application relates to an area of paddock land, which measures approximately 0.28Ha, authorised for the keeping of animals (wallabies and mara), identified as Zone F8 on the approved Masterplan. A gravel

footpath has been created within the paddock, to allow visitors of the wider Hobbledown site to walk through the animal enclosure.

- 8.20. The Planning Statement submitted with this application sets out that boundaries of the enclosure are timber post and wire fencing typically 1.8m in height. The footpath is of permeable gravel surfacing with timber rails bounding the route. The enclosure is accessed via timber entrance/exit gateway features which include appropriate hand-washing facilities, introduced in the interest of health and safety. The footpath connects to the wider network of pedestrian routes that provide access to the various attractions within the wider site and also bound the Mara/Wallaby enclosure.
- 8.21. This is a retrospective planning application, meaning that the impacts of the ancillary development, including the footpath and wash stations are already known. These can be found on drawing ref: 010 – Wallaby and Mara (2) – dated Nov '23.
- 8.22. The proposal complies with a – e of paragraph 143 of the NPPF, as the Site is within the wider Hobbledown site, and does not encroach outside of this.
- 8.23. The wash station is considered to comply with b) of paragraph 154 of the NPPF, as they provide appropriate facilities (in connection with the existing use of land) for outdoor recreation.
- 8.24. This aspects of the proposal preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, due to the modest height, width and mass of the wash basins. They comprise a sensitive design and material choice, which assimilates within the wider Hobbledown site.
- 8.25. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would belong as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it...”

- 8.26. The same approach is adopted here. Whilst there is some built form, it is minor in its scale and form, and it is appropriately contained amongst the rest of the development in the Hobbledown Site. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.
- 8.27. The additional paths comply with b) of paragraph 155 of the NPPF, as these constitute engineering operations. In this case, the paths do not adversely impact the openness of the Green Belt due to being minor in scale and form, comprising sensitive design and materials, being well contained within the wider Hobbledown Site and extending existing access paths. This has been the considered approach in previous planning applications on the wider Hobbledown site.
- 8.28. The creation of the paths has also improved public accessibility within the wider Hobbledown site. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough.
- 8.29. The variation to Condition 20 would allow movement of visitors within Zone F1. There is no development associated with this change but it results in congregation of people in an area that there is currently no permission for this to occur. By extension, there would be a degree of harm to the openness of the Green Belt. However, again, it would not conflict with, or have a materially greater impact on, the openness of the Green Belt, or the purposes of including land within it because visitors are already allowed in various other areas of the Hobbledown site, including those areas that are immediately to the north and those further removed from the main precinct of development. By extension, the variation to Condition 20 does not constitute inappropriate development in the Green Belt and the principle of the proposal is accepted. This has been the considered approach in the variation to Condition 20 in previous variation applications.
- 8.30. Overall, the proposal preserves the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in, given that it is located within the wider Hobbledown site, which is subject to buildings and development. The proposal complies with b) of paragraph 143 of the NPPF and b) of paragraph 155 of the NPPF, and Policies CS13 and DM25 and the principle of development is accepted.

9. Design and Character

- 9.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Paragraph 180 of the NPPF 2023 requires that

planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

- 9.2. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 9.3. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 9.4. As advanced in the consideration of the proposal against Green Belt policy, the proposed structures and paths are modest elements with sympathetic materials that complement the existing timber fencing and wider surrounds. The materials used are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character or natural setting (e.g., use of timber within the boundary fencing).
- 9.5. There are no adverse character impacts and no objection is raised.

10. Neighbour Amenity

- 10.1. Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF seeks to mitigate and reduce noise impacts.
- 10.2. Part of the "reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was "in the interests of the amenity of neighbouring residential properties". It is therefore appropriate to assess how the proposed change of wording to the Condition may impact neighbouring amenity.
- 10.3. This is a retrospective planning application, meaning that the impacts of the use of the gravel footpath are already known. The use of this by visitors would generate noise, but the paths are sufficiently separated from residential properties that the noise generated is not considered to

adversely impact neighbouring amenity in terms of noise or disturbance, even when considered as part of the wider Hobbledown site.

10.4. The proposal complies with Policy DM10.

11. Flooding and Drainage

11.1. The Council expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.

11.2. Policy DM19 of the DMPD sets out that development within Flood Risk Zones 2 and 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding as identified by the Borough Council's SFRA, will not be supported unless:

- In fluvial flood risk areas, the sequential and exception tests have been applied and passed and it is a form of development compatible with the level of risk; and
- For all sources of risk, it can be demonstrated through a site FRA that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and
- Where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.

11.3. The Site is within Flood Zone 1 (low probability of flooding) but part of the site is within a Critical Drainage Area.

11.4. The reason for Condition 20 does not relate to flood risk, but nonetheless, it is reviewed as part of this assessment, given that the Site falls within a Critical Drainage Area and concerns have been raised by neighbours, that the proposal may exacerbate flood risk on and off site. A revised Condition wording was also recommended within a representation, to ensure that the gravel surfacing does not exceed 10% of the area of the field to form public walkways, to ensure that the surfacing does not increase the susceptibility of any part of the Site to surface water flooding, or increased flood risk elsewhere.

11.5. A Flood Risk Assessment accompanies this application, submitted by the Applicant, dated August 2023. It sets out that the Site is located within Flood Zone 1 and at low risk of surface water flooding. There would be minimal impact to the surface water run-off regime on areas of "hardstanding", and as such would pass to the ground in a similar manner to the baseline situation. Overall, the development would be safe, without increasing flood risk elsewhere.

11.6. The Planning Statement submitted with this application sets out that the Site is at very low risk from flooding from "rivers and the sea" and "surface water". Flooding from reservoirs and groundwater is unlikely in this area.

Given the nature and scale of the development, it is unlikely to be affected by flooding or exacerbate flood-risk elsewhere. Aside from the small hand washing stations at the entrance and exit to the walkways, Zone F1 is predominantly open areas of land, including landscapes areas and permeable gravel pathways. Rainwater is left to naturally percolate to the ground as previously has been the case prior to development taking place, embracing the principles of SUDs.

11.7. The Environment Agency were formally consulted on this application and the original response sets out that *“we have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee”*. The Environment Agency was reconsulted, following the amended Description of Development, and its most recent consultation response sets out *“we have reviewed the submitted information and have no objection to the variation of condition 20 pursuant to planning permission ref 11/00511/FUL”*.

11.8. SCC Lead Local Flood Authority (LLFA) was formally consulted on this application. The response sets out that *“as there is no change to the impermeable area due to the permeable nature of the footpaths created we would have no further comments”*. SCC LLFA was reconsulted, following the amended Description of Development, and its most recent consultation response sets out *“there is no further information relating to surface water flood risk or the site drainage submitted since our last response on 04/03/2024”*.

11.9. Given the submission of a Flood Risk Assessment with the application, which sets out that the proposal would not obstruct the surface water flow path or be at risk of surface water flooding, the Planning Statement that sets out that the proposal would not exacerbate flood risk elsewhere, and the lack of objection from the Environment Agency and SCC LLFA, Officers are satisfied that the Condition proposed by the nearby resident is not required, and that the proposal complies with Policy DM19.

11.10. Of note, the enclosure that is immune from enforcement does not fall within the critical drainage area.

12. Trees and Landscaping

12.1. The proposal would not affect existing trees and no objection is raised.

13. Ecology and Biodiversity

13.1. The proposal would not affect existing biodiversity features and no objection is raised.

14. Parking, Traffic and Access

14.1. The proposal would not affect existing parking and access arrangements.

15. Accessibility and Equality

15.1. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no significant adverse impacts as a result of the development. If anything, the extensions to the pathways improves accessibility through the site which is supported.

16. Other considerations

16.1. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent Sections 73 planning applications.

16.2. Conditions 20 and 24 of the recommendation are also determinative of the pending decision in 24/00025/REM. If 24/00025/REM is not approved, Conditions 20 and 24 of this application would need to be amended. If 24/00025/REM is approved, the description of the proposal in this application would also need to reflect the approval of 24/00025/REM.

CONCLUSION

17. Planning Balance

17.1. The proposed variation to Condition 20 of planning permission ref: 11/00511/FUL, to allow public access to Zone F1 is considered to result in development that would remain compliant with the Statutory Development Plan and other material considerations, including the NPPF.

17.2. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use of this. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not increase flood risk on or off the Site.

17.3. Condition 20 shall be amended accordingly, which is consistent with previous variations to allow access to Zones F7, F9 and F10. Condition 24 is also amended, to reflect drawings submitted with this application.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives (with modifications to Conditions 20 and 24):

1. Timescale

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. Hours of Operation

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. Public Address System

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. Fairground rides

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. Materials of Play equipment

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. Height of Play Equipment

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. Hard and Soft Landscaping

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. No Removal of Trees

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. Compliance with Arboricultural Report and Tree Protection Plan

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. Biodiversity Enhancements

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. Sustainable Drainage

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. Car Parking

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. Travel Plan

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. Access via McKenzie Way

The vehicular access from McKenzie Way shall not at any time be used by customers of the Site 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. Materials of Barn Extension

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. Building and Engineering Operations

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. Sustainability Measures

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. Construction Hours

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. Zones – Play Activities and Equipment

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. Zones – Public Access

The fields marked F2, F3, F4 and F6 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, other than that part of F.2, as specified on drawing ref: 009 – Service Yard (2) – dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847)

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. Zones – Animal Shelters

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. Cycle Parking

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. Visitor Management Plan

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, approved under ref: 22/00011/REM.

The overflow car park, approved under ref: 22/00011/REM, shall be used once car parking is at capacity. The updated Visitor Management Plan shall be submitted to and approved by the Local Planning Authority. It should set out anticipated dates when the car park reaches capacity and detail dates when the overflow car park can be used. The number of days shall not exceed 50 of each calendar year.

The Visitor Management Plan shall be submitted to 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. Approved Plans

The development hereby permitted is to be 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)
- as amended by 11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012
- as amended by 188/3.021 Rev. 03, approved under 22/00013/REM,
- as amended by 009 – Service Yard (2) (dated Nov'23, approved under 24/00024/REM,
- as amended by 011 – Goats & Rabbit Enclosure (2) – dated Nov'23, approved under 24/00024/REM,
- and as amended by 010 – Wallaby and Mara (2) (dated Nov 23).

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. Deliveries

Condition 25 of Planning Permission ref: 22/00013/REM sets out that Deliveries to the farm shop and cafe via McKenzie Way access as permitted by that planning permission shall not commence unless and until the proposed parking restrictions and the associated Traffic Regulation Order have been designed and implemented on McKenzie Way in the vicinity of the Site, including both sides of 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. This Condition is relevant to Planning Permission ref: 22/00013/REM

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

26. Hard and Soft Landscaping (Car Park Overspill)

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. Car Park Management Plan

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:

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

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. Modifications to McKenzie Way

Condition 28 of Planning Permission ref: 22/00013/REM states that no part of the development permitted under the development approved shall be first utilised unless and until the existing access onto McKenzie Way has been modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority. This Condition is relevant to Planning Permission ref: 22/00013/REM only.

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)

Informatives

Informative 1:

Conditions relating to Appeal A (ref: APP/P3610/W/14/3000847) and Appeal B (ref: APP/P3610/W/14/3000633) are listed below:

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

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

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

20. The fields marked Zone F.1 to 4 inclusive and Zone F.6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public other than that part of Zone F.7

shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847)

Informative 2:

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

Informative 3:

A standard fee may be charged for input to and future monitoring of any travel plan

Informative 4:

Any unilateral undertaking shall be in accordance with Surrey County Council's standard format

Informative 5:

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

Informative 6:

Animal displays should be solely for educational purposes

Informative 7:

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)

Informative 8:

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.

Upcoming Applications and Quarterly Performance

UPCOMING APPLICATIONS

Report	Summary of Likely Applications to be Heard at Planning Committee
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	09/04/2024

The following applications are due for consideration at the Planning Committee in the coming months.

LPA Ref	Address	Proposal	Valid	Likely Meeting	Reason
23/00402/ FUL	Former Dairy Crest Site Alexandra Rd Epsom KT17 4BJ	Redevelopment of site to deliver a retail foodstore (Class E), supporting car park, access, servicing and landscaping.	13 April 2023	May	Major (> 1000m2)
24/00230/ FUL	Bunzl Epsom Chase 1 Hook Rd Epsom KT19 8TY	Roof extension to provide 11 residential units (3 x 1-bed, 4 x 2-bed and 4 x 3-bed) and associated works	28 February 2024	May	Major (>10 units)
23/01451/ FUL	Friars Garth The Parade Epsom KT18 5DH	Alterations to building to provide a four-storey flat building comprising 12 residential flats, vehicular access, landscaping, parking for nine vehicles, bin storage, cycle storage and associated works.	12 March 2024	June	Major (>10 units)
23/00158/ FUL	Land At Fairview Rd Epsom KT17 1JD	The erection of 3 no. modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room	13 February 2023	TBC	Council app
24/00208/ FUL	Outside 73 High Street Epsom	Freestanding telephone apparatus with affixed defibrillator and advert display	11 March 2024	Only if minded to approve	Called in
24/00242/ FUL	The Beach 17 Waterloo Rd Epsom KT19 8EX	Widening of existing vehicle crossover	12 March 2024	Only if minded to approve	Called in

QUARTERLY PERFORMANCE

Report	Quarterly Development Management Performance Update
Period	January to March 2024
Author	Justin Turvey, Interim Head of Place
Date of Report	09/04/2024

The statistics show the Council's performance targets for 'Major', 'Minor' and 'Other' planning applications, with the most recent Quarter 4 of 2023-24 (January to March 2024) in bold and previous Quarters shown for information. The data shows that the Council has maintained its high level of performance in respect of planning applications.

Major applications	Applications Determined	Determined in Time Total	Determined in Time %
Q1 2023-2024	1	1	100%
Q2 2023-2024	4	4	100%
Q3 2023-2024	1	1	100%
Q4 2023-2024	5	5	100%
Target			60%

Minor applications	Applications Determined	Determined in Time Total	Determined in Time %
Q1 2023-2024	40	35	88%
Q2 2023-2024	35	28	80%
Q3 2023-2024	40	35	88%
Q4 2023-2024	36	32	89%
Target			65%

Other applications	Applications Determined	Determined in Time Total	Determined in Time %
Q1 2023-2024	132	128	97%
Q2 2023-2024	131	121	92%
Q3 2023-2024	117	106	91%
Q4 2023-2024	113	109	96%
Target			80%