

## **St Ebbas Farm, Hook Road, Epsom, Surrey, KT19 8QW**

Construction of a 67m x 25m indoor arena, change the external materials on the existing indoor arena to match proposed arena, construct 6no stable infill to match existing stables and creation of a new car park at Epsom Riding for the Disabled Association.

<b>Ward:</b>	<b>Court Ward;</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

### **1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PMGN5GGYM4Z00>

### **2 Summary**

- 2.1 The proposal is for full planning, to construct an indoor equine arena, change the external materials on the existing indoor arena, construct 6 new stables and create a new car park.
- 2.2 The planning application is a major application and therefore has been assessed and reported to the Planning Committee for determination.
- 2.3 The proposal would an increase the maximum capacity of car parking spaces from 25 spaces to 45 spaces including 10 horse boxes
- 2.4 It is recommended that the proposal be supported, and that planning permission be APPROVED subject to conditions.

### **3 Site description**

- 3.1 The site is located on St Ebba's Farm, Epsom, KT19 8QW, with access off Hook Road. The site is in the metropolitan green belt, flanked by St Ebba's Hospital and the Hook Road Arena.
- 3.2 St Ebba's Farm is a 16 acre equestrian property comprised of a traditional yard with 10 stables and 6 day stalls, associated outbuildings, field turn out, car park, outdoor arena 18 x 38m with mast lighting and an Indoor arena 18 x 37m built in the early 1980's. The existing establishment is located in the green belt.

3.3 The Epsom Riding for the Disabled Association (RDA) organisation has been established at St Ebba's Farm since 1978, purchasing the freehold to the property from NHS estates in 2005.

3.4 The site is in Flood Zone 1 and not at risk of flooding.

#### **4 Proposal**

4.1 The Epsom Riding for the Disabled Association (RDA) secured ownership of the subject site in 2005 and have been looking to improve the facilities to benefit the riders and the organisation. Having operated from the site since 1978, the RDA have an understanding of what is required to deliver the service required to meet the needs of their customers.

4.2 The applicant is seeking planning permission for a Full Planning Application, which seeks permission for the following:

- The applicant seeks to construct a 67m x 25m indoor equine arena for which meets equestrian competition standards.
- To amend the external materials on the existing indoor arena to match proposed arena.
- To construct 6 infill stables at the existing stable as well as renovating the existing stables.
- The creation of a new car park for customers.
- The proposed arena would be 67 metres in width, 4.1 metres in height to the eaves; 6.9 metres in height to the roof ridge and 25 metres in depth
- The proposed car parking area would be 23 metres in width, 35 metres in depth and would be an approximate total of 805 metres squared
- The proposed infill buildings would be 10.7 metres in width, 3.05 metres in height to the eaves; 5.1 metres in height to the roof ridge and 5.17 metres in depth.

4.3 The planning application is supported by a Planning, Design and Access Statement. The statement sets out that the development intends to increase the capacity of the organisation to offer riding classes to people currently on the waiting list by providing more space for the lessons to take place and the facilities provided being more resilient to varying weather conditions. The facilities will also offer the organisation an opportunity to increase income by providing a space for competitive events have the ability to cater for events that are linked to the charitable nature of the organisation.

## 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 3 neighbouring properties. To date (22.03.2019) 0 letters of objection have been received

## 6 Consultations

- 6.1 Surrey County Council (SCC) Archaeology – response stated that no requirement for further survey due to the size of the development and it not being within an area of archaeological significance.
- 6.2 SCC Highways: No objection, subject to conditions.
- 6.3 SCC SUDs:
- 6.4 Epsom & Ewell Borough Council (EEBC) Contaminated Land Officer: No objection, subject to conditions (Condition 12, 13 & 14).
- 6.5 EEBC Ecology – No Objections subject to the implementation of a landscaping planning condition (Condition 11).
- 6.6 Natural England: No objections stated.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
14/00120/FUL	18 Jun 2014	Erection of an additional wooden stable block to house 4 horses and provide an open shelter for a horse.	Application Permitted
09/00948/FUL	15 Feb 2010	Erection of two metal storage sheds for the use of Epsom Riding for the disabled	Application Permitted
09/00112/FUL	03 Nov 2009	Floodlighting to riding area. (Four 9m high masts)	Application Permitted

## 8 Planning Policy

### **National Policy Planning Framework (NPPF) 2018**

#### Promoting sustainable transport

Paragraph 108

Paragraph 109

#### Achieving well-designed places

Paragraph 127

Paragraph 130

Paragraph 131

Protecting Green Belt land

Paragraph 133

Paragraph 134

Paragraph 141

Paragraph 143

Paragraph 144

Paragraph 145

Paragraph 146

Paragraph 147

Meeting the challenge of climate change, flooding and coastal change

Paragraph 155

Paragraph 163

Conserving and enhancing the natural environment

Paragraph 170

Paragraph 171

Paragraph 174

Paragraph 175

Paragraph 177

Paragraph 178

Paragraph 180

Paragraph 182

Paragraph 183

Conserving and enhancing the historic environment

Paragraph 189

**Core Strategy 2007**

Policy CS1 – General Policy

Policy CS2 – Green Belt

Policy CS3 - Biodiversity

Policy CS4 - Open Spaces

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS13 - Community Facilities

Policy CS16 - Managing Transport and Travel

**Development Management Policies Submission Document 2015**

Policy DM1 - Extent of the Green Belt

Policy DM4 - Biodiversity and New Development

Policy DM5 - Trees and Landscape

Policy DM6 - Open Space Provision

Policy DM8 - Heritage Assets

Policy DM10 - Design Requirements for New Developments

Policy DM26 - Equestrian related Development in the Green Belt

Policy DM34 - New Social Infrastructure

Policy DM35 - Transport and New Development

**9 Planning considerations**

**Principle**

9.1 The revised National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. As above, the Government attaches great importance to Green Belts and paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.

9.2 Paragraph 134 of the NPPF sets out the five purposes that Green Belt serves. These are provided below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.3 Paragraph 141 of the NPPF sets out that once Green Belts have been defined, Local Planning Authorities should plan positively to enhance their beneficial use, such as looking for opportunities to (inter alia) provide for outdoor sport and recreation and retain and enhance landscapes.
- 9.4 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.5 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that valued landscapes should be protected and enhanced.
- 9.6 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.7 The proposed development is for the erection of a 67m x 25m indoor equestrian arena. This use is existing within the site and there is an existing indoor arena already located on the site.
- 9.8 Policies CS13 and DM34 state that applications for new or extensions to social infrastructure and community facilities will be encouraged on the basis that it addresses a deficiency in current provision and will meet the identified needs of the borough.
- 9.9 The applicant is a charity organisation which provides facilities for those with disabilities to ride and interact with horses. The application makes specific reference to the fact that over 200 people volunteer with the organisation and has over 300 registered riders with a waiting list of 150 to join.
- 9.10 Constraints on the currently facilities include:
- Weather suspending riding.

- The current site only accommodates 14 ponies. The acreage and grazing rotation is considered to be able to support additional ponies subject to stable facilities being made available.
- The size of the facilities in relation to demand.
- There is currently only one disabled mounting block which limits time and numbers of riders that can be accommodated in one session.

9.11 The proposal is considered to have a significant community benefit. The intention is to create a riding area that is capable of accommodating a larger number of riders and volunteers and also enable to people to train for competitive equestrian events as currently the facilities do not meet the required standard for competitive use.

9.12 The proposed land use is already established by the existing equestrian use and is considered to be an acceptable use within the context of the green belt. The development would increase the bulk and massing of the site and as such, the development has been accompanied by a visual impacts assessment. Subject to the development not having an unacceptable impact upon the openness of the greenbelt, the development is considered to be acceptable in principle.

9.13 The Town and Country Planning (Consultation) (England) Direction 2009 sets out that "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt, which consists of or includes:

- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

9.14 Should the scheme be approved and the assessment of the proposal on the openness of the Green Belt considers the scheme to have a significant impact upon the openness of the green belt, the scheme would be required to be referred to the Secretary of State.

## **10 Design and Impact Upon Green Belt**

10.1 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.

- 10.2 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.3 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.4 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:
- Create attractive, functional and safe public and private environments;
  - Reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
  - Make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 10.5 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 10.6 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.
- 10.7 Paragraph 143 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

- 10.8 Policy DM26 Equestrian-Related Development in the Green Belt - Where equestrian-related development constitutes inappropriate development in the Green Belt, applicants will be expected to justify any proposal with reference to very special circumstances which clearly outweigh harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
- 10.9 A Visual Impact Assessment accompanies the proposal to determine the 'appropriateness' of the development within the green belt setting.

*Stables*

- 10.10 The proposed additional stables would be infill extension to the existing stable block.
- 10.11 The principle bulk of this block is already established on the site and the infill extensions would not be considered to unduly increase the bulk or massing of the existing structures.
- 10.12 The stable extension would extend to the south of the existing stables across an area of existing hard standing. This element of the proposal could be viewed as 'infill' development under the NPPF. Its impact upon openness is not considered significant given its modest size and the relatively enclosed nature of this part of the site
- 10.13 The design and appearance of the stables would be built in a style and appearance that would be in keeping with the existing stables and would be acceptable in this regard

*Car Parking*

- 10.14 The car parking provision on site would result in a loss of greenspace on the site. However, the openness of greenbelt would be preserved to some degree as the car park would not result in the erection of any covers or structures. The car park would be a gravel material which would give a more natural appearance to the car park. This location of the additional car parking has previously been used as overflow parking for the site and as such precedent for the parking of transit vehicles is considered to be established on the location of the car park.
- 10.15 The car park is intended to accommodate approximately 45 cars. Although the increase in the size of the facility the scheme is expected to result in a negligible increase in vehicles on a day to day basis. This is because the average age of volunteers and rides is below legal driving age and arrive by mini bus from schools. The applicant justifies this by stating that many of the volunteers are doing so as part of their Duke of Edinburgh award. The everyday average number of cars on site is proposed to increase from 19 to 32 on week days and 28 to 42 on weekends.

- 10.16 The increase parking facilities would be in main to accommodate the increase in completion size events. And as such, this car park is only considered to be used at capacity approximately 15 times a year. These events are considered to host an average of 45 vehicles including 20 horse boxes. This is not considered to result in any significant overall increase in cars on a day to day basis and would therefore not be considered to significantly harm the openness of the greenbelt.

#### *Arena*

- 10.17 The proposed development of a 67m x 25m indoor arena would be approximately 6.9 metres in height. The riding area would be a portal steel framed building and would be clad in a treated wood finish which would fit in well with the green belt and the wooded area within which the structure would be situated.
- 10.18 It is proposed to maintain the existing indoor arena and construct the new 25m x 67m arena attached to it. The applicant has supplied justification for this as the existing indoor area would provide a suitable overflow riding area to accommodate sessions during poor weather conditions.
- 10.19 The applicant has supplied a landscape visual impact assessment which came to the following conclusion:

*The removal of the low value treeline and the introduction of the volume of built mass of the indoor arena would bring about a low to medium magnitude of change across a limited area of medium sensitivity landscape, which is considered by LLD to result in a short term negligible to minor adverse effect on the contribution of vegetation in this location to semi-rural character.*

*It is considered that the indoor arena would relate well to the existing cluster of buildings within the well tree'd core of St Ebba's Farm and be of comparably small scale considered relative to the context provided by the surrounding mature trees.*

*LLD consider that subject to the recommendations identified within Section 7.0, including the opportunity recommended to reinforce and strengthen the existing tree line / landscape structure along the eastern edge of the existing indoor arena, the impact is likely to reduce to a residual mid to long-term negligible to minor beneficial effect, due to the improved landscape structure and associated value of functional use within St Ebba's Farm.*

*Visual Amenity*

*For moderate sensitivity users of the publicly accessible land of Hook Road Arena it is considered that the type and scale of development would form a minor element in the view, largely obscured behind intervening metal railing. Therefore, a low magnitude of change is expected, resulting in a negligible effect on visual amenity for these receptors.'*

- 10.20 The Landscape and Visual Impact Assessment makes recommendations for the scheme to reinforce and strengthen the existing treeline along the eastern edge of the existing indoor arena, which would have a beneficial landscape effect. This is also reflected in the Arboricultural Impact Assessment.
- 10.21 The proposed indoor arena is proposed to be built on the site of the existing car park. Given the existing layout of the site, it is accepted that this location helps to reduce the impact of the structure on the openness of the Green Belt.
- 10.22 Officers upon reviewing the visual impact assessment largely agree with the above conclusions. The development would adjoin existing structures which to some degree would serve to lessen its impacts upon the greenbelt as a degree of height and massing is established in the location already. The scheme has been designed in effort to lessen its visual impacts and would sit well within its context. Nonetheless the development would result in harm to the openness of the greenbelt and thus in usual circumstances would be deemed to be unacceptable.
- 10.23 The proposed development is considered to have an impact upon the openness of the green belt. As such, the application should be assessed against Policy DM26 and Paragraph 146 of the NPPF to determine whether in this context the application would be subject to special circumstances in regards to its equestrian and community benefits in the Green Belt.

*Special Circumstances*

- 10.24 The applicant has provided a list of reasons to support the need of the development. The proposed development would increase the capacity of the RDA which would allow for a larger space for riding sessions, accommodate sessions in all weathers and increase the size of the herd to accommodate additional users. This would be a great benefit for up to 150 people who currently occupy the waiting list.
- 10.25 The additional space will provide a quality competition area that the RDA can hire out or host competitions to improve the areas reputation as a centre of equestrian activity.
- 10.26 The increase facilities can be hired out which will support the main charity led use of the site.

- 10.27 The applicant has demonstrated within the design and access statement that there is significant demand for the equestrian use within this greenbelt setting by highlighting the current demand for the site. Its constraints at present and the potential opportunities that the increase in facilities would provide a significant community benefit.

*Design and Impact upon the Green Belt Conclusion*

- 10.28 The proposed infill extension would be set within the existing block of stable and would be considered to not result in any unacceptable impacts in terms of the increase in the appearance of the bulk of the stables from the wider area.
- 10.29 The proposed car park would be created using natural materials that would appear to give a natural appearance and would not unduly reduce the greenspace provision the site. The number of cars on site on a day to day basis is considered to increase by approximately 13. The increase in car parking numbers is not considered to have an unacceptable impact upon the openness of the Greenbelt.
- 10.30 The proposed scale and massing of the area would result in harm to the openness of the Greenbelt. However, being assessed against Policy DM26 of the Development Management Policies Document 2015 the proposed development is considered to result in a significant community benefit by providing a competition level Equestrian Facility and freeing up capacity to accommodate riding facilities for the up to 150 people who currently occupy the waiting list.
- 10.31 Due to the impact of the development of the greenbelt the application is referred to the Secretary of State

## **11 Transport**

- 11.1 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.2 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

*Access*

- 11.3 Access to the car park and the site would be retained in the same way as it is currently in use from hook road.
- 11.4 The access arrangement to the site would be unchanged.

*Trip Generation and Parking*

- 11.5 The applicant has provided justification within the transport statement of the proposed trip generation. Within their justification they alluded to the fact that the Epsom RDA is located adjacent to the Hook Road Area which is hired out for event such as car boot sales which generate up to 6000 visitors.
- 11.6 Surrey County Council Highways have made no objections to this justification and as such the proposed trip generation is considered to be acceptable in this regard.
- 11.7 The proposed maximum capacity of the onsite parking provision is intended to increase from 25 vehicles and 10 horse boxes on competition days to 45 vehicles and 20 horse boxes.
- 11.8 The average number of vehicles on site in a day is expected to increase from 29 to 54 however, this car parking level is expected over the course of a working day.
- 11.9 In order to accommodate this increase a new car park is proposed with this development. The proposed car park does not have an allocated set number of car parking spaces. However, the proposed car park has been assessed by both Epsom and Ewell Borough Council Planning Officers Officer and Surrey County Council Highways Officers and there are no reservations regarding the proposed car parks capability to provide the maximum capacity of car parking requirements. Surrey County Council Highways officer has however requested details of the parking layout to be submitted to and discharged by the council prior to occupation of the development.

*Transport Conclusion*

- 11.10 The proposed car park is not considered to result in any unacceptable impacts to car parking provision. The total increase in 20 spaces would be accommodated by creating a designated parking area. This area has previously been utilised as overflow parking for event times and this application seeks to make it into a dedicated parking area. The access to the site remains unchanged.
- 11.11 It is considered that the creation of this space would form an important part of the suitable future use of this development and is acceptable in this regard.

## **12 Contaminated Land**

- 12.1 The site is not located on any known contaminated Land.
- 12.2 Nonetheless the sites size and proximity to two known contaminants (Environmental health references: 03/00018/CLHIST St. Ebbas Hospital; 08/00019/CLPETR (petrol storage)) has prompted the councils Contaminated Land Officer to require precautionary conditions. Subject to conditions, the application is considered to be acceptable in terms of contamination.

## **13 Sustainable Development**

- 13.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.
- 13.2 Policy CS1 of the Core Strategy (2007) expects development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environment and should achieve high quality sustainable environments for future generations.
- 13.3 The proposed arena will be located on the existing car park at the Epsom RDA. The proposal includes the removal of some low value shrubbery however, the landscaping scheme includes details of plant species and numbers that will increase the biodiversity value of the site.
- 13.4 The site has reached its capacity in terms of its community use and as such for it to sustainably accommodate the demand the use of the site has required expansion. The proposed development would increase capacity allowing the site to accommodate the capacity for the 150+ occupants of the waiting list. As such the proposal would increase the social sustainability of the site.
- 13.5 The proposed competition venue would create a further income source for the Riding for the Disabled which is a not for profit charity. This would improve financial viability of the site to provide its own income and as such help achieve greater economic sustainability.
- 13.6 In summary the proposal would result in an increase in the biodiversity value of the site which at present has mainly low value amenity grassland as vegetation including some common plants and trees.
- 13.7 It would improve access to the facilities for all those who are on the waiting list some of which have occupied this list since as far back as 2014 (Taken from design and access statement page 3)

- 13.8 The scheme would provide an income source for the charity which would help keep the service maintained and pay for other up keeping costs.
- 13.9 As such the scheme meets the three areas of sustainable development as set out within the NPPF Paragraph 8.

#### **14 Ecology**

- 14.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 14.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 14.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Site of Special Scientific Interest (SSSIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused. The nearest SSSI is approximately 1.3 miles away and the proposal is not located within a buffer zone and as such would not be affected by the proposed development.
- 14.4 An ecological impact assessment was submitted accompanying the application

#### *'Fauna'*

- 14.5 The buildings on site were assessed for their suitability to support a bat roost, no evidence of bats or any potential roost sites were recorded within any building on site. A total of five trees were identified as containing potential roost features; these trees are to be retained within the scheme.
- 14.6 Trees, hedges, and shrubs around the site provide suitable nesting opportunities for common bird species. Pigeons were recorded nesting on rafters within Building B01 while 6 no. active swallow nests were noted within Building B03.

- 14.7 If any clearance of hedgerows is going to occur this would need to occur outside of the main breeding period (March to August) or under the supervision of a suitably qualified ecologist. This would be required as a condition should the application be approved (Condition 11).

*'Flora'*

- 14.8 There are a number of habitats that are protected, due to being a habitat of principal importance as designated under the Natural Environment and Rural Communities Act 2007.
- 14.9 The site is dominated by improved grassland and hard standing with areas of amenity grassland and introduced shrub. The plant species on site were common and widespread species; no rare or unusual species are recorded on site

*Ecology Conclusion*

- 14.10 The development can proceed without any further survey or mitigation with regard to biodiversity law. However Epsom & Ewell Borough Council Development Management Policy DM4 states *'Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity.'* As such, plant species to be included in the planting scheme will be selected to have a high ecological value. Details of the plant species will be required as a condition to be discharged.
- 14.11 Epsom and Ewell Borough Councils ecology officer has stated that they are satisfied that ecological mitigation measures can be dealt with via a landscaping plan (Condition 11).

## **15 Trees and Landscaping**

- 15.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 15.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 15.3 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and

- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 15.4 All recommended tree works are detailed within LLD1494-ARB-SCH-001 – Existing Tree Schedule. This sets out that the following trees would be removed:
- The proposed new carpark would require the removal of a low-value hawthorn (T 03);
  - The low-value treeline to the centre-east of the site (TL 13) would require removal to accommodate the proposed new indoor arena.
  - A low-value hawthorn (T 18) would require removal to accommodate the proposed stable extension.
- 15.5 A low-value treeline (TL 13) and two low-value trees (T 03 and T 18) are proposed for removal. The majority of the trees on the site would be retained. A number of trees would require protection through the use of no-dig construction methods and permeable surface treatments to hard surfaces.
- 15.6 The impact of the loss of the trees proposed for removal would be low; the trees do not provide screening within the site or to other surrounding areas. The trees are of low overall value and not of notable form or size. The loss would result in a minimal loss of bird nesting habitat.
- 15.7 Tree protection measures of no-dig construction and operation zones with ground protection are proposed to minimise the requirement for tree removal. Further mitigation is proposed in the form of replacement native tree planting.
- 15.8 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

#### *Landscaping*

- 15.9 The application includes a trees retention and protection plan. A detailed landscaping plan (Condition 4) will be discharged in collaboration with the Boroughs ecology officer. This will be expected to see a net increase in trees and shrubs on site including species which have a high biological value.
- 15.10 Epsom and Ewell borough Council's Trees and Landscaping Officer has confirmed they are happy to request a detailed landscaping plan via condition (Condition 4).

*Trees and Landscaping Conclusion*

- 15.11 The proposed development via the inclusion of an appropriate condition will result in a net increase in trees and shrubs on site. This would offset the proposed loss of green space resulting from the introduction of carriage ways around the site.
- 15.12 The root protection areas of trees to be retained in these plans will be protected by the inclusion of conditions.
- 15.13 The proposed development is therefore considered to be acceptable in terms of trees and landscaping.

**16 Archaeology**

- 16.1 The site area to be assessed does not cover greater than 0.4 hectares and the site is not located within an area of archaeological significance. As such, there is no further statutory requirement for archaeological assessment in this case.

**17 Flooding**

- 17.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 17.2 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for 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. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- Has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
  - Avoids increasing the risk of, or from, flooding.
- 17.3 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications).

- 17.4 Therefore the neither the sequential test nor the exceptions test need to be applied.
- 17.5 The development site is considered to be classed as 'Less Vulnerable' (Lowest level of flood risk) within the development compatibility table sections.
- 17.6 The proposed development is not considered to result in the creation of hard surfaces that would result in a significant amount of ground water surface runoff.
- 17.7 The proposed development is therefore considered to be acceptable in terms of flood risk.
- 17.8 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS) and a detailed implementation strategy. These are considered to be acceptable and their implementation would be required by condition 9
- 17.9 The nature of the proposal and its location within a Flood Zone 1 would result in little to no flood risk and is therefore considered to be acceptable in this regard.

## **18 Community infrastructure Levy**

- 18.1 The proposed application would not be CIL liable as it would not be development type that requires a CIL contribution.

## **19 Conclusion**

- 19.1 The proposed development is considered to be acceptable in regards to all the assessment criteria and would meet an identified need for additional space identified by the applicant in the design and access statement. Further, technical investigations have confirmed that the site is suitable for the use in terms of environmental factors of contamination, ecology and biodiversity, trees and landscaping
- 19.2 Detailed assessment of the proposal in relation to its scale, nature or location in relation to the openness of the greenbelt has been undertaken. The conclusion of this assessment is that the proposed development would be of a bulk and massing that would ordinarily not be supported by the Council's Core Strategy or the NPPF. However, the significant community benefits brought by the development would be considered to outweigh the impact's to the openness of the Green Belt which meets the very special circumstances set out in Policy DM26 and Paragraph 143 of the NPPF

- 19.3 The proposed highways impacts would be negligible and the proposed increase in traffic generation has been accommodated for within the site so as to not increase impacts on the local highway network. Conditions are recommended so that the proposal is acceptable and achieves the requirements of the planning policy framework.
- 19.4 The proposed development is set well within the boundaries of the site and is not considered to result in any impacts to the residential amenity of any neighbouring properties.
- 19.5 The application has been assessed and considered to be acceptable development, achieving policies and good design reinforcing the importance of the use of the site and the associated community benefits

## **20 Recommendation**

- 20.1 Part A: Refer to Secretary of State with a recommendation to Grant Planning Permission, subject to the proposed conditions.
- 20.2 Part B: Following confirmation from the Secretary of State that the matter is not to be called in, delegation be given to the Head of Planning to determine the application in accordance with the following conditions.

### **Conditions:**

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

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

- (2) The development hereby permitted shall be carried out in strict accordance with the approved drawings:**

**Proposed Arena Plan - DwgA2001**

**Proposed Elevation - DwgA2100**

**Proposed Elevation & Section – DwgA2101**

**Proposed Roof Plan – DwgA2002**

**Proposed Site Plan – DwgA2000**

**Stable Infill Elevations – DwgA3001**

**Stable Infill Plans – DwgA3000**

**Traffic Statement**

**Planning, Design & Access Statement**

**Landscape and Visual Impact assessment**

**Arboricultural Impact assessment**

**Existing Tree Schedule**  
**Ecological Impact Assessment**  
**Tree retention and protection plan**  
**Surface water assessment**  
**Lighting statement**

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

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

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

- (4) Details of both hard and soft landscape proposals, 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 in consultation with the council's ecology officer. 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.**

- (5) 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) HGV deliveries and hours of operation**
  - (e) vehicle routing**
  - (f) measures to prevent the deposit of materials on the highway**

**(g) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

**Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.**

- (6) No construction work shall be carried out in such a manner as to be audible at the site boundary before 08.00 hours or after 18:00 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**

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

- (7) The development hereby approved shall be carried out in accordance with the Tree Retention and Protection Plan (Drawing No – LLD1494-ARB-DWG002. The development shall be carried out in accordance with the agreed details.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (8) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.**

**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.**

- (9) The development hereby permitted shall be carried out in accordance with the Drainage Strategy (Preliminary Surface Water Drainage Strategy) provided by STM environmental [19.12.2018]. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.**

**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.

- (10) The development hereby permitted shall be carried out in accordance with the Arboriculture Method Statement (Arboricultural Impact Assessment and Method Statement) provided by LIZARD [10.10.2019]. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the development and thereafter retained in that condition.

**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.

- (11) For any clearing of hedgerows this would need to occur outside of the main avian breeding period (March to August) or under the supervision of a suitably qualified ecologist.

**Reason:** to ensure that no undue harm is caused to the breeding cycle of nesting birds that use the site as a nesting site.

- (12) Following any necessary 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 and contaminants 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.

**Reason:** To prevent harm to human health and pollution of the environment.

- (13) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 1 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 prevent harm to human health and pollution of the environment.

- (14) 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, prior to any occupation of the site, 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 prevent harm to human health and pollution of the environment

- (15) Bat, swift and bird boxes are to be installed on the two dwellings, to enhance the biodiversity interest of the site. The boxes shall be installed prior to the occupation of the development hereby 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.

- (16) The development hereby approved shall not be first utilised 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:** The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018, DM 35 Transport and New Development and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 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) 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>.**
- (3) 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 un-cleaned 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).**
- (4) 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.**