

South Hatch Stables Burgh Heath Road Epsom Surrey KT17 4LX

Ward:	College Ward;
Contact:	John Robinson, Planning Officer
Applicant:	Jim Boyle Racing
Plans & Representations	<p>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.</p> <p>Link: http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P9MU5NGYK2K00</p>
Proposal:	<p>Demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments.</p>

1 Assessment Summary

- 1.1 The planning application seeks to redevelop the existing South Hatch Racehorse Training Establishment (RTE) as described in the Proposal section above. The applicant has submitted all the necessary supporting documents.
- 1.2 The proposal departs from the Development Plan with development being in the Green Belt. The proposal constitutes inappropriate development in the Green Belt and therefore can only be permitted where very special circumstances exist.
- 1.3 It is considered that evidence has been provided to demonstrate that the harm caused to the Green Belt by reason of inappropriateness to which substantial weight is attached, and any other harm, is clearly outweighed by the other considerations in this case such that very special circumstances exist to justify the development in the Green Belt, as explained in the report below.
- 1.4 The application is therefore recommended for conditional permission subject to the completion of a S106 agreement which will secure sustainable travel, phasing of the development and housing provision, and accommodation only to be occupied by trainers and stable staff employed in the racehorse training industry.
- 1.5 As the grant of permission would involve a “departure” from the development plan any resolution to approve would require referral to the Secretary of State (SoS). The SoS is able to decide to determine the application under call-in powers.

2 Procedural Matters

- 2.1 The proposal is a major development in the Green Belt and is a departure from the Development Plan. The policy departure is from CS2 Greenbelt, and therefore the LPA can only grant planning permission following consultation with the Secretary of State for a period of 21 days (unless extended by direction). The Town and Country Planning (Consultation) (England) Direction 2009 sets out the consultation process. During the 21 day period the Secretary of State can “call in” the application for determination by way of a public inquiry.
- 2.2 To comply with Article 15 of The Town and Country Planning (Development Procedure) (England) Order 2015, a site notice was placed at the entrance to the site and at the junction of Beech Road. These were posted on 13.07.2018. The proposal was also published in the Sutton Guardian on 09.07.2018.

- 2.3** Following the initial consultation a number of changes have been made to the proposal during the course of the application process. In light of the significance of these changes, the proposal was re-consulted upon for the 21 day period. This re-advertisement included revised site notices being posted and publication of the proposal in the Epsom Comet, formerly Sutton Guardian, from 19.03.2019 until 09.04.2019.
- 2.4** The site is not in a sensitive area as defined by The Town and Country Planning (Environmental Impact Assessment) Regulation 2017 The proposed scheme exceeds the thresholds of Schedule 2 (10b – Urban development Project, as it comprises more than 1 hectare of urban development which is not dwellinghouse development
- 2.5** It is therefore necessary for the local planning authority to consider whether the proposed development is likely to have significant effects on the environment, taking account of the selection criteria in Schedule 3 of the Regulations
- 2.6** The local planning authority has considered the ‘selection criteria’ on Schedule 3 of the Regulations and has concluded that the proposal would not be likely to have a significant effect on the environment
- 2.7** The LPA has adopted a Screening Opinion that EIA is not required on 30/08/2019

3 Site description

- 3.1** The application site comprises an existing Racehorse Training Establishment (RTE) which occupies an area of 1.92ha with a substantial building group comprising of an existing manager’s house, traditional brick built stable building, wooden stables, storage barn, tack rooms and sundry outbuildings. The site is currently occupied by 1,904.7m² of existing buildings and 2,789m² including the hard standing.
- 3.2** The main building on site is the ‘U’ shaped stable building which dates from the 19th Century and runs parallel and adjacent to Burgh Heath Road. Set around a traditional yard it incorporates stables, a mess room, manager’s house, an office, tack room and accommodation for 14 stable staff, all arranged over two storeys.
- 3.3** Additional stabling is provided by two buildings of concrete block construction and a further four wooden buildings. There is also a storage barn of steel frame construction with steel sheet cladding to the roof and external walls.

- 3.4** In terms of its local context, South Hatch Stables is located approximately 2 km (1.3 miles) from the centre of Epsom and its railway station off the B284 Burgh Heath Road. The site is also accessible to the Epsom Race Course and its Common which are located approximately 0.5km (0.3miles) south of the stables and this can be accessed directly from the southern paddock.
- 3.5** To the north of the site there is dense residential development, which is located on the periphery of Epsom. To the south east of the site there are several residential properties which either front or are set back from Burgh Heath Road.
- 3.6** The site falls within the Green Belt.

4 Proposal

- 4.1** The application seeks permission for the demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments.

Layout

- 4.2** The proposed development would be located along a newly proposed primary access road, running in a north easterly to south westerly direction, through the centre of the application site. Secondary roads running at right angles would provide access to the stable staff accommodation and to the enabling residential buildings.

Racecourse Training Establishment (RTE)

- 4.3** The stable staff accommodation would comprise a two storey building with an "L" shaped footprint, located in the north eastern part of the site, and set back from Burgh Heath Road.
- 4.4** To the rear of the staff accommodation block, the therapy barn and storage barn would be located, and further to the rear, the main yard and small stable block would be located.
- 4.5** In the south western corner of the site, to the rear of the rearmost residential block, a training ring would be located, as well as an isolation yard and a detached trainers house.

- 4.6** Design and material features of the RTE would be slate roofing, to match the existing main yard stable complex, render and brick to the main yard complex, stable staff accommodation and assistant trainer's house, render and brick to the facing elevations of secondary stable blocks, barns and stores, with metal sheet cladding to side elevations, with sheet metal roofing.

Residential

- 4.7** The enabling residential development would be located adjacent to Burgh Heath Road, in the south east corner of the site. It would comprise three blocks, accommodating a mix of 1 and 2 bedroom flats. The buildings would reduce in height (from 2.5 storeys to 1 storey) and would also step down in height to reflect the fall of Burgh Heath Road, from the south east to the north west.
- 4.8** The design of the residential units would reference traditional barn style conversions in terms of the location and proportions of window openings and main entrances. The residential units would be predominantly in red brick with stone detailing. Stone quoins, headers and cill details would provide further interest to the façades and timber would be used in small quantities to soften some elevations. All units have been designed to meet guidelines for minimum space standards.
- 4.9** The design of the RTE would be slate roofing, to match the existing main yard stable complex, render and brick to the main yard complex, stable staff accommodation and assistant trainer's house, render and brick to the facing elevations of secondary stable blocks, barns and stores, with metal sheet cladding to side elevations, with sheet metal roofing.
- 4.10** Vehicular access serving the proposed development would be relocated approximately two metres to the north in order to improve the existing visibility. In addition, the existing substation situated to the south of the access would be moved further south to ensure that it does not obstruct visibility from the access.
- 4.11** The layout makes provision for one car parking space per residential unit. This would result in a total of 46 car parking spaces being provided for the enabling residential development. In addition, one secure and sheltered cycle parking space would be provided per apartment.
- 4.12** A total of 53 car parking spaces would be provided for the RTE. Of the 53 car parking spaces provided, 22 car parking spaces would be used for the stable staff accommodation and visitor parking. In addition, a total of two secure cycle parking spaces would be provided.

Enabling Residential Development

- 4.13** The enabling residential development would comprise 3 Blocks (A, B and C) of varying heights and footprints.
- 4.14** Block A, which would front Burgh Heath Road, would have three, two storey elements, stepping down in height in response to the sloping site.

- (i) The first block/element would have a “T” shaped footprint measuring 26.55m x 8.1m and 14.25m x 8.1m, with an eaves height of 5.8m and an overall (ridge) height of 9.85m.
- (ii) The second block/element would have a “T” shaped footprint measuring 26.425m x 8.1m x 14.25m with an eaves height of 5.8m and an overall (ridge) height of 9.85m.
- (iii) The third element/block element would have a “Z” shaped footprint measuring overall 13.95m x 20m, with an eaves height of 5.8m and an overall (ridge) height of 9.85m.

4.15 Block B, located to the rear of Block A, would have three, two storey elements.

- (i) The first element would have a footprint measuring 16.1m x 8m, with an eaves height of 6.31m and an overall (ridge) height of 10.4m
- (ii) The second element would have a “T” shaped footprint measuring approximately 26.425m x 8.1m x 14.25m with an eaves height of 5.8m and an overall (ridge) height of 9.85m.
- (iii) The third element would have a “Z” shaped footprint with an eaves height of 5.2m and an overall (ridge) height of 9.25m.

4.16 Block C, a single storey building located to the rear of Block B, would have a rectangular footprint measuring 26.35m x 8.1m, with an eaves height of 3m and an overall (ridge) height of 7.05m.

4.17 The new buildings associated with the RTE would comprise the following:

- Stable staff accommodation, a single storey building with an “L” shaped footprint measuring 48.785m (l) x 28.885m (w) x 7.8m (d), with an eaves height of 2.9m and an overall (ridge) height of 6.2m
- Gate House, a single storey dwelling, (with roof accommodation) with a rectangular footprint measuring 10.2m x 8.95m (excluding porch), with an eaves height of 3.1m and an overall (ridge) height of 8.1m
- Therapy and Storage Barn, a single storey building with a rectangular footprint measuring 42.82m x 29m, with an eaves height of 3.16m and an overall (ridge) height of 8m
- Main Yard, a single storey building with a central courtyard, with an overall footprint measuring 54m x 56.025m, with a varied eaves height (typically 3.7m, with a maximum of 4.25m), and an overall (ridge) height of 8.3m

- Small Stable Block, a single storey building with a rectangular footprint measuring 45.4m x 14m, with an eaves height of 3.2m, and an overall (ridge) height of 7.8m
- Isolation Yard, a single storey building, with a “U” shaped footprint, measuring overall 20.4m x 11.7m, with an eaves height of 3.2m, and an overall (ridge) height of 5.5m
- Trainers House, a single storey building (with roof accommodation), with a rectangular footprint measuring 10.7m x 10.2m, with an eaves height of 3.05m, and an overall (ridge) height of 8.75m

4.18 Enabling development is not a statutory term, but was confirmed as a legitimate planning tool in 1988 in the Court of Appeal, in *R v. Westminster City Council ex parte Monahan*. ‘Enabling development’ is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development.

4.19 The application is presented on the basis that the development of 46 flat units is necessary as ‘enabling’ development in order to deliver the proposed Racehorse Training Establishment (RTE). The applicant’s Viability Assessment Report confirms that the proposed 46 apartments are being built to “enable and facilitate the construction of the RTE.” The 46 apartments proposed are based upon a direct calculation of the absolute minimum amount of residential development needed to fund the cost of the RTE, allowing for a developer profit of 20%. This report further states that the “residential construction comprises 8 phases on the “basis of a 36 month build programme including the RTE”.

Phasing

- 4.20** The proposed development would comprise 8 Phases:
- Phase 1: Earthworks and infrastructure to the whole site, excluding existing stable facilities
 - Phase 2; construction of isolation yard, trainer’s house, machinery store, stable block, horse walker and muck pit
 - Phase 3: Demolition of existing stable facilities and earthworks and infrastructure to this area

- Phase 4: Construction of residential plots 1-22
- Phase 5; Construction of main yard and trotting ring
- Phase 6; Construction of residential plots 23-39
- Phase 7: Construction of therapy barn, storage barn, gatehouse and racing accommodation
- Phase 8: Construction of residential plots 40-47

5 Consultation Responses

5.1 The planning application has been advertised as a major development and as a departure from the development plan, with site notices and newspaper notices. Notification letters have also been sent to surrounding properties.

5.2 In the order of 420 comments have been made on the planning application, with in the order of 93 letters of support and 327 letters of objection being received.

5.3 Comments were made from both public access online, and through individually prepared letters. Organisations that made comment included Epsom Civic Society, Campaign to Protect Rural England, Epsom Downs Jockey Club, and Reigate and Banstead Residents Association.

5.4 Objector comments, from a material planning perspective, fall within the following categories:

- Loss of Green Belt Land
- Parking issues
- Highway Safety
- Loss of Natural habitat for wildlife and flora and fauna
- Loss of privacy for local residents in Beech Road
- Light pollution
- Proposed apartments are not in keeping
- The public transport to area proposed is already limited,
- Adverse Visual Impact & Impact on Character

5.5 Supportive comments from a material planning perspective, fall within the following categories:

- Essential regeneration and growth of one of very few remaining training establishments in Epsom.
- It will provide multiple, sustainable employment opportunities consistent with your Local Plan supports housing targets; makes use of a vacant brownfield site.
- Racehorse Training in Epsom is important to the local economy and is a natural protector of the borough's most treasured asset that is Epsom Downs.

6 Statutory Consultations

- 6.1** Highways: No objection on highway safety and capacity grounds, subject to conditions.
- 6.2** Contaminated Land Officer: No objection, subject to conditions
- 6.3** Flood Risk (SuDS): We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission is granted. We would however recommend that should planning permission be granted, that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 6.4** Ecology Officer: No objection.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
88/00172/FUL	31.08.1988	Erection of house for horse trainer and erection of American barn comprising 16 horse boxes.	GRANTED
92/00207/ZFR	09.07.1992	Retention of three mobile homes for staff accommodation.	REFUSED
93/00543/OUT	17.02.1994	Erection of equine surgery with parking & landscaping adjacent to existing stables. (Amended layout)	WITHDRAWN
94/00095/OUT	17.03.1994	Erection of equine surgery with parking & landscaping adjacent to existing stable.	REFUSED
04/00365/OUT	15.09.2004	Demolition of existing buildings and erection of new racehorse training facilities including two trainers houses, a hostel and 80 stables. Erection of 50 flats in five blocks	REFUSED
04/01185/FUL	07.03.2005	Stationing of mobile home to provide accommodation for trainer for a temporary period of three years.	REFUSED
04/01375/OUT	21.04.2005	Demolition of existing buildings and erection of new racehorse training facilities including 50 stables, a trainer's house and a hostel. Erection of eight, five bed detached houses.	REFUSED Appeal DISMISSED 30.11.2005
19/01078/SCR		EIA Screening Opinion under regulations of the Town and Country Planning (Environment Impact	30.08.2019

		Assessment)(England and Wales) Regulations 2017 for demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments.	
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Appeal History

- 7.1** On 08.02.2005 the Council received an outline application for demolition of existing buildings and erection of new racehorse training facilities, including 50 stables, a trainer's house and an 8 room hostel and erection of 8 x 5 bedroom detached houses (04/01375/OUT).
- 7.2** The Council refused the planning application on 21 April 2005 for the following reasons:
- 7.3** 1. The proposed development would constitute inappropriate development in the Green Belt as defined in PPG2 "Green Belts" and therefore by definition would be harmful to the function and open character of the Green Belt. The proposals would significantly encroach on existing open countryside and harm the function and open character of the Green Belt. The Borough Council is not satisfied that the special circumstances put forward by the applicant are sufficient to outweigh the harm caused to this Green Belt site. The proposal therefore conflicts with policy GB2 of the Epsom and Ewell District Wide Local Plan (May 2000)

- 7.4** 2. The proposed development is located within the Green Belt and it is without good public transport links. If the development is permitted, it would encourage journeys that would be heavily reliant on private cars. This would not comply with Central Government Planning Policy as detailed in Planning Policy Guidance Note 13 - Transport, Policies LO1, LO2 of the Surrey Structure Plan 2004 and Policy MV1 of The Epsom and Ewell District Wide Local Plan (May 2000)
- 7.5** 3. Visibility at the site access is poor and restricted by hedges and an electricity sub-station and the relocation of this sub-station is outside the applicant's control. This is contrary to Policies MT2, DN2 of Surrey Structure Plan 2004 and Policy MV24 of the Epsom and Ewell District Wide Local Plan (May 2000)
- 7.6** The applicant appealed the Council's decision which led to a Planning Inquiry and consideration of the matter afresh by the Planning Inspectorate. The Secretary of State called in the appeal and considered the Inspectors report. Paragraph 141 of the Inspector's report stated:
- 7.7** "My overall conclusion is that the proposal is an inappropriate form of development in the Green Belt. This applies whether the proposal is looked at as 2 separate components or, as I believe properly, as a single entity. It would unduly diminish the openness of, and harm the rural character of, the Green Belt, particularly when viewed from Burgh Heath Road. The circumstances advanced by the appellant are not sufficient to outweigh the general presumption against inappropriate development. I have seen no compelling evidence that the existing RTE cannot be viably refurbished and/or redeveloped to meet the needs of the Epsom racehorse industry or that enabling development is needed, or is the minimum needed to enable the scheme to go ahead. Moreover, the proposed enabling development of 8 detached houses is not needed to meet the Boroughs housing requirement and it would represent an unsustainable form of development, overly reliant on the use of the private car".
- 7.8** In the Secretary of States covering letter dated 30 November 2005, he did not depart from the Inspector's findings.

- 7.9** The current proposal is similar to the former scheme in so far as both relate to a new Racehorse Training Establishment and residential development. There are differences in the schemes and the extent of supporting information. The current proposal increases the size of the stables to accommodate an additional 10 horses, additional RTE facilities, an increase in the accommodation on the site for those employed in the racehorse training industry with twice as many rooms in the hostel type accommodation, additional 4 x 1 bedroom flats for staff employed as well as two modest sized family homes for two trainers. The proposed enabling development is for 46, 1 and 2 bedroom residential properties whereas this previous scheme was for 8 x 5 bedroom detached homes.
- 7.10** The current scheme seeks to address the previous grounds for refusal in the following ways:
- A transport statement has been submitted to demonstrate the site is in a sustainable location for new housing;
 - Evidence has been submitted to demonstrate why the existing RTE cannot be refurbished;
 - The essential need for the new RTE is submitted;
 - Financial information has been submitted to justify the enabling residential development;
 - The design of the residential element has been amended to be contextually appropriate for the rural character of the site
 - The applicant has provided very special circumstances to justify the proposal.
- 7.11** The current scheme is also supported by the following documents:
- Planning Statement
 - SCI (Statement of Community Involvement)
 - Industry reports on
 - Racing Business Plan
 - Horseracing industry in Epsom and South Hatch stables
 - Enabling residential justification
 - Irish Equine Centre
 - Transport Statement
 - Flood Risk Assessment and Drainage Strategy
 - Contaminated Land Assessment
 - Arboricultural Method Statement
 - Ecology Preliminary Report and Surveys

- Landscape and Visual Impact Assessment and Addendum
- Viability reports
 - Review of viability report
 - Correspondence
 - Appraisal tool
 - Executive summary with amendments to Business Plan (Feb 2019)

7.12 The previous planning application and appeal decision from 2005 is a material consideration. However, the weight attached to that appeal is affected by changes to the development plan, guidance, the proposal and other material considerations.

7.13 Since the appeal in 2005 there have been significant changes to the development plan, national planning policy and other material considerations as below:

- In 2007 the Council adopted the current Core Strategy,
- The South East Plan was revoked in March 2013,
- The publication of The National Planning Policy Framework in 2012 and subsequent updates in 2018 and 2019,
- The publication of the National Planning Practice Guidance (NPPG), and
- The Development Management Plan Document adopted in 2015.

7.14 In addition, there have been changes to the circumstance surrounding potential material consideration which may have informed that appeal from further appeals and case law.

7.15 Development policies that are the most important for determining a specific planning application can be regarded as out of date where the Local Planning Authority are unable to demonstrate a five year housing land supply of deliverable sites (para 11d and footnote 7). Epsom and Ewell cannot demonstrate a five year supply against the standard method in the NPPF and therefore paragraph 11d of the framework is engaged meaning that permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the framework as a whole and the impact on the greenbelt.

8 Planning Policy

Core Strategy 2007

Policy CS2	Green Belt
Policy CS3	Biodiversity
Policy CS5	Built Environment
Policy CS16	Highways

Development Management Policies Document 2015

Policy DM3	Replacement and extensions of Buildings in the Green Belt
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM8	Heritage Assets
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM21	Meeting Local Housing Needs
Policy DM 26	Equestrian-Related Development in the Green Belt
Policy DM37	Parking Standards

National Policy Planning Framework (NPPF) 2019

Chapter 2 Para 8	Achieving sustainable development
Chapter 5 Para 62, 64, 67	Delivering a sufficient supply of homes
Chapter 6 Para 84	Building a strong competitive economy
Chapter 9 Para 108-111	Promoting sustainable transport
Chapter 12 Para 127 -130	Achieving well designed places
Chapter 13: Para 143-146	Protecting Green Belt Land
Chapter 15 Para 170-177	Conserving and enhancing the natural environment

9 Planning Assessment

- 9.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that; ‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise’.
- 9.2** In this case the development plan consists of the Epsom and Ewell Core Strategy 2007 and the Development Management Policies Document, adopted in 2015. Other material considerations include the National Planning Policy Framework 2019 (NPPF) and associated planning guidance.
- 9.3** The main considerations material to the determination of this application are:
- Principle of Proposed Development and Green Belt
 - Very special circumstances
 - Landscape and Visual Impact Assessment
 - Design and Appearance
 - Quality of Accommodation
 - Private and Communal Amenity Space
 - Housing
 - Impact on Neighbour’s Residential Amenity
 - Highways and Parking
 - Trees and Landscaping
 - Biodiversity and Ecology
 - Environment and Sustainability
 - Archaeology
 - Legal Agreements
 - Community Infrastructure Levy
 - Conclusions

Principle of Proposed Development and Green Belt

- 9.4** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that; ‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise’.
- 9.5** Para 47 of the NPPF states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

- 9.6** In this case the development plan consists of the Epsom and Ewell Core Strategy 2007 and the Development Management Policies Document, adopted in 2015. Other material considerations include the National Planning Policy Framework 2019 (NPPF) and associated planning guidance.
- 9.7** Key development plan policies that are relevant to this application are Policy CS2 Green Belt, Policy CS3 Biodiversity, Policy CS16 Highways, Policy DM3 Replacement and extensions of Buildings in the Green Belt and Policy DM 26 Equestrian-Related Development in the Green Belt.
- 9.8** The NPPF was republished in February 2019. It is a key consideration in relation to this application and is a material consideration. The National Planning Policy Framework 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 9.9** Paragraphs 143 to 147 of the NPPF set out the Government's policies relating to development proposals in the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.10** Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Para 11c states that "For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay" or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.11** The site falls within the Green Belt and therefore Paragraph 11d (i) of the NPPF is engaged via footnote 6. This report will consider whether or not the Green Belt Policies in the NPPF provide a clear reason for refusal of the proposed development, and whether in terms of Para 11d (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.12** Epsom and Ewell cannot demonstrate a five year housing land supply, and therefore Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 meaning that permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 9.13** The National Planning Policy Framework 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This report addresses the NPPF policies in terms of sustainable development.
- 9.14** NPPF Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental.
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Green Belt Policy

- 9.15** Paragraph 145 of the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

9.16 Local Policy Core Strategy 2007 CS1 sets the overarching principle to apply to new development. The policy states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development – both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments for the present and protect the quality of life of future generations.

9.17 Policy CS2 of Core Strategy 2007 provides for the protection of the Green Belt, so that it shall serve its key functions, its existing general extent be maintained and, within its boundaries, strict control continue to be exercised over inappropriate development as defined by Government policy.

- 9.18** The supporting text to Policy CS2 recognises the Green Belt designation and its significance in the Borough. Paragraph 3.3.3 notes the long association Epsom has had with the horse racing industry and that the Green Belt is home to the nationally important Epsom racecourse as well as to facilities for the local racehorse training industry. Epsom has been associated with horse racing since the 17th Century, with this being a strong part of the local cultural identity reflected in the Borough coat of arms, and the twinning of the Borough with Chantilly in France.
- 9.19** Policy DM3 in the Development Management Policies Document 2015 provides support for replacement buildings in the Green Belt where they are not materially larger than the existing buildings and remain in the same use. It is clear that the proposed development is not one for replacement buildings that are not materially larger than the existing buildings.
- 9.20** Policy DM26 of the Development Management Policies Document 2015 refers specifically to equestrian related development in the Green Belt. It says that where such development constitutes inappropriate development applicants will be expected to demonstrate very special circumstances which clearly outweigh the harm to the Green Belt.
- 9.21** Given the long history of horse racing in the Borough and its contribution to the Borough's cultural identity, the Development Management Policies seek to facilitate maintenance and investment into enterprises. Paragraphs 5.20 to 5.22 of the Development Management Policies Document 2015 notes the importance to the borough of the racehorse industry, expressing support for its maintenance, and provides guidance as to how applicants will be expected to demonstrate need in relation to inappropriate buildings in the Green Belt:
- They will help sustain the horse racing industry in the Borough;
 - Their size is commensurate with the established needs of the enterprise; and
 - The need could not be met by the refurbishment or replacement of a building that already exists on the site.
- 9.22** Chapter 13 of the National Planning Policy Framework 2019 sets out the Government's policy in relation to the Green Belt. Paragraph 133 establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts is their openness and their permanence. Green Belt serves five purposes:
- 'a) To check the unrestricted sprawl of large built-up areas;

- b) To assist in safeguarding the countryside from encroachment;
- c) To prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land'

- 9.23** Paragraphs 143 to 147 of the NPPF set out the Government's policies relating to development proposals in the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.24** Paragraph 144 of the NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.25** Paragraph 145(g) of the NPPF says that the construction of buildings should be regarded as inappropriate in the Green Belt, subject to specific exceptions, including:
- “g) limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”
- 9.26** Paragraph 146 of the NPPF says that certain 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 mineral extraction, engineering operations, local transport infrastructure, re-use of buildings, material changes of use of land including outdoor sport recreation or cemeteries, and development brought forward under a neighbourhood development order.

- 9.27** The proposed development does not in the decision makers' opinion form appropriate development in the Green Belt due to the scale of the extension. The proposal has an overall increase in site coverage of 8,371.8m² and increase in total volume of 44317m³. Therefore it is by definition, as provided by the NPPF, harmful development in the Green Belt.
- 9.28** It is concluded that the proposed scheme would not meet any of the exceptions as contained in Para 145 and 146 of the NPPF.
- 9.29** This report now considers the effects of the development on the Green Belt first in terms of its permanent openness and then in terms of its Green Belt purposes.
- 9.30** The Borough Council has been working on preparing evidence for a new Local Plan which is to provide for the needs of the community through to 2032. Part of the work has involved the commissioning of two Green Belt studies that take into account the requirements of the NPPF, the Planning Practice Guidance (PPG) and the Borough's Housing Land Requirement. These studies exist and have been prepared for policy purposes and assess sites only on that basis. The studies are of value to the plan making process when defining Green Belt boundaries, and are key evidence documents for that purpose. While the application site forms part of a larger Parcel 32, those findings of Parcel 32 are made having regard for a larger site. This planning application is separately assessed and will be considered on its own merits.

Openness of the Green Belt

- 9.31** To further assess the proposal in relation to openness with specific reference to the application site and the proposed development, Officers have undertaken a number of site visits, having regard to the seasons, the spatial location of the site in relation to the built up boundary of Epsom, and the location of the proposed structures and buildings on the landform.
- 9.32** The assessment of openness on the Green Belt should include consideration of the volume of structures, in other words the spatial aspect of openness, but there is also the visual impact of the development on openness to consider. The applicant has provided a Landscape Visual Impact Assessment and supporting Planning Statement to assist with the calculation of footprint, volume and potential harm on the Green Belt.
- 9.33** The application site at present is occupied by 1904.7m² of building footprint, as well as 2789m² of hardstanding. Combined, this provides a total built coverage of 4693.7m². The existing scheme has a volume of 7572m³.

- 9.34** The proposed scheme would have a total building footprint of 7420.5m² and a hardstanding area of 5645.1m². This provides a combined total of 13065.5m². It would have an increased volume of 44317m³.
- 9.35** The proposed development would therefore have an increased footprint and volume. The proposal is an increase in coverage of 8,371.8m² and an increase in volume of 44317m³. In spatial terms the impact of this increase on openness would be significant.
- 9.36** The proposed RTE extends into the open paddocks and would result in an increase in volume and footprint of development. This increase in development would have a detrimental impact as encroachment on the openness and therefore harm the Green Belt.
- 9.37** The existing use and operation of the site does not have contributing factors that could be given weight in the determination of this application in relation to openness, such as temporary fencing, horse jumps or other associated infrastructure.
- 9.38** The 2005 Appeal decision is a material consideration, and whilst the current scheme is spatially larger, the impact on the openness would be different due to its design and layout.
- 9.39** In terms of the visual dimension of openness, the western, and southern boundaries of the site are well vegetated with mature hedgerow and woodland trees although there are occasional gaps. The eastern boundary along Burgh Heath Road is characterised by a mature hedgerow. The northern boundary is open with the paddocks in this location separated by a post and rail fence. This is in common with the south eastern boundary where neighbouring paddocks are separated using a timber fence, hedges and the occasional tree.
- 9.40** Aside from the boundaries of the site, the most significant vegetative feature is the belt of mature trees that divide the site along an axis in line with the site entrance. These provide screening in views from the south and a backdrop to the paddocks in views from the residential properties to the north.
- 9.41** Aside from the existing building group which sits on predominantly level land alongside Burgh Heath Road, the site sits on sloping ground on the eastern face of a shallow valley. The ground falls to the northwest and has an estimated average gradient of 1 in 14 to 1 in 15 across the site. This results in sections of the slope having slightly greater visibility from some residential properties located on Downs Way and Aston Way (to the northwest).

- 9.42** The areas of greatest building volume would be the main yard, residential blocks and storage barns. The main stable yard would have the greatest volume as the main hub of the site. The eaves heights are proposed to be the minimum required for stables and equine access. The design of the RTE is reflective of rural buildings of this purpose, which are generally acceptable development in the countryside, and therefore of themselves are not out of keeping with rural open land. The design of the RTE diminishes the harm on the openness. The residential blocks, as an area of higher volume, are proposed to be in areas of existing development and would replicate areas of greatest volume in the existing development.
- 9.43** The apartment buildings comprising the enabling housing, would be located within the previously developed area of the site, and consequently would introduce buildings in what currently is the most highly developed part of the overall site.
- 9.44** The land proposed for the new RTE facilities, is in a paddock which is an open area of the site and would introduce a substantial built form on land where there was previously none. Adjacent to the RTE facilities would be paddocks that would remain undeveloped and retained for the purpose of grazing horses. The RTE would have a visual presence from adjacent public viewpoints albeit heavily screened and framed by woodland and hedgerow vegetation.
- 9.45** The layout of the RTE facilities would allow for views between individual buildings in a north–south direction, whilst the central access drive and landscaped buffer along the northern boundary would allow views in an east-west direction. The “permeable” layout would further mitigate the impact on the openness, as the buildings would not be perceived as a visually continuous building mass.
- 9.46** In conclusion, the footprint of built-upon land would be greater after the development than at present, and there would be an increase in volume. The proposed scheme would therefore have a significant impact on the openness, through the introduction of the RTE into a paddock in a rural open setting, and permanence of the Green Belt.

The purposes of the Green Belt

- 9.47** NPPF Paragraph 134 identifies that the GB serves five purposes. The first of these is to check the unrestricted sprawl of large built up areas. The northern boundary of the Green Belt is defined by the rear gardens of the properties fronting Beech Road, and which forms the defined edge of built development in Epsom. The rear gardens provide a boundary to the Green Belt that is physically distinct, and less permanent. The proposed development would be in the Green Belt and would alter the appearance of the boundary of the Green belt through the provision of an RTE adjoining the built-up area.
- 9.48** The second purpose of Green Belts is to prevent neighbouring towns from merging into one another. In this respect the site lies to the north west of the edge of the areas of Nork, which is in the borough of Reigate and Banstead. As the development would push northwards and would occupy what is presently open land beyond the southern edge of Epsom, it could be perceived to bring the settlements physically closer together. However, the topography and intervening land use of the Epsom golf course would prevent any visual merging or growing together of the settlements. Therefore, in terms of preventing the merging of neighbouring towns, the development is not coalescing the two settlements.
- 9.49** The third purpose of including land in Green Belts is to assist in safeguarding the countryside from encroachment. From certain directions the topography is likely to lessen the development's visible impact, but from other directions, such as in views eastwards towards the site from the B289 Downs Road, the impact of the development may be more pronounced as a result of the topography. In any event, the site is in the Green Belt and outside of the residential areas and should be regarded as countryside. The proposed development encroaches into the Green Belt.
- 9.50** The fourth purpose of including land in Green Belts is to preserve the setting of and special character of historic towns. The site is not within or adjoining a conservation area within an historic town and consequently it would not offend the fourth purpose of the Green Belt.
- 9.51** The fifth purpose of Green Belts, to assist in urban regeneration by encouraging the recycling of derelict and other urban land, would not be materially compromised by the proposed development.

- 9.52** The land the subject of the proposal does serve the Green Belt purposes by way of preventing unrestricted sprawl of large built up areas and safeguarding the countryside from encroachment. On this basis the proposal would conflict with the purposes of the Green Belt as provided in Paragraph 134(a) and (c), and impact on the openness.
- 9.53** The proposed development is harmful by definition to the Green Belt in terms of the openness, and due to the performance of this area of Green Belt, it is in conflict with the purposes for which the Green belt was established. The harm identified is considerable and in accordance with para 144 of the Framework must be given substantial weight.

Character and Appearance of site, visual amenity

- 9.54** The proposed development would materially change the overall character of the application site. The proposed enabling residential buildings, the RTE buildings and ancillary development would identify it as a mixed-use site in contrast to its existing status as largely open fields and paddocks.
- 9.55** In terms of the structures proposed, the RTE takes on the form and massing of development that one would expect to find in a rural context, and the enabling residential development responds to the “urban” built form of the urban edge to the north. Overall it is considered that the proposal, in terms of its scale and height would be contextually appropriate.
- 9.56** The architects have arrived at a design which includes materials appropriate to the context and function of the development. The chosen materials compliment and blend into the natural surroundings, adopting a traditional ‘barn’ or ‘stable’ feel. This would be achieved through the use of slate roofing reflective of the existing yard stables, and render and brick for the main yard complex, stable staff accommodation and assistant trainer’s house. The secondary stable blocks, barns and stores would be constructed of render and brick with metal sheet cladding on some side elevations and roof. The proposed materials for the residential enabling development would reflect traditional barn style conversions.
- 9.57** Around the buildings and the main parking area would be located necessary street furniture such as bollards, low-level lighting, and charging points for electric vehicles. Whilst these items would be kept to a minimum and would not be unduly obtrusive in isolation, there would be cumulative impact on the character of the area viewed in conjunction with the overall proposed scheme.

- 9.58** There would be a material increase in the number of buildings and structures on the site, and whilst the existing, significant landscape features would be retained, the changes in the open land would be obtrusive, however not out of rural character and context.
- 9.59** The proposal would not be development out of character with a rural location and the design and overall use of materials would be contextually appropriate in this rural location. However due to the scale of the extension and increase in the number of buildings in the landscape the changes are considered to be obtrusive and would result in change, however not to the extent of being out of character with a rural location.
- 9.60** As harmful effects have been identified above, in terms of the openness and purposes of the Green belt, very special circumstances would have to be demonstrated for the development to be acceptable. The main consideration which could outweigh the harm to the Green Belt would be the need for enabling development and whether the public benefits of the RTE decisively outweigh the disbenefits of breaching Green Belt policies of the Development Plan. This report addresses these issues below.

Very special circumstances

- 9.61** Inappropriate development is by definition harmful to the Green Belt. In this case harm by reason of inappropriateness is compounded by harm to the openness; substantial weight must be given to any harm to the Green Belt. Inappropriate development such as the proposal here cannot be approved except in very special circumstances.
- 9.62** In the Secretary of State's covering letter dated 30 November 2005, he did not depart from the Inspector's findings that "The circumstances advanced by the appellant are not sufficient to outweigh the general presumption against inappropriate development. I have seen no compelling evidence that the existing RTE cannot be viably refurbished and/or redeveloped to meet the needs of the Epsom racehorse industry or that enabling development is needed, or is the minimum needed to enable the scheme to go ahead. Moreover, the proposed enabling development of 8 detached houses is not needed to meet the Boroughs housing requirement and it would represent an unsustainable form of development, overly reliant on the use of the private car".
- 9.63** The previous application failed to demonstrate very special circumstances.
- 9.64** The applicant has advanced three considerations which it considers amount to very special circumstances:
- Need
 - Condition
 - Social and economic benefits
- 9.65** The application contains considerable documentation supporting the applicant's case for very special circumstances, including the following:
- Planning Statement
 - Architectural plans detailing existing and proposed dimensions and requirements
 - The Report on Thoroughbred Horseracing in Epsom with specific reference to South Hatch Stables and the proposals for its future as a Racehorse Training Establishment prepared by Christy Kilgour May 2018

- The Jim Boyle Business Plan Updated 2018 prepared by Rural Solutions
- Supplementary submissions in the form of letters prepared by Rural Solutions and dated 22 February 2018

9.66 Separately and independent of the application the Council has received comments on the planning application from the Jockey Club dated 3rd August 2018 and 22nd November 2018. Many comments have been received specifically in relation to the Green Belt, one being from Campaign to Protect Rural England dated 24th July 2018 offering comments on the importance of the Green Belt, local context and the need to support the existing RTE through a revised Local Plan.

9.67 The three main elements submitted as very special circumstances are addressed in turn below. The overall balance to be struck in terms of paragraph 144 of the NPPF will be considered later in the report.

Need

9.68 The applicant has made a forceful argument for the essential need for the development and has sought to demonstrate the very special circumstances. The applicant's planning statement says that "there is an urgent and pressing need to invest in Epsom's racing industry. The proposal with its state of the art RTE facilities will represent a significant opportunity to begin an upward trend of enhancing the RTE facilities within Epsom and raising the industry profile to compete with other successful racing locations such as Newmarket and Lambourn. It will contribute towards the council's and racing industry's objective to secure the future of racing in Epsom."

9.69 The submitted document Racehorse Training Establishment and Enabling Residential Development – Equine justification for all proposed built forms at South Hatch Stables, Epsom prepared by Christy Kilgour (May 2018) provides convincing evidence that investment in Epsom's racing industry is urgently needed. It is considered that the Proposal and the significant investment in South Hatch would lead to the enhancement of the available RTE facilities within Epsom, whilst raising the industry profile to compete with other successful racing locations such as Newmarket and Lambourn.

- 9.70** There are many comments submitted on the planning application that counter this view that long-term economic factors cannot be addressed by short term fixes, and that there has been a UK wide decline in the racehorse industry. However, this is not the Vision which Epsom and Ewell Borough have expressed through the Core Strategy 2007, and the Vision for Epsom document
- 9.71** This document stated aim is to make Epsom a “Globally recognised 21st Century Centre of Excellence for the Horseracing Industry” and is jointly promoted by the Jockey Club and the British Horseracing Association. The Borough is included in the supporting signatories as a project partner to the venture.
- 9.72** The relevant objectives of the “Vision” are:
- Increase the number of declared horses in training from 135 to 250 by 2021
 - Increase the economic value of the local horseracing industry and raise local employment
 - Work across the horseracing industry to develop wider economic and social proposals to benefit the Epsom Area.
- 9.73** The current scheme will contribute toward achieving these objectives through the provision of 60 horseboxes, increased employment in the local horseracing industry and contribute to the wider social and economic multipliers.

Condition of existing facilities

- 9.74** The applicant submits that the Proposal is necessary, given the evidence which demonstrates the very poor condition of the existing RTE and contends that there are no alternative sites at Epsom. To provide a new RTE significant investment is required; that investment is to be raised from the residential element of the application scheme. Supporting statements to this effect are provided by the Irish Equine Centre (November 2015), and the Report on Thoroughbred Horseracing in Epsom with specific reference to South Hatch, prepared by Christy Kilgour (May 2018):
- The deterioration and degree of dilapidation of the buildings at South Hatch is such that the cost of the necessary refurbishment is more than akin to that of rebuilding.
 - There is also an absolute need to try and reduce or eliminate the presence of pathogenic fungi currently present in the yard. This in itself imposes additional strict and onerous requirements on the refurbishment specification that add further to the cost.

- 9.75** The applicant submits that the Irish Equine Centre, who are “internationally acknowledged” experts in stable management and design, *have outlined clearly the arguments in their report and they conclude strongly against refurbishment.*
- 9.76** The also applicant contends that there are no suitable, available or less constrained alternative sites (to purchase or rent) and has submitted an alternative site assessment to support its position. The assessment considers 3 sites and examines the suitability of each site based on its size, land use designation, and potential purchase price/rental. This assessment concludes *that no alternative sites are available. There would be insufficient capital available to allow any purchase and the only yard available to rent would be too expensive to commercially afford.*
- 9.77** South Hatch is comprised of an amalgamation of various additions and alterations that have occurred over time. It is evident that these yards are now well beyond their functional 25-year design life and consequently in need of complete replacement. 19 boxes have recently been removed from the yard licence. The removed boxes are dilapidated and cannot be renovated to be brought back into use. These yard blocks do not link naturally with the rest of the buildings and therefore the whole yard is spread out, all on different levels and this creates a large additional labour requirement, making it far less commercial to operate.
- 9.78** Officers consider that the above submitted evidence, addressing the condition of the existing facilities and the lack of suitable alternative sites, has been comprehensively demonstrated. From site inspection it is evident that the existing facilities are in a very poor state and are not fit for purpose and do not meet current licencing standards.
- 9.79** The applicant is putting forward the case that the quantum of residential development (46 units) is based upon a direct calculation of the absolute minimum amount of residential development needed to fund the cost of the RTE, the cost of the housing and allowing for a developer profit of 20%, and that without the enabling development the cost of the new RTE cannot be met.
- 9.80** A Business Plan has been submitted in support of the application which seeks to demonstrate that the only viable funding scenario for the redevelopment of the South Hatch Yard is to generate the necessary monies from the ‘enabling’ development of other land held by the owners of the site. This Business Plan is considered in detail later in this report. It can be noted here that officers agree with its conclusion.

Social and economic benefits

- 9.81** The applicant states that the redevelopment of the facilities at South Hatch will bring with it significant social and economic benefits to the training industry in both Epsom and nationally and will support sustainable economic growth, by virtue of a number of direct and indirect economic contributions. The social benefits would include:
- “A contribution towards maintaining the council’s future housing land supply;
 - The enhanced facilities at South Hatch would raise the profile of this existing leisure facility and increase the quality of the services to which it offers to the wider racing industry of Epsom and the UK;
 - The RTE would create job opportunities and apprentices for local people, providing an opportunity for the local community to interact with one another and contribute to the success of the RTE;
 - The demolition and construction phase of the RTE and residential development would create job opportunities and apprentices for local people, given the developer is a local development company based in Epsom;
 - Affordable on-site stable staff accommodation with shared communal facilities would be provided, which would meet a local need for such accommodation and promoting social interaction and community cohesion amongst the employees”
- 9.82** Officers consider that the supporting evidence, demonstrates that there is a strong economic case to maintain numbers of active horses and trainers in Epsom, so that the supporting industries and staff in Epsom would have a solid and steady industry on which to base their business and future.
- 9.83** Section 3 of Report on Thoroughbred Horseracing in Epsom with specific reference to South Hatch, prepared by Christy Kilgour (May 2018) provides an economic overview of the horse racing industry in Epsom and nationally. There are counter views to this offered in comments on the planning application. It is accepted that the statistics and performance of the industry can be interpreted in more than one way, however it is important to the identity of the Borough which is renowned the world over for being the home of the Derby, and is inextricably linked with the racehorse industry.

- 9.84** Epsom has a long historical involvement with horse racing dating back to 17th Century. Its connection to the Derby is a vital and valued heritage asset to the town. Epsom claims to be the third most pre-eminent 20th Century training centre in Britain after Newmarket (Racings HQ) and Lambourn. Epsom remains highly important to UK racing. The Derby is a national sporting fixture and this history and heritage is vital exposure which the wider industry desperately needs. The Jockey Club's huge investment and commitment to the racecourse is a long-term project that acknowledges the importance of Epsom to the racing industry and actively seeks to ensure that it endures in the longer term.
- 9.85** Horse racing is inextricably linked with the history of Epsom as evidenced on the Borough's coat of arms which incorporates two horses' heads to mark Epsom's long association with horse racing. Epsom is also twinned with Chantilly in France. Chantilly is also known for its horse racing track. It is important that these intangible benefits are maintained and not lost.
- 9.86** Substantial weight has therefore been given to the need to invest in Epsom's racing industry, the present condition of the existing facilities, and the considerable public, social and economic benefits that the redevelopment of the facilities at South Hatch would deliver. The very special circumstances will be considered to ascertain the weight to be given to the Green belt when concluding the assessment and planning balance.

Landscape and Visual Impact

- 9.87** The development plan comprising of the Core Strategy 2007 and Development Management Policies Document does not specifically deal with matters of landscape character and visual impact. In the absence of adequate local policy, the decision makes should turn to the NPPF.
- 9.88** Para 170 of the NPPF advises that planning decisions should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner which is commensurate with their statutory status and the development plan.
- 9.89** The site has no landscape designation either by statutory means or has its quality been identified within the development plan. As such, it is not considered despite its green belt designation to be a 'valued landscape' for the purposes of the NPPF.

- 9.90** The local evidence base for Landscape, The Surrey Landscape Character Assessment for the Borough identifies the application site to be the Chalk Down with Woodland landscape type. The Landscape Strategy broadly resists urbanisation and further ribbon development. The LVIA confirms that the site is representative of the identified characteristics for the type which include rolling down land, mosaic of woodland, pasture and low settlement, existing tree belts, hedgerows and networks of hedgerow trees.
- 9.91** The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Portus and Whitton (May 2018), and a supplementary letter providing a commentary on the Green Belt prepared by Rural Solutions (February 2018).
- 9.92** The submitted LVIA explains the strategy for the design proposals and assesses their potential visual and physical impacts on the landscape that may result. It includes a constraints and opportunities plan, identifying the sensitive areas and most visible areas of the site.
- 9.93** The applicant submits that a comprehensive analysis of viewpoints of the site has been undertaken. The survey fieldwork was carried out over several visits to site starting July 2015, followed by a visit in September 2015 and latterly a further update in November 2017. It is said that views of the site are generally limited by surrounding vegetation, mainly the presence of woodland belts and mature hedgerows which bound the site. Council's officers have undertaken their own assessment of these viewpoints and advise the following:
- Viewpoint 1: Field gate entrance to South Hatch southern paddock on boundary with Epsom Golf Course: The bulk of the development would not be visible from this location as it would be located to the right of this view and would be screened by boundary vegetation. The main element of the new RTE would be located behind the existing dividing tree belt. The siting of the trotting ring, isolation yard and trainer's house would feature to the left and centre of this view. However, new planting (as indicated on the submitted sketch Landscape Masterplan) at the gated entrance would direct views along the boundary and the proposed structural woodland planting to the south of the new built form would provide screening.

- Viewpoint 2: Public footpath adjacent to 7th tee of Epsom Golf Course: The hedgerow and hedgerow trees in the foreground of this view have been left largely unmanaged. Built form alongside Burgh Heath Road would be partially visible during winter months but otherwise the bulk of the application site would not be seen from this location. There would be glimpsed views of the tops of the tree belt which divides the application site and there is the possibility that small elements of built form located south of this belt might be visible (mostly associated with winter views). However, as the trees along the southern boundary continue to mature it is considered that there would be no significant impacts on visual amenity in the medium to long term.
- Viewpoint 3: Burgh Heath Road looking north east: The existing buildings visible in this view would be demolished and replaced with residential development set further back from the road allowing a significant landscape buffer to be implemented. The new building would therefore be less impactful on the overall street scene. Furthermore, the reinforcement of the boundary hedgerow further north of the RTE would provide a green back drop to the new built form.
- Viewpoint 4: Burgh Heath Road north of the site entrance looking towards the RTE. The proposals allow for the main access to the site to move north by a few metres in order to improve sight lines. This would be in concert with the substation being relocated south to a more discreet location at the boundary at the south eastern corner of the application site. The new residential building would be stepped back from the road and footpath allowing the inclusion of a significant green buffer.
- Viewpoint 5: Burgh Heath Road looking south towards the application site at a distance of some 150m from the existing site entrance: The closest proposed buildings to this view would be the stable staff accommodation and the storage/therapy barns. These will be 1.5 storey structures with pitched roofs which would be placed at grade on land that slopes away from Burgh Heath Road. The mature hedgerow (which would be retained in its current form) would therefore screen the proposed development from view at this location.
- Viewpoint 6: View eastwards towards the site from the B289 Downs Road: All of the existing landscape structure would be retained and added to with proposed new specimen tree planting and structure buffer planting around the application site boundaries. Small elements of the proposed main yard would be seen within the existing gaps as would the trotting ring. However, the main bulk of the proposed built form would be screened by the mature woodland framework.

- Viewpoint 7: View eastwards towards the site from the B289 Downs Road: All of the existing landscape structure would be retained and added to with proposed new specimen tree planting and structure buffer planting around the application site boundaries. Small elements of the proposed residential building would be visible as well as the trotting ring. However, proposed tree planting within the site would, over time, mature leaving only glimpsed views of proposed built form.
- Viewpoint 8: Bridleway 44—Rifle Butts Alley looking into the site through gaps in existing vegetation: Elements of built form would be visible through this gap particularly the Main Yard and additional stable blocks. However, the proposals would allow for the comprehensive planting of native woodland buffer along the entire boundary with Rifle Butts Alley which would see all open views through gaps screened off. A proposed mixture of native evergreen and deciduous planting would ensure that winter views are similarly well screened.
- Viewpoint 9: Public viewpoint (car park) on Grandstand Road looking north towards the site: There is potential for glimpsed views of the proposed development, primarily the residential elements adjacent to Burgh Heath Road. However, this is only likely with winter views and would likely not introduce much change from what is already there. Receptors in this view are primarily interested in the views of London in the far distance and it is considered that the proposals will not introduce any change likely to disrupt these views
- Viewpoint 10: View north west from the 15th fairway of Epsom Golf Course towards the site: There is potential for winter views of the proposals albeit the existing buildings just north of the golf course would continue to provide considerable screening. Any views of new built form would not provide any significant change over the current visual scene.

9.94 The applicants have not assessed views from the rear gardens of properties which front Beech Way, to the north of the application site. This has however been carried out by Council Officers, and it was observed that whilst there is the potential for views of the RTE buildings, stable yard and stable lad accommodation building, the proposed structural landscaping proposed along the northern boundary of the site would over time, effectively screen these buildings. The buildings, due to the gap between individual buildings would not be viewed as a continuous built up 'wall'.

- 9.95** The applicant's LVIA concludes that a number of assessed viewpoints would experience slight adverse visual impacts, with one viewpoint, *Viewpoint 6 View eastwards towards the site from the B289 Downs Road*, experiencing slight adverse significance. To mitigate the landscape and visual impacts of the development, the application includes a Landscape and Public Open Space strategy which promotes a range of new soft landscaping. In time, as any tree and shrub planting matures, the visual impact of the development would be lessened, although as seen from viewpoints on higher ground to the east, it would not be possible to fully screen the development
- 9.96** Undertaking a review of the status of the landscape, the current landscape evidence available, local policy and national policy it is considered that the site does not fall within a 'valued landscape'.
- 9.97** Following an appraisal of the site and proposed development it is concluded that overall the proposals would respond positively to the existing landscape character guidelines as set by the Surrey Landscape Character Assessment. In terms of visual impact there would be no significant long-term impacts and that the proposals would not have any significant landscape or visual impacts on landscape character or existing landscape resource. There are opportunities to enhance the qualities of the Chalk Downs with Woodland Landscape type through the imposition of appropriate conditions.
- 9.98** It is concluded that the proposed development would not have a harmful impact upon the wider landscape and appearance and with opportunities to enhance the local chalk downs and woodland landscape through planning conditions the positive impact on the landscape can be afforded minor weight as a benefit.

Design and Appearance

- 9.99** The planning application is accompanied by a Design and Access Statement prepared by Lytle Associates Architects (2018). This document along with the proposed plans forms the basis for the following assessment.
- 9.100** Council's Development Management Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.
- 9.101** Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:
- prevailing development typology, including housing types and sizes;
 - prevailing density of the surrounding area;
 - scale, layout, height, form (including roof forms), massing;
 - plot width and format which includes spaces between buildings;
 - building line; and
 - typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.102** The policies relevant to this section of the report are set out in Chapter 12 of the NPPF, and related paragraphs, aimed at achieving well-designed places.

- 9.103** Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities
- 9.104** Paragraph 127 of the NPPF sets out that Planning Decisions should ensure that developments (inter alia) function well, are visually attractive, are sympathetic to local character and history and establish or maintain a strong sense of place.
- 9.105** Paragraph 131 of the NPPF sets out 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.
- 9.106** The proposed development has been designed to site the enabling residential development in part on the footprint of the existing stables and existing hard standing. The architects have successfully focussed on ensuring that the enabling development is reflective of the traditional buildings on site. Another key feature which has influenced the proposed design is the siting of the access, and the need to ensure the development would comply with the guidelines of Part M of the Building Regulations, relating to access for people with disabilities.
- 9.107** The design and access statement also sets out how the development has been designed taking into account the physical constraint and opportunities of the site. Account has been taken of the varying topography across site, with the siting, massing and layout taking account and designing out potential landscape and visual impacts.
- 9.108** The proposal sits within the landscape, observing the fall across the site, creating well conceived development platforms for the RTE and its associated infrastructure. The layout proposed has sited the enabling residential development and the proposed stable lad accommodation building on either side of a proposed central access road, and fronting Burgh Heath Road. This is considered to be good design, reinforcing the building line to Burgh Heath Road with regular well proportioned buildings in both height and massing.

- 9.109** To the rear of the enabling residential blocks would be the trotting ring, the trainer's house and isolation yard, whilst to the rear of the stable lads' accommodation it is proposed to locate the proposed therapy barn, main stable yard, and secondary stable, as well as horse walkers and lunge ring. These are all sited on land which is sloping away from the road. The section drawings identify a fall of 3.0m across the site which provided an opportunity as this level change screens the development from longer viewpoints. While this part of the site is open and not developed, these proposed buildings are intrinsically equine in nature and their use would be reflective of the industry.
- 9.110** The site falls from the highway boundary (north east) towards the rear boundary (south west) by approximately 3m, and from the south east (flank boundary) to the north west, by approximately 2m. The fall to the rear boundary would substantially reduce the visual impact of the trainer's house in views from Burgh Heath Road. The proposed design and siting of the trainer's house and isolation yard relates well to the falling topography and existing hedgerow. There are benefits in locating the trainer's house away from the proposed residential development, thereby not giving rise to potential future neighbour impacts, while being able to manage the more specialised requirements of an isolation yard.
- 9.111** The proposed trainer's house can be successfully integrated within the landscape, and through conditions requiring enhanced and maintained hedgerow management any potential visual impacts could be mitigated.
- 9.112** The design approach for the enabling residential development has been to accommodate it over 3 Blocks. The description of these blocks is set out in the front of this report, and it is considered that by breaking down the massing of this part of the development into smaller blocks, the overall impact is reduced. The changing levels across this part of the site is addressed by incorporating split levels in the accommodation, thereby also achieving Building Regulation requirements.
- 9.113** The design approach is for the stable lads accommodation to be subservient in height as it is on that part of the site where there is currently no buildings. It would observe the existing building line established along Burgh Heath Road, whilst meeting the functional requirements of its intended purpose.
- 9.114** In terms of the structures proposed, the RTE takes on the form and massing of development that one would expect to find in a rural context, and the enabling residential development responds to the "urban" built form of the urban edge to the north. Overall it is considered that the proposal, in terms of its scale and height would be contextually appropriate.

- 9.115** The architects have arrived at a design which includes materials appropriate to the context and function of the development. The chosen materials compliment and blend into the natural surroundings, adopting a traditional 'barn' or 'stable' feel. This would be achieved through the use of slate roofing reflective of the existing yard stables, and render and brick for the main yard complex, stable staff accommodation and assistant trainer's house. The secondary stable blocks, barns and stores would be constructed of render and brick with metal sheet cladding on some side elevations and roof.
- 9.116** During the assessment of the proposal the applicant was requested to modify the design of the gatehouse, as the proposed roof was not appropriate for the rural setting and purpose. This led to revised plans being submitted, which have been assessed as being acceptable and more appropriate for the site.
- 9.117** The proposed materials for the residential enabling development would reflect traditional barn style conversions. The location and proportions for the windows and entrances are similar to those found on existing barns. The proposal is to be predominantly red brick with stone detailing, reflecting features of buildings fronting Burgh Heath Road. Two types of bricks are proposed to provide variation and interest. Stone quoins, headers and cills would improve the elevations with some vertical timber cladding used in small quantities to provide relief.
- 9.118** Overall, the proposed design is of a high quality, with high quality materials, and is an acceptable outcome for the site. Boundary treatment, enhanced landscaping and well considered building detailing will be secured by way of conditions to ensure the proposed design ethos carries through to construction. The buildings would be locally distinctive, and reflective of the edge of urban, edge of rural nature of the site. The proposed access siting has been assessed and with the support of Surrey County Highways and through the imposition of conditions, would also be an acceptable design outcome.
- 9.119** It is therefore concluded that the proposed scheme in terms of its design, layout and access, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with the NPPF and Policies DM9 and DM10 of the Local Plan.

Quality of Accommodation

- 9.120** The Nationally Described Space Standards, introduced by the DCLG in March 2015, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. Policy DM12 (Housing Standards) of the Development Management Policies Document 2015 states that the council will only grant permission for new dwellings that provide adequate internal and external space standards. These standards only apply to C3 dwelling units and as such are only applicable to the enabling residential development, trainer, assistant trainer accommodation and the studio flats within the stable lads building. The stable lads' accommodation is a Sui Generis category, as the number of residents exceeds 6 and therefore forms a Larger House In Multiple Occupation.
- 9.121** The Nationally Described Space Standards sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m² for single bedroom and 11.5 m² for a double bedroom. All new units should be designed in accordance with the National Space Standards. The application is proposing 46 units (open market housing), 2 detached houses for trainers/assistant trainers, and a stable staff accommodation block. The break down on accommodation is detailed below.
- 9.122** The units would be split into:
- 46 Enabling Development Flats (C3 Open market)
- 14 x 1 bedroom, 2 person flats; and
 - 32 x 2 bedroom, 4 person flats.
- Trainers and Assistant Trainers Houses (C3 Restricted occupation)
- 1 x 3 bedroom, 6 person, 3 habitable storey house; and
 - 1 x 4 bedroom, 7 person, 3 habitable storey house.
- Stable Staff Accommodation (Sui Generis HMO))
- 16 x bedrooms in a two storey block; and
 - 4 x studio flats. (C3 Restricted occupation)

- 9.123** Policy DM12 states that all new housing developments are required to comply with external and internal space standards. The required internal space standards are outlined in the Nationally Described Space Standard technical guidance (2015). Supporting text to Policy DM12 states that adequate external private amenity space needs to be provided for each unit.
- 9.124** All units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 37/39 m² for a studio flat;
 - 50 m² for a 1 bedroom, 2 person, single storey unit;
 - 70 m² for a 2 bedroom, 4 person, single storey unit;
 - 108 m² for a 3 bedroom, 6 person, 3 habitable storey unit; and
 - 121 m² for a 4 bedroom, 7 person, 3 habitable storey unit.
- 9.125** Each bedroom for the stable staff accommodation would comply with the min requirement for a single bedroom (1 bedspace) of at least 7.5m²,(with shared facilities) therefore having an acceptable level of internal amenity
- 9.126** The proposed enabling development would comprise 46 flat units, comprising 14 one, and 32 two bed units. The proposed 1 bed (2 bedspace) flats would have a Gross Internal Area of 52m²bed and the 2 bed (4 bedspace) flats an area of 79.8m². Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (50m²and 70m² respectively) in compliance with Policy DM12.
- 9.127** The proposed trainers and assistant trainers accommodation with respective Gross Internal Areas of 173.7m² and 142.2m² would comply with the requirement for 4 bed room (7 bed space) house (115m²) and a 3 bed room (6 bed space) house (102m²).

Private and Communal Amenity Space

- 9.128** All flats would have access to communal amenity space to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation and would comply with policy DM12's requirement for amenity space for flatted developments.

Housing

Housing Mix

- 9.129** Policy DM22 (Housing Mix) of the Development Management Policies Document 2015 states that the Council will grant planning permission for new residential development proposals that incorporate a mix of dwelling sizes and tenures that meet identified local needs.
- 9.130** In order to meet this objective the Council requires all residential development proposals for four or more units to be comprised of a minimum of 25% three bedroom, or more, units. The Council will consider exceptions to this approach where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.
- 9.131** This application has been considered to be an instance where complying through the provision of larger size units, would be counter-productive, only increasing the potential for harm due to the scale and massing of the enabling residential development.

Affordable Housing Provision

- 9.132** Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes. Paragraph 61 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including affordable housing).
- 9.133** Paragraph 62 of the NPPF sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be on-site unless :
- Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - The agreed approach contributes to the objective of creating mixed and balanced communities
- 9.134** Policy DM21 of the EEBC Development Management Policies Document October 2015 Meeting Local Housing Needs) states that planning permission will be granted for specialised forms of residential accommodation subject to the following: robust evidence that demonstrates that there is a need for the new accommodation, the delivery of the accommodation without an overprovision and a flexible design to be able to convert to other future uses.
- 9.135** Policy CS9 (Affordable Housing and meeting Housing Needs) sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

9.136 Supporting paragraph 3.12.11 advises that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

9.137 The Council's Annual Monitoring Report indicates the following numbers of housing units and affordable units that were delivered during the period 2015 -2019;

Year Total	Affordable
15/16 209	102
16/17 308	57
17/18 160	22
18/19 165	46

9.138 The above figures indicate how challenging it is to secure the amount of affordable housing needed, only increasing the challenge for employees in low paid sectors such as the stable lads that would be employed at South Hatch.

9.139 The Governments standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 695 under the housing delivery test as published on 20th February 2019.

9.140 Meeting the increased annual housing requirement will be challenging, with the Borough being comprised of existing built up areas, strategic open spaces or Green Belt. The supply of available development sites is therefore extremely limited and it is therefore imperative that sites which are available are optimised for housing delivery.

9.141 As the purpose of the proposed enabling housing is to fund the redevelopment of the South Hatch Yard, no affordable housing is proposed, as if it were provided, it would require additional inappropriate development of the Green Belt. The applicant's viability assessment was independently reviewed by a consultant on the Council's behalf and this confirmed that the provision of affordable housing would require further development on the Green Belt.

- 9.142** As previously noted within this report, the proposal seeks to meet an identified need for affordable stable staff accommodation within Epsom, and it includes the provision of such accommodation on the site. This is necessary as the Borough does not have an adequate supply of affordable housing. This will comprise of 18 bedrooms with shared facilities and four self-contained units, therefore providing space for 22 members of staff. This equates to a 46% provision of niche affordable housing.
- 9.143** It is intended that this accommodation would primarily accommodate Jim Boyle's stable staff. However, if there are empty units, allowing for the growth of the business then these would be rented to out to other local yards, providing local accommodation for stable staff.
- 9.144** Officers therefore consider that a planning condition and obligation would be necessary in order to ensure that stable staff accommodation has a restricted occupancy for those who are employed in the racing industry in the Borough.
- 9.145** The provisions of the Development Plan policies DM2, CS9 and the NPPF are therefore met within this proposal.

Enabling Residential Development /Viability Assessment

- 9.146** The applicant is putting forward the case that the quantum of development (46 units) is based upon a direct calculation of the absolute minimum amount of residential development needed to fund the cost of the RTE, the cost of the housing and allowing for a developer profit of 20%. Planning Practice Guidance has been updated in May 2019 advising that the level of profit as proposed in this instance is within normal tolerances.
- 9.147** A Business Plan has been submitted in support of the application which demonstrates that the only viable funding scenario for the redevelopment of the South Hatch Yard is to generate the necessary monies from the 'enabling' development of other land held by the owners of the site.
- 9.148** On this basis the Local Planning Authority needs to be satisfied that the quantum of development is acceptable to achieve this. The Council's experts Bespoke Property Consultants (BPC) have assessed the submitted viability report produced by Rural Locations and Quantum Arbitrator Limited on behalf of the applicant.
- 9.149** A summary of the applicant's assessment is as follows:

- The benchmark land value (BLV)¹ for this scheme has been determined as the minimum value required for the stable expansion and redevelopment cost at £ 4,224,122 to provide the funds to pay for the work as, without it, the scheme would not proceed.
- The applicants have determined a RLV of £4,300,215. It is the applicant's intention for any surplus generated over the BLV to contribute to the cost of specialist therapy equipment, professional/planning and building regulation fees for the new stable yard.

9.150 The Council's expert on viability assessment has arrived at a Residual Land Value (RLV)² of £4,185,196 which is £38,926 below the adopted Benchmark Land Value (BLV) for the costs of enabling scheme. This result is within +/- 3% of the applicant's RLV which the expert states is not unreasonable, given the information provided. Officers concur with his assessment that the land value created by the residential development should be sufficient to pay for the expansion and redevelopment of the stables.

Developer Profit

- 9.151** The applicant submitted a supporting statement to address the concern around the developer profit in the Green Belt. This statement referred to the Historic England's (HE) Enabling Development advice for conservation and sites of special significance.
- 9.152** The HE Guidance was originally published in 2008 and revised in June 2012, prior to the publication of the NPPF in 2019 and the associated NPPG in relation to development viability and profit as published in May 2019.

¹ 9.148 To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. (Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value.) The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements. This approach is often called 'existing use value plus' (EUV+).

² 9.149 Residual land value is a method for calculating the value of development land. This is done by subtracting from the total value of a development, all costs associated with the development, including profit but excluding the cost of the land

- 9.153** Para 5.4.3 of HE Guidance states “Fundamental to the concept of enabling development is that the developer takes on the commercial risk. The level of developer’s profit should be set to reflect those risks, and the public benefits, particularly securing the future of the significant place must normally be delivered at the outset”.
- 9.154** Para 5.12.1 of HE Guidance states “It is naturally right and proper that a developer be allowed a fair and reasonable return on his investment, to reflect the risk involved in the development project.”
- 9.155** Para 5.12.2 of HE Guidance advises that there are a number of ways of calculating profit. The simplistic ‘return on cost’ is an accepted guide used by a number of developers. As a very rough guide, in today’s market, a pure entrepreneurial residential developer will look for an overall return on costs of between 15% and 20%.
- 9.156** Para 5.12.3 of HE Guidance states “Each scheme is different, and must be assessed on an individual basis, normally within the range indicated.”
- 9.157** Para 5.12.5 of HE Guidance states “Local authorities should therefore seek professional advice (as part of their scrutiny of the development appraisal) on what constitutes a fair and reasonable level of developer’s profit. Allowing too great a profit could result in permission being granted for more units than is necessary, whilst if sufficient profit is not allowed, the development may fail”.
- 9.158** The applicant has adopted a figure of 20% of GDV for the return for risk and profit. Officers consider that this is in line with policy advice.
- 9.159** The NPPF 2019 para 57 states that all viability assessments, including any undertaken at plan-making stage should reflect the recommended approach in national planning guidance including standardised inputs, and should be made publicly available.
- 9.160** The standard inputs set out within the NPPG includes an allowance for developer return to reflect the potential risk of development. The practice guidance prescribes that should be between 15% and 20% of gross development value.
- 9.161** This accords with the conclusions of the Council’s expert advising consultants. The profit element of the assessment therefore would be in accordance with HE guidance and the NPPG.
- 9.162** A development phasing plan accompanies this application, it would provide for 8 phases over a 3 year period. The applicant submits that it is fundamental that Jim Boyle’s business can remain operational during the site construction.

Phase 1: Earthworks and infrastructure to the whole site, excluding existing stable facilities

Phase 2; construction of isolation yard, trainer's house, machinery store, stable block, horse walker and muck pit

Phase 3: Demolition of existing stable facilities and earthworks and infrastructure to this area

Phase 4: Construction of residential plots 1-22

Phase 5; Construction of main yard and trotting ring

Phase 6; Construction of residential plots 23-39

Phase 7: Construction of therapy barn, storage barn, gatehouse and racing accommodation

Phase 8: Construction of residential plots 40-47

- 9.163** Officers consider that the phasing plan is reasonable and would enable the existing business to continue operating, whilst enabling sufficient income generation to fund the RTE. This would need to be secured through the conditions and a planning obligation.

Impact on Neighbouring Residential Amenity

- 9.164** Policy DM10 requires development to have regard to the amenities of occupants and neighbours, in terms of privacy, outlook, sunlight/daylight, noise and disturbance.
- 9.165** The western and southern boundaries of the site are well vegetated with mature hedgerow and woodland trees. Similarly, the eastern boundary along Burgh Heath Road is characterised by a mature, native species hedgerow. The northern boundary is open with the paddocks in this location separated by a post and rail fence. This is in common with the south eastern boundary where neighbouring paddocks are separated by the use of a timber fence, hedges and the occasional tree
- 9.166** All existing vegetated boundaries would be reinforced with additional woodland buffer or native hedgerow planting where appropriate. This would include the closing of existing gaps in the boundary vegetation along the boundaries with Rifle Butts Alley to the west and the open access land to the south.

- 9.167** The northern boundary would be planted with a suitable native woodland tree mix combined with native understorey planting. This would provide a more structured separation between the RTE and the paddocks to the north and will mitigate views of the new built form from the existing residential properties along Downs Way, Aston Way, Beech Road and Treadwell Road.
- 9.168** Given the separation gap in excess of 70m between proposed stable lad accommodation building and the nearest residential properties in Beech Road, it is not considered that the proposed scheme would have a detrimental impact on residential amenity in terms of noise, overbearing, overshadowing, loss of daylight/sunlight, overlooking or loss of privacy. The future occupants of the proposed residential development would benefit from enhanced landscaping, and distance from stables and more intensive equestrian activity proposed on the site. There is not considered to be any potential conflict between future residents and the RTE.
- 9.169** Overall the scheme would comply with Policy DM10.

Highways and Parking

- 9.170** The planning application is accompanied by a Transport Assessment prepared by Motion (May 2018). During the assessment of the planning application various further statements were made which all contribute towards the applicant's submission, addressing the sustainability of the site and Surrey County Council Highways concerns.
- 9.171** Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.

- 9.172** Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 9.173** Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.174** Paragraph 102 of the NPPF promotes the early consideration of the potential impact on the transport networks, promotion of sustainable transport means, identification of environmental impact and mitigating adverse effects and designing movement patterns and infrastructure into development.
- 9.175** Paragraph 108 of the NPPF states that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - 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.
- 9.176** 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.
- 9.177** The Highways Authority assessed the applicant's Transport Statement and in September 2018 advised that in their view the proposal should be refused on the basis that the site is likely to be accessible by private motor car only, due to the location of the site being in excess of 400 metres from a bus stop, in excess of 800 metres from a train station, and in excess of 1.6 kilometres from Epsom which is the maximum distance most people would be prepared to walk to reach a destination. This assessment led to further submissions from the applicant.

- 9.178** The applicant was requested to produce a travel statement to encourage the use of sustainable modes of transport, in order to rather mitigate the impact of the development from a sustainable transport perspective. There was also a request for a survey of cycle parking within Epsom Town Centre to confirm that the spaces relied upon in the Transport Assessment are on public land.
- 9.179** In February 2019 a response was provided which proposes a subsidised community minibus for a period of five years providing transport to Epsom Rail Station, an onsite electric car charging point, and the promotion of a car sharing scheme amongst the residents in the residential development. The applicant also proposes suitable management of the vegetation obstructing the footway to Epsom so that it can be used.
- 9.180** The applicant's proposed sustainability measures would significantly contribute towards improving the sustainability of the site for future residents and the employees at the RTE. It is noted that a residential development was approved opposite the site at Priam Lodge, following a previous refusal. In his decision (Appeal ref: APP/P3610/W/14/3000143) the Inspector did not raise any concerns regarding the sustainability of the location. Various appeal decisions have been presented by the applicant to demonstrate that the proposal is within an acceptable walking distance of existing public transport facilities.
- 9.181** The RTE is located over 400m from a bus stop with an infrequent bus service, but which provides onward links to the wider public transport network. On this basis the Highway Authority have an objection to the application.
- 9.182** For operational and practical reasons, the RTE is located outside of the built up urban area, and therefore by virtue of its nature and use, it is not in a highly accessible location. Officers consider that the existing RTE is material to the consideration to whether the site is sustainable, along with weight being given to the specialist nature and the inaccessible location of the development
- 9.183** The Highways Authority has provided recommendations should the Local Planning Authority be of a mind to support the proposal, and these include the use of travel plans for all future residents, accommodating all construction vehicles and activity on the site, and construction traffic management. The Highways Authority also advises that the proposal includes adequate numbers of car parking spaces and manoeuvring areas so that vehicles can leave in a forward facing gear. All of these aspects would need to be secured by conditions to make the proposal acceptable in planning terms.

- 9.184** The proposal relocates the vehicle access point two metres to the north in order to improve the existing visibility. In addition, the existing substation situated to the south of the access would be moved further south to ensure that it does not obstruct visibility from the access. The Highways Authority raises no objection to the proposal on highways safety grounds, and as such the proposal is considered to accord with paragraph 109 of the NPPF.
- 9.185** The proposal includes one car parking space per residential unit. This would result in a total of 46 car parking spaces being provided for the enabling residential development. This is in line with the council policy document Parking Standards for Residential Development December 2015. In addition, one secure and sheltered cycle parking space would be provided per apartment, in accordance with Surrey County Council's recommended minimum cycle parking levels.
- 9.186** A total of 53 car parking spaces would be provided for the RTE. Of the 53 car parking spaces provided, 22 car parking spaces would be used for the stable staff accommodation and visitor parking. In addition, a total of two secure cycle parking spaces would be provided.
- 9.187** It is intended that refuse collection will take place at bin storage points located within the Racehorse Training Establishment and the residential element. The bins would be stored in a location that complies with recommended maximum carry distances as outlined within The Building Regulations.
- 9.188** The Highways Authority have concluded their assessment advising that the proposal would not lead to a highways safety issue or would it lead to a severe residual cumulative impact on the road network, in accordance with paragraph 109 of the NPPF.
- 9.189** The provision of travel plans, widening of the footway, electric charging points, provision of a minibus for occupants of the enabling developments would enhance the sustainable transport access for users of the site and would minimise potential impact on the transport network and provide greater opportunities for sustainable modes in accordance with paragraphs 102, 108 of the NPPF, and Policies DM35 and DM36 of the Development Management Policies .

Trees and Landscape

- 9.190** The planning application is accompanied by an Arboricultural Method Statement prepared by David Archer Associated (March 2018), and a Landscape Masterplan prepared by Lytle Associates Architects.

- 9.191** Council's 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.
- 9.192** The NPPF seeks to ensure the conservation and enhancement of the natural environment, with Chapter 15, paragraph 170 setting 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.
- 9.193** Key elements of The Landscape Masterplan are:
- All existing vegetated boundaries will be reinforced with additional woodland buffer or native hedgerow planting where appropriate. This will include the closing of existing gaps in the boundary vegetation along the boundaries with Rifle Butts Alley to the west and the open access land to the south.
 - The northern boundary will be planted with a suitable native woodland tree mix combined with native understorey planting. This will provide a more structured separation between the RTE and the paddocks to the north and will mitigate views of new built form from the existing residential properties along Downs Way, Aston Way, Beech Road and Treadwell Road.
 - The existing woodland belt that divides the site will be extended to the north east by new woodland planting which will provide additional screening to views of the proposed residential development from the north and north west.
 - Built elements to the south of the retained tree belt will be set within a new structure of woodland planting that will include suitable native trees, shrub layer and a native understorey. In this way, the proposed Trainer's House, Isolation Yard and Trotting Ring will be screened from views from the open access land to the south.

- 9.194** Further visual screening/mitigation will be provided by woodland corner clump planting at the gated access to the proposes the retention of the existing central tree line and existing hedgerows, with additional boundary planting proposed to boost the existing areas of hedgerow. Public views of the RTE from this location will therefore be channelled in a north-westerly direction to the extent that built form of the Isolation Yard and Trainer's House will not be visible from this location.
- 9.195** The boundary with paddocks to the east of the site will be reinforced with additional hedgerow and hedgerow tree planting.
- 9.196** Spaces between the proposed RTE buildings will be planted with a combination of tree and shrub planting some of which will be more ornamental in nature but which will nevertheless provide a landscape structure within which built form will be more comfortably assimilated into the landscape.
- 9.197** The perimeter zones around the site will be further enhanced and managed as a wildlife corridor with native-species wild flora areas in line with the Ecology Appraisal recommendations.
- 9.198** The frontage onto Burgh Heath Road will be planted with a native hedgerow and hedgerow tree mix. This is made more feasible by the proposed residential buildings being located further back from the road than the stable buildings they replace.
- 9.199** The Landscape Masterplan is considered to be comprehensive and would bring about wide improvements to the site, when viewed from distance, nearby and adjacent properties and from within the development. The Landscape Masterplan is contextually appropriate recommending species and enhancements that will positively contribute to the biodiversity and ecology of the area.
- 9.200** The Arboricultural Method Statement identifies eight trees in total to be felled to the ground with stumps ground out. All of the trees to be felled are located in the footprint of the proposed hard surfacing and access road. It is unfortunate that the safe location of the proposed access requires the removal of the identified trees which are Category B trees but this is where there is more of a natural gap in the tree line. It is considered however that the overall site arboriculture improvements would outweigh this impact.

- 9.201** Having regard to the comments raised, the assessments carried out, the conditions proposed and the solutions presented, it is considered that the Landscaping outcome would achieve the requirements of Policies CS4 and DM5. insofar as the development would not result in a significant loss of trees, hedgerows or other landscape features and the Landscape Masterplan will introduce species and enhancements that will positively contribute to the biodiversity and ecology of the area.

Biodiversity and Ecology

- 9.202** The application is accompanied by a number of reports and investigations into the biodiversity and ecology of the site. These have been undertaken over the required seasons and include:
- Preliminary Ecological Appraisal prepared by the Ecology Partnership (February 2018)
 - Bat Survey prepared by the Ecology Partnership (May 2018)
 - Habitat Loss Update letter report prepared by the Ecology Partnership (November 2018)
 - Ecology Matters (Reptiles) letter prepared by Rural Solutions (December 2018)
 - Reptile Mitigation and Enhancement Strategy prepared by the Ecology Partnership (February 2019)
 - Justification of Approach letter prepared by Freeths (February 2019)
 - Reptile Presence / Likely Absence Survey prepared by the Ecology Partnership (May 2019)
 - Badger Update letter report prepared by the Ecology Partnership (June 2019)
- 9.203** Council's 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 Grade 3 Sites of Nature Conservation Interests (SNCIs) 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.

- 9.204** There are various laws, practice guidance and planning policy which come together when assessing a proposal where there are biodiversity and ecological matters. The NPPF sets out policies in Chapter 15 that relate to the conservation and enhancement of the natural environment. Paragraph 170 states 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.
- 9.205** Paragraph 175 (d) of the NPPF states 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.
- 9.206** The application site is adjacent to the Epsom Downs SNCI. Whilst there are no SSSI's within 1km of the site, the site does fall within a Natural England SSSI Impact Risk Zone (IRZ). The IRZ is a GIS tool developed by Natural England to enable rapid initial assessment of potential risks posed by development proposal. This designation has been screened by the Preliminary Ecology Assessment.
- 9.207** Over the life of the planning application there have been a number of investigations undertaken to update information and assessments so that the most accurate and up to date information is being used for decision making purposes.
- 9.208** The planning application was supported by the Preliminary Ecological Appraisal dated February 2018 at the time of submission. This report undertook a preliminary assessment in relation to roosting and foraging habitat for bats, badger presence, and reptile habitat. This was not the first Preliminary Ecological Appraisal of the site, with the original being carried out in August 2016. However, the concluding observations of the applicant's consultants were that grassland should be cut and cleared sensitively under an ecological watching brief to avoid reptiles becoming active on the site.
- 9.209** Council's officers attended the site on 23rd November 2018 and found some areas of grassland to have become tussocky and more suitable for reptiles. The Council's Ecologist advised that as the site had not been maintained with short sward height grassland as recommended by the applicant's ecologist, further investigations would need to be undertaken in the correct season. This has been the main delaying factor in the assessment of this planning application.

Reptiles

- 9.210** The Reptile Presence / Likely Absence Survey report dated May 2019 details the methodology adopted to survey for reptiles, the processes adopted are as expected, being undertaken at the right season for an extended period and incorporating the roofing felt mats to create potential reptile habitat. The outcome from the survey was that over the seven visits a peak count of 5 adult common lizards (*Zootoca vivipara*) were found. Albeit that this is a widespread species, it is protected under the Wildlife and Countryside Act 1981 and listed as a species of importance under the Natural Environment and Rural Communities Act 2006.
- 9.211** The applicant's ecologist describes this level of presence being indicative of a good population, and on that basis recommends that a receptor area for the reptiles be located on the northern part of the site, with the lizards being translocated prior to any construction works, and for a watching brief to be maintained during construction so as to ensure no reptiles are harmed.
- 9.212** The applicant makes the case that through this mitigation strategy and the inclusion of reptile enhancements on the site post-construction, a favourable conservation status would be achieved.

Bats

- 9.213** Bat surveys were undertaken on the site in August 2016, September 2016 and again in May 2018. The results from the emergence surveys was that bats are not using the properties for roosting, which the applicant's ecologist indicates is due to their sub-optimal design, the lack of crevices suitable for roosting bats. However, it is noted that common pipistrelles were detected foraging and commuting near to and on the site. On this basis the proposal includes enhancements as part of the design to bat boxes and enhance the habitat for foraging.
- 9.214** Bats, and their structure of shelter are protected and it is an offence to damage or destroy bats and their breeding or resting sites. While the investigations have not revealed the presence of these on the site, it is recommended that the bat enhancements as suggested by the applicant's ecologist be incorporated into conditions.

Badgers

- 9.215** The original preliminary ecological appraisal undertaken in August 2016 identified a large mammal hole along the western boundary which was believed to have been made by a badger given its size and shape. At the time, the report stated that it was inactive given the lack of evidence of recent use and was believed to be an outlier sett due to the presence of only one hole. No other evidence of badgers was identified.
- 9.216** The further investigations undertaken in February 2018 revealed that the previous badger hole was identified along with an additional badger hole. Both appeared to have been used recently given the presence of disturbed earth but leaf litter had begun to accumulate in each entrance, suggesting they were no longer active. No other evidence of badgers was identified.
- 9.217** On 6th May 2019, a member of the public reported to the Council that the sett along the western boundary had become active again. In view of this, Officers recommended that an updated badger survey be undertaken.
- 9.218** The May 2019 survey revealed that the two badger holes originally found are inactive with no signs of recent use. The active badger hole along the alley identified by a member of the public was found along with a second active badger hole adjacent within the site. These were considered active due to the presence of recently excavated spoil heaps, the presence of old bedding and the lack of leaf litter. An additional badger hole was identified within the central tree line in the red line boundary with badger hair however the entrance of the hole did not show any other signs of use.
- 9.219** Badgers are protected under the Protection of Badgers Act 1992, making it an offence to wilfully kill a badger or recklessly harm a sett, although badger foraging habitats and corridors are not protected. Notwithstanding this, conditions would need to be imposed requiring investigations and monitoring prior to works commencing, during construction and ensuring the site is left so as to not disturb the badgers.

Derogation Tests

- 9.220** In accordance with Article 12 of the EU Habitats Directive, when adopting a precautionary approach, if there is likelihood that 'disturbance' may occur which in this case there is, the derogation tests must be undertaken as follows.

Reasons for Overriding Public Interest

- 9.221** The proposal is for the provision of a world class RTE which would result in social and economic benefits, securing and enabling growth in the industry, and Epsom through ensuring investment and employment security.

No Satisfactory Alternative

- 9.222** The site has been identified by the Applicant as the most appropriate land parcel to deliver the proposal. It is the only site that has been identified as being available and deliverable for the scheme with no preferable sites for the proposed development being identified. Therefore it is considered that this test is passed.

Maintaining a Favourable Conservation Status (FCS)

- 9.223** In order to assess whether the FCS test is met, the Council must be satisfied that a sufficiently detailed mitigation strategy is in place. The mitigation measures outlined in the ecological assessment can be conditioned to strengthen ecological provisions within the development. The timing of works and mitigation will be essential in ensuring maintenance of a Favourable Conservation Status. It is considered that a Favourable Conservation Status can be maintained.
- 9.224** The conclusion reached is that the information submitted does provide satisfactory mitigation and it is considered that this mitigation satisfies the duty placed on the Local Authority in context to the relevant legislation on habitat and species protection.
- 9.225** The Council's Ecologist has no objections. Subject to incorporation of ecological mitigation, compensation, enhancement, and management in line with the recommendations of the submitted ecological assessment, it is considered that the impact on ecology is low; and (b) this application satisfies the statutory derogation tests.
- 9.226** Officers have considered the various ecological **assessments** and accept the conclusion that the scheme would not detrimentally harm the habitat of any threatened species. However, there is a need to ensure through the imposition of specific conditions that a favourable conservation status is secured for the Common Lizard, that prior to demolition of any buildings inspections are undertaken to re-confirm the absence of any bat roost, and that bat habitat enhancements are integrated into the site. Further care will be required during construction and upon completion of the development to ensure that badger setts are not destroyed and movement of the badgers is not hindered.

- 9.227** The recommended mitigation and enhancement will ensure that the ecological value of the site is conserved and enhanced, meeting the requirements of protected species legislation, NPPF and guidance and the policy requirements of policies CS3 and DM4. The ecological and biodiversity enhancement is considered benefit which weights in favour of the proposal.

Environment and Sustainability

- 9.228** The application addresses environment and sustainability issues in the following supporting documents:
- Planning Statement prepared by Rural Solutions (June 2018);
 - Design and Access Statement prepared by Lytle (May 2018);
 - Transport Statement prepared by Motion (May 2018);
 - Sustainability Concerns letter prepared by Rural Solutions dated February 2018;
 - Contaminated Land Risk Assessment prepared by Soil Environment Services Ltd (January 2018);
 - Flood Risk Assessment and SuDS Assessment prepared by Motion (May 2018).
- 9.229** Council's Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.230** The NPPF sets out the three objectives which combine to achieve sustainable development. Chapter 2, Paragraph 8 details the economic role, social role and environmental role in achieving sustainable development. There is a need for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 9.231** The planning application raises a number of environment and sustainability issues which have been addressed in the various reports (and covered elsewhere in this report as necessary under specific headings). The Planning Statement sets out the sustainability of the proposal in terms of access to schools, connectivity to various transport modes, and nearby employment opportunities. The Planning Statement considers sustainability at a broad level, with other reports taking a more detailed approach.
- 9.232** The submitted Design and Access Statement states that sustainable measures would be incorporated in the scheme through the orientation and access to natural daylight leading to the energy performance of the development. Opportunities to maximise natural ventilation and lighting to the RTE and associated buildings has been a key consideration. Reference is also made to the management of refuse and recycling on the proposed development. These are all good outcomes, and aspects that are expected for development in general.
- 9.233** Sustainable active transport to and from the site has been fully assessed in this report. It is expected that the RTE would require vehicle transportation and movements associated with the business. The applicant has recognised that there is a need for transport to be provided for the employees to the site in a sustainable manner. To this end the proposal includes a minibus service.
- 9.234** Sustainable active transport to and from the site for future residential occupiers is addressed through the provision of electric vehicle charging points, the proposed minibus and the promotion of a car sharing scheme for the future residents of the site. The applicant has set these out in their submission letter dated 19th February 2018. These would need to be secured through conditions and planning obligations.
- 9.235** The applicant has agreed that the existing footway adjacent to the highway could, with the removal of overgrown vegetation, provide a 2m width walkway, which will be secured by an appropriate condition.

- 9.236** The minibus service, car club for future residents, electric charging points and improved footway all contribute towards making the site more sustainable. Notwithstanding these benefits the site is not in a sustainable location in terms of distance users of the site would have to travel in order to reach a bus or public transport, and the topography is not conducive for walking. This is the view that Surrey County Council Highways officer holds in relation to the sustainability of the transport and the mitigation on offer. However, it is noted that notwithstanding this view proposed conditions are offered as the scheme does not present a highways safety objection.
- 9.237** Planning officers agree with the Surrey County Council Highways view point, however the sustainability of the site is not a transport matter alone. There is also a logical rationale that an RTE would not be an appropriate land use in an urban, well serviced area. Planning officers are not giving great weight to the sustainable transport issue in the planning balance, due to the other sustainability outcomes.
- 9.238** The contaminated land risk assessment that has accompanied the application has been assessed as being acceptable and would through the imposition of conditions ensure an acceptable environmental outcome.
- 9.239** Surrey County Council has as lead local flood authority assessed the submitted flood risk assessment report and have advised that the proposed drainage scheme meets their requirements, with a number of conditions required to ensure an acceptable environmental outcome.
- 9.240** Environmental sustainability should be integral to all development. The applicant has incorporated a number of design features to ensure the scheme achieves good design. The limitations of the site in terms of location and access are noted and the proposed mitigation to improve the sustainable transport aspects would need to be secured to make the scheme acceptable. Potential environmental impacts from contaminated land, flooding, waste management and recycling can be mitigated through conditions.
- 9.241** The proposed development is considered to be able to, through obligations and conditions, secure a sustainable development outcome as required by the NPPF, and Council's Policy CS6.

Archaeology

- 9.242** The planning application is accompanied by an Archaeological Desk Based Assessment prepared by CgMs (December 2017). This report was referred to Surrey County Council's Archaeologist for technical assessment.
- 9.243** Council's Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 9.244** Development Management Policy DM8 (Heritage Assets) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals
- 9.245** The relevant policies for the assessment are contained in Chapter 16 of the NPPF, covering conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.246** The submitted Archaeological Desk-Based Assessment concludes that the proposed development would not have an impact on any designated archaeological assets and that it has a generally low archaeological potential. Notwithstanding this the Counties Archaeologist advises that the site should be described as having moderate archaeological potential, due to the unknown potential for the prehistoric period and later periods through to the post medieval.
- 9.247** Given that the heritage assets that may be present are only of local or regional significance, the County Archaeologist advises that further investigation prior to grant of planning permission is not required, however a condition needs to be imposed to ensure that no work is undertaken on the site until an approved Written Scheme of Investigation is submitted, secured and implemented, prior to any work including demolition. The proposed schedule of conditions reflects this advice.

- 9.248** The County Archaeologist questioned whether the Conservation Officer had considered the merit or otherwise of the non-listed purpose built 19th century stables. In terms of the built historic environment this assessment concludes that the stables appear to be either late C19 or early C20. Based on the information on the old maps Council's Conservation Officer's assessment is that the stables were built at the turn of the century.
- 9.249** Council's Conservation Officer's assessment is that the buildings are symmetrically laid out around its courtyard with a gabled, but otherwise unexceptional design. The roof is in natural slate and the walls are red brick, which is now all painted. The building is also now in a relatively poor condition and is now so thoroughly ventilated through missing slates in the roof, open windows and gaps round doors that without extensive works to it, it is probably not viable for any use but as a stables.
- 9.250** The Secretary of State uses the following criteria when assessing whether a building is of special architectural or historic interest and therefore should be added to the statutory list:
- Architectural Interest: To be of special architectural interest a building must be of importance in its design, decoration or craftsmanship. Special interest may also apply to particularly significant examples of building types or techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms.
 - Historic Interest: To be able to justify special historic interest a building must illustrate important aspects of the nation's history and / or have closely substantiated historical associations with nationally important individuals, groups or events.
- 9.251** Having regard to the statutory criteria it is concluded that the stables are not worthy of listing, either locally or nationally.
- 9.252** Having regard for the submitted Archaeological Desk-Based Assessment, Counties Archaeologist advice and Council's Conservation Officers assessment, it is considered that the proposal achieves the requirements of the NPPF and planning policies CS5 and DM8. The recommendation includes the imposition of a condition to ensure the Written Scheme of Investigation is submitted, secured and implemented prior to any development including demolition being undertaken.

Legal Agreements

- 9.253** A payment or other benefit offered in a Section 106 agreement is not material to a decision to grant planning permission and cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 9.254** The Section 106 agreement will not address all the impacts since some of these will be addressed by CIL, in order to satisfy the Regulation 122 tests above. The LPA has considered Paragraph 56 of the NPPF and consider the proposed legal agreement meets the test. The LPA has also considered an up to date viability assessment in accordance with Paragraph 57 in forming this view.
- 9.255** The following draft Heads of Terms are likely to form the basis of the Section 106 Agreement if the application is to be approved, all of which are considered to satisfy the three Regulation 122 tests and paragraph 56 of the NPPF:
- (a) Reptile translocation site and Management Plan
 - (b) Enabling Housing Delivery – Delivery of the enabling housing in accordance with an approved phasing plan so as to be staged against the delivery of the RTE
 - (c) Trainer and stable hand accommodation – to be retained for this purpose in perpetuity
 - (d) Residents Mini bus to Epsom train station- to reduce reliance on private transport in order to encourage sustainable travel
 - (e) Travel Plan – Providing measures to encourage sustainable travel to the site with monitoring.

Community Infrastructure Levy

- 9.256** The enabling residential development would be CIL liable.

10 Conclusion

- 10.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that; 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

- 10.2** In concluding the assessment of this planning application, regard is given to the development plan and other material considerations.
- 10.3** Epsom and Ewell cannot demonstrate a five year housing land supply, and therefore Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 meaning that permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.4** In summary the following conclusions are drawn for each of the main issues.

Green belt

- 10.5** Local Policy Core Strategy 2007 CS1 states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development – both in Epsom and Ewell, and more widely.
- 10.6** Policy CS2 of Core Strategy 2007 provides for the protection of the Green Belt, so that it shall serve its key functions, its existing general extent be maintained and, within its boundaries, strict control continue to be exercised over inappropriate development as defined by Government policy.
- 10.7** Green Belt policy in the NPPF requires a specific approach to be taken to development. Paragraphs 143 and 144 state that:
- ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.
- ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.
- 10.8** The proposal would by definition constitute inappropriate development, harmful to the Green Belt.

Openness of the Green Belt

- 10.9** The proposed development would have a greater footprint and volume than the existing development. As a result the proposal would significantly reduce the openness of the Green Belt, causing significant harm to its essential characteristics of openness and permanence.
- 10.10** There are no existing contributing factors which would limit the harm to the openness as the existing site operations do not include infrastructure, such as temporary fencing, horse jumps or other related items, to a measurable extent.

Purposes of the Green Belt

- 10.11** The proposal conflicts with two out of the five purposes of Green Belt as set out in Paragraph 134(a) and (c) of the NPPF.
- 10.12** The proposed development would be in the Green Belt, and would alter the appearance of the boundary of the Green Belt through the provision of an RTE adjoining the built-up area, thereby conflicting with Paragraph 134(a) of the NPPF.
- 10.13** The proposed development would encroach into the countryside, as it is Green Belt outside of the built up residential area, thereby conflicting with Paragraph 134(c) of the NPPF.

Character and appearance of site, visual amenity

- 10.14** The proposed development would materially change the overall character of the application site, from existing large paddocks to a mixed use site. The proposal does however take on the form and massing of development than is expected in a rural context.
- 10.15** The proposed materials for the residential enabling development would reflect traditional barn style conversions. Other ancillary infrastructure associated with the development would not be unduly obtrusive when considered in context of the overall scheme.
- 10.16** Notwithstanding this the proposal would result in an increase in the numbers of buildings and structures and would change the character and appearance of the open land.

Very special circumstances

- 10.17** The applicant has sought to demonstrate the very special circumstances to justify the development, these are as follows.

Need

- 10.18** There is an urgent and pressing need to invest in Epsom's racing industry. The proposal with its state of the art RTE facilities will represent a significant opportunity to begin an upward trend of enhancing the RTE facilities within Epsom and raising the industry profile to compete with other successful racing locations such as Newmarket and Lambourn.
- 10.19** The submitted document Racehorse Training Establishment and Enabling Residential Development – Equine justification for all proposed built forms at South Hatch Stables, Epsom prepared by Christy Kilgour (May 2018) provides convincing evidence to this effect.

Condition of existing facilities

- 10.20** The *applicant* submits that the proposal is necessary, given the evidence which demonstrates the very poor condition of the existing RTE and contends that there are no alternative sites at Epsom.
- 10.21** Supporting statements to this effect are provided by the Irish Equine Centre (November 2015), and the Report on Thoroughbred Horseracing in Epsom with specific reference to South Hatch, prepared by Christy Kilgour (May 2018).
- 10.22** Officers consider that the submitted evidence, on the condition of the existing facilities has been comprehensively demonstrated. The existing facilities cannot be brought back into use. From site inspection it is evident that the existing facilities are in a very poor state and are not fit for purpose.

Social and economic benefits

- 10.23** The applicant states that the redevelopment of the facilities at South Hatch will bring with it significant social and economic benefits to the training industry in both Epsom and nationally and will support sustainable economic growth, by virtue of a number of direct and indirect economic contributions.
- 10.24** Officers consider that the supporting evidence, demonstrates that there is a strong economic case to maintain numbers of active horses and trainers in Epsom, so that the supporting industries and staff in Epsom would have a solid and steady industry on which to base their business and future.
- 10.25** In addition to the applicant's submission officers consider that horse racing is inextricably linked to Epsom. This link has been present since the 17th Century, and is reflected in the Borough's coat of arms, and twinning with Chantilly in France.

Benefits of the proposal

10.26 The proposal includes the following benefits:

- Provision of 60 horse boxes, configured so as to accommodate more than one trainer on the site with facilities needed in a world class RTE
- Enhance and secure employment in the horseracing industry through the provision of a world class RTE that can be developed in stages
- Secure in perpetuity 16 bed stable staff accommodation benefiting from shared facilities, meeting the national space standards.
- Secure in perpetuity 4 studio flats for staff accommodation, and two houses to accommodate trainers and assistant trainers.
- Deliver 46 open market dwellings, contributing towards the Borough's five year housing land supply, designed to a high standard and meeting the national space standards.
- Deliver an improved access point to Burgh Heath Road, along with onsite provision of adequate car parking, manoeuvring and turning areas, so that all vehicles can safely access the site and public highway.
- Deliver improvements to the footway, electrical car charging points, minibus for the residential occupiers, all supported by a travel plan, and secured to ensure enhanced sustainable active travel.
- Landscape improvements through reinforced planting of existing hedgerows and the inclusion of a woodland buffer from appropriately selected species.
- Favourable conservation status through ecological and biodiversity enhancement.

Lack of alternative sites

10.27 The racehorse training industry in Epsom is located proximate to the Epsom Downs, the gallops and associated infrastructure. These assets are all located in the Green Belt. On this basis officers conclude that there are no alternative sites in the Borough in which investment into an RTE could occur without being located in the Green Belt.

Other material planning considerations

Enabling Residential Development

- 10.28** A Business Plan has been submitted in support of the application which demonstrates that the only viable funding scenario for the redevelopment of the South Hatch Yard is to generate the necessary monies from the 'enabling' development of other land held by the owners of the site.
- 10.29** The applicant has submitted a case that the quantum of development (46 units) is based upon a direct calculation of the absolute minimum amount of residential development needed to fund the cost of the RTE, the cost of the housing and allowing for a developer profit of 20%. Officers are satisfied that the quantum of development is acceptable to achieve this and this has been confirmed by the Council's appointed viability consultants.
- 10.30** The housing is contrary to the Development Plan but is proposed as enabling housing, to fund the new RTE, which is in disrepair and does not meet present day requirements for this type of facility. Substantial weight has been given to the economic significance of the racecourse industry to Epsom and the public benefit arising from its construction

Ecology

- 10.31** On biodiversity impact, it is concluded on the evidence provided that no protected species are present on the site. Biodiversity and landscape enhancements will be made and tree protection measures will be in place, which would enhance the ecological value of the site. The proposed development would not have a harmful impact on the ecological value of the site, and therefore moderate weight is attached to the improvements to the sites ecology. The proposal would achieve a favourable conservation status. The proposed development is therefore in accordance with Development Plan Policies CS3, DM4, DM5 and the NPPF.

Highways

- 10.32** On highway matters, the submitted transport assessment has demonstrated that the site can be accessed by a range of travel modes and it benefits from a sustainable travel network, appropriate provision can be made for access, parking and servicing in accordance with relevant guidance and standards. The proposals would not result in a significant increase in vehicular movements. The applicant has proposed the provision of a minibus to reduce reliance on public transport and therefore on balance the site is not unacceptably inaccessible for the uses proposed. Moderate weight has therefore been given to the sustainable transport benefits of the proposed development.

Archaeology

- 10.33** The proposed development would not have an impact on any designated archaeological assets, with proposed conditions to secure a watching brief.

Planning balance and overall conclusion

- 10.34** Inappropriate development in the Green belt is harmful by definition and should not be approved except in very special circumstances. The assessment concludes that the proposal would harm the openness of the Green Belt, it would be contrary to two of the five purposes of the Green Belt.
- 10.35** The proposal is considered to be development that is not out of character with the rural location and the proposed materials would be contextually appropriate.
- 10.36** On this basis the application needed to make the case of very special circumstances which great weight has been given to the need, condition of existing facilities and social / economic benefits as set out in this report.
- 10.37** In terms of the benefits of the proposed development it is considered that they are extensive with great weight has been given to the provision of a world class RTE that can accommodate 60 horse boxes so as to ensure the investment and resilience of the racehorse training industry. Associated with this is the economic benefits including employment for which great weight is also attached.
- 10.38** The limited extent of affordable housing in the Borough raises the importance of the stable staff accommodation in the scheme, as such great weight has been given to the proposed 16 bed stable staff accommodation and the trainers and assistant trainer's accommodation.

- 10.39** Moderate weight is given ecological and biodiversity enhancement, and the proposed landscape improvements. Limited weight is given to those highways related infrastructure improvements that would be necessary to make the application acceptable in planning terms.
- 10.40** The benefits of the proposal include the provision of 46 open market dwellings, which make a significant contribution to the Borough five year housing land supply. In the absence of this enabling development the RTE, for which great weight is attached, would not be able to come forward. On this basis the benefit of the proposed open market housing is considered to outweigh the harm to the Green Belt, and is a benefit for which great weight is attached.
- 10.41** Moderate weight is given to the lack of an alternative site for the RTE.
- 10.42** Having regard to the for the favourable benefits of the proposal, it is considered that these outweigh the harm to the Green belt and any other harm so that very special circumstances exist to justify the proposal, in accordance with Paragraph 144 of the NPPF.
- 10.43** Having regard for the proposed development in its entirety, there are no other adverse impacts arising that would otherwise outweigh the benefits, when considering the NPPF when taken as a whole.
- 10.44** The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 7 and 8 states there are three dimensions to sustainable development, economic, social and environmental. These dimensions are considered together.
- 10.45** The proposal secures sustainable development through the provision of social benefits, housing; environmental through efficient and effective use of land and improving the environment; and significantly the economic dimension through the significant investment into the racehorse industry, jobs and employment in the local area. The proposal will help to build a strong, responsive economy.
- 10.46** It is concluded that the proposed development is a departure from the development plan, however that very special circumstances have been demonstrated. The proposal would be sustainable development as defined by the NPPF, and there are no other policy reasons as to why the proposal should not be supported. The proposal would secure a number of benefits and these have been weighted in the planning balance.

- 10.47** On this basis, it is recommended that the scheme is supported and referred to the Secretary of State.

11 Recommendation

- 11.1** Part A: Refer to Secretary of State with a recommendation to Grant Planning Permission, subject to the Section 106 Agreement being signed by 25 October 2019, and the proposed conditions.
- 11.2** 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 subject to Section 106 Agreement being signed by 25 October 2019, and securing:
- Reptile translocation site and Management Plan
 - Delivery of the enabling housing development in accordance with the approved phasing plan
 - Securing the trainer and stable hand accommodation in perpetuity
 - Community mini bus
 - Travel Plan with monitoring fee
- and in accordance with the proposed conditions listed below.
- 11.3** Part C: In the event the Section 106 Agreement referred to in Part B is not completed by 25 October 2019 the Head of Planning is authorised to refuse the application for the following reason:
- 11.4** In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990) as amended), the applicant has failed to achieve the requirements of sustainable development as provided for in Policy CS 1 of the Core Strategy 2007, and Chapter 2 of the NPPF 2018.

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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

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

1810-10G Proposed Site Plan

1810-20	Prop Stables - Plans_GF_FF
1810-21	Prop Stables - Plans_Roof
1810-22	Prop Stables - Elevations
1810-23	Prop Stables - Elevations
1810-24	Prop Stables – Elevations
1810-25	Prop Stables 2- Plans_GF_Roof
1810-26	Prop Stables 2- Elevations
1810-29	Prop Horsewalker
1810-30	Prop Barn - Plans_GF_Roof
1810-_31	Prop Barn – Elevations
1810- 32	Prop Machinery Store - Plans_Elevations
1810-33	Prop Isolation Yard - Plans
1810-_34	Prop Isolation Yard – Elevations
1810-35	Prop SS Accommodation - Plans_GF_FF
1810-36	Prop SS Accommodation - Plans_Roof
1810-37	Prop SS Accommodation - Elevations
1810-38	Prop SS Accommodation - Elevations
1810-39 A	Prop Gatehouse
1810-40A	Prop Resi_Block A - Plans_GF
1810- 41B	Prop Resi_Block A - Plans_FF
1810-42 B	Prop Resi_Block A - Plans_2F
1810-43B	Prop Resi_Block A - Plans_Roof
1810-44A	Prop Resi_Block A – Elevations
1810-45 A	Prop Resi_Block A – Elevations
1810-46 A	Prop Resi_Block A – Elevations
1810-50 A	Prop Resi_Block B - Plans_GF
1810-51 A	Prop Resi_Block B - Plans_FF

1810-52 A	Prop Resi_Block B - Plans_2F
1810-53A	Prop Resi_Block B - Plans_Roof
1810-54A	Prop Resi_Block B – Elevations
1810-55A	Prop Resi_Block B – Elevations
1810-56A	Prop Resi_Block B – Elevations
1810-60A	Prop Resi_Block C - Plans_GF_FF
1810-61A	Prop Resi_Block C - Plans_Roof
1810-6A4	Prop Resi_Block C – Elevations
1810-65A	Prop Resi_Block C – Elevations
1810-66	Prop Bin Str, Cycle Str and Substation
1810_68 B	Prop Streetscene
1810_71A	Prop Sections
1810-72A	Prop Sections
1810-80	Phasing Plan
1810-85A	Overlay comparison plan
1810-86A	Overlay comparison plan with PDL
1711006-05	Proposed Footway
1810-10G	Mini Bus parking space

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) **No development shall take place until full details, of both hard and**

soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

- (5) No development, demolition pursuant to the permission granted, or alterations to buildings, shall take place until details indicating how suitable provision will be made for protected species and their habitats have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made before development commences and thereafter be retained and maintained in accordance with the approved details.**

Reason: To safeguard the ecology and biodiversity of the area in accordance with policy DM4 of the Development Management Policies 2015

- (6) The development hereby approved shall be carried out in accordance with the Reptile Mitigation Strategy and the Reptile Enhancement Strategy measures detailed in the Reptile Presence/Likely Absence Survey dated May 2019 from the Ecology Partnership, prior to the first occupation of the development. The approved measures shall thereafter be maintained in perpetuity.**

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.

- (7) The occupation of the dwellings (shown as Trainers House, Staff Accommodation and Gate House on Drawing Nos: 1810_34, 1810_35, 1810_39 hereby permitted shall be limited to a person employed in the training, or keeping or breeding of horses within the Borough of Epsom & Ewell.**

Reason: The site is in an area where residential development would not normally be permitted and permission is only granted because of the essential needs of a bona fide established equestrian enterprise, and to protect the openness of the Metropolitan Green Belt in accordance with Policies CS2 and CS5 of the Core Strategy 2007 and Policies DM10 and DM26 of the Development Management Policies 2015

- (8) **Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, 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).

- (9) **No external lighting associated with the development shall be installed without prior written approval from the Local Planning Authority. Any lighting scheme shall demonstrate that (1) external sources of lighting shall be effectively screened from the view of a driver on the adjoining public highway (2) there would be no lighting off/light spill onto suitable bat roosting features (including trees with bat roost potential) or hedgerows, ponds or chipping brook (3) that dark unlit bat commuting/foraging corridors will be retained through the site and to the wider area including to/from features with bat roost potential and (4) that bird nesting opportunities would not receive excessive light spill. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009). Lighting shall be installed as approved only.**

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.

- (10) **No development shall take place until an 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.

- (11) **No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.**

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

- (12) **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) programme of works (including measures for any traffic management

(c) HGV deliveries and hours of operation

(d) vehicle routing

(e) measures to prevent the deposit of materials on the highway

(f) no HGV movements to or from the site shall take place between the hours of 08.10 and 09.10 and 15.15 and 16.15 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beech Road or Beech way, during these times

(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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (13) **Notwithstanding the submitted plans showing vehicle visibility zones of 52 metres in both directions from a point 2.4 metres back**

along the access from the carriageway edge and a geometry to accommodate the tracking of a 12 metres long horse transporting vehicle as demonstrated in the Motion Transport Planning plan numbered 1711006-TK05 no part of the development shall be first occupied unless and until the proposed belmouth access to Burgh Heath Road has been constructed and provided with tactile paving and dropped kerbs at the pedestrian crossing points in accordance with a revised scheme to include tactile paving and dropped kerbs at the pedestrian crossing points and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.

Reason: The condition above 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 and DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (14) 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 turning area shall be retained and maintained for their designated purpose.**

Reason: The condition above 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 2012 and DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards, Policy DM 38 Rear Servicing of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (15) Electric charging points shall be installed in 20% of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.**

Reason: So to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Para's 58 and 69 from the "NPPF" 2012.

- (16) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been**

submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during).

b) 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.). Calculations to use the average from the results of Infiltration testing rather than best case scenario.

c) 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.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) 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. Plan to include details of ground levels and finished floor levels.

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.

- (17) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

- (18) 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.

- (19) 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:**

(i) 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

(ii) 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (20) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 21 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

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

- (21) 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, Policy DM17 of Development Management Policies 2015.

- (22) The development shall not be occupied until the footway has been widened to 2 metres along the Burgh Heath Road frontage of the application site in accordance with the approved plan numbered 1711006-05

Reason; The condition above 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 2019 and policies DM 35 Transport and New Development, and DM 36 Sustainable Transport for New Development of the Development Management Policies Document 2015.

- (23) The development shall not be occupied until the developer has provided a mini bus vehicle for the residential occupiers of the site and parking is made available in one of the proposed parking spaces shown on the approved plan numbered 1810-10G

Reason: The condition above 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 and policies DM 35 and DM 36 of the Development Management Policies Document 2015.

- (24) No development, with the exception of demolition, shall take place until the applicant 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 by the applicant and approved by the Planning Authority

Reason: The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

- (25) The approved Travel Plan Statement dated 03 September 2018 shall be implemented upon first occupation and for each and every

subsequent occupation of the development for a minimum of three years.

Reason: The condition above 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 and policy, DM 36 Sustainable Transport of the Epsom and Ewell Borough Council Development Management Policies document September 2015.

- (26) No development shall take place until details and location of the installation of bat and bird boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full 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.

- (27) The development hereby approved shall not be occupied until details of an appropriate cutting regime to ensure the long-term maintenance of the grassland and prevent the development of dominant scrub, are submitted to, and approved by the local planning authority. The maintenance plan shall be implemented in perpetuity, as approved.

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.

- (28) Details of a plan for the long term monitoring of the reptile translocation site shall be submitted prior to the occupation of the development. The monitoring plan shall be implemented as approved.

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.

- (29) Details of the refuse and recycling management for the development hereby approved shall be submitted prior to the occupation of the development. The management plan shall be implemented as approved.

Reason: To ensure that measures to make the development sustainable are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- (30) Prior to any works commencing on site an updated Badger Survey

shall be undertaken and submitted to the local planning authority for approval.

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.

- (31) Prior to commencement of construction details of measures to ensure the protection of the badger holes during construction works shall be submitted to the local planning authority . The measures shall be implemented as approved.**

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.

- (32) Prior to commencement of the development, details of the construction of the surfaces of the horse walkers, lunge ring and the trotting ring 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (33) Prior to commencement of the development details of the ecological enhancements contained in the letter dated 15 November 2018 from the Ecology Partnership and shown on Appendix: Ecological Enhancements Map shall be submitted to the local planning authority for approval. The measures shall be implemented as approved.**

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) 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 enabling residential development is considered liable for the Community Infrastructure Levy. (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online:<http://www.epsomewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) 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.
- (4) 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.
- (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/flooding-advice.

- (6) The developer is reminded that it is an offence to allow materials to

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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)