

South Hatch Stables Burgh Heath Road Epsom KT17 4LX

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. [Description amended to reflect reduction in 1 apartment (47 to 46)]

Ward:	College Ward;
Contact Officer:	John Robinson

1 Update on the referral to the Secretary of State

- 1.1 The purpose of this report is to provide an update on the current position and also, as a result of the delay by the SoS, to seek an extension on the resolution to complete a Section 106 Agreement.
- 1.2 On the 17 September 2019 Members resolved to grant conditional permission, subject to the completion of a S106 agreement, for the redevelopment of the South Hatch Stable site. Under the Town and Country Planning (Consultation) (England) Direction 2009, Local Planning authorities must inform the Secretary of State (SoS) of applications which fall within a set criteria, which the LPA wishes to grant. As a result, the application was referred to the Secretary of State (SoS) on 1 October 2019 and was acknowledged on 2 October. The SoS has 21 days from receipt to decide whether or not to call in an application. The 21-day period in which the Secretary of State must consider the referral expired on 22 October 2019
- 1.3 In an email dated 24 October, the SoS advised that following receipt of further information, he has not been able to make the 21 day deadline and has sought an extension to make a decision on the referral.
- 1.4 The Local Planning Authority has agreed not to issue planning permission until the SoS has determined the matter.

2 Update on the Drafting of the Legal Agreement

- 2.1 Delegation was given to the Head of Planning to determine the application subject to Section 106 Agreement being signed by 25 October 2019. The S106 legal agreement will secure the following:
 - 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
 - A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
 - A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.
- 2.2 At present the recommendation within the original report required, that if the S106 Agreement was not completed by the 25th October, the application will have to be refused. The legal agreement is at an advanced stage, but could not be concluded because the outcome of the SOS determination was still awaited.
- 2.3 Therefore in light of the SOS request for an extension, the report seeks and extension of the deadline to complete the S106 Agreement, should the SoS either not call the matter in or in the event wishes to determine the matter. The recommendation is to avoid a specific date and allow a completion date to be within three months from the date of the final determination by the Secretary of State of the application.
- 2.4 Should the SoS call the matter in, then the application will be considered at a public inquiry.

3 Recommendation

- 3.1 Delegation be given to the Head of Planning to determine the application subject to a Section 106 Agreement being signed by three months from the date of the final determination by the Secretary of State on the call in of the planning application, 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
- A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
- A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.