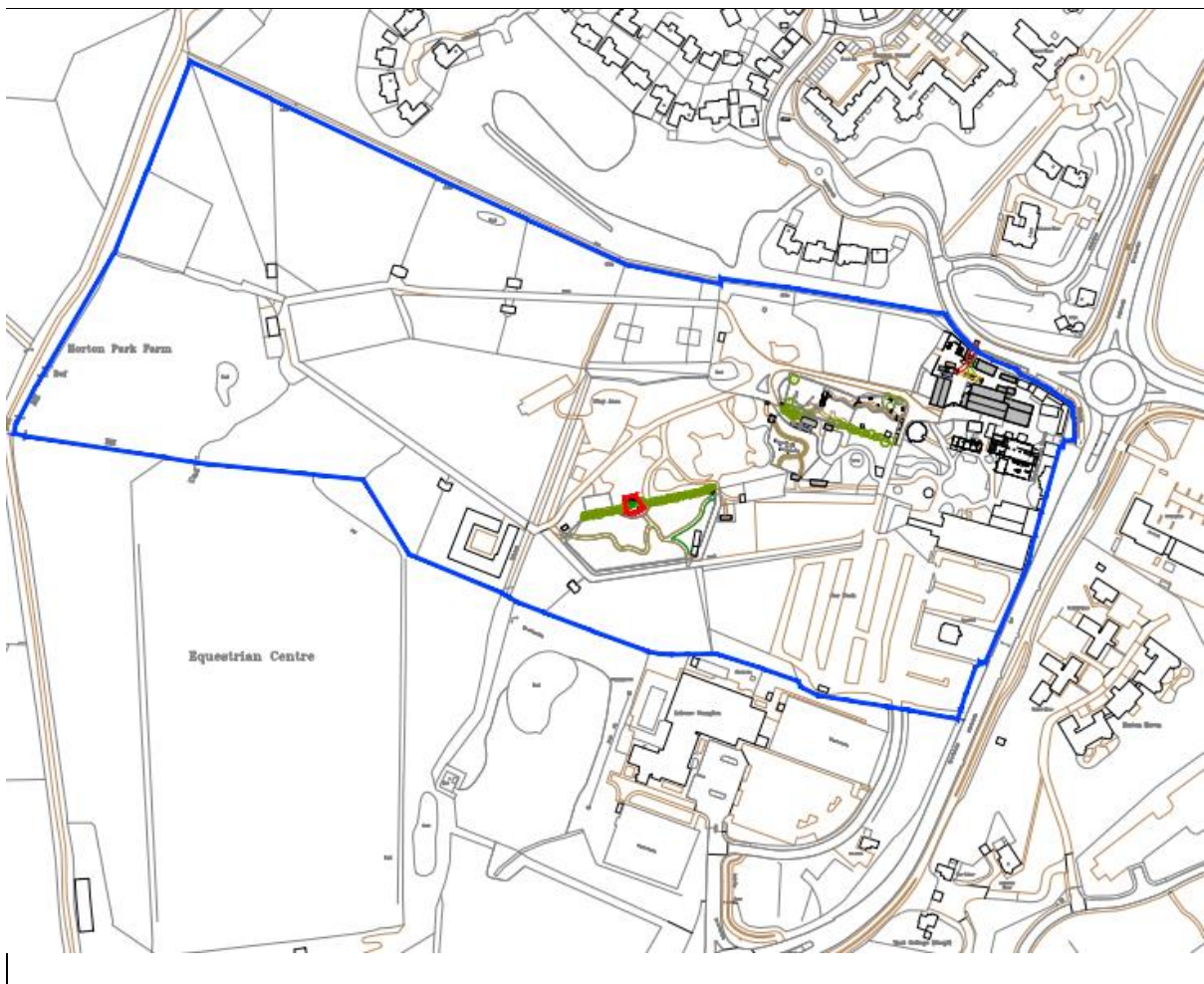


Planning Committee
18 April 2024

Planning Application
Number: 23/01345/FUL

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

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



SUMMARY

1. Summary and Recommendation

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

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

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

PROPOSAL AND DESIGNATIONS

2. Description of Proposal and Designations

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

CONSULTATIONS

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

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

PLANNING LEGISLATION, POLICY, AND GUIDANCE

3. Planning Policy

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

PLANNING ASSESSMENT

4. Update Report

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

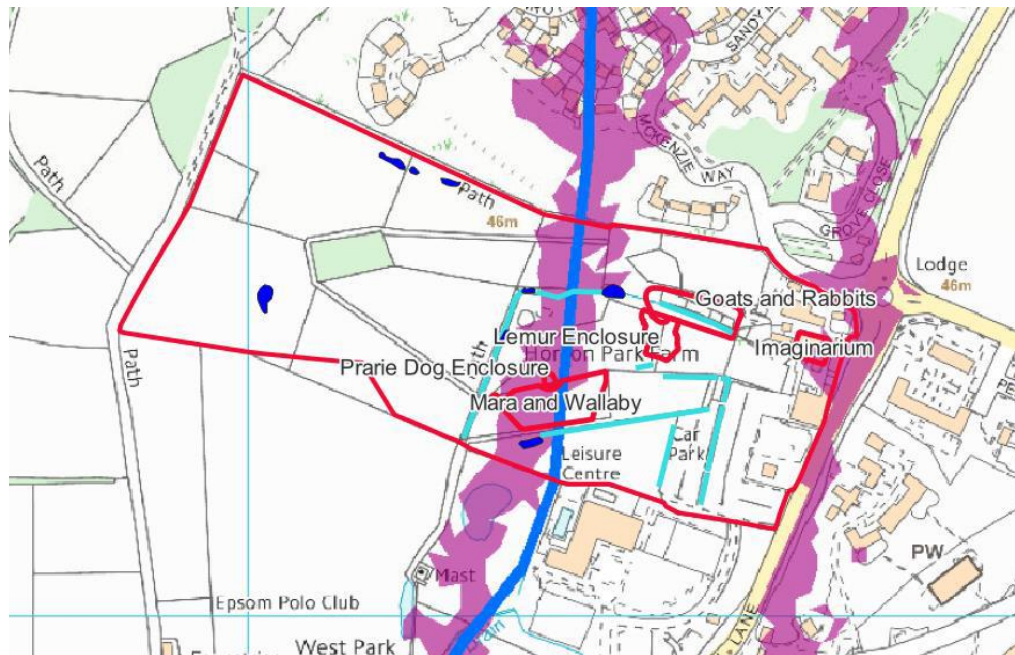
5. Flooding and Drainage

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

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

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





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

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

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

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

6. Ecology and Biodiversity

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

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

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

CONCLUSION

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

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

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

RECOMMENDATION

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

Conditions

1) Approved Plans

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

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

2) Biodiversity enhancement measures

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

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

3) Removal of Structure

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

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

Informatives

1) Positive and Proactive Discussion

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

2) Changes to the Approved Plans

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

APPENDICES

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