

PLANNING COMMITTEE UPDATE REPORT

18 April 2024

App Number	23/01345/FUL
Item Number	4
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Proposal	Construction of Prairie Dog enclosure (Retrospective)
Author	Ginny Palmer

CORRECTIONS AND UPDATES

1. Corrections

There are several irregularities in the original officer report tabled to the Planning Committee on 8 February 2024 (Appendix 1) relating to consideration of openness. This report is from a separate Committee meeting and it is not possible to update that report as part of this report.

Regardless, there are references to no change to openness of the Green Belt and other references to some change to the openness. For the avoidance of doubt, there is no suggestion that there is no change to the openness of the Green Belt. Nothing turns on this aspect. Rather, the issue is whether it preserves the openness. The officer report at Appendix 1 makes this distinction from paragraph 10.14.

The imposition of Condition 3 (Removal of Structure) does not contradict this assessment as it relates to a situation where the proposal would be inappropriate development.

2. Biodiversity measures

The Council's Ecology Officer was reconsulted in relation to the proposed biodiversity measures as outlined in plan 012A that was submitted with the application. However, due to the late nature of the response, it was omitted from the table at page 78 of the report. The comment assesses the replacement planting and advises:

I have looked at this, it looks good. It is a more than adequate replacement for the removed habitats.

The biodiversity measures fall outside of the red line area of the site because of the site constraints (terrain, use and area) and this is inconsistent with the discussions that occurred at the Planning Committee on 8 February 2024 in relation to this application and 23/01343/FUL. However, there are measurable ecological benefits in establishing a sizeable net benefit in a more conducive area further from trafficked areas. In this respect, there are no objections to Condition 2 as it is worded, which approves the details and requires compliance with the approved details.

However, the same details form part of the discharge requirements associated with 23/01343/FUL and this remains undetermined. It is also noted that the measures do not fall within a critical drainage area and this could provide additional drainage benefits. For this reason, it is prudent to seek further details. Condition 2 is amended to reflect that approved in 23/01343/FUL as follows:

3. Biodiversity measures

A scheme to enhance the biodiversity interest of the site shall be submitted to the local planning authority within one month of the date of this decision. Details shall include the vegetation (hedgerows and trees) that were removed to accommodate the development hereby permitted and a schedule and plan of replacement planting.

Enhancement shall be measured against the baseline prior to the removal of vegetation to accommodate the development hereby permitted. The scheme shall be implemented in full as approved within the next planting season (or as otherwise agreed in writing with the local planning authority) 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.

4. Arboricultural Report recommendations

To ensure the recommendations of the arboricultural report are implemented, including to protect existing trees from compaction, the following condition is required at Condition 4:

5. Compliance with Arboricultural Report

The protection measures detailed in Section 5 and Appendix B of the approved Tree Survey Report and Arboricultural Impact Assessment, dated 07 August 2023, ref: JSL4915_770, shall be carried out in full within three months of planning permission being granted and thereafter maintained for the lifetime of the development.

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.

6. Member Correspondence

Members will be separately aware of correspondence sent by email. There is no intention to replicate this correspondence in this update.

PLANNING COMMITTEE UPDATE REPORT

18 April 2024

App Number	23/01349/FUL
Item Number	5
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Proposal	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)
Author	Ginny Palmer

CORRECTIONS AND UPDATES**1. Corrections**

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Regardless, there are references to no change to openness of the Green Belt and other references to some change to the openness. For the avoidance of doubt, there is no suggestion that there is no change to the openness of the Green Belt. Nothing turns on this aspect. Rather, the issue is whether it preserves the openness. The officer report at Appendix 1 makes this distinction from paragraph 10.14.

2. Member Correspondence

Members will be separately aware of correspondence sent by email. There is no intention to replicate this correspondence in this update.

PLANNING COMMITTEE UPDATE REPORT

18 April 2024

App Number	24/00025/REM
Item Number	6
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Proposal	Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (Retrospective).
Author	Ginny Palmer

CORRECTIONS AND UPDATES**1. Corrections**

There are several irregularities in the original officer report relating to consideration of openness and references to no change to openness of the Green Belt and other references to some change to the openness. For the avoidance of doubt, there is no suggestion that there is no change to the openness of the Green Belt. Nothing turns on this aspect. Rather, the issue is whether it preserves the openness. The officer report makes this distinction from paragraph 8.24.

2. Member Correspondence

Members will be separately aware of correspondence sent by email. There is no intention to replicate this correspondence in this update with the exception of clarification of the extent of development forming part of this application. The following table outlines the extent of the development that falls within the scope of this application and that that falls outside for various reasons:

Element	Is it development
Large rabbit hutch x 1	Yes, Included within the application
Entrance and exit structures	Yes, Included within the application
Pathways	Yes, Included within the application
Animal play ramps	Yes, Included within the application
Perimeter fencing	No, approved in 2011 permission
Internal fencing	No, Permitted development
Internal perimeter fencing	No, Permitted development
Signage x5	No, express or deemed consent as an advertisement
Small rabbit hutches x4	No, not development under s55 of the TCPA
Bridge	No, not development under s55 of the TCPA
Timber boarders to pathways	No, not development under s55 of the TCPA
Feeding machines x2	No, not development under s55 of the TCPA
Water structure attached to exit structure	Yes, but not included within the application
Guinea pig hutches x3	Yes, but not included within the application
Viewing platform	Yes, but not included within the application
Archways	Yes, but not included within the application

Shade structure	Yes, but not included within the application
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3. Condition 20

Whilst it does expressly allow it and it would still be enforceable through the approved Masterplan, the amendment to Condition 20 to remove limitations for the keeping of animals could imply that anything is thus permitted. Therefore, Condition 20 is amended as follows:

20. Zones – Public Access

The fields marked F2, F3, F4, F6 and F8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public, other than that part of F.2, as specified on drawing ref: 009 – Service Yard (2) – dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847). All areas are to be used in a way that is consistent with the approved plan, unless incidental to the specified use or otherwise agreed in writing with the local planning authority.

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core (2007) and Policy DM10 of the Development Management Policies 2015.

PLANNING COMMITTEE UPDATE REPORT

18 April 2024

App Number	24/00026/REM
Item Number	7
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Proposal	Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (Retrospective).
Author	Ginny Palmer

CORRECTIONS AND UPDATES

1. Corrections

There are several irregularities in the original officer report relating to consideration of openness and references to no change to openness of the Green Belt and other references to some change to the openness. For the avoidance of doubt, there is no suggestion that there is no change to the openness of the Green Belt. Nothing turns on this aspect. Rather, the issue is whether it preserves the openness. The officer report makes this distinction from paragraph 8.25.

2. Member Correspondence

Members will be separately aware of correspondence sent by email. There is no intention to replicate this correspondence in this update with the exception of clarification of the extent of development forming part of this application. The following table outlines the extent of the development that falls within the scope of this application and that that falls outside for various reasons:

Element	Is it development
Wash basin and enclosure	Yes, Included within application
Path	Yes, Included within application
Vehicular gate	Yes, Included within application
Entrance gate and fences	No, permitted development
Posts x6	No, permitted development
Signage x5	No, express or deemed consent as an advertisement
Animal enclosures	Immune from enforcement
Hutches x3	Yes, not included within the application
Wash basins at exit	Outside of application red line boundary

3. Condition 20

Whilst it does expressly allow it and it would still be enforceable through the approved Masterplan, the amendment to Condition 20 to remove limitations for the keeping of animals could imply that anything is thus permitted. Therefore, Condition 20 is amended as follows:

20. Zones – Public Access

The fields marked F2, F3, F4, F6 and F8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public, other than that part of F.2, as specified on drawing ref: 009 – Service Yard (2) – dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847. All areas are to be used in a way that is consistent with the approved plan, unless incidental to the specified use or otherwise agreed in writing with the local planning authority)

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core (2007) and Policy DM10 of the Development Management Policies 2015.