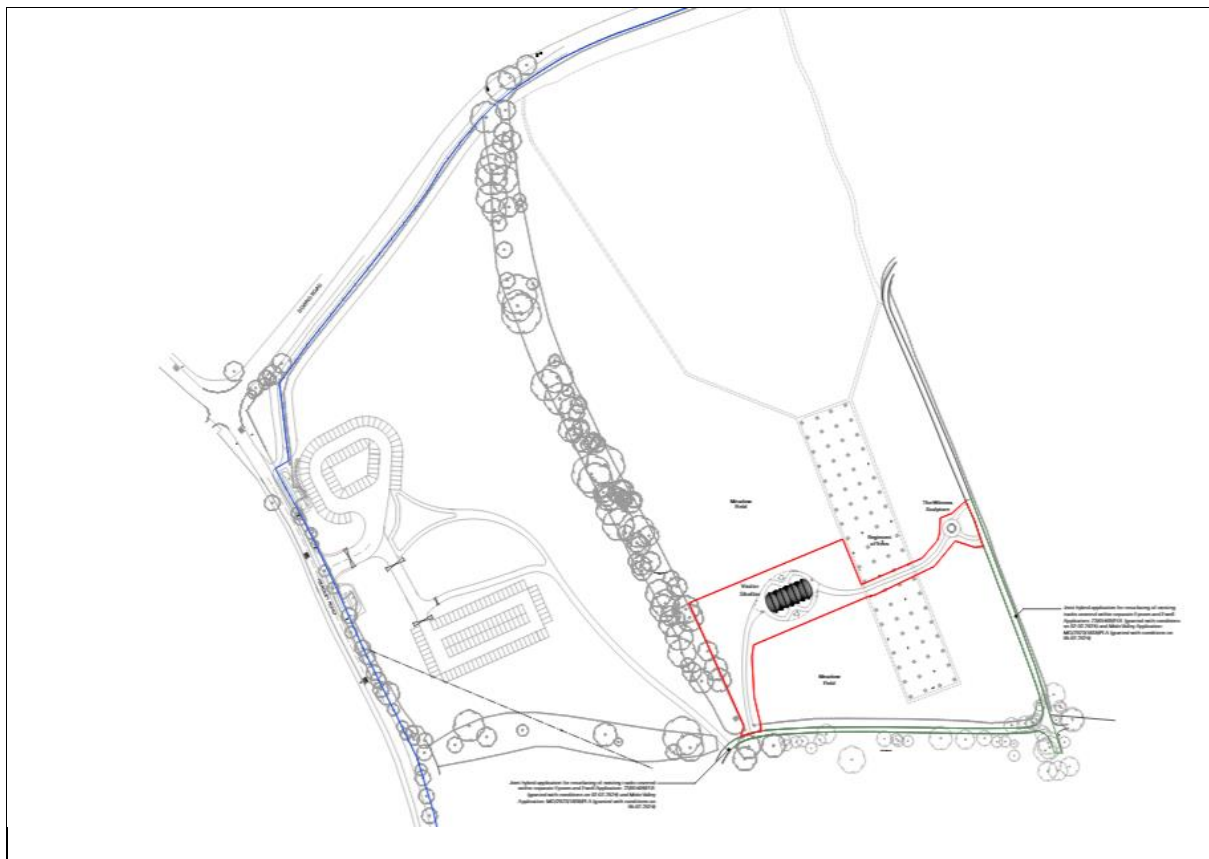


**24/00437/FUL- Langley Vale Memorial Woodland Site**

<b>Application Number</b>	24/00437/FUL
<b>Application Type</b>	EIA Development
<b>Address</b>	Langley Vale Memorial Woodland Site, Headley Road, Epsom, Surrey, KT18 6BL
<b>Ward</b>	Woodcote and Langley Vale
<b>Proposal</b>	Creation of a visitor hub/shelter, including access paths, landscaping, and associated infrastructure
<b>Expiry Date</b>	04 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	4 (three objecting, one in support)
<b>Reason for Committee</b>	EIA Development
<b>Case Officer</b>	George Smale
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available here: <a href="#">Langley Vale</a>
<b>Glossary of Terms</b>	Available here: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. The proposal is for the erection of a new visitor hub/shelter and associated access paths, landscaping, and infrastructure that form the next stage of the redevelopment of Langley Vale Wood which was initially approved in 2017 and first included a car park and public access to the woodland. The applicant is the Woodland Trust.
- 1.2. The initial 2017 permission was subject to an Environmental Impact Assessment (EIA). Because of its relationship with this initial permission, the subject application is also EIA development and is referred to the Planning Committee for consideration for this reason.
- 1.3. The aim of an EIA is to protect the environment by ensuring that when deciding whether to grant planning permission for development of such a scale that is likely to have significant effects on the environment, the local planning authority is able to consider the scheme in the full knowledge of the likely significant effects and takes this into account in the decision-making process. It also ensures that the public are given early and effective opportunities to participate in decision-making procedures.
- 1.4. The application site is in the Langley Vale Centenary Woodland on the Epsom and Walton Downs to the south of the Borough. The wider site, owned and managed by The Woodland Trust, comprises 259 hectares of arable land and woodland shared between the Borough boundaries of Epsom and Ewell Borough Council (EEBC), Mole Valley District Council (MVDC) and Reigate and Banstead Borough Council (RBBC).
- 1.5. There is a considerable level of recent planning history on the wider site. An original joint planning application (17/01450/FUL) submitted to all three Local Planning Authorities was granted permission at Planning Committee on 25 July 2017 for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths, and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood. It originally included a visitor centre and play area, but these two items were formerly removed from the 2017 scheme at the request of the applicant. However, a concurrent hybrid application (MO/2018/0004) was approved by Mole Valley's Development Management Committee on 5 June 2019 and included outline permission for a new visitor centre.
- 1.6. An application for the creation of a play space (22/01047/FUL) was later permitted at Planning Committee in December 2022. The current application for a visitor hub/shelter remains the final element of the original vision of the wider project delivery at Langley Vale Wood, first envisaged in the 2017 permission.

- 1.7. The main considerations with the assessment of the proposal are the impact of the development on the openness of the Green Belt, the impact on visual amenity, and the impact on the quality of the environment. Three letters of objection have been received by neighbours, as well as one letter of support for the scheme. Objections raised cited the above issues as well as impact of the proposal on traffic generation and highways safety. On the latter, these have been assessed as part of the car park application and this application does not alter these conclusions. Consultee responses were broadly supportive.
- 1.8. The moderate to significant harmful impacts identified in the assessment of the openness of the Green Belt is outweighed by the very special circumstances put forward by the applicant that are necessary to justify the development.
- 1.9. The proposal will support sustainable outdoor recreation in the rural environment. It will support healthy and sustainable lifestyles by creating a new visitor facility on the site. The shelter will provide a covered area for meeting space and informal events, and proposes to support informal educational opportunities, namely tools to commemorate the lives lost during World War I and nature conservation.
- 1.10. The new visitor shelter will be accessible to the public including a diverse array of different groups. The location of the shelter is the most appropriate to deliver a hierarchy of spaces on the wider site project delivery.
- 1.11. Through its design and materials, the proposal would integrate appropriately into the landscape and has been carefully complemented with a landscape strategy.
- 1.12. The permanent and overflow car park (within the administrative boundary of Mole Valley District Council) was built in anticipation of a visitor shelter scheme coming forward. Given much of the transport related issues were considered in the 2017 permission, no highways safety or traffic management issues are identified.
- 1.13. The development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a section 106 legal agreement. This plan will be prepared in accordance with National Planning Practice Guidance the approved Statutory Biodiversity Metric. The development shall not be operational until a completion report, evidencing the completed habitat enhancements, has been submitted and shall be implemented and monitored in accordance with the approved details.
- 1.14. Officers recommend approval, subject to securing a S106 Legal Agreement and planning conditions.

## PROPOSAL

### 2. Description of Proposal

2.1. The proposal involves the following works:

- The creation of a new visitor hub/shelter structure which will include space for internal meetings, internal storage, seating, signage, and interpretation;
- Associated hard and soft landscaping works around the structure;
- and,
- The creation of new access paths to integrate to the existing access path network.



### 3. Key Information

Site Area	0.4 hectares
Existing Area	Arable grassland
Proposed Footprint	c. 223m <sup>2</sup>
Proposed Height	6.3m
Proposed Width	10.4m
Proposed Depth	24.2m
Proposed Hardstanding Pathway Creation	c. 626m <sup>2</sup>

Existing Car Parking Capacity	70 spaces
Existing Cycle Parking Spaces	6 Sheffield stands for 12 bicycles

## SITE

### 4. Description

- 4.1. The Application Site ('site') comprises 0.4 hectares of arable land. It forms part of the wider 'Langley Vale' Site, which comprises 259 hectares of arable land and woodland.
- 4.2. The site is contained to the south-east of Langley Vale Road and Downs and to the east of Headley Road. A permanent car park and access creation to Langley Vale Wood has recently been created on former arable land from Headley Road following the granting of planning application 17/01450/FUL, forming the principal entrance to the wider site.
- 4.3. Moving south-east from the car park, visitors are guided by signage through the woodland to 'The Regiment of Trees' site and the Witness sculpture commemorating World War One to the east, the Poppy Play Area and the Community Garden to the south-east, and the Jutland Woodland further southwards.
- 4.4. The application site is located to the south-east of the car park, separated by a thick line of trees and shrubs. The site extends across a large open field between two tree lines. It also incorporates part of the area of 'The Regiment of Trees' as well as the Witness Sculpture.
- 4.5. Within a 2km radius of the site, there is a mix of different land uses. Approximately 1.6 kilometres to the North-East of the site is the village of Langley Vale and approximately 2.5 kilometres to the North-West of the site is Ashted. Langley Bottom Farm is within 300m of the site to the east.
- 4.6. The horseracing industry has a strong presence in the locality. Epsom Downs Racecourse is approximately 2.7 kilometres to the north-east of the site and there are a number of training facilities and stables in the Epsom and Walton Downs area.
- 4.7. While the wider site falls within three administrative areas (Epsom and Ewell Borough Council, Mole Valley District Council and Reigate and Banstead Borough Council), the entire Application site falls within the boundary of Epsom and Ewell. The access and parking area is within the administrative boundary of Mole Valley District Council.
- 4.8. The site is designated as within the Metropolitan Green Belt. In policy terms, the site is also designated as within an Area of Landscape Value as well as a within a Nature Conservation Site.

## 5. Constraints

- Green Belt
- Area of Landscape Value- Walton Downs
- Nature Conservation Site- Langley Vale WW1 Centenary Wood
- Site of Special Scientific Interest Risk Area

## 6. History

6.1. See table below.

App No.	Description	Status
24/00999/COND	Confirmation of Compliance with Condition: 3 (Construction Environmental Management Plan) of 23/01409/FUL	Pending Decision
23/01409/FUL	Re-surfacing of existing tracks to provide a DDA compliant surface, connecting existing DDA sections and enabling disabled access to the Witness structure at the Regiment of Trees.	Permitted 2 February 2024
23/00699/COND	Discharge of Conditions 4 (CTMP), 5 (CEMP/Construction Method Statement), 7 (Landscaping), 9 (Badger survey), 12 (Maintenance and Management Plan) of 22/01047/FUL	Permitted 10 August 2023
22/01047/FUL	Creation of a play space, including play equipment, access path, landscaping, and associated infrastructure (EIA development)	Permitted 12 December 2022
20/01453/COND	Discharge condition 12 (programme of archaeological work) of 17/01450/FUL	Permitted 22 December 2020
20/00388/COND	Discharge of Condition 5 (Construction Method Statement) of ref: 17/01450/FUL	Permitted 17 December 2020
20/00336/NMA	Non-Material Amendment to 19/01083/FUL, to amend the materiality of the Jutland Wood	Permitted 26 March 2020
20/00181/NMA	Non-Material Amendment to 17/01450/FUL, to amend the surface materiality of the approved paths	Permitted 2 March 2020
20/00126/COND	Discharge of Condition 10 (signage) of 17/01450/FUL	Permitted 24 March 2020
19/01690/COND	Discharge of Conditions 6 (Surface Water Drainage Scheme), 9 (Nature Conservation, Mitigation Strategy, Compensation and Enhancement Actions), 13 (Contamination), 15 (Verification Report) 16 (Sustainable Drainage Scheme) and 17 (Piling/ Foundation Designs) of 17/01450/FUL	Permitted 16 October 2020

App No.	Description	Status
19/01510/COND	Discharge of Conditions 10 (signage) and 12 (programme of archaeological work/written scheme of investigation) of 17/01450/FUL	Permitted 27 October 2020
19/01083/FUL	Proposed regiment of sculptures (12 stone sculptures) and Jutland Sculpture (14 oak marker posts, 1 sculpture of a sailor and 2 benches)	Permitted 18 October 2019
19/01069/COND	Approval of Details of Condition 7 (Badger Survey) of 17/01450/FUL	Permitted 10 September 2020
17/01450/FUL	Joint application for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood - Centenary Woodland for England	Permitted 30 July 2019
16/01909/SCO	EIA Scoping opinion for development of visitors' centre, car park, memorial area, play space and pathways at Langley Vale Centenary Woodland, Epsom	No objections 16 May 2017
16/00036/SCO	EIA Scoping opinion for development of visitors car park, visitors centre, memorial area, hard surfaced access paths and associated infrastructure	No objections 19 May 2016
15/00882/SCR	Application for screening opinion as to whether the proposed development of visitors car park, visitors centre, memorial area, hard surfaced access paths and associated infrastructure is "EIA development" within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.	Objections 25 September 2015

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Highway Authority	No comments received.
Environmental Health Officer	No comments received.

Consultee	Comments
Surrey Archaeology	No objection subject to a compliance condition.
Trees	No objection.
Ecology	No objection subject to Biodiversity Gain Plan condition.
Planning Policy	No comments received.
Local Lead Flood Authority	No objection subject to a condition.
Conservation Officer	The development will not affect the setting of a listed wall.
<b>External Consultees</b>	
Secretary of State (EIA requirement)	No comments received.
Environment Agency	Assessed the proposal as low risk to the environment. No specific comments to add other than general advice.
Natural England	No objection. Informatives and site-specific comments raised.
Surrey Wildlife Trust	No comments received.
Reigate and Banstead Borough Council	No objection.
Mole Valley District Council	<p>No objection subject to the following:</p> <ul style="list-style-type: none"> <li>• Should consult with the Landscape and Ecology Officers</li> <li>• Any requirement to close the highway should be at a minimum</li> <li>• There should be strong discouragement of narrow roads for construction access</li> </ul> <p>Officer comment: Consultation with the relevant officers has occurred. The remaining matters fall within the scope of Condition 3 requiring a Construction Transport Management Plan.</p>
<b>Public Consultation</b> The planning application and the Environmental Statement was publicised in accordance with the procedures set out in article 15 and article 16 of, and Schedule 3 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 28 neighbouring properties, concluding on 29 May 2024.</p> <p>4 submissions were received, three letters of objection and one letter of support. The <u>objectors</u> raised the following issues:</p> <p><i>The Epsom and Walton Downs Training and Management Board (TGMB)</i></p>



Consultee	Comments
	<ul style="list-style-type: none"> <li>• Impact of the development on the horse crossing and further implications to the horse racing training ground.</li> <li>• Object to the applicants' assumptions that visitor numbers and vehicle journeys will not increase as a result of the proposed development. Concern that there is conflict with this assumption and the submitted planning statement which states that the proposal adds to the outdoor recreational facilities to make the site more attractive to the wider public.</li> <li>• Inaccuracy of transport statement, namely that 45 vehicles per week cannot be representative of the general use of the site and that the local authority has no information to properly assess the development's impact on the highway network.</li> <li>• Horse crossing information provided in the submission does not respect the importance of the use of horse crossings to training yards and the wider horseracing industry.</li> <li>• Concerns that if the safety of the crossing is worsened it will directly impact the operation of the training yards and will lead to the closure of training facilities.</li> <li>• The development could potentially have an adverse impact on the success of the wider racing industry.</li> <li>• Comment that the TGMB ensures the maintenance of Epsom and Walton Downs for the racing industry as well as for public access.</li> <li>• Adverse impact on the landscape and visual amenity of the surrounding area.</li> </ul> <p><i>Objection on behalf of the Jockey Club</i></p> <ul style="list-style-type: none"> <li>• The claim that the development will not generate any further traffic in and of itself is not credible.</li> <li>• The proposed structure to accommodate additional visitors will increase the number of visitors the wider site generates.</li> <li>• Inaccuracy of transport statement, namely that 45 vehicles per week cannot be representative of the general use of the site and that the local authority has no information to properly assess the development's impact on the highway network.</li> <li>• Horse crossing information provided in the submission does not respect the importance of the use of horse crossings to training yards and the wider horseracing industry and is therefore misrepresentative.</li> <li>• Concerns that since the applicant undertook the Transport Assessment, another horse racing training yard (The Limes) which relies on the crossing to access the training yards.</li> <li>• Concerns that is the safety of the crossing is worsened it will directly impact the operation of the training yards and will lead to</li> </ul>

Consultee	Comments
	<p>the closure of training facilities which would have a significant impact on the long-term viability of the whole training centre.</p> <ul style="list-style-type: none"> <li>• Far greater scrutiny on trip generation needs to be provided, including a robust assessment on summertime visitors.</li> <li>• Call for highways safety mitigation to protect the crossing and the safety of horses.</li> <li>• Proposed improvements in relation to this matter have been suggested.</li> <li>• The proposal would be visible from the grandstand when looking southwards across the racetrack.</li> <li>• Prominent nature and contemporary design out of keeping with the visual amenity of the surroundings and would detrimentally impact the landscape.</li> <li>• The development would not preserve the openness of the Green Belt.</li> </ul> <p><u>Officer comment:</u> Issues of traffic and landscape harm are discussed in Sections 10, 11 and 16. The car park has already been permitted in anticipation of the visitor centre scheme being brought forward and additional traffic movements are not envisaged. Therefore, there is unlikely to be detriment to the usability of the area by horses and trainers. This is discussed in the body of the report.</p> <p><i>19 Cleves Avenue, Epsom</i></p> <ul style="list-style-type: none"> <li>• Visual cluttering of the landscape</li> <li>• Reference to different elements of the wider project (i.e., play area which has already been granted permission) and the resultant damage to the landscape.</li> <li>• Unnecessary structure that does not serve a purpose.</li> <li>• Spoils the openness of the existing field, albeit commenting that the structure would appear beautiful in form.</li> <li>• The structure detracts from the existing woodland setting and impacts the wider views in and out of the site.</li> <li>• The scheme does not provide a gateway to the site as suggested, as it is concealed from all arrival points</li> </ul> <p><u>Officer comment:</u> While the proposal is associated with the wider visions of the Langley Vale Centenary Woodland Site, this is a separate application to any other development and will be assessed on its own individual merits. It successfully integrates with the primary vision first commenced in 2017 and the landscape impacts are acceptable, as noted in Section 10 and 11.</p> <p><i>Elton Cottage, Headley Road, Epsom</i></p> <ul style="list-style-type: none"> <li>• Proposal would appear as a 'blot' on the landscape.</li> </ul>

Consultee	Comments
	<ul style="list-style-type: none"><li>• Recommendation from Visual Impact Consultant that Trees should screen the development from Elton Cottage not carried out.</li><li>• Poor design</li><li>• Excessive height</li><li>• Loss of Outlook</li><li>• Deciduous trees offer no screening for 6 months of the year.</li><li>• No screening of the proposal to Elton Cottage</li><li>• Traffic/ Parking Implications</li></ul> <p><u>Officer comment:</u> The above issues are discussed at Sections 10, 11 and 16. A right to a view is not a material planning consideration.</p> <p>The <u>letter of support</u> gave the following comments:</p> <p><i>16 Roseberry Lane, Langley Vale</i></p> <ul style="list-style-type: none"><li>• Enhancement to an already great site that has the neighbours 100% support.</li></ul>

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

### 8. Planning Policy

#### 8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

#### 8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure

- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS13: Community, Cultural and Built Sports Facilities
- Policy CS16: Managing Transport and Travel

**8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)**

- Policy DM1: Extent of the Green Belt
- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM7: Footpath, Cycle and Bridleway Network
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM34: New Social Infrastructure
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

**9. Supporting Guidance**

**9.1. National Planning Policy Guidance (NPPG)**

- Biodiversity Net Gain
- Climate Change
- Community Infrastructure Levy
- Design: Process and Tools
- Determining a Planning Application
- Effective Use of Land
- Environmental Impact Assessment
- Green Belt
- Healthy and Safe Communities
- Natural Environment
- Noise
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space
- Planning Obligations
- Travel Plans, Transport Assessments and Statements
- Use of Planning Conditions

**9.2. Revised Developer Contributions Supplementary Planning Document 2014**

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

**9.3. Supplementary Planning Documents and Guidance**

- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

**9.4. Other Documentation**

- National Design Guide 2021
- Community Infrastructure Levy Charging Schedule 2014

**PLANNING ASSESSMENT**

**10. Principle of Development**

**10.1. Development in the Green Belt**

10.2. The site is within Green Belt and Section 13 of the NPPF 2023 aims to prevent urban sprawl by keeping land permanently open with the purposes being to check unrestricted sprawl, prevent merging of towns, prevent encroachment within the countryside, preserve the setting of towns and encourage recycling of derelict sites.

10.3. Paragraph 152 of the NPPF 2023, reinforced in Policy CS2 of the CS states that inappropriate development is, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 requires substantial weight to be applied to harm to the Green Belt.

10.4. The Green Belt considerations include the following:

*Whether the proposal would be inappropriate development for the purposes of Section 13 of the NPPF and development plan policy*

10.5. Paragraph 154 of the NPPF 2023 states that new buildings in the Green Belt are inappropriate, unless it involves outdoor recreation. The proposal is for an outdoor visitor shelter which is associated with the wider outdoor recreational use of Langley Vale woodland. As such, the development proposed is within the scope of limb b) of paragraph 154:

*'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...'*

10.6. Paragraph 155 of the NPPF 2023 specifies that engineering operations such as the creation of pathways is not inappropriate development.

*The effect of the proposal on the openness of the Green Belt and Countryside*

- 10.7. The NPPF highlights that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- 10.8. Paragraph 001 of the Green Belt National Planning Practice Guidance states that the assessment of the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. The courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- Openness is capable of having both spatial and visual aspects
  - The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - The degree of activity likely to be generated, such as traffic generation.
- 10.9. The application proposes the erection of a new visitor shelter/ hub which will be sited in the open field to the east of the existing car park and entrance. The shelter would have the following external dimensions:

	<b>Footprint</b>	<b>Height</b>	<b>Width</b>	<b>Depth</b>
Proposed	223m <sup>2</sup>	6.3m <sup>2</sup>	10.4m	24.2m

- 10.10. The argument put forward by the applicant is that the proposed development will preserve the Green Belts main functions, will have negligible implications on the openness of the Green Belt, and is regarded as appropriate development in landscape and visual terms.



10.11. Section 4.0 of the Supplementary Environmental Statement (Volume 1- Main Report) provides a Landscape and Visual Assessment of the proposal. This analysis comprised of the following tasks:

- Desktop review of baseline sources and policy references
- Site visit photograph for assessment views
- Baseline conditions, views, and receptors

- Preparation of photograph montages
- Review of proposal and sources of impact
- Assessment of visual impact and effects on the landscape character and visual amenity for Year 1 and Year 10 – 15 scenarios
- Recommendation of additional mitigation where necessary
- Assessment of residual impacts

- 10.12. The analysis concluded that the cumulative/predicted effects of the proposal would result in negligible adverse impacts on the Green Belt through all construction and operational phases. Further justification throughout the submissions explains that the proposal is modest in terms of its footprint and visibility, that its function compliments the existing amenity use of the site for outdoor recreational purposes, and that it is sensitive in terms of the use of natural materials including its light-weight nature and open-sidedness.
- 10.13. In addition, the applicant argues that the proposal does not represent urban sprawl or the merging of villages, nor would it negatively impact the character of historic towns and would preserve the main functions of the Green Belt.
- 10.14. The council are of the contrary view - that both spatially and visually, the proposal would have a detrimental adverse impact on the openness of the Green Belt.
- 10.15. Openness is one of the essential characteristics of the Green Belt. It is epitomised by the lack of buildings or development. The dominant characteristic of the site and its spatial surroundings is one of rural character and arable land that is open and undeveloped. The only unnatural features observed in this area are the small soldier statues commemorating World War I at the 'Regiment of Trees', and the Witness Sculpture to the east of the site. Though the Witness Sculpture is substantial in height, its width and depth are limited, and it is contained against the eastern tree line. It also appears as a somewhat natural feature that blends into the rural landscape, rather than a typical building/structure serving an intended purpose.
- 10.16. In spatial terms, the development is situated at least 35m from the western tree-lined boundary and 62m from the woodland path to the south. In this sense, the positioning of the building is moderately central in relation to the large agricultural field and is not contained by any natural screening or vegetation buffer. The development is in a prominent position on the site and comprises of a substantially sized built form; 6.3m in height, 10.4m in width, and a 22.4m depth with a 223m<sup>2</sup> footprint. It is largely open in its form and so volume is difficult to quantify and would serve limited reference.
- 10.17. From all corners of the large open arable field, the proposal would have a moderate to significant visual impact on the existing landscape. The proposal is not contained nor screened by vegetation. Though its



materiality is of light-weight timber materials and the structure is open sided, it does not comprise of unnatural form within the open countryside. The open texture of the building is limiting given the enclosure elements within the structure. No views are obtainable through the structure and even still this would not elude from the large and imposing roof form.

- 10.18. There is no development of this scale and size on the wider Langley Vale Wood site and it does not form part of the context of any rural settlement areas or agricultural activities. The argument that the proposal is associated with the use of the site is not applicable to the assessment of openness.
- 10.19. It is acknowledged that there is a larger car park facility in the adjacent facility in the adjacent field to the west, but this was also deemed as inappropriate development in the Green Belt as part of the assessment in the 2017 application. Application 22/01047/FUL, granted permission in 2022, also concluded that the play space on the wider site occupied a small area, where structures were modest in height and screened by extensive tree planting, and therefore preserves the openness of the Green Belt.
- 10.20. Though the applicant has alluded to tree planting around the structure or boundary of the site, this would not be achievable or a realistic measure to preserve openness.
- 10.21. The structure has a high degree of permanency with little temporary aspect. There is only a small likelihood the land would return to its original state or state of openness given the construction and engineering operations involved.
- 10.22. The council is in agreement that the amenity/outdoor recreational use of the site has been confirmed in preparation for the predicted number of visitors of the wider site. Moreover, the car park and access has been implemented in anticipation for this scheme coming forward. Therefore, in forward planning terms, the degree of anticipated activity generated is likely to be minimal and this does not add to the impact of openness to any great deal.
- 10.23. In light of the above (paragraphs 10.15 – 10.22), the proposal would result in harm to the openness and permanency of the Green Belt and would therefore constitute as inappropriate development.
- 10.24. The proposed surface paths are key to promoting outdoor sport and recreation and do not harm the openness of the Green Belt, particularly in the context of other similar paths in the immediate area.

*If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

10.25. Paragraph 153 of the NPPF 2023 states that 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.

10.26. Without prejudice to their view that the proposal was not inappropriate development, the applicant submitted A Very Special Circumstances document, citing eight key arguments;

- The applicant's visions and aims of the Langley Vale Wood project
- Supporting outdoor recreation,
- Increasing accessibility,
- Improving cultural awareness and education,
- Exemplary design,
- Physical and mental health benefits,
- Benefits to the local economy, and
- Habitat enhancement.

10.27. The Woodland Trust has a charitable status working throughout the UK to restore precious habitats sensitively and gradually. The vision of the wider project delivery is to create a mosaic of habitats where native wildlife can flourish. An area has also been created on the site that recognises the troops that fought in World War I, commemorating those affected and the lives that were lost. Minor weight is applied to this aspect.

10.28. The wider project delivery aims to create, protect, and restore the wooded landscape. 159 hectares of land has been purchased by the woodland trust from previously intensified agricultural land. A total of 170,000 trees have been planted and a maintenance programme to conserve existing habitats has been implemented. Furthermore, new woodland has been created including the stitching together of existing fragmented woodland. Open spaces have also been maintained for rare and arable grassland plants to flourish.

10.29. For supporting outdoor recreation, the applicant confirms that the whole site is open to the public and gives people the chance to visit a new landscape formerly in private ownership. The Woodland Trust have identified that an existing constraint of the site is that there is no place for visitors to shelter or congregate. Bad weather is a considerable factor in discouraging people to engage in the site. It is fair to conclude that the creation of a focal point to the site would increase attractiveness for visiting the open space and this attracts moderate weight.

10.30. The new shelter aims to provide covered seating for people to meet and shelter and spaces for informal education and events needed to support outdoor recreational activities. These additional elements to the wider site aim to encourage longer engagement and repeat visits to the site, enhancing the recreational experience and allowing deeper engagement

of Langley Vale Wood. The applicant has also provided typical examples of similar facilities at similar sites, commenting that the range of amenities are provided in this case are modest in comparison.

10.31. The Woodland Trust has a commitment to accessibility and inclusion at Langley Vale Wood. This commitment will also apply to the visitor centre. It is intended that the visitor shelter will be the main welcoming space to introduce visitors to the key features of the site. Paragraph 3.15 of the VSC document states that the area between the car park, memorial sculpture and play space. In the Langley Vale Wood Accessibility Audit Report, as being the area

*“... most likely to be used by people with mobility (i.e. lower body), dexterity (i.e. upper body) and sensory (e.g. vision) impairments but who would be least likely to bring specialist off-road / outdoor mobility and other aids with them. “This could include school groups, disabled veterans, family groups and members of the public who may not be familiar with the site. It is expected that most if not all of these visitors will arrive via the car park.”*

10.32. The location of the visitor shelter has been considered in conjunction with the wider wayfinding and accessibility arrangements of the wider site. Paths will provide access for a wide range of user groups within the community as well as a tactile connection with the other site activities such as the woodland and play area as well as a gateway to other green spaces. The design of the shelter also supports sensory plans and access for children with disabilities. In reality, the accessibility case can really only be applied to the pathways because the hub is intended for all users regardless of accessibility concerns and even though the Council is aware of its equality obligations, on this basis, it is given little weight.

10.33. The proposed visitor shelter and its associated amenities will improve the cultural awareness of the wider site and enhance visitor experiences through education. The wider site has already implemented commemorative features of World War I including ‘The Regiment of Trees’ and Witness Sculpture within proximity of the shelter, providing an area for quiet remembrance.

10.34. It is intended that the visitor shelter will introduce visitors to the important stories of World War I and to explore the site further in this respect.

10.35. The shelter will house accessible information and interpretation and provides the opportunity for informal learning about the important wartime history of the site and the nature recovery now taking place on a once intensively farmed landscape. It is of the applicant’s opinion that these activities cannot realistically be transplanted elsewhere.

10.36. Providing educational opportunities is one of the aims of the Woodland Trust for an increasing diversity of audiences. The attractiveness of the learning experience would be significantly improved as a result of the

works. As part of the wider vision of the site, the proposal achieves its goals and does so in a manner that should attract moderate weight.

- 10.37. The VSC Statement describes the proposal as an exemplary design that is conscious of the site-specific context. The overall design, form and timber construction all help to minimise the impact of the shelter on the landscape. The design is undoubtedly striking as a focal structure (see comments in Section 11) and the Council's view is that it is complementary to the landscape. It attracts significant weight.
- 10.38. Physical and mental health benefits for local residents is another argument for very special circumstance. The connection with green infrastructure and health and well-being is undoubtable. The visitor shelter intends to inspire confidence to help visitors explore, and to engage them with the site's stories. It will help new visitors plan their visit and understand their options, and for regular visitors to discover more detail throughout the seasons. Covered meeting spaces will also promote social interaction for visitors. The Woodland Trust has also stated that investing in green infrastructure will further opportunities for volunteering work. This reasoning appears to be a duplicate of some of the other very special circumstances, insofar as the stated aims are for engagement and advancement of outdoor recreation. On this basis, little weight is applied.
- 10.39. Prolonging visitor times at the site will also create paid and unpaid opportunities for the Woodland Trust, either directly at the site or indirectly to administrative regional support teams. Construction work opportunities and maintenance jobs will also be created at a local level. Any opportunity for additional engagement with people would likely drive increased interest, participation, and future volunteering with the Woodland Trust, furthering their goals. These are relevant cases and attract minor weight.
- 10.40. Lastly, the applicant has sited habitat enhancement as a key driver of the project delivery. Proposals involve compensatory habitat provision, and habitat management and maintenance to increase biodiversity and provide valuable wildlife corridors for important species. The proposal achieves 10% biodiversity net gain, which is a policy requirement. Beyond this, the broader benefits are not fully understood beyond those achieved by the objectives of the Woodland Trust more broadly. Limited weight is applied.
- 10.41. It is concluded that these very special circumstances, to varying degrees, show adequate justification that the harm identified is outweighed by other considerations. While many of the benefits refer to the wider project delivery of the Langley Vale Wood, the visitor shelter proposals offer significant benefits that are integral to the visions and goals of securing a lasting and sustainable outdoor recreation and nature conservation for future generations.

10.42. The Green Belt assessment has identified that the proposals would result in moderate to significant harm to the openness of the Green Belt, though this harm is demonstrably outweighed by the public benefits of the scheme.

#### **10.43. Community, Social and Sports Facilities**

10.44. Policy CS13 of the CS and Policy DM34 of the DMPD resist the loss of community, cultural and built sports facilities, unless it is demonstrated that the need no longer exists, or it is provided elsewhere. New facilities that address a deficiency and meet identified needs are encouraged.

10.45. Policy DM34 of the DMPD allows new or extended social infrastructure to address identified need, where it is practical and flexible, accessibly located, of high-quality design with inclusive access, absent of neighbour amenity impacts and satisfies highways requirements.

10.46. Policy DM34 of the DMPD allows for social infrastructure development where there is identified need, it is provided in a multi-use, well designed and flexible building with inclusive access to the building, good access to public transport, adequate parking provision and no adverse impact on residential character and amenity.

10.47. The proposed development would provide a community facility which is freely accessible to the public. A need has been identified to extend the visitor offering for the wider delivery of the Langley Vale site. The shelter provides covered seating spaces which can provide opportunities for meeting spaces and informal events. The visitor offering is also part of wider accessibility and inclusion objectives of the wider site and will also introduce educational opportunities for World War I commemoration and wildlife conservation.

10.48. The structure is well-designed with sensitive materials and will not harm the visual amenity of the local surroundings. It is also closely accessible to other attractions on the site such as the woodland and play space and is a short distance from the entrance off Headley Road with the existing car park.

10.49. As such, this community facility is policy compliant and will have significant public benefits.

### **11. Design and Character**

11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design

that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.

11.2. Paragraph 139 of the NPPF states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to;

A) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

B) 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.”

### **11.3. Built Form, Pattern and Layout**

11.4. The proposal will introduce a new development form into the landscape in a currently open field with a limited amount of development structures. There is no identified pattern of development in the immediate context. The wider area hosts a mix of different land uses.

11.5. The visitor shelter would be compatible with the wider outdoor recreational use of the wider Langley Vale Site. While the development would impinge on openness, its coverage on the open field is minimal. There is a sporadic and isolated pattern of development in the rural locality, such as those associated with equestrian and agricultural. The proposal would not detrimentally alter this pattern.

### **11.6. Landscape Character**

11.7. Paragraph 180 of the NPPF 2023 requires that planning applications enhance the natural and local environment by ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

11.8. The paths proposed will lead from the existing paths from the car park through to the visitor shelter and will extend and two points in an oval shape around the car park. The paths will then converge and extend through ‘The Regiment of Trees’ and to the Witness Sculpture. These will be at least 2m wide and comprise of self-binding limestone gravel to match the existing on site with treated timber edging boards.

- 11.9. Section 3.7 of the Design and Access Statement explains that the landscape strategy is an integral part of the new visitor shelter which is sensitive to the surrounding context. The proposed location of the structure with the landscape creates a clear hierarchy of routes and spaces so the site is connected to all the other destinations across the wider site.
- 11.10. Despite the hard landscaping proposals, the landscaping strategy will further enhance the local biodiversity on the site. Grass swales are proposed directly adjacent to the new building which will provide visual softening to the structure.
- 11.11. The applicant is not proposing any internal or external lighting as part of the scheme which may have an adverse impact on the visual amenity of dark skies across the open and rural landscape. Any future proposal for internal or external lighting will need to be submitted and approved to the local planning authority and retained thereafter.
- 11.12. Scale, Size, Form, and Activity**
- 11.13. The proposal is substantial in scale and size forming a rectangular shape with a large, curved roof and open-ended sides. The structure will be held up by 14 piers, 7 on each side, connected to the roof for.
- 11.14. The roof will be formed by 7 different connected section in a 'leaf' shape. 4 of these sections will be enclosed, the others will be semi-enclosed with multiple openings.
- 11.15. In terms of scale and size, the structure is not dissimilar to rural structures typical of an agricultural setting. The design of the building is unique and contemporary yet has been carefully considered to blend in the landscape. Enough shelter would be provided to serve the intended purpose and there are two cylindrical pods inside the structure with seating and cover.



11.16. Objections have been raised with concerns that the proposal would result in detrimental harm to the visual amenity of the area. Though the site is currently largely undeveloped, the proposed design is sympathetic to the rural aesthetic of the area.

11.17. In terms of the impact on wider views the development is sited at least 2km from the Epsom Downs Racecourse Grandstand. While there will be a minimal view of the structure, there are views of the Langley Vale residential settlement in closer proximity as well as other development structures. Given these factors, this will not result in an adverse impact.

11.18. During the winter months there will be marginal views of the structure from Langley Vale Road. Yet, this would only be a seasonal view of the structure that is sited more than 285m from the highway and 270 metres from the public right of way. Even then, the wider impact is not sufficient pronounced to justify refusal on its own and no adverse issues are raised.

#### **11.19. Materiality**

11.20. The proposal will be constructed almost entirely of timber materials which will be sustainably sourced. The exterior will be clad in timber shingles and the interior will be clad in timber strips. The four fully boarded bays of the shelter will be designed to be waterproof. Underneath the rainscreen timber boarding there will be a UV waterproof membrane dressed over the battens so that rainwater will drain to the central spine of the bay. The central spine will be detailed to act as a gutter, diverting rainwater to the base of the shelter where it will be collected and directed to the soakaway. Stainless steel footings will form the foundations.

11.21. Materials proposed are sustainable and satisfactory, complimenting the innovative form and creating aesthetic intrigue.



### **11.22. Functionality**

11.23. The National Design Guide 2021 states that one of the 10 characteristics of a well-designed place is development is functional, healthy, and sustainable.

11.24. Focus of the scheme has been centred around usability and movement around the wider site, maximising its allure to potential visitors. The space has both a functional aspect to provide shelter but is also a space that can promote social interaction and engagement with the surrounding site. This consideration from an early design is welcomed and is a positive benefit of the scheme.

### **11.25. Sustainability**

11.26. The application proposed the use of sustainable materials to construct the new building.

11.27. The entire structure will be sourced by sustainable timber. Foundations would be movable and recyclable and will have a reduced embodied energy impact in comparison to using concrete.

11.28. The Woodland Trust will work with partners to minimise the carbon footprint of the structure during construction and use. Site won spoil material will be incorporated into the landscape design through re-contouring and the creation of natural bunds in order to minimise waste.

11.29. A Sustainable Urban Drainage Strategy has been developed in coordination with the architects and engineers and is incorporated into the landscaping layout.

## **12. Heritage and Conservation**

12.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.

12.2. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.

12.3. The proposal is located at least 400m away from a Listed Wall on Langley Vale Road. The Conservation Officer has commented that the proposal will not affect the setting of a Listed Wall and therefore no harm is identified.

12.4. The lies within an area of Archaeological Potential. The SCC Archaeology Officer comments that:

“In line with local plan policy, the applicant has submitted an archaeological assessment highlighting that there is archaeological potential retained at this site that may be negatively impacted by the development proposals.

The applicant has considered past advice and attached conditions for past proposals at this site and has produced an archaeological written scheme of investigation, designed to secure archaeological mitigation works should permission be granted. The written scheme of investigation is suitable and therefore I am satisfied to agree to the approach submitted in support of the application.”

- 12.5. In line with local and national policy, the SSC Archaeological Officer has recommended that a compliance condition is attached to the decision notice.

### **13. Trees and Landscaping**

- 13.1. Paragraph 136 of the NPPF 2023, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.
- 13.2. There will be no trees lost as a result of the proposal. The Tree Officer has assessed the scheme on the grounds of the impact on the landscape and does not object.
- 13.3. The Environment Agency have been consulted and confirm that the proposal will present low risk to the environment.

### **14. Neighbour Amenity**

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The main residential properties that will be affected by the proposal is Elton Cottage to the north of the site on the northern side of Langley Vale Road. The boundary of this property is located more than 290m from the site.
- 14.3. There will be a viewpoint from the upstairs window of Elton Cottage, but given the significant separation distances and boundary vegetation on either side of Langley Vale Road, this is not detrimentally harmful.
- 14.4. The applicant has suggested that additional tree planting could be secured outside of the site boundary to the tree line to the north to protect

the views from Elton Cottage. Given the above, the LPA do not feel this is necessary.

- 14.5. Noise impacts from the proposal will be limited and will not emulate the considerable distance to the neighbouring property. It is not anticipated that originally forecasted visitor numbers will increase as a result of the proposal.

## **15. Parking and Access**

- 15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

### **15.2. Car Parking**

- 15.3. Permanent car parking for 70 vehicle spaces and overflow parking has already been permitted under the Mole Valley District Council Planning application ref: MO/2018/0004.
- 15.4. The 2017 joint hybrid application was submitted with an indicative masterplan of the wider project delivery at Langley Vale Wood and a full Transport Assessment. This included an outline application for a much larger visitor shelter in a similar position on the site. The assessment of the Mole Valley hybrid outline application considered the parking requirements as a whole.
- 15.5. The car park and overflow parking to the west of the application site were approved in anticipation of this current scheme coming forward. As such, the existing parking arrangements are acceptable to serve the development. It is not envisaged that vehicle numbers will increase as a result of the development as considered as a whole. The target of 100,000 visitors a year has not been reached.

### **15.6. Cycle Parking**

- 15.7. There is existing provision on the wider site for 12 No. cycle parking spaces that are safe and secure within the existing entrance/ car parking area. The same conclusion is reached to the car parking arrangements.

### **15.8. Pedestrian and Vehicle Access and Manoeuvrability**

- 15.9. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.



15.10. Objectors, namely the Jokey Club and TGMB, have raised concerns that the proposed development would adversely impact the safety of the horse crossing which is located 45m north-westwards of the existing access to Langley Vale Wood car park.

15.11. Surrey County were consulted on the 2017 hybrid application (ref: MO/2018/0004) and initially identified highway safety concerns relating to the arrival of a large-sized vehicle (coaches) to the site as well as coach parking provision. A subsequent meeting to discuss issues was held and the applicant then undertook further analysis to respond to the key points raised.

15.12. The following conclusions were made from Surrey County Highways in regard to highways safety:

*“Access & visibility – the proposed visibility splay for the new access on Headley Road is acceptable and reflects the recorded traffic speeds in this location.*

*Swept Path Analysis – Revised swept path analysis has been submitted which demonstrates that the site can be accessed by a standard size*

*coach without any encroachment across the centre line of the main carriageway...*

*Development Impact – The Transport Assessment submitted as part of the application outlined that the day-to-day operation of the car park would have a minimal impact on the local highway network... The CHA requested further information from the applicant in relation to the full car park being utilised for all 170 car parking spaces. The applicant provided a revised assessment that demonstrated that in a worst-case scenario with all 170 spaces full, the proposed access to the site and the junction of Downs Way with Headley Road would continue to operate with sufficient capacity to support the maximum car park use. The applicant advises that the maximum use of the car park will be infrequent and reserved for 'special events'. The use and management of the car park on these special occasions can be covered in the Car Parking Management Plan and the Events Management Plan conditions."*

- 15.13. All matters above have already been considered acceptable by the Highways Officer under the original hybrid planning application. The Highways Authority also made the following conclusions in respect to the impact of the development on the horse crossing.

*"Horse crossing – The site is close to Epsom Downs horse racing course and must therefore take account of the equine industry. The proposed car park access would be located 120m from an existing horse crossing on Headley Road. The applicant has presented an indicative scheme to improve the bridleway that crosses Headley Road to the west of the proposed site access. The CHA has considered the proposed scheme and are generally supportive of improving this horse crossing facility. Further design modifications would be required in order to make the horse crossing acceptable. Such works would be secured via a Section 278 Agreement and would be funded by the applicant."*

- 15.14. The Langley Vale Wood applicant initially proposed a scheme to improve the horse crossing facility by which the Highway Authority were generally supportive of. A condition (Condition 4) was imposed to the original Mole Valley District Council application stating:

*Notwithstanding the submitted proposals, before the car park is brought into use, the works to the public highway and horse crossing on Headley Road, shall be implemented in accordance with a scheme to be prepared in consultation with Surrey County Council and The Jockey Club. The scheme shall be submitted to and agreed in writing by the Local Planning Authority.*

*Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to satisfy Core Strategy policy CS18 and Local Plan policy MOV2 and accord with the advice in the NPPF.*

- 15.15. Condition 4 of the original application was subsequently discharged on 9 November 2021 (ref: MO/2021/1464AC). The applicant's submission set out a chronology of correspondence between The Woodland Trust, The County Highway Authority, and the Jockey Club between 2019 and April 2021.
- 15.16. Throughout the course of the discharge application, the Jockey Club had made a number of suggested improvements to the road on the approach of the crossing, including road markings, anti-slip surfacing, and additional signage. However, the Highway Authority reviewed all these suggestions and did not consider them as appropriate to impose. The proposals for the horse crossing were instead limited in scope and involved the retaining of the existing crossing and the cutting back of vegetation on the approach to it.
- 15.17. The Highway Authority therefore deemed that the existing crossing acceptable in its current form albeit with cutting back some vegetation in the visibility zones. The Local Planning Authority are guided by the professional advice of the Surrey County Highway Authority. They have concluded that the vehicle access of the site entrance does prejudice the safety of the crossing for vehicles, pedestrian, and horses. As such, highways safety will not be impeded as a result of the proposal and those issues raised by Jockey Club and TGMB have already been duly assessed.
- 15.18. Pedestrian access through to the application site itself will be functional, navigable, and ensure safety. No objection is raised.
- 15.19. Traffic Generation**
- 15.20. Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.
- 15.21. The hybrid application submitted to Mole Valley District Council was assessed against a Transport Assessment (2017) that included full consideration of the traffic generation arising from the visitor hub in place and following review by SCC.
- 15.22. Section 8c) of the officer report for the original application (ref: MO/2018/0004) which assessed vehicle traffic implications is discussed as follows.
- 15.23. The applicant's original Transport Assessment was based on a similar site already being operated by the Woodland Trust, namely Heartwood Forest in St Albans. A traffic survey was undertaken leading up to and including a bank holiday weekend. The traffic survey was used to predict likely traffic generation flows on the surrounding road network based on a situation where only the 70 space 'permanent' car park would be at capacity and did not include a worst-case scenario of the additional 100 space 'overspill' car park also being at capacity. Further information was sought

from the applicants to demonstrate the impact on the surrounding road network with both car parks at full capacity. The Highway Authority considered this as a robust approach.

- 15.24. Traffic survey data was also collected at the two local junctions of Headley Road j/w Downs Road, and Langley Vale Road j/w Ashley Road. In addition, speed surveys were conducted along Headley Road close to the proposed new car park access. The predicted traffic generation associated with the proposed Centenary Woodland was then added to the existing network traffic flows established from the traffic surveys. To assess this impact, traffic modelling was undertaken at the priority junction of Headley Road j/w Downs Road and the signalised junction of Langley Vale Road j/w Ashley Road to assess their capacity during peak weekday traffic conditions.
- 15.25. The original transport statement outlined that the day-to-day operations of the car park would have a minimal impact on the local highway network. The applicants advised that the majority of 'normal' day to day traffic movements would be after 9am and before 3pm – outside the highway network peak hours. This position was supported by the traffic survey information presented from the comparable site.
- 15.26. The Highway Authority requested further information from the applicant in relation to the full car park being utilised for all 170 car parking spaces. The applicant provided a revised assessment that demonstrated that in a worst-case scenario with all 170 spaces full, the proposed access to the site and the junction of Downs Way with Headley Road would continue to operate with sufficient capacity to support the maximum car park use subject to Car Parking Management Plan and Events Management Plan Conditions on maximised use of the car park on 'special-event days'.
- 15.27. The Highway authority concluded that the operation of the proposed car park would have a minimal impact on the highway network operation at peak times.
- 15.28. A new Transport Statement, authored by EAS and dated February 2024, has been submitted with the proposal. The Statement principally serves to update and compare anticipated traffic figures from the original transport assessment undertaken in 2017 with those anticipated by the subject application in 2024.
- 15.29. Based on the new data collected, this Transport Statement concludes that general volumes of traffic on the surrounding highway network have fallen since 2016, and that Langley Vale's current contribution to highway network demand is imperceptible. It also reinforces that most traffic movements to the car park would be outside of AM and PM peak periods and on weekends, and these scenarios are acceptable from a transport and traffic perspective.

- 15.30. Updated automatic traffic counts across the main roads bordering the site have also shown a substantial net reduction in highway traffic overall, largely attributable to the rise of home working, post COVID-19 pandemic.
- 15.31. The Jockey Club and TGMB have looked at the traffic surveys within the Transport Statement and comment that an indicative average draw of 45 vehicles per week in a year cannot be representative of the general use of the site. This comment refers to the traffic counts into and out of the site on Wednesday, Saturday, and Sunday of the week commencing 6 November 2023.
- 15.32. The local authority acknowledges that surveys were not completed in times of peak demand, yet they do give an accurate indication of the general traffic activity on a typical week (i.e., not peak demand). Peak demand has already considered under the original hybrid application which permitted outline approval for a larger visitor centre on the site. Referring back to the original report, it has been appropriately demonstrated that in a worst-case scenario at maximum capacity, the proposed access to the site and the junction of Downs Way and Headley Road would continue to operate with significant capacity.
- 15.33. The Traffic Survey concludes that it is not anticipated that the shelter will generate any further traffic in and on itself when measured against the anticipated numbers of the original Transport Assessment but may increase dwell time on the site. Car parking facilities on the wider site are adequate to accommodate existing traffic and any further growth that may occur. Traffic will continue to be outside AM and PM peak periods and on weekends and this was and continues to be satisfactory. By implication, much of the concerns raised by objectors, including in relation to horse and rider safety, have already been assessed as acceptable in 2017 and this application and the information supporting it does not change this.
- 15.34. The increase in dwell times is expected to marginally increase traffic on a typical day-to-day basis. However, this does not change the original conclusions that the operation of the proposed car park would have a minimal impact on the highway network operation at peak times.

**15.35. Site Sustainability**

- 15.36. Paragraphs 112, 118 and 120 of the NPPF 2023 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 15.37. Paragraph 89 of the NPPF 2023 accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.



15.38. The proposal is sited a substantial walking distance away from the nearest bus stop and railway station. Its location is constrained, and it has already been assessed that most users to the site will arrive by car.

15.39. The option of cycling to the site is realistic on the wider site and appropriate provision has already been implemented.

#### **15.40. Construction Management**

15.41. A Construction Management Plan will be required via condition to mitigate against any adverse risks associated with the construction phase. It is envisaged that some car parking spaces will need to be lost during the construction phase and this will need to be fully understood though it is not fatal to the application.

### **16. Ecology and Biodiversity**

#### **16.1. Ecological Impact**

16.2. Paragraphs 180 and 186 of the NPPF 2023, 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.

16.3. A Phase 2 Ecological Survey was submitted with the submission (undertaken by Southern Ecological Consultants, March 2024). Following a Preliminary Appraisal, the site was found to be suitable for reptiles and notable Flora. Phase 2 Surveys comprised of seven-visit reptile presence/absence survey and a detailed botanical survey.

16.4. Two individual common lizards were recorded on the visits, indicating a low population of reptiles present on the site. Due to the presence of reptiles within a suitable habitat, precautionary methods of working during construction have been recommended.

16.5. The results of botanical surveys confirm the absence of any notable or protected plant species.

16.6. The Council's Ecology Officer has raised no objection. Natural England raise no objection to the proposals. No comments have been received by the Surrey Wildlife Trust. Through acceptable mitigation measures, the proposal will ensure acceptability in terms of its impact on protected species.

#### **16.7. Biodiversity Net Gain**

- 16.8. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better-quality natural habitat than there was before development.
- 16.9. The application was accompanied by a BNG Assessment and Metric Tool.
- 16.10. The EEBC Ecology Officer has reviewed the submission and can confirm that the development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a section 106 legal agreement.
- 16.11. The Biodiversity Gain Plan will be prepared in accordance with National Planning Practice Guidance and the approved BNG Assessment and Metric Tool. The development will not be open to visitors until a completion report, evidencing the completed habitat enhancements, has been agreed. The Biodiversity Gain Plan shall be implemented and monitored in accordance with the approved details.

### **17. Flooding and Drainage**

#### **17.1. Flood Risk and Vulnerability**

- 17.2. Paragraphs 165 and 173 of the NPPF 2023, 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.
- 17.3. The site is within Flood Zone 1 and the proposal will not have an adverse impact on fluvial flood risk or poses risks in relation to use vulnerability.

#### **17.4. Sustainable Drainage**

- 17.5. Paragraph 173 of the NPPF 2023, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 17.6. A Sustainable Urban Drainage System has been developed into the landscaping layout. The rainwater run-off from each side of the timber structure roof is collected and directed away from the foundations towards a swale positioned adjacent to the proposed outer footpaths. The swale will be composed of the existing free draining chalk topsoil and subsoil to provide a gradual and natural free drainage of the surface water runoff.

- 17.7. The SCC Local Lead Flood Authority have reviewed the Sustainable Urban Drainage Strategy submitted by the applicant and raise no objection.
- 17.8. However, as the Applicant has not provided full details of the mitigation proposals, a condition requesting further details and a full mitigation strategy is to be submitted and agreed by the local planning authority prior to the commencement of the development.

## **18. Accessibility and Equality**

- 18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. Accessibility within the application site and wider site has been carefully considered and is a welcomed principle of the design of the proposal.
- 18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

## **CONCLUSION**

### **19. Green Belt Conclusion**

- 19.1. The proposal will result in inappropriate development in the Green Belt given that the structure will result in moderate to substantial harm to the openness of the arable field. However, the substantial harm is outweighed demonstrably by the Very Special Circumstances put forward in this case.

### **20. Planning Balance**

- 20.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

#### **20.2. Economic Considerations**

- 20.3. The proposed development would have a positive impact on the local economy by way of attracting visitors to the site and creating local and regional paid and unpaid opportunities for the Woodland Trust. This attracts minor weight in the planning balance.

#### **20.4. Social Considerations**

20.5. The proposal will support healthy and sustainable lifestyles by creating a new visitor facility on the site. The shelter will provide a covered area for meeting space and informal events, and proposes to support informal educational opportunities, namely tools to commemorate the lives lost during World War I and nature conservation.

20.6. The proposal will also support sustainable outdoor recreation in the rural environment.

20.7. The new visitor shelter will be accessible to the public including a diverse array of different groups. The location of the shelter is the most appropriate to deliver a hierarchy of spaces on the wider site map.

20.8. Local construction jobs will be delivered as a result of the proposal.

20.9. The social considerations are afforded significant weight in the planning balance.

#### **20.10. Environmental Considerations**

20.11. The proposal would integrate well into the landscape and has been carefully designed with a landscape strategy. The size, form, and scale of the building is not dissimilar to other buildings typically found in a rural environment, including focal buildings. The unique and contemporary form is sympathetic to the local environment and will appear aesthetically intriguing. High-quality and sustainably sourced materials will be used. No significant harm is identified.

20.12. It is not anticipated that originally forecast visitor numbers will increase as a result of the proposal. This is because the original application for the site to create a permanent and overflow car park was granted in anticipation of the wider project delivery which included the erection of a new visitor shelter. As such, there are no highways safety concerns. The Transport Statement has been updated since the original application and concludes that it is not anticipated that the shelter will generate any further traffic in and on itself but may increase dwell time on the site. Car parking facilities on the wider site are adequate to accommodate existing traffic and any further growth that may occur. No harm is identified.

20.13. Subject to agreed mitigation measures which will be included in a compliance condition, the proposal would have an acceptable impact on the protected species of reptiles. The EEBC Ecology Officer has reviewed the submission and can confirm that the development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a standard condition and a section 106 legal agreement.

20.14. A suitable surface water drainage scheme has been put forward. The details of such scheme shall be secured by pre-commencement condition. No issues are raised.

#### **20.15. Conclusion**

20.16. The application is recommended for approval subject to S106 Legal Agreement and planning conditions.

### **RECOMMENDATION**

**To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:**

- a) Biodiversity Net Gain (BNG) delivery and monitoring

**And the following conditions and informatives.**

### **CONDITIONS**

#### **1) Timescale**

The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **2) Approved Plans**

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plans:

- 150\_3000\_P1
- 150\_3001\_P1
- 150\_3013\_P1
- 150\_3012\_P1
- 150\_3010\_P1
- 150\_3011\_P1
- 150\_3014\_P1
- 150\_3015\_P1
- SK19
- WTL684-GRA-XX-XX-DR-L-1101-P Rev 01
- WTL684-GRA-XX-XX-DR-L-1301-P Rev 01
- WTL684-GRA-XX-XX-DR-L-1102-P Rev 01,

All received by the local planning authority on 19 April 2024.

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.

### **3) Construction Management Plan**

No development including any preparation works shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall include:

- a) Parking for vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) Programme of works (including measures for traffic management)
- e) Provision of boundary security hoarding behind any visibility zones
- f) Wheel washing facilities
- g) Measures to control the emissions of dust and dirt during construction
- h) A scheme for the recycling/disposing of waste resulting from demolition and construction works
- i) Hours of work and deliveries, having particular regard to morning and afternoon peak traffic periods and the usual training patterns of morning training of horses and the their use of nearby roads and paths
- j) Avoidance of root protection areas of trees
- k) Delivery routes, avoiding narrow roads and lanes
- l) Management within the scope of the operation of the existing car park

The approved statement shall be adhered to throughout the construction period.

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

### **4) Sustainable Urban Drainage System (SUDS)**

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

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

### **5) Compliance with Ecology Survey**

The mitigation measures detailed in Section 4 of the approved Ecology Survey (ref: Phase 2 Ecological Surveys and Assessment, authored by Southern Ecological Solutions, dated March 2024) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

**6) Compliance with Archaeological Assessment**

The development shall be built in accordance with the written scheme of Investigation for an Archaeological Trial Trench (Appendix 5.2 of the Supplementary Environmental Archaeology (WSI for EVAL SCAU 2024.pdf).

Reason: To safeguard the special archaeological interest of the site in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

**7) No Internal or External Lighting**

No internal or external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and visual amenity and to protect dark skies in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 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) Building Control**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new

building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

**3) Highway Works**

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

**4) Wheel Washing**

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from 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).

**5) Damage to Highway**

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

**6) Protected Species**

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

**7) 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.