

CREATION OF DOG POND AND SOCIALISATION AREA

Report of the:

Contact: Samantha Whitehead

Annexes/Appendices (attached): Annexe 1 – Minutes of onsite meeting to discuss dog pond and socialisation area

Other available papers (not attached): Joint Management Committee minutes of 24 April 2017

REPORT SUMMARY

To inform the Committee of the need to submit a planning application for the creation of a dog pond in the former Sparrow Farm Road Dog Free Area

RECOMMENDATION (S)

(1) To seek permission to submit a planning application for a dog pond in the Sparrow Farm area of the park.

Notes

1 Background

- 1.1 At the Joint Management Committee meeting of 24 April 2017, members approved the proposal to fence off the Round Pond and to explore the creation of new dog pond and dog socialisation area in the current Sparrow Farm Road dog free picnic area.
- 1.2 Over the course of the summer, a small test pond was dug out to check if it would hold water without the need for a liner. The test proved positive and on this basis, it was agreed that it would be viable to create a larger pond without too much expense.
- 1.3 To ensure that all views were considered at an early stage an onsite meeting was held on 29 September. In attendance were members of the Committee, officers, Nonsuch Voles and a dog walkers' representative.
- 1.4 The meeting was productive and covered topics such as the location and scope of the pond, use of the dog socialisation area, facilities required, opportunities for funding, publicity and permissions required. Minutes of the meeting are attached at Annexe 1.
- 1.5 Councillor Mike Teasdale pointed out that the creation of a pond might require planning consent, which had not previously been considered.

- 1.6 Further to the meeting, the Streetcare Manager contacted Epsom & Ewell Borough Council's Planning department and was advised that it was highly likely, due to the historic nature of the site, that planning consent would be needed.

2 Proposals

- 2.1 In order to move the project forward it is proposed to submit a planning application to start the process of gaining formal consent.
- 2.2 In the meantime, it proposed to start other works identified such as securing the boundary fencing and erecting a gate. These works can be completed from within existing budgets and by reuse of materials already available in the park.

3 Financial and Manpower Implications

- 3.1 There will be some officer time required to submit the planning application and some costs involved in preparing and submitting plans, both which can be accommodated from existing budgets.

4 Legal Implications (including implications for matters relating to equality)

- 4.1 There is likely to be Legal implications in terms of land ownership and the Head Lease with Surrey County Council.
- 4.2 *Monitoring Officer's comments:*
- 4.3 *The land is owned by Surrey County Council and leased to EEBC and the London Borough of Sutton for management by the JMC. The Head Lease does not allow for alterations save in accordance with the Management Plan and/or Maintenance Plan. It would therefore be advisable to obtain written consent from Surrey County Council prior to construction of the pond.*
- 4.4 *Given the size of the proposed pond (presuming this is over 200m³ on the basis that if the pond is only 0.5m deep it would be 300m³), an application for planning permission will need to be made.*
- 4.5 *In addition the land is Grade II listed for its special historical interest under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens. This means that the Local Planning Authority will need to consult with the Garden History Society in relation to the application. It is not a requirement to consult with Historic England as the listing is only Grade II and there is no separate consent system for parks and gardens although their significance is a material consideration when considering the proposed development.*
- 4.1 *It is also important in considering the proposed development that the Councils' legal obligations are considered, in particular in relation to risks to the health and safety of the public or others and matters of equality and*

accessibility.

5 Conclusion and Recommendations

- 5.1 In conclusion, officers feel that it is worthwhile to continue with this project and to start the process required to gain the proper consents from the Planning department and Surrey County Council if necessary.
- 5.2 Therefore, it is recommended that the Joint Management Committee grant approval for a planning application to be submitted for the creation of the new dog pond in the Sparrow Farm area of Nonsuch Park and to provide further updates to the Committee at their next meeting.

WARD(S) AFFECTED: Nonsuch Ward; (EEBC)