

Mark Berry BA(Hons) MRTPI DMS
Head of Place Development



Mr Nick de Candole
c/o Mr James Wells
G V A Grimley Ltd
65 Gresham Street
London
EC2V 7NQ

Town Hall
The Parade
Epsom
Surrey
KT18 5BY
Main Number (01372) 732000
www.epsom-ewell.gov.uk
DX 30713 Epsom

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order
2015**

Proposal: Addition of timber and netting outdoor play structure

Location: Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT.

Application Number: 17/00988/FUL

Epsom & Ewell Borough Council as the local planning authority has **GRANTED PLANNING PERMISSION** for the above development subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: D00743 Rev 05; D007443 Rev 04; D007441 Rev 04; Planning, Design and Access Statement dated September 2017.

Reason: For the 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 The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and as specified in the Planning, Design and Access Statement.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informatives

1 The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

Dated: 20 December 2017

Signed:



Head of Place Development

Notes for the applicant

This proposal may be liable for the Community Infrastructure Levy (CIL). This is payable to the Borough Council, as the local collecting authority, before development on application 17/00988/FUL is started.

If CIL is liable we will shortly contact all relevant interested parties and serve them with a Liability Notice. This will identify the parties, the scale of liability, how it was calculated, when it will be due for payment and the opportunities to claim relief. Should you wish to claim relief from CIL you must make an application to us before any work starts on site. There is no automatic exemption from the CIL and it is not possible to make a retrospective claim once work has started.

The party liable to pay CIL must assume liability before any work starts; they must also provide us with a valid [Commencement Notice](#). If this is not provided we will impose surcharges and require immediate payment.

Please contact us on 01372 732000 if you have questions about CIL, before work commences.

This permission relates only to planning legislation. It is your responsibility to seek authorisation required under other legislation. Please contact Customer Services on 01372 732000 for further advice.

In particular, Building Regulations approval may be required for this work. Applicants are advised to contact the Building Control Service at the Town Hall, Epsom, (telephone 01372 732000) to ascertain whether it is necessary for permission to be given under the building regulations.

Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within the following timescales:

Householder applications

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice

Full applications

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice

Enforcement applications (land already the subject of an enforcement notice)

A planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Enforcement applications (land which has an enforcement notice served)

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State online at <https://www.gov.uk/planning-inspectorate> or by writing to Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (tel: 0303 444 5000).

The Secretary of State can allow a longer period for the giving of a notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of the Town and Country Planning Act 1990.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PTD

Addition of timber and netting outdoor play structure

Ward:	Ruxley
Contact Officer:	John Mumford

1 Plans

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council's website, which is provided by way of background information to the report.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX8JI3GYI0C00>

2 Summary

- 2.1 The application seeks planning permission for the erection of a timber and netting outdoor play structure.
- 2.2 The application is referred to the Planning Committee as it is on Council owned land.
- 2.3 **The application is recommended for APPROVAL** as it involves a policy compliant open recreational Green Belt use and there are no visual, residential amenity or other significant concerns relating to the proposal.

3 Site description

- 3.1 The application relates to Hobbledown Children's Farm, previously known as Horton Park Farm, on Horton Lane. The site was formerly a farm associated with the hospitals that was granted planning permission to become an agricultural/educational facility in 1985. The agricultural/educational use has evolved over time through various planning applications and since the planning permission granted in 2011 the leisure attraction has undergone major refurbishment and expansion. It is now a fantasy themed adventure park and zoo comprising a play barn with outdoor areas containing tunnels, mazes, role play areas, giant sandpits, a zip wire, animal zoo and petting farm together with children's play structures.
- 3.2 The overall site is located on the west side of Horton Lane adjacent to the Horton Lane/McKenzie Way roundabout. The whole of the site is in the Green Belt and forms part of Horton Country Park. Immediately to the north of the site on the opposite side of Bridleway 73 is Clarendon Park and to the east on the other side of Horton Lane are the shops and houses of Livingstone Park.

- 3.3 The current application is situated amongst the existing play structures including two 'jumping pillow' trampolines which are provided towards the centre of the park and approximately 150m from the nearest residential properties to the north.

4 Proposal

- 4.1 The application seeks permission for the creation of a new play structure comprising 4 wooden towers and posts with enclosed netting suspended in between. This area would incorporate a multi-sports court on the bouncy netting with a play zone on a lower level of suspended netting beneath half of the sports court. The towers would be a maximum of 9.25m high above ground level and would be constructed of natural timber materials and light coloured netting. There would be a central wooden pole of 11.0m height to allow the netting to be suspended at the correct height of 5.0m and a number of other wooden poles would be 8m high.
- 4.2 There would also be a timber tower structure rising to a height of 8m with a platform and connecting walking bridge at a height of 5.0m. This would be aimed at the under 4s age group.

5 Comments from third parties

- 5.1 The application was advertised by means of letters to 13 neighbouring properties and to date (20.11.17) 6 objections have been received raising the following matters:
- The proposed structures exceed planning restrictions previously placed on the site by the council.
 - The nature of the proposed development is clearly targeting an older demographic than the existing play areas and will result in an increase in noise generated by the site from both the elevated court and the open 'sin-bins' in the towers.
 - There is already a noise restriction on the site and yet there has been no assessment of the increased noise levels associated with this proposed attraction or reference to any additional noise deadening measures.
 - The application refers to the additional 'outdoor sport' facility, with reference to volleyball and goals. Neither of these sporting activities typically taking place on a bounce net 5m above the ground, and any multi-person, competitive activity taking place on an unstable base will introduce a significant risk of injury. There is no health and safety assessment included in the application.
 - The proposed elevated volley ball court (5 metres above ground) is approximately 26m by 16m wide and is therefore large enough to accommodate a full sized adult volley ball court. This looks too big for younger children to be able to use and more like it could be used as an adult/corporate party venue which is inconsistent with the usage of the site (Children's Farm sui generis).

- No numbers given of people allowed on MUGA at any time (on court and in the towers), but size would allow 30 - 50 people easily.
- Appears to be a party venue, like the Dodge Ball Court at Air Hop, Guildford. Up to 6 separate parties will be swapped in and out of the court there each and every hour at evenings and weekends, meaning it is in use most of the time. Much more intensive use than a MUGA in a local park or school.
- No hours of operation /illumination. Hobbledown is open for up to 11 hours per day, 363 days per year. It's important to consider the impact of this when allowing noisy attractions at the site.
- The MUGA will be contained by a 3m high net; even higher netting may actually be required to prevent balls dropping on children below. This netting will appear solid like a wall. This is a huge structure (approx. 400m² just for MUGA). Inappropriate scale in greenbelt.
- The majority of the trees are deciduous and provide little visual or noise screening during the winter months. The raised elevation of the proposed constructions and activity, the nature of the activity (multi-sport court, including netball with towers housing onlookers in 'sin-bins') and the age-group it is designed for, are all likely to significantly increase the level of sound reaching the housing development, and particularly the nearest houses to the Hobbledown boundary.
- Condition 6 of Permission 11/00511/FUL granted in December 2011 stated that no part of the play structures should exceed 7m above ground level, other than the turret housing the zip wire launch platform which was allowed to be up to 9.5m above ground level. The fact that a previous planning permission granted a relatively tall play structure, does not mean that further tall structures should be agreed to. The new structures are 1.5-2.25m taller than their equivalents in the 2011 planning permission, significantly increasing the potential for both visual and noise impact from the development.
- Figure 7 indicates that the proposed construction will have significant visual impact, comprising, as it does, 4 substantial towers, a large raised platform area and at least 15 tall poles. Given the above, it appears probable that, as well as generating a noise nuisance to residential neighbours, the proposal would not conform to all relevant local and national planning policy relating to the Green Belt.
- A 'bouncy netted floor' volleyball court is unlikely to appeal to, or be safe for, the younger children that are the focus of the majority of the current clientele.
- The proposals have the potential to considerably increase the number of visitors to Hobbledown, as well as significantly alter/broaden the demographics of the target visitor group.

- 5.2 In addition a neutral representation was received stating that the applicant was considered a good neighbour providing recreation and local employment but the one concern would be if an older market was being targeted as this could generate additional noise pollution and in this case would ask the Council to consider a noise assessment

6 Consultations

- 6.1 Surrey County Council – No objections.
- 6.2 Borough Environmental Health Officer – Given the existing use of the site and no change to the hours of operation it is considered unnecessary to require a noise survey given the siting of the proposal away from residential dwellings.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
85/0986	17.10.85	Change of use of farm to use for agricultural/educational purposes.	Granted
11/00511/FUL	09.12.11	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden.	Granted
13/01184/FUL	14.02.14	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing hand wash facility and erection of a replacement toilet block building incorporating hand wash facility.	Granted

14/00144/FUL	05.02.10	Creation of overflow car parking area and associated landscaping.	Granted on appeal 02.07.15
14/00145/REM	28.07.14	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels.	Granted

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Para 79-92: Protecting Green Belt Land

Core Strategy 2007

Policy CS1 Creating Sustainable Communities
 Policy CS2 Green Belts
 Policy CS4 Open spaces and green infrastructure
 Policy CS5 The Built Environment
 Policy CS11 Employment Provision

Development Management Policies 2015

Policy DM3 Replacement and extensions of buildings in the Green Belt
 Policy DM6 Open space provision
 Policy DM10 Design requirements for new developments
 Policy DM25 Development of employment premises

9 Planning considerations

Principle of Development

- 9.1 In principle the proposal for a timber and netting outdoor play structure within this area of the children's farm is compatible with national Green Belt policy that allows for provision of appropriate outdoor recreation facilities as long it preserves the openness of the Green Belt and does not conflict with the purposes of including land with it.
- 9.2 The proposal also accords with condition 19 of 11/00511/FUL (the original consent for Hobbledown) that requires play activities and equipment to only be sited in certain specified areas which includes the current application site notated as Zone B on the approved Master Plan 6773/50 Rev H.

Layout, Design and Scale.

- 9.3 Condition 6 of 11/00511/FUL requires that no part of play structures should exceed a height of 7m above existing ground level other than the turret housing the zip wire launch platform which was allowed to be up to 9.5m above ground level.
- 9.4 The proposed new play structure rises 11m above ground level at its highest point. This relates to the central wooden pole that allows the surrounding netting to be suspended at the correct height. The highest 'structures' are the open towers at the corners of the play areas which would be 9.25m at their highest point. These structures are similar in scale and design to the existing climbing frame towers within the adjoining Hobbledown village part of the site and it is considered that the provision of a single wooden pole exceeding these limitations would not in itself have an unacceptable visual impact from outside the site.
- 9.5 The separate 8m high poles and netting would exceed the 7m play structure height limitation imposed by condition 6 but again it is not considered the additional height would compromise the visual amenities of the site, given the use of timber structures, neutral light coloured netting and existing landscaping near to the proposal and along the site boundary. This should enable the scheme to be satisfactorily assimilated into the existing landscape.

Residential Amenity

- 9.6 It is considered that given the distance of at least 150m between the proposal and nearest dwellings within the Clarendon Park development together with existing landscaping between the two would mean that there would be only a minimal visual impact and that this would not in itself be harmful to the visual amenities of neighbouring occupiers.
- 9.7 A number of assertions have been made by neighbouring objectors to the development including the likely target market and possible extended hours of use. The applicant has responded to these claims by stating that:
- 'Hobbledown does not currently allow adults-only groups into the park, and nor does it intend to start doing so. Adults may only enter the park if they are accompanying a child and indeed this is stated as rule number one on the park's website. Hobbledown's main focus has always been, and will continue to be, on families with children up to the age of 14. The proposed play structure is very suitable for this age group and has been designed and proposed on that basis.
 - Our client confirms that the structure is in fact intended to be used for parent/guardian supervised play most of the time. This is in line with how most of the play activities at Hobbledown are currently used. The structure would then also be used occasionally as part of a children's party package for a volley ball style game with the unique Hobbledown twist of using giant inflatable balls. No more than two such parties would be held on any one day, as each would involve closing the play area to the general public. Any further closure of the structure on the same day would not be acceptable

to other non-party visitors to the park and would understandably lead to customer complaints.

- Some local residents also expressed concern about the possibility of lengthy hours of operation and illumination of the proposed play structure. Our client does not intend to extend the park's general opening hours and as the structure will just be an additional attraction within the overall park it will not have its own separate hours of use.
- Other representations expressed fear that the nature of the structure meant its users would invariably be particularly noisy, excitedly shouting and cheering. As detailed above, although the proposed structure will have the potential to host a unique volleyball style game, it will very infrequently be used for this purpose. The majority of the time it will be used by children and families for more sedate bouncy play.
- Local residents were also concerned that the height of the structure could be responsible for causing an increase in the level of noise reaching the Clarendon Park housing development to the north of Hobbledown. This is on the basis that the source of noise – children playing – will be above the height of the surrounding trees which currently act as an acoustic screen for the site. As the submitted elevation plan shows the floor of the bouncy netting and of each of the four corner towers is only 5m from the ground. Accordingly any noise generated by children playing on the upper parts of the new structure would be at just above this 5m height. As this is around the same height as the higher tunnels and platforms of the existing play structures, we feel that the trees surrounding the site, which already act as an effective acoustic screen, will be able to perform the same function for the new structure.
- In terms of the effectiveness of the current tree screening, our client confirms that since Hobbledown opened in July 2012 they are only aware of 11 noise-related complaints that have been made to the park directly. Of these, nine were in relation to their annual Wildflowers event for which they always obtain a temporary event licence. No local resident has ever complained to the park about the general levels of noise generated by children and their families playing.'

9.8 It is accordingly concluded in the light of the facts presented and advice from the Borough Environmental Health Officer regarding noise that the proposed development complies with Policy DM10 in respect of its impact on residential amenity.

Green Belt

9.9 It is considered that the proposal does not conflict with any of the five purposes that the Green Belt is considered to serve as set out in paragraph 80 of the NPPF. The proposed play structure is designed as an outdoor recreational and sport facility for children. Paragraph 89 of the NPPF states that new buildings are inappropriate in the Green Belt other than in certain exception cases. One of these exceptions is the 'provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. The siting and appearance of the play structure would not have an adverse impact on the openness of the Green Belt.

Local economic benefits

9.10 Hobbledown Children's Farm provides in the order of 70-80 jobs and makes a valuable contribution to the local economy both directly and indirectly to other local businesses. The proposed development would assist in providing a diversified offer and increased dwell time for visitors which should lead to additional employment at the park and increased expenditure with local service providers.

Parking and access

9.11 The proposed new play structure is not intended to increase the number of visitors, and Surrey County Council as Highway Authority has no objection to the proposal.

Community Infrastructure Levy

9.12 The scheme would not be CIL liable.

10 Conclusion

10.1 The application proposal is compatible with Green Belt policy and in terms of design, scale and appearance is considered to have no harmful impact on the residential amenity of neighbouring occupiers or upon the visual amenities of the area.

10.2 In view of the above, it is recommended that planning permission is granted.

11 Recommendation

11.1 Planning permission is granted subject to the following conditions:

Conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: D00743 Rev 05; D007443 Rev 04; D007441 Rev 04; Planning, Design and Access Statement dated September 2017.**

Reason: For the 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) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and as specified in the Planning, Design and Access Statement.**

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informatives:

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.**