

Application: 2023/486
Location: Reservoir, North Park Lane, Godstone, Surrey, RH9 8ND
Proposal: Variation of Condition 3 (Use of Site) and condition 8 (Operating Hours) of planning permission ref: 2016/558 (Change of use of land to diving centre (Class D2) with associated ancillary portacabins and car parking (variation of condition 15 on permission granted under TA/2013/1495 to allow amended swimming route). Amending operating hours.

Ward: Bletchingley and Nutfield

Constraints –ASAC, Ancient woodland(s) within 500m, Biggin Hill safeguarding, BOA, Gatwick bird strike zone, Gatwick safeguarding, Green Belt, Historic landfill eahld11719 - godstone reservoirs, Risk of flooding from surface water – 30, 100, 1000, Rights_of_way_fp 122, Source_protection_zones 2, 2C, 3, 4

RECOMMENDATION: **PERMIT subject to conditions**

1. The application has been called into Planning Committee by Cllr Crane to consider the impact of the proposal may have on the local residents.

Summary

2. Planning permission is sought for the variation of condition 3 (Use of Site) and condition 8 (Operating Hours) of planning permission ref: 2016/558 to allow extended hours of use of the site for open water swimming.
3. The variation of hours proposed totalling a maximum of 2 additional hours and modest changes in times would not introduce a new noise source; however, the extension of the operation would have a slight or modest effect on this acoustic character and would be considered to fall within the lowest observed adverse effect level within the PPG guidance suggested to be mitigated and minimised rather than avoided. The limitation on the total hours would remain to provide periods of respite for the affected neighbours. The increase in hours would result in an extension of time in which noise is experienced by the neighbours compared to the current activity levels; however, is not considered to result in an additional impact which would significantly harm the residential amenity of those neighbours and therefore would accord with the requirements of Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.
4. The proposal is considered to be acceptable with regards to highway safety and ecology.

Site Description

5. The application site consists of the east reservoir and its associated land formally part of the North Park Quarry and now known as Divers Cove. The site lies within the Green Belt and forms part of a biodiversity opportunity area. Access is gained to the site from the north-west via a quarry road and access track from North Park Lane.
6. The site is predominately covered by open water with mature and established vegetation to each side albeit thinner to the eastern edge. An office, changing rooms and hot tub lie to the north-west corner of the site with saunas and a changing area formed on the beach to the west of the reservoir.

7. The settlement of Godstone lies to the east of the site with some properties within Dumville Drive, Clayton Mead and Greenwell Close bordering the site to the east. Public Right of Way 122 runs to the western boundary of the site with an unclassified access path to the north.

Relevant History and Key Issues

8. The relevant planning history for the site is as follows:
 - 2012/905 - Change of use of land to diving centre (class d2) with associated ancillary portacabins and car parking. Approved (full) 17/12/2012
 - 2013/1134 - Erection of 2x diving pontoons. (part retrospective) Approved (full) 25/11/2013
 - 2013/1495 - Variation of condition 8 of permission ta/2012/905 dated 17 December 2012 to allow for the use of the site for open water swimming sessions. Approved (full) 09/12/2013
 - 2015/1122 - Variation to condition 14 of planning application TA/2013/1495 to allow for increased open water swim times (weekday evening's 4-8pm, 6-8pm weekends and 9-11 am weekends). (Amended description referring to condition 14 rather than 4). Approved 14/09/2015
 - 2016/558 - Variation of condition 15 of planning application TA/2013/1495 to allow for the alteration of the swim route to the perimeter of the lake to provide a safer and more discreet environment. Approved 01/07/2016
 - 2020/720 - Re grading outside changing area, extension of access to water entry point and new benched seating (retrospective) Approved 14/08/2020
 - 2022/841 - Variation of condition 8 (Approved operating times) to extend opening times, attached to pp 2015/1122 for the "Change of use of land to diving centre (Class D2) with associated ancillary portacabins and car parking" Withdrawn 19/04/2023

Key issues:

9. As a Section 73 application to vary a planning permission the key issues to consider are those that are relevant to the variations proposed. The principle of the development or other factors associated with the original permission cannot be considered if they are not directly impacted by the variation. Any other relevant condition on the previous permission will be re-imposed.

Proposal

10. This application seeks approval for the variations of conditions for application 2016/558 to alter the hours permitted for open water swimming at the application site. At present the site has two conditions to restrict the hours of use of the site. This proposal seeks to remove both condition 3 and condition 8 and impose a single condition relating to hours of operation. The proposed condition is as below:

A) Other than as allowed for by part B of this condition, The use of the site for open water swimming shall not take place other than between the hours of:

01 December to 31 March 9am to 5pm
 01 April to 30 September 8am to 8pm
 01 October to 30 November 9am to 6pm

The use of the site shall be restricted to no more than 8 hours each day.

B) Notwithstanding part A of this condition, on no more than 8 days of the calendar year (hereafter referred to as night swims), none of which can be consecutive, the site may be used for open water swimming between the hours of 8:01 pm and 10:00 pm. The applicant must notify Local Planning Authority one calendar month in advance of the holding of a 'night swim' session and a log of all 'night swims' shall be kept at all times and made available for inspection by the Local Planning Authority on request. The use shall not operate for more than 8 hours across those days in which a night swim session occurs.

Reason: To ensure that the development and use hereby permitted do not prejudice the residential amenities of nearby residents by reason of noise or disturbance, in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

11. For reference the currently approved hours are as follows;

Condition 3

Dates	Hours proposed
1 May – 31 September	Monday to Friday- 08:30am to 06:30 pm Saturdays, Sundays and Bank Holidays- 9am to 06:30pm
1 October – 30 April	Monday to Friday- 09:30am to 04:30pm Saturdays, Sundays and Bank Holidays 09:30am to 04:30pm

Condition 8

Dates	Hours proposed
1 May – 30 September	Monday to Friday- 9am to 11am and 4pm to 8pm Saturdays, Sundays and Bank Holidays- 9am to 11am and 4pm to 8pm
1 October – 30 April	Monday to Friday- 09:30am to 11:30am and 2pm to 6pm Saturdays, Sundays and Bank Holidays 09:30am to 11:30am and 2pm to 6pm

12. It is noted that the suggested condition only relates to open water swimming. Although diving no longer occurs on the site the site does have permission to operate this use and therefore will be considered by the same condition.

Development Plan Policy

13. Tandridge District Core Strategy 2008– Policies CSP1, CSP2, CSP7, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19
14. Tandridge Local Plan Part 2 Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP9, DP19, DP20, DP21, DP22
15. Woldingham Neighbourhood Plan 2016 – Policies L1, L3,

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

16. Tandridge Parking Standards SPD (2012)
17. Tandridge Trees and Soft Landscaping SPD (2017)
18. Surrey Design Guide (2002)

National Advice

19. National Planning Policy Framework (NPPF) (December 2023)
20. National Planning Practice Guidance (NPPG)
21. National Design Guide (2019)

Statutory Consultation Responses

22. Godstone Parish Council (summarised)- The Parish council OBJECTS to this application on the grounds of:
 - Impact on resident's amenity - Current level of noise very audible and unacceptable at times. Increase in the noise disturbance to the local residents adjacent to the site and concern that the increase to hours is excessive, and will increase the disruption caused to local residents.
 - Impact on nature reserve.
 - Current swimming operating hours for 42 hours per week for the summer months and this application would see the swimming operating hours increase to 76 hours per week (36 of these hours being across Fri, Sat and Sun at 12 hours per day and then 10 hours per day from Monday to Thursday). Noting the current noise levels that can occur on the site, the potential for a considerable increase in unreasonable noise disturbance is of great concern to neighbouring properties with the proposed operating hours every day, 7 days a week, 6 months of the year.
 - Question the availability of parking for the site, particularly if the adjacent site planning application (2022/1523) is approved.

23. Godstone Parish Council (Summery of further representation received 5th June 24) –

- Further 12 months of disturbance relating to development activities with increased noise and light pollution.
- Activity on site grown considerably and conditions breached. Concerns over continuing breaches.
- Noise from site already impacts neighbour's lives and ability to enjoy their gardens and homes. No respite due to private activities during closed times.
- Current swimming operating hours for 42 hours per week for the summer months and this application would see the swimming operating hours increase to 76 hours per week (36 of these hours being across Fri, Sat and Sun at 12 hours per day and then 12 hours per day from Monday to Thursday). Noting the current noise levels that can occur on the site, the potential for a considerable increase in unreasonable noise disturbance is of great concern to neighbouring properties with the proposed operating hours every day, 7 days a week, 6 months of the year.
- Question the availability of parking for the site, particularly if the adjacent site planning application (2022/1523) is approved.
- The Parish Council always want to advocate local business, but do not feel it should be to the detriment of local residents.

24. Bletchingley Parish Council – No comment

TDC advice

Environmental Health: Officer: No objections to the extra evening sessions.

Third Party Comments

25. Neighbour Letters and Site Notice. Comments received raising the following matters:

- Ecology - Harm to wildlife, harm to biodiversity
- Amenity - Noise and disturbance, loss of amenity, longer hours extending noise and light pollution, double the operating hours with no respite, loss of privacy
- Highways - Additional traffic, insufficient parking
- Wellbeing - health benefits of open water swimming
- Community asset - improving accessibility
- Impact on extended AONB/National Landscape
- Flouting of swimming rules

Petition provided with 70 signatures.

Assessment

Procedural note

26. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in December 2023. However, paragraph 225 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.
27. This application seeks approval for the variation of conditions for application 2016/558 to remove condition 3 and condition 8 and impose a single condition relating to hours of operation. As above the key issues has been identified as the impact on the amenity of neighbours. Other issues have been raised as part of the public consultation including highways, ecology, social and local economic considerations. This report will address each of these identified issued before concluding on the acceptability of the variation of condition.

Residential Amenity

28. Policy DP7 of the TDC Local Plan states proposals should not significantly harm the amenity of neighbouring properties by reason of pollution (noise, air or light), traffic, or other general disturbance. Furthermore, proposal should not significantly harm the amenities and privacy of occupiers of neighbouring properties (including their private amenity space) by reason of overlooking or its overshadowing or overbearing effect. Policy CSP 18 of the TDC Core Strategy states that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.
29. Paragraph 191 of the NPPF is also relevant and sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
30. The Planning Practise Guidance provides additional advice with regards to the assessment of noise including guidance on establishing whether noise is likely to be a concern (Paragraph: 005 Reference ID: 30-005-20190722). Within this paragraph it differentiates between an audible perception of noise and the likely effect of noise. It also includes a noise exposure hierarchy table which breaks down the potential impact of noise into 5 different categories from not present and therefore having no observed effect at its lowest to present and very disruptive that would have significant observed effects at the higher end. A copy of the table is included below:

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

31. The current hours of operation of the site would permit 2 hours of swimming within the morning and 4 hours within the afternoon with the start and finish times varying depending on the time of year. The earliest and latest opening and closing being 9am and 8pm respectively. The use of the site for open water swimming is not in itself an intrinsically noisy activity compared to other Class D2 assembly and leisure uses; however, it has to be acknowledged that some noise is likely to be generated from the use of the site when entering/leaving the water, voices of the users of the site and traffic noise arriving and leaving. These noises, particularly given the more open nature of the eastern boundary of the site could impact on the adjacent neighbours to the site. The site also offers a number of ancillary facilities including a hot tub and saunas. It should also be noted that there were no mitigation measures or controls imposed on noise on the previous permission beyond the hours restrictions.
32. This application proposes to extend the hours of operation of the site which it would do via a two-part condition to replace condition 3 and condition 8.

33. Part A of the condition relates to the standard operating hours of the site. This would remove the morning and afternoon hours currently approved and replace them with the ability to hold swimming sessions throughout the day. The hours now proposed would not be a significant deviation from those approved for open water swimming by condition 8, permitting an earlier start by 1 hour / 1.5 hours April to September (8am compared to 9am May to September and 8am compared to 0930am in April). The condition does not propose any extension to swimming hours between October to March and reduces operating times by 1 hour between December to March. Swimming hours for April will however be extended by 2 hours from 6pm to 8pm. At the suggestion of the applicant Part A of the condition includes a restriction of no more than 8 hours operation per day which is up to two hours longer than the 6 hours permitted by the current condition.
34. Part B of the condition would permit the holding of up to 8 'night swim' sessions per calendar year. This would permit open water swimming between the hours of 8:01 pm and 10:00 pm on each of those 8 days. It should be noted that Part B is also subject to the same 8 hours restrictions during that day and therefore any night swim sessions will require the reduction of any swim sessions within standard operating hours.
35. This proposal seeks to expand the permitted hours in which open water swimming can occur. The applicant has outlined to officers that the proposal is submitted to allow flexibility to the business to run sessions where there is demand. At present the use does not operate to the full extent of the permitted hours and it is understood that this will be the case going forward; however, sessions can be tailored to increase participation. Notwithstanding the intention of the applicant the proposal would permit operation to the full extent of the hours outlined within the condition and therefore the worst-case scenario of the utilisation of the full hours needs to be taken to account. It should be noted that the application has been amended during the course of determination to revise the proposed hours. The applicant has sought to work with officers to address the concerns raised within the comments.
36. The site at present can offer open water swimming for a period of up to 6 hours per day with the start and finish time varying depending on the time of year. At present there is an enforced break during the day between 2.5 and 5 hours depending on the time of year. The proposal will see the increase in total operating hours to 8 hours a day. This cap on the total hours of the day would restrict the use from operating across the entire hours between April and November. If operating to the full permitted hours this period of use would be between 1 and 4 hours. It should be noted that this is based on the utilisation of the full hours that would be available.
37. As outlined above the Planning Practice Guidance provides additional advice with regards to the assessment of noise and sets out a framework in which impact on noise can be considered. As acknowledged within the comments the noise from the open water swimming is present to those surrounding neighbours; however, with the activity already occurring at the site such noise already forms part of the acoustic character of the area. The variation of hours proposed totalling a maximum of 2 additional hours and modest changes in times would not introduce a new noise source; however, the extension of operation would have a slight or modest effect on this acoustic character. This would therefore place it in the lowest observed adverse effect category for which the hierarchy would suggest mitigation and reduction of impact to a minimum. It should be noted that the PPG hierarchy would suggest that impacts within the higher categories of observed effects than found here should be avoided or prevented. The reduction to a

minimum within the lowest observed adverse effect category should therefore be seen as minimising impact rather than avoiding the noise altogether.

38. The applicant within the submission has included a Management Plan which sets out the parameters in which the open water swimming will operate. The management plan outlines the sites swimming rules with which they expect guests to abide by and which includes an age limit for participants, the requirement for an adult to accompany younger participants and requesting that noise is kept to a minimum. It also includes contact details of the site operators so that any concerns can be raised directly with them. As also discussed above the applicant has also suggested the agreement to the limitation of open water swimming to a maximum of 8 hours a day which would ensure the acoustic character is not substantially altered from its existing position. These measures would provide a form a mitigation against the worse or most harmful effects such a use could result in as well as minimising its impact by imposing total hours restrictions across a day.
39. In light of the assessment above the proposed variation now proposed does seek to extend the hours of operation on the site; however, does not present a significant change in total operating hours across each day. The limitation on the total hours would remain to provide periods of respite for the affected neighbours even if operating at the full extent permissible by the permission. It is acknowledged that the increase in hours would result in an extension of time in which noise is experienced by the neighbours compared to the current activity; however, is not considered to result an additional impact such as to significantly harm the residential amenity of those neighbours. The Councils Environmental Health Officer has been consulted on the application and has raised no objection. On balance, therefore, the proposal is not considered to conflict with the requirements of Policy DP7, Policy CSP18 and Paragraph 191 of the NPPF.

Highways

40. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
41. The acceptability of the leisure use of the site under its current permitted hours was assessed as part of the previous applications and therefore has been considered. This application seeks to further increase the hours of operation with the access and parking arrangements remaining the same. The use of the site for longer hours would result in traffic entering and leaving the site over a longer period and therefore likely overall increased traffic levels; however, not to a significant degree. This variation is therefore not considered to conflict with the above relevant policies.

Ecology

42. Policy CSP17 sets out that development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims

of the Surrey Biodiversity Action Plan. (34) Policy DP19 is also relevant and outlines that there will be a presumption in favour of development proposals which seek to: 1. Protect, enhance or increase the provision of, and access to the network of multi-functional Green Infrastructure (GI); 2. Promote nature conservation and management; 3. Restore or create Priority Habitats; or 4. Maximise opportunities for geological conservation.

43. The variation considered by this application does not change the nature of the use of the site and there is no additional operational development proposed. Whilst the increase in the hours of the use of the site could impact on the wildlife which would use the reservoir during the quieter periods, this variation cannot be considered to result in an adverse impact on ecology to a degree to resist any permission on those grounds.

Health and Wellbeing

44. The public consultation for this planning application includes a number of references to the health and wellbeing benefits of the facilities offered at Divers Cove and how the extending of the hours of operation as proposed by this application will further deliver these benefits and allow more people to benefit from them. The National Planning Policy Framework as part of its goal to achieving sustainable development sets out at paragraph 8 the support for a vibrant and healthy community as part of its social objectives. More specifically paragraph 96 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles.
45. The development as permitted would achieve these objectives set out within the NPPF. The facility at present would already provide these benefits and therefore is not new; however, the extension to the hours as proposed would allow additional delivery of these benefits and therefore would support such an amendment.

Local Economy

46. National Planning Policy Framework as part of its economic objective to sustainable development in paragraph 8 supports building a strong, competitive economy. The variation of the conditions proposed is not understood to be needed to support the economic viability of the business and therefore cannot be said to be necessary to support the local economy; however, the support for economic growth threaded through the NPPF would broadly support the scheme.

Conclusion

47. In conclusion the proposed variation of conditions as is now considered would have some additional impact on the amenity of the neighbours by virtue of noise; however, on balance even at its worse is not considered to result in a significant impact on their residential amenity and the development would accord with Policy CSP18 of the Council's Core Strategy 2008, and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 191 of the NPPF. Other material planning considerations in terms of highway safety, ecology, health and wellbeing and local economy are also considered to be acceptable and in accordance with these relevant policies. On balance, the proposal is therefore considered acceptable, and a recommendation is made for approval.

48. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

49. All other material considerations, including third party comments have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the following conditions

1. This decision refers to drawings numbered 12/1036 01 and 12/1036 02 received on 29 June 2012 and drawing numbered 12/1036 03 Revision A received on 5 July 2012 and unnumbered swim route plan scanned on 06/04/2016. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

2. No motorised boat transport of any type shall be used on the reservoir at any time except as may be agreed in writing with the District Planning Authority

Reason: To prevent harm to the amenities of neighbouring residential properties in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

3. Details of any external lighting shall be submitted to and approved by the District Planning Authority in writing prior to any such provision on the site

Reason: To ensure that the development does not detract from the environment of this site in accordance with Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policy CSP17 of the Tandridge District Core Strategy 2008.

4. The site shall be used for diving and open water swimming purposes and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the amenities of this area and the amenities of nearby residents in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

5. The approved parking/turning area shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accord with Policies DP5 and

DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policies CSP12 and CSP18 of the Tandridge District Core Strategy 2008.

6. The open water swimming activity can only be carried out within the area marked out on plan titled 'Variation to TA/2012/905' scanned 21/10/13.

Reason: To ensure that the development and use hereby permitted do not prejudice the residential amenities of nearby residents by reason of noise and disturbance, in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

7. A) Other than as allowed for by part B of this condition, The use of the site for open water swimming or diving shall not take place other than between the hours of:

01 December to 31 March 9am to 5pm
01 April to 30 September 8am to 8pm
01 October to 30 November 9am to 6pm

The use of the site shall be restricted to no more than 8 hours each day.

B) Notwithstanding part A of this condition, on no more than 8 days of the calendar year (hereafter referred to as night swims), none of which can be consecutive, the site may be used for open water swimming between the hours of 8:01 pm and 10:00 pm. The applicant must notify Local Planning Authority one calendar month in advance of the holding of a 'night swim' session and a log of all 'night swims' shall be kept at all times and made available for inspection by the Local Planning Authority on request. The use shall not operate for more than 8 hours across those days in which a night swim session occurs.

Reason: To ensure that the development and use hereby permitted do not prejudice the residential amenities of nearby residents by reason of noise or disturbance, in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

8. The use shall of the site for open water swimming shall be undertaken in accordance with the rules and polices set out within the submitted Management Plan 2024.

Reason: To ensure that the development and use hereby permitted do not prejudice the residential amenities of nearby residents by reason of noise or disturbance, in accordance with Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008.

Informatives

1. Condition 1 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990, and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the

Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP12, CSP14, CSP17, CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW3, CCW4, CCW5 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.
3. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (December 2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.