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Democratic Services



PLANNING COMMITTEE

Thursday 11 January 2024 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds
(Chair)
Councillor Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ding'.

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

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A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings

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Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (To Follow)

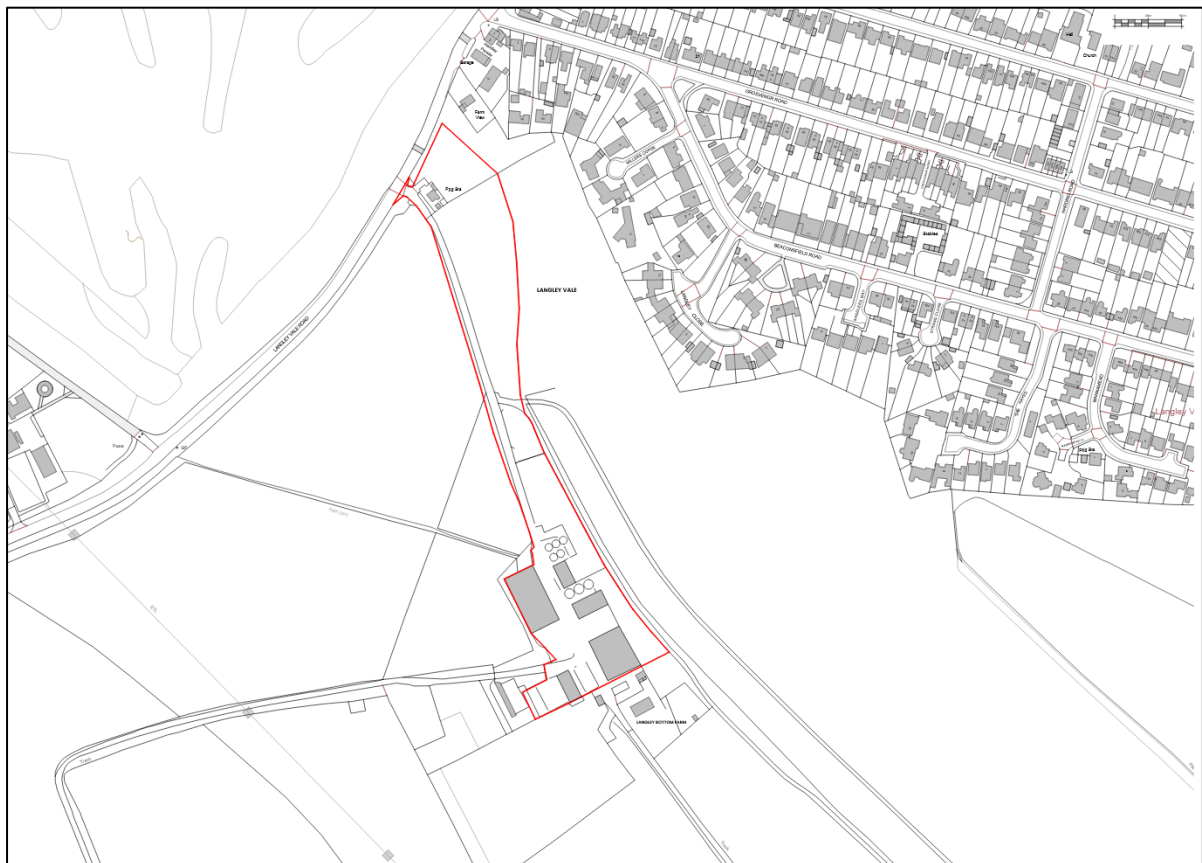
The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 14 December 2023 (attached) and to authorise the Chair to sign them.

3. DEVELOPMENT SITE AT LANGLEY BOTTOM FARM, LANGLEY VALE ROAD, EPSOM, SURREY (Pages 5 - 26)

Variation of Condition 2 (Approved Plans) of planning permission 20/00475/FUL allowed at appeal to make elevational amendments to Plots 1-3, 14-16 and 17-20.

Development Site at Langley Bottom Farm, Langley Vale Road, Epsom, Surrey

Application Number	23/01239/REM
Application Type	Minor Material Amendment
Address	Development Site At Langley Bottom Farm, Langley Vale Road, Epsom, Surrey
Ward	Woodcote and Langley Vale Ward
Proposal	Variation of Condition 2 (Approved Plans) of planning permission 20/00475/FUL allowed at appeal to make elevational amendments to Plots 1-3, 14-16 and 17-20.
Reason for Committee	Called in by Ward Member
Recommendation	Approval, subject to conditions and Deed of Variation
Expiry Date	15 January 2024
Case Officer	Gemma Paterson
Contact Officer:	Simon Taylor
Plans, Documents and Submissions	Found at the following link: Plans, Documents and Submissions
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1 Summary and Recommendation

- 1.1 The application is recommended for approval, subject to the completion of a Deed of Variation to secure affordable housing and off site highway works secured under the Section 106 Agreement associated with allowed planning application 20/00475/FUL. If the Deed of Variation is not completed by 11 April 2024 (ie within three months), the Head of Place is authorised to refuse the application
- 1.2 The application has been called to committee by the Local Ward Member in accordance with the Epsom and Ewell Borough Council's Scheme of Delegation. The reasons given were:

"I believe that the quality of the development would be materially diminished from that approved at the appeal, contrary to para 135 of the NPPF. The appearance of the dwellings will not be in keeping with the surrounding environment, contrary to para 55 of the planning inspector's decision.
- 1.3 The application seeks to vary Condition 2 (Approved Plans) of planning permission 20/00475/FUL allowed at appeal to make elevational amendments to Plots 1-3, 14-16 and 17-20, as well as to install a substation, remove a previously allowed covered parking area and cycle store to the rear of Units 17-20 and to reduce cycle storage floor area in a covered parking area at Units 1-3.
- 1.4 The proposal would minimally reduce the built form from the scheme allowed under 20/00475/FUL, thereby having no greater impact on the spatial openness of the Green Belt as a result. Furthermore, the proposed amendments would not affect the Inspectors conclusion that the scheme allowed under planning permission 20/00475/FUL would lead to an overall improvement in the openness of the Green Belt and that the proposal would not conflict with the purpose of the Green Belt.
- 1.5 Although the elevation amendments to the built form approved under 20/00475/FUL would result in some dilution of the rural character and appearance of that previous scheme, the resulting built form would still retain its overall rural character, which would be enhanced through ensuring a traditional palette of facing and roofing materials would still be secured by condition, in the event permission is granted.
- 1.6 The proposal would continue to meet the requirements of the National and local requirements for internal floor area and the provision of private amenity space within the amended scheme is regarded to be sufficient to meet the recreation needs of future occupiers.

- 1.7 It has been satisfactorily demonstrated that the scale of the proposed amendments could be provided on the site without having a harmful impact on neighbouring residential amenity.
- 1.8 The proposed amendments would not prevent the scheme from meeting the Council's vehicle and cycle parking requirements.
- 1.9 The Inspector also found that the scheme allowed under 20/00475/FUL would amount to inappropriate development in the Green Belt as it would not meet any of the exceptions listed in paragraph 149 (a) to (g) of the NPPF 2023 (now paragraph 153 in the revised December 2023 NPPF)
- 1.10 However, the Inspector found that the Green Belt harm caused by the scheme allowed under planning application 20/00475/FUL by reason of inappropriateness, and the conflict with Policies CS2 and CS8 of the Core Strategy would be clearly outweighed by the other identified considerations so as to amount to the very special circumstances necessary to justify development.
- 1.11 As very special circumstances exist, namely the provision of housing and affordable housing in context of a very poor housing supply and delivery position, as well as the positive contribution towards future occupiers supporting existing facilities in Langley Vale economically, and as the proposed amendments would not conflict with these very special circumstances, there is no clear Green Belt reason for refusing the development with reference to footnote 7 of paragraph 11d of the Framework. To this extent, paragraph 11d of the Framework is engaged.
- 1.12 The proposal would result in a reduction of built form on the site, which would be an improvement to the openness of the Green Belt. Whilst this is considered to be a benefit of the amended scheme, it is of moderate weight, given the minor nature of the reduction.
- 1.13 Overall, there would be no adverse effects in respect of this application, that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

KEY INFORMATION

	Allowed at Appeal	Proposed
Site Area	2.16 hectares	
Units	20	20
Affordable Housing Units	8	8
Car Parking Spaces	37	37
Cycle Parking Spaces	32	32

SITE AND PROPOSAL

2 Description of Site

- 2.1 The site, which is in open countryside and in the Green Belt, is located to the South of Langley Vale Road within a dipped area forming the base of a shallow valley. The site is bounded by fields, areas of newly planted woodland and the training course associated with the nearby Epsom Downs Racecourse. Close to the north is Langley Vale, a large area of residential development.
- 2.2 The site is accessed via a single-track road from Langley Vale Road and sits close to the bottom of a 'valley', with the land either side rising towards the residential area of Langley Vale and to the west of the current farmyard. A bridleway follows the alignment of the Site's access road from Langley Vale Road and travels the length of the Site, to the south eastern boundary and beyond, along the lane which connects with Nohome Farm.
- 2.3 A public footpath adjoins the lane which connects with Nohome Farm, and a public footpath adjoins the Site's north western boundary and crosses the field adjoining the northwest of the Site and connecting with the bridleway which runs along Langley Vale Road.

3 Description of Proposal

- 3.1 This section 73 application seeks to vary of condition 2 (plan numbers) to allow for:
- Installation of a substation
 - Removal of covered parking area and cycle store to the rear of Units 17-20
 - Reconfiguration of parking area to the rear of Units 17-20
 - Reduction in cycle storage floor area in covered parking area at Units 1-3

Units 1 – 3

- Straightening of building curvature
- Footprint of built form enlarged
- Larger amenity area provided
- Installation of 2 no. front roof lights
- Reduction in scale of 2 no. rear dormer windows
- Replacement of hipped bay window with mono pitched bay window
- Replacement of catslide front porch with mono pitched front porch
- Replacement of rear single French doors with double French Doors

Units 14-16

- Footprint of built form reduced
- Larger amenity
- Replacement of single storey side element with mono pitched bay window
- Removal of Barn style doors
- Removal of larger features windows to front elevation
- Addition of 3 no. pitched front porches
- Reduced scale fenestration at first floor level

Units 17-20

- Straightening of building curvature
- Footprint of built form reduced
- Larger amenity area provided
- Addition of 1 no. side eaves dormer window
- 6 no. rear dormer windows relaced with 3. no double fenestration dormer windows
- Ground floors windows at rear removed and replaced with elongated double French Doors

CONSULTATIONS

No internal or external consultees were consulted

PUBLIC CONSULTATION

Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to neighbouring properties.</p> <p>10 submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Objection to the principle of the development • Amendments involve elements of cost savings on design through removal of attractive features • Amendments not in keeping with rustic setting <p>Officer comment: There is no mechanism under a Section 73 application to revisit the principle of the proposed development allowed under 20/00475/FUL.</p> <p>The matters regarding the design of the amendments and the subsequent impact upon local character is discussed in the body of the report.</p>
Residents Association	<p>Objection regarding removal of attractive features to more simplified features and style, resulting in the proposal being far less attractive and in keeping with the rural environment in which the site is located within. At the public hearing into the appeal, the</p>

	<p>applicant emphasised the rustic design of the development. The amendments are contrary to paragraph 135 of the NPPF 2023.</p> <p>Officer comment: The matters regarding the design of the amendments and the subsequent impact upon local character is discussed in the body of the report.</p>
Epsom Civic Society	<p>The ECS were present at the Appeal Hearing and noted that the applicant's main design benefit was the provision of a Rustic design to suit the farmyard setting and the rural nature of the site. This design intent was provided by the barn-style front doors, catslide roof forms and external landscaping. Many of these design 'promises' have been deliberately removed to enable cost savings to be achieved. The development now resembles a conventional housing estate rather than a 'farmyard' setting, which was one of the main reasons for approval.</p> <p>The Epsom Civic Society firmly believe that our Local Planning Authority should ensure that the quality of the approved development is not materially reduced between planning permission being granted and the final completion of the scheme.</p> <p>We also note that SCC Highways have also added requirements relating to the control of construction vehicle access at the junction with Langley Vale Road. These requirements should be addressed within the Contractors Management Plan. ECS also request that pedestrian footpaths and Bridle Ways should remain open throughout the construction works, any diversions must be agreed and notices clearly displayed throughout the works.</p> <p>Officer Comments: The matters regarding the design of the amendments and the subsequent impact upon local character is discussed in the body of the report.</p> <p>The matter regarding the requirement relating to the control of construction vehicle access at the junction with Langley Vale Road have been addressed in the discharge of condition 7 of the approval, discharged via application 23/00846/COND, dated 23 November 2023 (after the receipt of this objection).</p>

SITE HISTORY

App No.	Description	Status
22/01895/CLE	Certificate of Lawfulness to establish that Units 1-4 have been in employment uses for a period of over 10 years	Granted 30.01.2023
20/00475/FUL	Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access,	Allowed on Appeal 14.07.2022 Refused

App No.	Description	Status
	landscaping and parking. (Amended site location plan received 06.08.2020)	22.02.2021

SITE CONSTRAINTS

- Green Belt
- Critical Drainage Area
- Area of Landscape Value
- Great Crested Newt Impact Zone
- SSSI Impact Zone
- Source Protection Zone

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 12: Achieving Well-Designed Places
- Section 13: Protecting Green Belt Land

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS5: The Built Environment

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM1: Extent of the Green Belt
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM12: Housing Standards
- Policy DM37: Parking Standards

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

5 Principle of Development

5.1 Section 73 Application

- 5.2 The principle of the demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking was established by the granting of planning permission 20/00475/FUL.
- 5.3 Whilst the applicant is applying for a variation of conditions of that permission, under Section 73 of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a fresh application for the entire development, albeit with a variation to the original condition(s).
- 5.4 In considering the current application, Officers have been mindful of any material changes in planning circumstances since the granting of that original permission. A material change in national policy has occurred since the granting of 20/00475/FUL in June 2023, in the form of the revisions to the NPPF in July, September and December 2023.
- 5.5 Pertinent to this change in national policy is the increased focus the NPPF 2023 has on design quality, protecting and enhancing the environment and promoting a sustainable pattern of development.
- 5.6 The planning history of the site is a material consideration in the assessment of this current application. Given this history, it would be inappropriate and unreasonable to revisit the principle of the entire development, as well as the unchanged affordable housing provision,

tree and landscaping impacts, biodiversity and ecology impacts, flood risk impacts and sustainability measures.

- 5.7 The test is whether having regard to the design changes, the current proposal is materially more harmful than the approved scheme and is acceptable in its own right

5.8 Development in the Green Belt

- 5.9 Paragraph 152 of the NPPF 2023 states that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’

- 5.10 Paragraph 153 of the NPPF 2023 states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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’

- 5.11 Planning permission for the demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking was allowed on appeal in July 2022.

In considering the impact of appeal scheme on the openness of the Green Belt, the Inspector gave weight to the proposed scheme reducing the existing in footprint of built form on the site by 58.9%.

- 5.12 Under this current application, the footprint of the built form would be amended as follows:

	Allowed at Appeal	Proposed	Difference
Plots 1-3	163m ²	172m ²	+9m ²
Plots 14 - 16	160m ²	136m ²	-24m ²
Plots 17-20	202m ²	177m ²	-25m ²

- 5.13 Whilst the proposal would result in the loss of the car port to the rear of Units 17-20, it would introduce a substation and cycle storage buildings within the curtilage of Plots 1-3, 15, 17-19. Although details of the proposed substation would be subject to details secured by way of condition, as the final specification is still to be agreed with the relevant electricity board, the footprint and volume of the substation and individual cycle storage combined would be less than the previously allowed car port.

- 5.14 It is acknowledged that the Inspector sought to maintain some future control to the erection of curtilage structure and buildings in the scheme allowed under 20/00475/FUL by removing permitted development rights

under condition 17. However, it is Council officers reading of the appeal decision that the Inspectors intent was to control usable domestic outbuildings, rather than those proposed for the storage of sustainable travel modes, which the Inspector highlighted as a benefit of the scheme. Furthermore, individual cycle storage within private gardens would have greater security than external communal provision. In the event permission is granted, it would be subject to a condition to secure details of the cycle storage and Officers would ensure that this would be of a scale commensurate for the storage of cycles only, in order to prevent any unnecessary additional footprint or volume.

- 5.15 The proposal would minimally reduce the built form from the scheme allowed under 20/00475/FUL, thereby having no greater impact on the spatial openness of the Green Belt as a result.
- 5.16 The Inspector acknowledged that the scheme allowed at appeal would have some limited adverse impact on the visual openness of the Green Belt, but considered this impact to be confined to areas within the site and would be offset by the reduction in the volume and footprint of the existing farm buildings on the site, and through the absence of the vehicles on site associated with the certificate of lawfulness 99/00605/CLE. The amendments to the scheme would not exacerbate the limited adverse impact of the development allowed under 20/00475/FUL upon the visual openness of the Green Belt.
- 5.17 Whilst the scheme allowed under 20/00475/FUL was inappropriate development within the Green Belt, the Inspector concluded that the proposal would lead to an overall improvement in the openness of the Green Belt and that the proposal would not conflict with the purpose of the Green Belt.
- 5.18 Furthermore, the Inspector found there to be very special circumstances existing, namely the provision of housing, which would clearly outweigh this inappropriateness.
- 5.19 The amendments would not lead to a greater impact upon the spatial and visual openness of the Green Belt than the allowed scheme, would not conflict with the purposes of the Green Belt nor dilute the very special circumstances as found by the Inspector. As such, there is no clear Green Belt reason for refusing the development with reference to footnote 7 of paragraph 11d of the Framework. To this extent, paragraph 11d of the Framework is engaged.

6 Design and Character

- 6.1 Paragraphs 131, 135 and 139 of the NPPF 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.

- 6.2 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.
- 6.3 The proposal would result in the loss of some features that would reduce the rural quality and features of interest of the scheme, such as the loss of curvature of Units 1-3 and 17-20 and the loss of the barn doors and front feature windows to Units 14-16.
- 6.4 Furthermore, the proposal would introduce some more contemporary features to the scheme, such as the double fenestration dormer windows of proposed at Units 17-20 and the provision of mono pitched front porches.
- 6.5 However, the proposed built form would still retain some features synonymous with rural development, such as parapet walls, chimneys and the proposed porches would be enhanced with timber posts.
- 6.6 Although the proposed substation would introduce a utilitarian feature to the site, such compounds are not unusual features within rural housing locations and the compound can be appropriately screened by boundary treatment, details of which can be secured by way of a condition, should planning permission be granted.
- 6.7 Whilst the proposal would therefore result in some dilution of the rural character and appearance of the scheme allowed by the Inspector, through the loss of some reflective agricultural features and the introduction of some more contemporary elements, the resulting built form would still retain its overall rural character as envisaged by the Inspector, which would be enhanced through ensuring a traditional palette of facing and roofing materials would still be secured by condition, in the event permission is granted.

7 Quality of Accommodation

- 7.1 Paragraph 135 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing.
- 7.2 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have

a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

- 7.3 Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight.
- 7.4 The proposal maintains an adequate level of internal amenity and the depth and total area of the rear gardens would be policy compliant such that no objection is raised.

8 Neighbour Amenity

- 8.1 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 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 8.2 The proposed amendments would not affect the amenity of the occupiers of the neighbouring properties beyond those considered acceptable under 20/00475/FUL.

9 Parking and Access

9.1 Car Parking

- 9.2 Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for vehicle parking. Although the proposal would result in the loss of the existing communal car port and re-organisation of the existing parking area to the rear of Units 17-20, the proposal would retain the number of parking spaces allowed under 20/00475/FUL and no objection is therefore raised in the respect.

9.3 Cycle Parking

- 9.4 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.
- 9.5 Although the proposal would result in the re-siting of the existing communal cycle parking to the rear of Units 17-20, the proposal would retain the number of cycle parking spaces allowed under 20/00475/FUL and no objection is therefore raised in the respect.

10 Planning Obligations and Community Infrastructure Levy

- 10.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through

the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.

- 10.2 Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 10.3 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £125/m² index linked.
- 10.4 Further, the proposed amendments would not affect the affordable housing and off site highway works obligations required to make the development allowed under 20/00475/FUL, which have been secured under a complete Section 106 Agreement. A Deed of Variation to the original Section 106 is required to ensure that these obligations are delivered in the event this current application is granted and commenced on site.

CONCLUSION BALANCE

11 Planning Balance

- 11.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. As discussed in the Green Belt section of this Agenda Report, there are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 11.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 11.3 Although the scheme allowed under 20/00475/FUL amounted to inappropriate development in the Green Belt and would therefore be in conflict with Policy CS2 of the Core Strategy and paragraph 1 of the NPPF 2023, the Inspector concluded that the proposal would lead to some improvement to the openness of the Green Belt and would not conflict the purposes of the Green Belt.
- 11.4 The proposed amendments, as a result of the reduction in footprint and the minor nature of the external changes, would not conflict with the

Inspectors conclusion and would continue to be an improvement to the openness of the Green Belt, beyond the existing on site situation, and would not conflict the purposes of the Green Belt.

- 11.5 The Inspector found that the harm by reason of inappropriateness, and the conflict with Policies CS2 and CS8 of the Core Strategy would be clearly outweighed by the other identified considerations so as to amount to the very special circumstances necessary to justify development.
- 11.6 As very special circumstances exist, namely the provision of housing and affordable housing in context of a very poor housing supply and delivery position, as well as the positive contribution towards future occupiers supporting existing facilities in Langly Vale economically, and as the proposed amendments would not conflict with these very special circumstances, there is no clear Green Belt reason for refusing the development with reference to footnote 7 of paragraph 11d of the Framework. To this extent, paragraph 11d of the Framework is engaged.
- 11.7 The proposal would result in a reduction of built form on the site, which would be an improvement to the openness of the Green Belt. Whilst this is considered to be a benefit of the amended scheme, it is of moderate weight, given the minor nature of the reduction.
- 11.8 As such, there are no adverse impacts of the scheme that would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
- 11.9 The application is therefore recommended for approval.

RECOMMENDATION

PART A

To grant planning permission subject to a completed Deed of Variation securing affordable housing and off site highway works, along with the following conditions.

PART B

In the event that the Deed of Variation referred to in Part A is not completed by 14 June 2024, the Head of Place Development is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015

Conditions:

1. Time Limit

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

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

2. Approved Details

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing Number 1828/PL.01 Rev C
- Drawing Number 1828/PL.02
- Drawing Number 23011-2L02
- Drawing Number 23022-201
- Drawing Number 23022-205
- Drawing Number 1828/PL.10
- Drawing Number 1828/PL.11
- Drawing Number 1828/PL.12
- Drawing Number 1828/PL.13
- Drawing Number 1828/PL.14
- Drawing Number 1828/PL.15
- Drawing Number 1828/PL.16
- Drawing Number 1828/PL.17
- Drawing Number 1828/PL.18
- Drawing Number 1828/PL.19
- Drawing Number 1828/PL.20
- Drawing Number 1828/PL.21
- Drawing Number 1828/PL.22
- Drawing Number 1828/PL.23
- Drawing Number 1828/PL.24
- Drawing Number 23022-2006
- Drawing Number 23022-2007
- Drawing Number 23022-2C01
- Drawing Number 1828/PL.36
- Drawing Number 1828/PL.37
- Drawing Number 1828/PL.38
- Drawing Number 1828/PL.39
- Drawing Number 1828/PL.42 Rev A
- Drawing Number 1828/PL.43 Rev A
- Drawing Number ITL14122-GA-011 Rev B
- Drawing Number ITL14122-GA-012 Rev B
- Drawing Number D2671/FAB/00/XX/DR/L/1001/PL01

- Drawing Number D2671/FAB/00/XX/DR/L/1002/PL01
- Drawing Number D2671/FAB/00/XX/DR/L/1003/PL01
- Drawing Number D2671/FAB/00/XX/DR/L/1004/PL01

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007.

3. Materials

The development hereby permitted shall not commence above slab level until details and samples of the external surfaces to be used for the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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.

4. Hard and Soft Landscaping

The development hereby permitted shall not be first occupied until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval. The scheme shall indicate the location and species of plants and trees to be planted. The approved hard landscaping shall be implemented prior to the occupation of the development hereby approved and thereafter retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015

5. Modified Access

No part of the development shall be first occupied unless and until the proposed modified access to Langley Vale Road, including the relocation of the uncontrolled crossing has been constructed and provided with visibility zones in accordance with the approved plan ITL14122-GA-011 Rev B and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of

the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

6. Parking and Turning

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

7. Construction Management Plan

The development hereby permitted shall be carried out in accordance with the agreed Construction Management plan details, agreed under discharge of condition application 23/00486/COND, discharged by the Council on 24 November 2023.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

8. Vehicle Activated Sign

No part of the development shall be occupied unless and until a Vehicle Activated Sign and Speed Limit Roundel have been provided on Langley Vale Road following consultation with the County Highway Authority and in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The Activated Sign and Speed Limit Roundel shall thereafter be retained.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

9. Highway Works

No part of the development shall be occupied unless and until the following package of measures have been implemented at the applicants expense in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- a) The provision of a coloured surface 2m virtual footway within the 5.5m section of the access road for use by non-motorised users, in accordance with drawing ITL14122-GA-012 Rev B, and
- b) resurfacing of the access road using a material appropriate for equestrian users, and
- c) signage to advise users of the bridleway that horses, pedestrians and cyclists retain priority.

Thereafter, the approved details shall be retained.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

10. Cycle Storage

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure parking of bicycles within the development site have been submitted to and approved by the Local Planning Authority in writing. The cycle storage shall be installed, maintained and retained in accordance with the agreed details.

Reasons: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

11. Footpath Widening

No part of the development shall be occupied unless and until the footway on Langley Vale Road has been widened to 3m wide along the northern boundary of the application site in accordance with drawing ITL14122-GA-011 Rev B, and thereafter shall be permanently retained.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

12. SuDS Scheme

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Storage volumes shall be provided using an infiltration-based strategy.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected
- e) A plan indicating full levels details and cross sections of the proposed overland surface water flood route including details of the number and location of the proposed check dams and the arrangement at Langley Vale Road and along the site's southern boundary.
- g) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- h) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

No development beyond slab construction shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- f) Details of the proposed measures to be developed in conjunction with SCC Highways to deal with surface water at Langley Vale Road on land within site ownership.

The approved surface water drainage scheme shall be fully implemented and thereafter retained.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

13. Verification Report

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme, provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

14. Contaminated Land

Prior to any development on site, the following shall be undertaken in accordance with current best practice guidance:

- a) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any ground gas (including volatile v vapours) and contaminants with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- b) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

15. Ecology Report

The development hereby permitted shall be carried out in strict accordance with the recommendation set out in Section 6.0 of the Ecological Impact Assessment, prepared by The Ecology Co-op, project reference P2851 and dated 12 February 2020.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

16. Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the report prepared by the Temple Group Ltd, dated 27 November 2019, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007.

17. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place within classes A to F of Part 1 of Schedule 2 of the Order unless expressly authorised by this permission.

Reason: There is clear justification to remove specified permitted development rights in this case, in order to retain control in terms of the openness of the Green Belt and the overall character and appearance of this rural location.

18. Sustainable Transport Pack

Prior to the first occupation of each dwelling on the site a Sustainable Transport Information Pack shall be provided to each household which shall include, as a minimum, bus service timetables, walking and cycle routes/maps, taxi services, details of local amenities and facilities and the provision of a bicycle voucher for each household.

Reason: In order to encourage an increased number of sustainable trips in accordance with the National Planning Policy Framework 2023.

19. Scheme of External Lighting

Prior to the first occupation of any dwelling hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. Such a scheme shall not include lighting along the access road leading the approved dwellings. Only approved external lighting shall thereafter be provided on the site.

Reason: In the interests of the character and appearance of this rural location.

20. Pumping Station Details

Prior to installation of the foul pumping station hereby permitted, full details of the pumping station together with a plan for its management and maintenance in perpetuity shall be submitted to and approved in writing by the Local Planning

Authority. The proposed pumping station shall be carried out in accordance with the approved details and thereafter managed and maintained in accordance with approved plan.

Reason: In the interests of controlled water protection in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policy Document 2015 and to secure a satisfactory appearance in the interests of the character and appearance of the area, and to prevent adverse living conditions impacts in accordance with Policy CS5 of the Epsom and Ewell Core Strategy 2007 and Policies DM9, DM10 and DM12 of the Development Management Policy Document 2015.

21. Sub Station Details

The development hereby approved shall not be first occupied unless and until full details of the proposed substation have been submitted to and approved in writing by the Local Planning Authority. The substation shall be installed, maintained and retained in accordance with the agreed details.

Reasons: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.