

## PLANNING COMMITTEE UPDATE REPORT

11 January 2024

<b>App Number</b>	23/01239/REM
<b>Item Number</b>	3
<b>Address</b>	Development Site At Langley Bottom Farm, Langley Vale Road, Epsom, Surrey
<b>Proposal</b>	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
<b>Author</b>	Gemma Paterson

## CORRECTIONS AND UPDATES

### 1. Additional Relevant Planning History

App No.	Description	Status
23/01434/NMA	Non Material Amendments to Condition 12 (Surface Water Drainage) Planning Application 20/00475/FUL to vary the trigger of the criterion (a) and (f) of the condition from pre-commencement to no development beyond slab construction	Granted 02.01.2024
23/01083/COND	Confirmation of Compliance with Condition 12 (SuDS) of planning	Partial Discharge 21.12.2023

### 2. Additions to the Report

2.1 For completeness, Members attention is drawn to paragraph 140 of the NPPF (previously identified as paragraph 134 prior to the December 2023 NPPF update), which was omitted in error from the Agenda Report. Paragraph 140 of the NPPF reads as follows:

‘Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)’.

2.2 Paragraphs 6.3 and 6.4 of the Agenda Report acknowledges that the proposal would result in the loss of some features that would reduce the rural quality and features of the scheme and would introduce some more contemporary features, concluding at paragraph 6.7 that the proposal would therefore result in some dilution of the rural character and appearance of the scheme allowed by the Inspector under 20/00475/FUL.

2.3 It should be noted that both the Planning System and the NPPF accommodate changes to permitted schemes and the main key for consideration therefore is ensuring that the proposed changes to a scheme do not materially diminish the quality of the approved development to the extent that it would warrant the refusal of the application. The Planning Inspector was satisfied that the proposal would be acceptable in terms of design, noting in paragraph 55 of the Appeal Decision that ‘the dwellings would have a variety of eaves and ridge heights and would include a

traditional palette of facing and roof material' concluding that there would be no material harm caused to the character and appearance of the rural environment.

- 2.4 The proposed scheme would maintain this variety and the rural features retained would be further emphasised by the use of good quality traditional materials, which are to be secured via condition. The proposal would therefore not be materially diminished between the allowed permission and completion to warrant a recommendation of the refusal of the application.

### 3. Updated NPPF

- 3.1 The Agenda Report was published without making reference to the updates made to the NPPF on 20 December 2023. The update has resulted in some change to the numbering of the NPPF paragraphs, some which are now incorrect in the Agenda Report. The relevant amendments are as follows:

Agenda Report Paragraph	Outdated Paragraph	Amended Paragraph
1.9	149 (a) to (g)	154 (a) to (g)
5.9	147	152
5.10	144	149
6.1	125, 130 and 134	129, 135 and 139
7.1	130 and 157	135 and 162
11.3	149	154

- 3.2 For clarification, the changes in the updated NPPF highlighted above relate to the amended numbering of the paragraphs only and not to the contents of the paragraphs themselves, which remain unchanged.

### 4. Conditions

- 4.1 Condition 12 was partially discharged on 21 December 2023, through the submission of an application to discharge the condition (23/01083/COND). As such, Condition 12 in the Agenda Report has been amended to reflect this partial discharge and now reads as follows:

#### 12. SuDS Scheme

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.

b) 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