

101 - 111 Hollymoor Lane Epsom Surrey KT19 9JZ

Variation of Condition 2 (Approved drawings and documents) and removal of Condition 21 (Affordable Housing) of planning permission 15/01497/FUL

Ward:	Court Ward
Contact:	John Robinson Planning Officer

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PEOMNMGYKWF00>

2 Summary

- 2.1 This application seeks the variation of Condition 2 (Approved drawings) and the removal of Condition 21 (Affordable Housing) of the extant planning permission. The Affordable Housing Statement submitted pursuant to Condition 21 requires all the housing on development to be affordable housing. However, the Statement failed to address the implications of the disposal of the shared ownership units and also of the possibility of the other tenants exercising their statutory right to acquire, both of which would result in the loss of the development retaining properties as affordable housing.
- 2.2 The application is recommended for APPROVAL, subject to the variation of the conditions and the completion of an appropriate legal agreement in order that the affordable housing requirements of the Development continue to be met.

3 Site description

- 3.1 The application site (0.49 hectares) sits on the corner of Hollymoor Lane and Sefton Road and formerly comprised partly open land and a number of semi-derelict shops with empty flats. At the south of the site, there was a slightly raised grassed area which previously contained a public house. The application site is situated to the west of Dorset Square and is within a mainly residential area. To the south of the site is the Longmead Centre. There is currently an open area to the rear of the existing building that is used for unauthorised parking by nearby residents.

- 3.2 Planning permission (15/01497/FUL) for the demolition of all existing structures and the erection of new buildings providing 1x 2 bed flat – wheelchair accessible, 20 x 2 bed flats, 3 x 3 bed houses, 4 x 4 bed houses, 2 x 5 bed houses and a replacement retail convenience store (Class A1), was granted on 17 March 2016.
- 3.3 The scheme is currently at an advanced stage of construction, and nearing completion.

4 Proposal

- 4.1 This application seeks the variation of Condition 2 (Approved drawings) and the removal of Condition 21 (Affordable Housing) of the extant planning permission. The original condition was worded as follows:

21. The residential element of the hereby approved development shall comprise 100% affordable housing provision in accordance with paragraph 2.15 of the Planning Statement dated 28 May 2015 and Orbit Homes (2020) Ltd - Affordable Housing Statement dated March 2015.

Reason: In the interests of proper planning as required by Policy CS9 of the Core Strategy (2007).

5 Comments from third parties

- 5.1 The application was advertised by means of a press and site notice, as well as letters of notification to 5 neighbouring properties. To date (10.10.2018) no letters of objection have been received.

6 Consultations

- 6.1 Property Development and Regeneration Manager: No objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01497/FUL	17.03.2016	Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1).	GRANTED
16/01224/COND	13.06.2018	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1)) to discharge Condition 15 (ground contamination investigation) ,18 (site survey of ground conditions), 19 (verification report) and 20 (monitoring and maintenance) (Description amended 07.06.2018).	DISCHARGED
16/01282/COND	17.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1). To discharge conditions 12 (construction management scheme) and 13 (highway safety measures)	DISCHARGED
16/01339/COND	30.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed	DISCHARGED

		houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge condition 28 Travel Plan)	
16/01346/MMA	05.04.2017	Minor Material Amendment to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to remove easement way between 3 and 4 bed dwellings, other minor layout changes and various minor fenestration, roofing and elevation amendments	GRANTED
16/01364/COND	22.02.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge conditions 23 (highway details)and 25 (drainage details)	DISCHARGED
16/01642/COND	05.04.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1)) .to discharge Condition 5 (Materials)	DISCHARGED
18/00652/REM		Variation of Condition 16 (Remediation Scheme) of planning permission 15/01497/FUL to permit the verification report to be	GRANTED

		completed pre-occupation rather than pre-commencement.	
--	--	--	--

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 5 Delivering a sufficient supply of homes

Core Strategy 2007

Policy CS9 Affordable Housing and meeting Housing Needs

Development Management Policies Document November 2015

Policy DM21 Meeting Local Housing Needs

Policy DM22 Housing Mix

9 Planning considerations

Affordable Housing

9.1 The proposed removal of Condition 21 would retain the existing quantum of affordable units within the extant scheme, but would allow a shared ownership lessee to “staircase” or an affordable tenant to exercise their statutory right to acquire, to purchase or take possession of an individual dwelling free from the restriction to utilise the property as affordable housing in perpetuity. The condition was originally drafted without consideration of these factors and are no longer appropriate going forward.

10 Conclusion

10.1 In accordance with the statutory requirements officers conclude that the amendments sought are acceptable, and would not result in the development being substantially different from the one which has been approved.

11 Recommendation

11.1 Subject to the completion of the legal agreement to ensure that the affordable housing requirements for the Development which include mix, tenure, size as well as the application of release of those units which should no long be subject to the requirement that units remain as affordable in perpetuity, the Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below

Condition(s):

(1) **The development hereby permitted shall be commenced within 3 years from the 17 March 2016, the date of the originally approved application 15/01497/FUL that is subject to this application to variation.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended).

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

12472-SPR-XX-AR-05-03-3_2, 12472-SPR-XX-AR-15-01-3_6, 12472-SPR-XX-AR-15-02-3_6, 12472-SPR-XX-AR-15-03-3_6, 12472-SPR-XXAR-15-04-3_6, 12472-SPR-ZA-AR-20-01-3_4, 12472-SPR-XX-AR-20-02-3_4, 12472-SPR-XX-AR-20-03-3_4, 12472-SPR-ZA-AR-30-01-3_8, 12472-SPR-ZB-AR-30-02-3_8, 12472-SPR-ZC-AR-30-03-3_7, 12472-SPR-ZA-AR-40-05-3_3, 12472-SPR-ZA-AR-48-07-3_1, 12472-SPR-ZAAR-48-12-3_2, 12472-SPR-L-90-01-3-2, 12472-SPR-L-90-02-3-2, 12472-SPR-L-90-03-3-2, 12472-SPR-L-90-04-3-2, 12472-SPR-L-90-05-3-2, 12472-SPR-L-90-06-3-2, 12472-SPR-L-90-07-3-2, 12472-SPR-L-90-08-3-2, 12472-SPR-L-90-09-3-2, 12472-SPR-L-90-11-3-2, 12472-SPR-L-90-12-3-2, 12472-SPR-L-95-03-3-2, 12472-SPR-L-90-01-5_3, 12472-SPR-L-90-03-4-5, 2015_06_04 - Daylight and Sunlight report, 12472_DASStatement_20150717_low.pdf, 12472_PS_00-1_1 PlanningStatement_20150528.pdf, 22205-col_Services Survey.pdf, DS-MER00977-15-120 Rev B, FRA-MER00977-15-39 Rev B, GEA-MER00977-15-100 Part1, GEA-MER00977-15-100Part2, GEA-MER00977-15-100 Part3, Hollymoor Lane Energy Report R02-Afi.pdf, Hollymoor Lane Waste Minimisation statement, MER00977-002-001_topo survey, MER00977-003-01_Drainage_Water, MER00977-301-001 Rev A Drainage Strategy, Daytime Bat Survey, RT-MME-118791-01 prelim ecological assessment, Bat Emergence survey RT-MME-119363, RT-MME-118791-03, TS-19265 - Full, UHL-EMS-POL-0004 Waste Management Policy Iss05.pdf.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is suitable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (4) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) The development shall only be carried out in accordance with the external materials approved under application 16/01642/COND dated 5/04/2017.**

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.

- (6) Prior to the planting of trees, as part of the approved landscaping scheme, details of the tree guards shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details on implementation of the approved landscaping and shall thereafter be retained.**

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.

- (7) All planting, seeding or turfing hereby approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.**

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.

- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, B, C, E, F, of that Order.**

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the

appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM12 of the Development Management Policies 2015.

- (9) The retail premises hereby approved as part of the development shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to ensure the provision of convenience retailing to meet the needs of local residents and also to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9, DM10 and DM31 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be first occupied until the proposed vehicular/pedestrian/cycle accesses to Hollymoor Lane and Sefton Road have been constructed and provided with visibility zones in accordance with the approved plans. The access shall be constructed in accordance with the approved details and shall be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (11) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to park. The parking areas shall be permanently retained for their designated purpose.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015.

- (12) The development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/01282/COND dated 17/01/2017.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause

inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (13) The development shall only be carried out in accordance with the scheme for the bulk movement of earthworks and/or materials to and from the development site approved under application 16/01282/COND dated 17/01/2017.**

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (14) Prior to the occupation of the dwelling or the use of the retail unit of the development hereby permitted, electric charging points shall be installed in accordance with Drawing No. 12472_90_11_3-1 and thereafter retained permanently for the use of vehicles of occupiers and visitors to the premises and not used for any other purpose.**

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with Policy CS6 of the Core Strategy (2007).

- (15) The development shall only be carried out in accordance with the ground contamination investigation and risk assessment approved under application 16/01224/COND dated 13/06/2018.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The approved remediation scheme must be carried out in**

accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (17) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of the Development Management Policies 2015.

- (18) The development shall only be carried out in accordance with the site survey (filled ground or gas) approved under application 16/01224/COND dated 13/06/2018.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (19) The development shall only be carried out in accordance with the approved schemes prepared under condition 18 and approved under application 16/01224/COND dated 13/06/2018.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (20) The development shall only be carried out in accordance with the monitoring and maintenance scheme approved under application 16/01224/COND dated 13/06/2018.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (21) The approved areas of hard surfacing will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (22) The development shall only be carried out in accordance with the details regarding the delivery vehicle layby, relocation of the existing bus stop including shelter, the relocation/provision of street lighting and the provision of new footway works approved under application 16/01364/COND dated 22/07/2017.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (23) The development hereby approved shall not be first occupied unless and until existing accesses from the site to Hollymoor Lane and Sefton Road have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause

inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (24) The development shall only be carried out in accordance with the SuDS details approved under application 16/01364/COND dated 22/07/2017 of the Core Strategy (2007)**

Reason: To ensure the drainage systems fully meets the requirements of the national SuDS technical standards in accordance with Policy CS5

- (25) Prior to occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed in accordance with the agreed scheme.**

Reason: To ensure the Sustainable Drainage System has been constructed as agreed and complies with the requirements of the national SuDS technical standards, in accordance with Policy CS5 of the Core Strategy (2007)

- (26) The development hereby approved shall not be first occupied until a Car Parking Management Plan is submitted to and approved in writing by the local planning authority. It shall include: details of the allocation of car parking spaces and on-site parking controls. The Car Parking Management Plan shall be implemented and maintained thereafter in accordance with the approved details.**

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (27) The Travel Plan shall be implemented at the first occupation of the development in accordance with the details approved under application 16/01339/COND dated 30/01/2017.**

Reason: To encourage travel by means other than private motor vehicles in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies 2015.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018**

- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online <http://www.epsomewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>
- (3) The water efficiency standard required under condition 3 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1. The applicant is advised that this standard can be achieved through either:
- using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (4) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.
- (5) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-well.gov.uk/NR/exeres/C41A118E-B550-4CEF-9FA4-5C2BE9869E,frameless.htm?NRMODE=Published>
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and potentially a section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to three months in advance of the intended start date depending on the scale of the works proposed and the classification of the road. Please see:

www.surreycc.gov.uk/roads-andtransport/road-permits-andlicences/the-traffic-management-permit-scheme

The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

www.surreycc.gov.uk/people-andcommunity/emergency-planningandcommunity-safety/flooding-advice

- (7) The developer is advised that as part of the detailed design of the highway works required by the above planning condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment. The Highway Authority will also require that any redundant dropped kerbs will be raised and any verge or footway crossing reinstated to conform with the existing adjoining surfaces at the developers expense.
- (8) The applicant is advised to contact the Post Office Ltd with regard to any re-location of the existing box on Hollymoor Lane
- (9) Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.