

Ryebrook Studios, Woodcote Side, Epsom, Surrey

Amendment to the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

Ward:	Woodcote Ward;
Head of Service/Contact:	Ruth Ormella, Head of Planning

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=PFZ3SAGY0BY00>

2 Summary

- 2.1 This application seeks to amend the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

3 Site description

- 3.1 The application site is known as Ryebrook Studios. Planning permission was granted for the conversion of the former Woodcote Lodge to provide 14 self-contained flats, basement and car parking (15/00992/FUL).
- 3.2 The site is bounded to the immediate north by No.2 Woodcote Side, a circa 1900's Grade II listed, bungalow which has been extended by means for a single storey rear extension along the site's boundary.
- 3.3 To the South, the "Studios" abuts a two storey building Nos.6 and 6A, with undercroft access fronting Woodcote Side. To the immediate rear is another part two/part three storey building set along the western boundary of the application site. (Both buildings comprise student accommodation). A car park accommodating some 15 spaces separates the front and rear buildings.
- 3.4 To the East, on the opposite side of Woodcote Side, are two terraces of two storey houses, set behind short front gardens and boundary fences/planting.
- 3.5 To the west, the site adjoins a large area of public open space forming part of the Epsom and Ashted Common.

- 3.6 The development is nearing completion and prospective purchasers are ready to occupy the open market flats.

4 Proposal

- 4.1 This application seeks to vary the S106 Agreement that accompanies planning permission 15/00992/FUL in order to enable two affordable housing units to be provided as shared ownership.
- 4.2 The applicant has sought to justify the variation to the S106 agreement and provided a planning statement which seeks to amend the agreement to provide a cascade arrangement to enable a shared ownership or alternatively a commuted sum.

5 Comments from third parties

- 5.1 The application to vary the provisions of the S106 agreement does not require consultation or notification, as the development is not varying from the original permission, rather the provisions of the agreement are proposed to be varied to enable the affordable housing to be delivered on the site.

6 Consultations

- 6.1 None required

7 Relevant planning history

- 7.1 The site is subject to an extensive planning history, which is provided in the below table.
- 7.2 This application seeks to amend the Section 106 Agreement that accompanies planning application 15/00992/FUL, which was granted planning permission on 26 January 2016. An application to discharge Condition 11 (remediation scheme), Condition 16 (verification report) and Condition 17 (SuDs) of application 15/00992/FUL was approved on 06 August 2018, under reference 17/01880/COND. These applications are detailed within the below table.

Application Number	Decision Date	Application Detail	Decision
17/01880/COND	06.08.2018	Details pursuant to Condition 11(Remediation scheme) 16 (Verification Report) 17 (SuDS) of planning permission 15/00992/FUL	Granted
17/00983/NMA	29.10.2017	Non-material minor amendment to planning permission 16/00547/FUL to permit amended parking layout to provide	Granted

Application Number	Decision Date	Application Detail	Decision
		sufficient space for the cars to manoeuvre into the spaces, addition of meter cupboard to the rear of the existing refuse store, and reconfiguration of the entrance steps	
16/01739/COND	11.04.2017	Details pursuant to Conditions 1,2 (Contaminated Land) of planning permission 16/01106/PDCOU	Granted
16/01715/REM	11.04.2017	Removal of Condition 1 (Contaminated Land) 2 (Ground Gas) of planning permission 16/01106/PDCOU	Granted
15/00985/COND	20.02.2017	Details pursuant to Condition 1 and 2 (Contaminated Land) of prior approval 15/00373/PDCOU	Granted
16/01106/PDCOU	06.12.2016	Prior approval for the change of use of the existing office building (Use Class B1(a)) to 9 self-contained flats (Use Class C3)	Prior Approval Required and Permitted
16/00547/FUL	13.09.2016	External alterations to East elevation of existing building, creation of new secure and covered external timber refuse and recycling store within existing car park; creation of new secure and covered cycle store for 20 cycles within existing car park. (Amended site layout received 06.09.2016)	Granted
15/00992/FUL	26.01.2016	Demolition of single-storey former office building and the erection of a part two/part three-storey building, accommodating 14 self-contained flats, with 20 associated surface and lower ground floor level car parking spaces.	Granted
15/00374/PDCOU	28.07.2015	Prior approval for the change of use of the existing office building (Use Class B1(a)) to 4 self - contained flats (Use Class C3).	Prior approval is required and approved
15/00373/PDCOU	28.07.2015	Change of use of the existing office building (Use Class B1(a)) to 9 self -contained flats (Use Class C3). (Front of building)	Prior approval is required and approved
15/00579/PDCOU	14.08.2015	Change of use of the existing office building (Use Class B1(a)) to 1 self-contained flat (Use Class C3) (rear).	Prior approval is required and approved

Application Number	Decision Date	Application Detail	Decision
14/01219/PDCOU	29.12.2014	Change of use of the building from office (Use Class B1) to 12 self-contained flats (Use Class C3) (Frontage building).	Prior approval is required and approved
14/00747/PDCOU)	10.09.2014	Prior Approval for the change of use of the building from office (Use Class B1) to 12 self-contained flat units (Use Class C3).	Refused

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 5 Delivering a sufficient supply of homes

Core Strategy 2007

Policy CS9 Affordable Housing and meeting Housing Needs

Revised Developer Contributions Supplementary Planning Document 2014

9 Planning considerations

Affordable Housing Provision

- 9.1 Chapter 5 of the National Planning Policy Framework (NPPF) (2018) encourages the delivery of affordable housing on-site. It expects at least 15% of homes to be available for affordable home ownership on major developments (subject to exemptions).
- 9.2 *Policy CS9 (Affordable Housing & Meeting Housing Needs)* of the Core Strategy (2007) sets out that new housing developments should include a mix of dwelling types, sizes and tenures. For residential developments of between five and fourteen dwellings gross, at least 20% of dwellings are required to be affordable.
- 9.3 *Policy CS9* does not set out required housing tenures, however supporting paragraph 3.12.10 states that this policy will provide the basis of detailed negotiation with residential developers. In all cases the Council will seek the maximum reasonable amount of affordable housing in negotiating on individual schemes and will have regard to its affordability and tenure-balance targets; the suitability of the site for different types of affordable housing provision; and the economics of site provision, taking into account any abnormal site development costs, the availability of subsidy and other relevant planning requirements.

- 9.4 Supporting paragraph 3.12.11 states that other than in exceptional circumstances, the provision of the affordable housing should be made on site. Where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable. In these instances, the proposal will need to reflect the fact that the facilitating site will be developed for 100% private market housing, and the proportion of affordable housing units sought, or financial contribution offered, calculated accordingly.
- 9.5 The Revised Developer Contributions Supplementary Planning Document (SPD) (2014) sets out that the Council expects affordable housing units to be provided on housing development sites. In very exceptional circumstances, where it has been agreed that on-site provision is not appropriate, and no suitable alternative site is available in the Borough, financial payment in lieu will be considered by the Council.
- 9.6 The SPD also sets out that the Council expects a variety of affordable dwelling types to be provided to meet the wide range of housing needs identified. The precise mix of dwelling type for the affordable housing element will change as needs vary over time and from location to location. The Council's Housing Division will advise developers of the most appropriate housing mix for individual sites in respect of size, type and tenure. It is also important that the developer engages in pre application discussions with the Council's planning officers to establish what may be an acceptable scheme.
- 9.7 The permitted scheme accommodates 14 self-contained flats and its S106 Agreement requires the developer to (inter alia) provide and transfer 2 x 2 bedroom flats for affordable housing rent tenure to a Registered Provider. The S106 is an old style agreement in that it does not allow for a "Cascade Agreement", which would revert to a commuted sum or change in affordable housing tenures in the event the original affordable housing requirements cannot be fulfilled.
- 9.8 The developer and "affordable housing 106" both made concerted efforts to secure a Registered Provider to transfer the 2 x affordable housing units to, but there was no initial interest from local Registered Providers.
- 9.9 Mount Green, a small Registered Provider, provided interest in the 2 x affordable housing units once development had commenced. Mount Green confirmed that it would be willing to contract with the developer for the units on a shared ownership tenure basis, which would require a Deed of Variation to the existing S106 Agreement.

- 9.10 The development is now complete and Mount Green has advised that two parties are ready to purchase the 2 x affordable housing units for shared ownership. As such, this application seeks to vary the S106 Agreement so that the definition of affordable housing extends to shared ownership. The required change of tenure is considered to comply with National Planning Policy, Policy CS9 of the Core Strategy and the Revised Developer Contributions SPD.
- 9.11 In the event that the units are not transferred, the developer has provided a figure for a financial contribution in lieu of the 2 x affordable housing units. A financial payment in lieu will be considered by the Council in a very exceptional circumstance, in line with the Revised Developer Contributions SPD.
- 9.12 In summary, the required change of tenure from affordable housing rent to shared ownership is considered compliant with National and Local Planning Policy.

10 Conclusion

- 10.1 The proposed change of tenure from affordable housing rent to shared ownership is considered compliant with National and Local Planning Policy. In the event that the 2 affordable units are not transferred, the developer has provided a figure for a financial contribution in lieu of the 2 affordable housing units. A financial payment in lieu will be considered by the Council in a very exceptional circumstance, in line with the Revised Developer Contributions SPD.

11 Recommendation

Subject to a Deed of Variation being completed and signed by all parties to secure the following amendment:

- a) Amend the affordable housing requirement from 2 no. affordable rented units to 2 no. shared ownership units

Informative:

- (1) **In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**