

25 Alexandra Road Epsom Surrey KT17 4BP

Repair and conversion of existing dwelling into 3 separate flat units. Construction of a new apartment building accommodating 6 self-contained flat units and associated landscaping and parking.

Ward:	College
Contact Officer:	John Robinson

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=OAD5KDG05K00>

2 Summary

- 2.1 The application seeks permission for the repair and conversion of the existing dwelling into three separate flat units, the construction of a new apartment building accommodating six self-contained flat units and associated landscaping and parking.
- 2.2 This application is referred to the Planning Committee for decision as the scheme is similar to others for the same site on this agenda for decision as they are major applications.
- 2.3 The application is recommended for APPROVAL.

3 Site description

- 3.1 The application site lies on the north eastern side of Alexandra Road and presently comprises a detached, locally listed Victorian house. The site is situated between blocks of three storey flats, Nos 23 Parkside Court and 27 respectively, each of which have their vehicular access roads serving their rear parking areas, almost abutting the flank boundaries of the application site.
- 3.2 The property is bounded to the north by Parkside Court. This building is located around 18m from Alexandra Road and set back between 6m at the rear and 10m at the front, from the shared flank boundary with application site. Parking for the flats is within a garage court across the entire width of the plot, with a 14m deep communal amenity space between the flats and the garages.

- 3.3 To the south, the site is bounded by a three storey block of flats with a “T” shape footprint, located 16m from the highway. The flats are set back 6m from the shared flank boundary with the application site, with an intervening access road to the rear garage parking court, which again is separated from the building by a 13m deep amenity space.
- 3.4 The application site is bounded to the east by the Alexandra Recreation Ground.
- 3.5 There are two protected trees on the application site, a Corsican Pine and a London Plane. There is a small group of trees between the site and the neighbouring flats at No 27, comprising a Horse Chestnut and Limes. There is also a protected Lime tree on the boundary within the curtilage of Parkside Court, as well as a Horse Chestnut within the radius to the access road to No 27. At the flats site at No 23, there is a Horse Chestnut on the boundary with application site.
- 3.6 The immediate area on the north eastern side of Alexandra Road is characterised by a dominance of flatted developments of varied scale, massing and appearance. The blocks of flats on either side of the application site have three storeys with flat roofs, whilst Alexandra and Danehurst Mansions (to the north and south respectively) have accommodation within a mansard roof space.

4 Proposal

- 4.1 The application seeks permission for the repair and conversion of the existing dwelling into 3 separate flat units, (2 two-bedroom and 1 one-bedroom units) and the construction of a new apartment building accommodating 6 self-contained flat units (4 two-bedroom and 2 one-bedroom units), and associated landscaping and parking.
- 4.2 In order to divide the existing house into three separate apartments, a new single storey extension, is proposed which would contain a new kitchen and en-suite bathroom. Access to the building would be via the existing front and side doors, and individual apartments would be entered via the current stair hall. Apart from the new single storey extension, works to the existing house externally would be limited to the repair and restoration of the original dwelling.
- 4.3 The new building would be located to the rear of the existing house, with a 13m gap that would serve as a landscaped communal garden/amenity space.
- 4.4 The proposed apartment building which would contain 4 two-bedroom flats arranged over ground and first floors, with a further two flats located at attic level, would have a rectangular footprint with two bayed projections at either end, flanking a central section featuring a lower eaves line with half-dormer and “eyebrow” windows within the roof slope. Whilst the building would have varied eaves heights, the principal ridge height (11.4m) would be similar to that of the existing house.

- 4.5 The new apartment building would have red/orange stock brick elevations, with the upper storey featuring sections of vertical tile hanging cladding. The elevations would be articulated by gauged-brick arches to window and door openings, as well as brick detailing to the plinth and string courses. It would have a steeply pitched plain tile roof, with bracketed gablets over the bay windows.
- 4.6 Parking for 4 vehicles would be provided forward of the existing house, along the north western flank boundary, and a further 10 spaces along the south eastern flank boundary, forward of the new building. A secure bicycle and refuse would be located adjacent to this parking court.
- 4.7 Indicative landscaping plans, including an Arboriculture Survey have been submitted with the application. These plans show additional planting is proposed to all boundaries to act as a green buffer between the proposed development and the adjacent properties. The proposed scheme includes the removal of several trees and other overgrown vegetation across the site, but suitable tree replacement is proposed.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 82 neighbouring properties, a press and site notice. To date (13.09.2016) 7 letters of support and 2 letters of objection have been received regarding:
 - Loss of privacy
 - Loss of trees
 - Lack of parking

College Ward Residents Association: No objection

6 Consultations

- 6.1 County Highway Authority: No objections. Recommends conditions be imposed on any permission granted.
- 6.2 Design and Conservation Officer: No objection. Considerable heritage benefit ensues from the sensitive rehabilitation of the locally listed building and the public benefits resulting from the proposed new development will be reviewed elsewhere in the planning process. Any harm that may be caused to the significance of the Villa through the transformation of its setting is far from substantial and in any case, effectively mitigated by the heritage benefits. Approval is therefore recommended in terms of Policy DM8.
- 6.3 Tree Officer: No objection.
- 6.4 Policy Officer: No objections.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
12/01384/FUL	24.07.2013	Demolition of existing building and the erection of a new block of 14 two bedroom flats, with associated landscaping and parking.	REFUSED Appeal DISMISSED 05.07.2014

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 7: Requiring Good Design

Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Nature Conservation
Policy CS4	Open spaces and green infrastructure
Policy CS5	Built Environment
Policy CS6	Sustainable Development
Policy CS7	Housing Provision
Policy CS8	Housing Location
Policy CS16	Highways

Development Management Policies Document 2015

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM 20	Environmentally Sustainable Development Standards/ Renewable Energy
Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM10	Design requirements for new developments
Policy DM11	Housing Density
Policy DM12	Housing standards
Policy DM35	Transport and New Development

Supplementary Planning Guidance

Sustainable Design 2012
Parking Standards for Residential development 2015

9 Planning considerations

Previous Application and Appeal Decision

- 9.1 A similar residential scheme for development (12/01384/FUL) seeking detailed planning permission for the demolition of the existing building and the erection of a new block of 14 two bedroom flats, with associated landscaping and parking was refused under delegated authority in July 2013 on inter alia the following ground:
1. In the absence of clear and convincing justification for the demolition of the locally listed building which would result in the total loss of a heritage asset, the proposed development would be contrary to Policies BE15, CS5, paragraphs 131-133 of the NPPF and emerging Policy DM8.
- 9.2 The application was dismissed on appeal in May 2014 (Appeal Ref: 2206768), on the grounds of the applicant failing to provide adequate provision for affordable housing, contrary to Policy CS9.
- 9.3 The Inspector stated that whilst there was no doubt that the dwelling was the only house of its type remaining on this part of Alexandra Road, there were similar houses elsewhere in the road. Based on the evidence before her, she found the significance of the heritage asset to be in the artistic merit of the individual elements of the stained glass, which is present in the form of several windows above the stairs and in panels in the front door and an additional hallway door. She stated that whilst the proposals would result in the loss of the building, the significance of the asset could be safeguarded by the retention of the stained glass and its re-use in the proposed building.
- 9.4 In respect of effect of the proposed development of the block of flats on the character and appearance of the area, she noted that the appeal site is situated between two blocks of flats, and that this side of Alexandra Road is dominated by three storey blocks of flats of varying designs and ages. Although the proposed replacement building would be of modern design, she stated that it would relate well to its immediate surroundings and local context.
- 9.5 She concluded that the proposed development would not result in harm to the historic environment and would not conflict with the aims and objectives of policies CS5 and DM8.
- 9.6 The Inspector's appeal decision is therefore a material consideration in assessing this application.

Principle of Development

- 9.7 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by re-using land that has been previously developed. Core Strategy Policy CS1 requires development and the use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development in Epsom. Policy CS5 states that development should make efficient use of land and have regard to the need to develop land in a comprehensive way

- 9.8 The redevelopment of this site within an already developed residential area is an appropriate and sustainable location for such development and in principle accords with the policies contained within national and local planning policy.

Backland Development

- 9.9 Policy DM16 states that there will be a presumption against the loss of rear domestic gardens due to the need to maintain local character, amenity space, green infrastructure and biodiversity.

- 9.10 In exceptional cases, modest redevelopment on backland sites may be considered acceptable, subject to proposals demonstrating that there will be no significant adverse impact upon the following:

- Garden land – Rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents or provides wildlife habitats must be retained
- Impact on neighbours – The privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided
- Vehicular access or car parking – These must not have an adverse impact on neighbours in terms of visual impact, noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable
- Mass and scale of development – Development on backland sites must be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens
- Trees, shrubs and wildlife habitats – features important to character, appearance or wildlife must be retained or re-provided.

- 9.11 Officers are of the opinion that the proposed scheme would meet the above-mentioned criteria as:

- The application site is the sole remaining site in the immediate area with a largely intact rear garden, and is adjacent to Alexandra Park
- The privacy of existing homes and gardens would be maintained
- The access drive would be centrally located on the plot, and the parking bays would not impact on amenity in terms of noise and disturbance
- The new development on the rear of the site would be more intimate in scale than the frontage property
- All the Category A and B trees which are features important to the character, and appearance of the immediate area would be retained.

- 9.12 The proposed scheme would therefore comply with the provisions of Policy DM16.

Retention of Locally Listed Building

- 9.13 The retention of the existing dwelling which is locally listed and is described on the register as: “The property is one of the few surviving late Victorian Houses on Alexandra Road, with many of its internal and external features intact. In particular, it’s stained glass windows and front door, with plaster mouldings, fireplaces, timber details, staircase internally”, is welcomed.
- 9.14 While securing the future of the building in a sustainable new use, the proposal would remove various unsympathetic, poor quality additions, preserve key architectural features and would reinstate much of the original appearance. The replacement addition would be discretely located and although it would be perceived in conjunction with the principle elevation, its modest form and complementary design would cause no harm to the architectural quality of the host dwelling. The minor interior reconfiguration necessary to accommodate the new use would cause little loss of historic fabric and the original planform would remain clearly evident.

Density

- 9.15 Policy DM11-Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the borough’s urban area will be supported in principle. The scheme proposes a density of 44 units per hectare and whilst policy DM11 states that the density of new housing developments in most cases should not exceed 40 dwellings per hectare, exceptions will be considered if the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 9.16 The site is in a relatively sustainable location, in proximity to a bus stop, as well as within 25-minute walking distance to the railway station. The eastern side of Alexandra Road mainly comprises of flatted development and therefore the proposed scheme would be contextually appropriate. It is therefore concluded that the density is appropriate for the site.

Visual Impact

- 9.17 The submitted drawings show that the new building would be largely screened by the existing (retained) dwelling and consequently would not be directly viewed from the public domain.
- 9.18 This part of Alexandra Road is characterised by flatted development, of varying footprint, bulk, design and massing. The new building would be three storeys in height which would respond acceptably to the built form and scale of the flat roofed three storey block of flats on either side, as well as the existing dwelling.

- 9.19 The new building would have a variety of eaves heights which would help to break up the mass of the building and the principal ridge height would be similar to that of the existing house. The overall height would comply with Policy DM13.
- 9.20 The design of the proposed apartment block reflects the details that are appropriate to the late Victorian era, from which the existing house derives and it is noted that the choice of materials and architectural details has been very carefully considered, which is welcomed.
- 9.21 Careful consideration has been given to achieving an inconspicuous, yet accessible siting for the refuse bin and bicycle store, and the structure is of modest form, complementary design and good quality, durable materials.
- 9.22 While the new car-parking areas and the presence of the ancillary structure materially alter the visual quality of the setting of the locally listed building, careful attention has been given to maintaining a high quality, clearly domestic setting.
- 9.23 Although substantial in form, the new building would be discretely located to the rear of the site and the locally listed building would remain clearly pre-eminent when viewed from Alexandra Road.
- 9.24 Although the character of the setting is altered, it remains domestic and a green buffer would surround the locally listed building. While allowing for a carefully managed change, little harm would be caused to the historic significance of the Victorian Villa.
- 9.25 It is therefore concluded that the proposed scheme would not have a harmful impact on the setting, appearance and character of the adjoining locally listed building, or on the street scene and wider area, and would therefore accord with Policy DM8, DM9 and DM10.

Residential Amenity

- 9.26 The new building has been designed, and detailed, such that the impact on neighbouring properties would be minimised.
- 9.27 The kitchen/dining room bay windows in the front elevation of the new building would face side windows in the adjacent flats, at an oblique distance of between 16 - 19m which is acceptable, given that views would be restricted by the dense trees and vegetation along both flank boundaries.
- 9.28 It is therefore concluded that the proposed scheme would not have a materially harmful impact on neighbour amenity in terms of overlooking, loss of privacy, daylight or being overbearing in their outlook.

Parking and Access

- 9.24 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe".

- 9.25 14 parking spaces are proposed which would comply with the Councils adopted parking standards which require 1 and 2 bedroom flats outside of the Town Centre to have 1 space per unit.
- 9.26 The existing driveway would be retained to access the property, but slightly widened to allow for safer access and egress.
- 9.27 A refuse bin store/cycle store would be provided to the south west of the front of the existing dwelling.
- 9.28 The Highways Officer is of the opinion that the development would not be prejudicial to the free flow of traffic and conditions of safety on the road and would therefore comply with Policy CS16.

Affordable Housing

- 9.29 Policy CS9 requires the provision of 20% of the 9 units in the scheme as affordable units, which equates to 1.8 units. In terms of our Supplementary Planning Document (SPD) - Developer Contributions, on site provision of affordable housing will always be sought in the first instance.
- 9.30 Officers have identified a commuted sum of £308,705 in lieu of on-site provision of a unit (and a commuted sum equivalent of 0.8 of a unit).
- 9.31 The commuted sum would be secured by way of an appropriate legal agreement.

Landscaping

- 9.32 Indicative landscaping plans, including an Arboriculture Survey have been submitted with the application. These plans show additional planting is proposed to all boundaries to act as a green buffer between the proposed development and the adjacent properties. The proposed scheme includes the removal of 18 Category C trees and two groups of conifers, but “balancing” tree replacement is proposed.
- 9.33 A SuDS compliant, buff coloured, resin-bonded gravel is proposed for the principal driveway surface and parking bays, with individual spaces delineated using stone setts inlaid in to the gravel.
- 9.34 A detailed landscaping scheme will be secured via appropriate planning conditions.

Sustainability

- 9.35 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency. A Sustainable Energy Strategy has been submitted to demonstrate how the proposal will secure an energy efficient design and minimise its environmental impact. The strategy confirms best practice for air tightness and U-values (in relation to loss of heat through areas of glazing), high levels of insulation and features such as low energy lighting will provide a reduction in the demand for energy before the inclusion of renewables.
- 9.36 The proposal is indicative in the main and appropriate conditions are recommended to require their inclusion.

Ecology

- 9.37 The application is supported by a Bat Roost Survey Report. The emergence surveys demonstrated that four bat species utilise the site. Foraging behaviour by these species was observed at several locations around the site particularly within the garden area to the south and west of the site and along the hedgerow on the eastern site boundary. All species recorded were identified commuting across the site with the highest activity levels noted along the eastern and southern boundary hedges. No bats were observed to be entering or exiting the potential roosting features on the building.
- 9.38 Policy DM4 requires that every opportunity should be taken to secure a net benefit to the Borough's biodiversity. It is recommended that bat boxes be provided on site as a biodiversity enhancement and an appropriate condition is recommended to be imposed on any permission granted.

Community Infrastructure Levy

- 9.27 The proposed scheme is CIL liable.

10 Conclusion

- 10.1 The proposal seeks to erect a new residential building in a location which is considered appropriate. The new building would not harm the wider character of the area, nor lead to a loss of neighbouring residential amenities. In light of the above it is recommended that planning permission is granted.

11 Recommendation

Part A:

- 11.1 Subject to a legal agreement being completed and signed by 4 November 2016 to secure the following heads of terms:**

A commuted sum of £308,705

- 11.2 The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

Conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- (2) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form

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.

- (3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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.

- (4) The development works including ground preparation, demolition and construction; shall be carried out in strict accordance with the submitted Arboricultural Method Statement E806-02 (dated October 2015), by ENIMS. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained 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) Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, 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).

- (6) 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 sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (7) No development shall take place until details and location of the installation of bat boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

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

- (8) The development hereby approved shall not be first occupied unless and until the proposed vehicular/pedestrian modified access to Alexandra Road has been constructed and provided with inter pedestrian visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (9) 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 14 vehicles/9 bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/ turning areas shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (10) No development shall commence until a Construction Transport Management Plan, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicle routing

(h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused,

has been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

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

5786/10 C Proposed Site Plan

5786/11 B Proposed Basement and Ground Floor

5786/12 B Proposed 1st and 2nd Floor

5786/13 B Proposed South West Elevation

5786/14 B Proposed North East Elevation

5786/15 B Proposed South East Elevation

5786/16 B Proposed North West Elevation

5786/17 B Proposed New Flats Ground Floor

5786/18 B Proposed New Flats First Floor

5786/19 B Proposed New Flats Second Floor
5786/20 B Proposed New Flats Roof Plan
5786/21 B Proposed New Flats South West Elevation
5786/22 B Proposed New Flats North East Elevation
5786/23 B Proposed New Flats South East Elevation
5786/24 B Proposed New Flats North West Elevation
5786/25 B Proposed Site Section
5786/27 A Proposed Bin and Bicycle Store

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).

Informatives:

- (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 186-187 of the National Planning Policy Framework 2012.
- (2) No burning of materials obtained by site clearance shall be carried out on the application site.
- (3) The water efficiency standard required under condition 6 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:

- a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-droppedkerbs

Part B:

- 11.3 In the event that the section 106 Agreement referred to in Part A is not completed by 4 November 2016, the Head of Place Development be 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 (as amended), the applicant has failed to comply with CS9 (Affordable Housing) and CS12 (Developer Contributions) of the 2007 Core Strategy in relation to the provision of a commuted sum in lieu of the on –site provision of affordable housing units.