

New Development on NESCOT Agricultural Land, Reigate Road, Ewell, Surrey

Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended)

Ward:	Nonsuch
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1 Plans

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council's website, which is provided by way of background information to the report.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OROJJS GYH1W00>

2 Summary

- 2.1 The application seeks planning permission for the erection of 88 residential dwellings with associated works on the vacant site immediately adjacent to the north and west of the residential housing development now largely completed on the former agricultural land used by Nescot.
- 2.2 The application site was previously granted planning permission by Committee in November 2014 for a 150 bed residential care home (Use Class C2) under reference 14/00967/FUL but this scheme is not being implemented and the site has been acquired by the adjacent residential developer who wish to implement a 'Phase 2' Use Class C3 residential scheme comprising 7 x 2 bedroom (b) 4 person (p) houses, 4 x 3b5p houses, 19 x 3b6p houses, 18 x1b2p apartments, 4 x 2b3p apartments and 36 x 2b4p apartments.
- 2.3 The application is referred to the planning committee as it is a major application.
- 2.4 The application is recommended for APPROVAL as it involves a policy compliant residential development and there are no visual, residential amenity or other concerns relating to the proposal.

3 Site description

- 3.1 The application site comprises a broadly rectangular site totalling 1.55 hectares forming the north-western corner of the previous Nescot animal husbandry site. The site is bounded immediately to the north by the Ewell Bypass (A24), and to the west by Reigate Road (A240). To the south is Roman Way and to the east is Collingridge Way which form part of the residential development permitted under 15/00098/FUL for the erection of 91 x 3, 4 and 5 bedroom houses that are currently part occupied and part under construction.

4 Proposal

- 4.1 The application seeks permission for the erection of 88 dwellings with an associated access, open space, car parking, landscaping and other works. The proposed development comprises a mix of two storey detached and semi-detached houses together with five separate apartment blocks of three storey/two and a half storey next to the Ewell By-pass frontage and close to the centre of the site. The house types in terms of scale, design and materials would be similar to those erected under 15/00098/FUL on the adjacent site. The apartment blocks would have pitched tiled roofs and articulated with gables, hanging tiles and roof dormers and use of materials would be similar to those used under 15/00098/FUL.
- 4.2 The proposed dwelling mix would be 7 x 2b4p houses, 4 x 3b5p houses, 19 x 3b6p houses, 18 x 1b2p apartments, 4 x 2b3p apartments and 36 x 2b4p apartments.
- 4.3 Two of 1b2p apartments, three of the 2b4p apartments and two of the 3b5p houses are proposed as shared-ownership dwellings. Three of the 1b2p apartments, six of the 2b4p apartments and two of the 3b5p houses are proposed as rented units.
- 4.4 Access to the site would be via two spurs off the recently constructed main access spine road (Roman Way) connecting with Reigate Road to the west of the site. There is also a "left-out only" arrangement in the north-west corner of the 15/0098/FUL development which connects to the Ewell By-pass and would be available for use by future residents.
- 4.5 Car parking would be provided for the apartments on a 1 space per unit basis totalling 58 spaces close to the buildings whilst 2 parking spaces would be provided for each of the houses either in attached garages or on the driveway.
- 4.6 The development will be softened throughout the public realm with planting and landscaping. An enhanced landscape buffer of between 3.0m to 5.0m depth will be provided behind the existing hedge boundaries to Ewell By-pass and Reigate Road.
- 4.7 The applicant has engaged in pre-application discussions with planning officers and a public information event also took place in April to inform the local community of the proposed plans.
- 4.8 The applicant has submitted in support of the development proposal a number of technical reports including: Design and Access Statement; Transport Assessment and draft Travel Plan; Energy and Sustainability Assessment; Noise Assessment; Ecology Assessment; Tree Report; Flood Risk Assessment, including Drainage Strategy; Landscaping Plan and Detailed Planting Details; Viability Appraisal.

5 Comments from third parties

5.1 The application was advertised by means of letters to 74 neighbouring properties, a site and press notice. To date (19.09.17) 18 resident objections have been received on the following grounds:

- This number of properties (88) is totally unacceptable as it will include smaller semi-detached houses and flats leading to over density and a serious lack of parking spaces which will cause residents to park in nearby roads;
- The high density design of the development will be totally out of keeping with the low-rise detached and semi-detached housing in the surrounding area. The visual impact of the development will be considerable.
- The area is predominately detached houses with large gardens and a proposal like this will only be to the detriment of the area as a whole and will overburden already stretched local nurseries, schools, hospitals and doctors surgeries;
- Any further addition to the housing stock on this scale should carry associated mandatory upgrades to the local infrastructure to cope with the volume of people and impact on the surrounding area;
- The buildings are too tall and imposing and add to the corridor of development from Ewell to Epsom. They will dominate the junction and remove the sense of open space when looking south along the Reigate Road;
- Insufficient car parking and road widths will lead to parking chaos on site and will add traffic to an already busy new T-junction onto the Reigate Road;
- Further noise and disturbance from construction site traffic after having suffered for 2 years;
- An ecological review should be undertaken prior to development because bats have been observed flying around;
- The high density design of the development, including some three storey buildings, will be totally out of keeping with the low-rise detached and semi-detached housing in the surrounding area;
- Vehicles accessing Reigate Road from Sycamore Gardens are already causing problems for residents of Reigate Road and Beach Walk. An additional 88 housing units could over time lead to an additional +100 vehicles regularly using the Reigate Road entrance to Sycamore Gardens, creating high levels of traffic congestion and pollution, and increasing road safety risks;
- Potential health risks associated with a second electricity sub-station being proposed next to an existing dwelling (*Planning Officer comment: the Borough Environmental Health Officer has advised that all All modern substations would be expected to meet International Commission on Non-ionizing Radiation Protection (ICNIRP) guidelines. It is not envisaged that the sub-station will be a significant source of electro-magnetic radiation as sub-stations are usually well insulated and shielded with radiation levels well below the ICNIRP reference levels.*);

- The new application would result in a total of 179 new dwellings, above the 'low density residential development' previously stated by the developer for the original 91 dwellings which equated to 23 dwellings per hectare or 120 dwellings across the wider site. The proposal equates to double the density of the existing development.
- There are also very few parking spaces already, so the concern is that parking issues will affect those in the neighbouring roads. Increased traffic will make accessing Reigate Road from the development even more difficult;
- Phase I at least has the open green spaces, which makes a huge difference. There seem to be no proposals for this for Phase II which would give it a very different feel;
- The development is not consistent with a residential area comprising predominantly detached houses rather than flats;
- We would like to see the development in keeping with the current approach in Sycamore Gardens and more sympathetic with the rest of the area, specifically with the flats replaced by houses, the introduction of more landscaping and parking consistent with likely need and usage;
- Take light and privacy away and create more noise from current pleasant and peaceful surroundings.

- 5.2 The Association of Ewell Downs Residents has objected on the grounds that the previous care home proposal for the site would have placed little if any pressure on the local community whilst the current proposal would increase pressure on NHS services, school places, traffic congestion and vehicle pollution.
- 5.3 Epsom Civic Society – welcome the proposal that the land should be developed as the second phase of the housing site which would provide a substantial amount towards the housing requirements of the Borough. Our support is subject to consultations demonstrating that local infrastructure would be able to cope.
- 5.4 Epsom Civic Society comment that Phase 1 was a low density scheme of 91 houses representing 25 dph. This application proposes 88 units on an area of 1.55ha amounting to 57 dph. Overall the whole estate would be equivalent to 34 dph. Whilst phase 2 is denser than we would wish, the overall density is not unreasonable and we do not make a major issue of this. The proposed 29 affordable units only represents 33%; this is unsatisfactory and the full 40% should be required. In terms of viability the applicants were fully aware of the affordable housing requirements when they purchased the land and we cannot accept that costs prevent the provision of the proper amount as defined in CS9.

6 Consultations

- 6.1 Surrey County Council – No objections subject to standard conditions requiring the proposed vehicular access and parking to be laid out prior to first occupation and a construction transport management plan to be agreed prior to commencement of development. It is also proposed that there should be a S106 Agreement before the grant of planning permission requiring:
- A contribution of £5,000 towards accessibility improvements to the bus stop in Reigate Road at the end of Mongers Lane serving the 470 bus route (Epsom- Sutton) consisting of raised kerbs for 9.0m.
- 6.2 Strategic Housing Manager - The applicant intends to develop a scheme of 88 residential units on the former animal husbandry land adjacent to Nescot. They have submitted a viability assessment that seeks to demonstrate that it is not viable to deliver the required affordable housing contribution of 35 units. The two major issues identified by the applicant appear to be the rising cost of construction and the price paid for the land.
- 6.3 An independent viability consultant was appointed to review the viability submission on the Council's behalf. Each of the assumptions within the submitted viability appraisal including the price paid for the site, developer profit, market sale expectations and build costs were assessed, scrutinised and challenged against current market norms and benchmarks. As a result of this thorough process the independent viability consultant concluded that the scheme would not be able to support a policy compliant affordable housing contribution.
- 6.4 However, the scheme is able to deliver some affordable housing on site. The applicants' preference is to deliver 29 shared ownership (part-buy, part-rent) homes on site with a 50% equity share being sold in each of the homes on site. This equates to an affordable housing contribution of 33% affordable housing against a policy requirement of 40%. The attraction of a fully shared ownership scheme is clear from the applicant's viewpoint as they would receive the sales proceeds of 50% of each of the 29 homes on site immediately, whereas with affordable rented homes a rent of 80% of open market rent is paid annually and does not come with the benefit of an initial lump sum cash injection.
- 6.5 The proposal to deliver all homes as shared ownership tenure is a significant departure from the Council's required tenure split as set out in the Core Strategy of 70:30 affordable rent to intermediate tenure (shared ownership) tenure. The policy on tenure split was set in the knowledge that the majority of households in housing needs within the Borough can only realistically afford to rent a home and that home ownership, even on a part-buy/ part-rent basis is beyond the means of the majority of households on the Housing Needs Register.

- 6.6 Added to this, the Strategic Housing Market Assessment commissioned by the Council in 2016, indicates that there is an over-supply of shared ownership accommodation in the Borough. There is an on-going and pressing demand to deliver affordable rented accommodation, not least due to the pressures created by the high cost to the Borough Council of supporting households in temporary forms of housing (the cost of which can be in excess of £24,000 per annum to support just one family in Bed & Breakfast accommodation). Delivery of affordable rented accommodation is therefore essential to properly meet housing needs and to reduce the unsustainable financial burden placed on the Council of supporting households in emergency accommodation.
- 6.7 In consultation with the Head of Housing and Community, it was agreed that the proposal to deliver all homes as shared ownership tenure would not meet priority housing needs and was therefore unacceptable.
- 6.8 As an alternative, the applicants have therefore proposed that they deliver 11 homes for affordable rent and 7 for shared ownership. Representing an affordable housing contribution of 20%, the homes would be provided as follows:

Type	Tenure	No.
1b2p F	AR	3
2b4p F	AR	6
3b5p H	AR	2
1B2P F	SO	2
2b4p F	SO	3
3B5p H	SO	2
	Total	18

- 6.9 Although the revised affordable housing offer of 18 homes will see less affordable homes delivered on site overall, the homes delivered will meet priority housing needs, help those in greatest housing need and assist the Council in the prevention of homelessness and by association reducing potential revenue costs in this area.
- 6.10 By agreeing to provide affordable rented accommodation, the applicant will receive less of an initial cash injection in the form of shared ownership sales receipts which clearly has an impact on the overall viability of the scheme. This is the reason why the fully shared ownership offer would deliver 29 affordable units, but the rented and shared ownership offer delivers 18 units. It is the latter offer that meets affordable housing need and complies with the Council's policy on tenure.

- 6.11 As is the usual approach where an applicant raises the issue of viability, a review mechanism should be used in order to secure the Council's position. The applicants will be required to reach slab level of construction on 10 units within two years of planning permission having been granted, if not a (viability) review process will be triggered to ensure that the permission is not 'land banked' in order to avoid a full affordable housing contribution.
- 6.12 Environmental Agency - Consider that planning permission should only be granted to the proposed development as submitted if appropriate site investigation, risk assessment and remediation conditions to prevent contamination of the Principal Aquifer below the site. (*Planning Officer comment: The Environment Agency have proposed particular conditions to be attached and these have been reviewed and adapted by the Borough Contamination Land Officer as set out below*).
- 6.13 Borough Contaminated Land Officer – the conditions recommended by the Environment Agency have been incorporated into the following conditions that will also satisfy the Borough Council's preventative contaminated land requirements:

Condition 1 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) and in accordance with current best practice guidance, the following components of a scheme to deal with any ground contamination and ground gas (including volatile hydrocarbons) related risks shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous and current uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Condition 3 Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Condition 4 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated via a risk assessment carried out in accordance with the Environment Agency's guidance 'Piling into Contaminated Sites' that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

- 6.14 Surrey CC as Lead Flood Authority has reviewed the surface water drainage strategy for the proposed development and assessed it against the requirements under NPPF, its accompanying PPG and Technical Standards. It is satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission is granted. It is recommended that should planning permission be granted, suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development and suggests conditions 16 and 17.
- 6.15 Surrey CC Archaeologist - confirms that all requirements for archaeological work in respect of this site have been satisfied under Condition 13 (discharged) of 14/00967/FUL and that no further archaeological work is required in respect of the new application.
- 6.16 Borough Environmental Health Officer – recommends a condition to ensure the dwellings are not adversely affected by traffic noise and this is attached as condition 18.

6.17 Epsom and Ewell Cycling Action Group has commented that improvements for pedestrians/cyclists onwards to Ewell Village are necessary both to satisfy DM36 "protect and enhance pedestrian and cycle access to...development sites" and for the Travel Plan to be considered satisfactory. It is requested that the application should only be approved with the following conditions attached:

1. Pedestrian/cycle access at the north eastern corner of the site. *(Planning Officer comment: it is not considered necessary to provide a separate pedestrian/cycle access at this point which would compromise the screen landscaping zone)*

2. Shared use pavement on Reigate Road (between A24 and Ewell High Street) north side with raised tables at all vehicular entrances/exits. *(Planning Officer comment: this can be considered within the Regulation 123 list of infrastructure improvements funded in whole or in part by CIL)*

7 Relevant planning history

Application number	Decision date	Application detail	Decision
14/00967/FUL	19.12.14	Development of a 150 room dementia care home, nursing home and Assisted Living Extra Care units (Class C2). Resubmission, with associated landscaping and car parking.	Granted

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 6: Delivering a wide choice of high quality homes

Core Strategy 2007

Policy CS1 Creating Sustainable Communities
 Policy CS3 Biodiversity and Designated Nature Conservation Areas
 Policy CS4 Open Space and Green Infrastructure
 Policy CS5 The Built Environment
 Policy CS6 Sustainability in New Developments
 Policy CS7 Housing Provision
 Policy CS8 Broad Location of Housing Development
 Policy CS9 Affordable Housing
 Policy CS12 Developer Contributions to Community Infrastructure
 Policy CS16 Managing Transport and Travel

Development Management Policies 2015

Policy DM4 Biodiversity and New Development
 Policy DM5 Trees and Landscape
 Policy DM9 Townscape Character and Local Distinctiveness
 Policy DM10 Design Requirements for New Developments

Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM13	Building Heights
Policy DM17	Contaminated land
Policy DM19	Flood Protection
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for new Development
Policy DM37	Parking Standards

Revised Supplementary Planning Document 2014 - Developer Contributions
Supplementary Planning Document 2012 - Sustainable Design
Supplementary Planning Document Parking Standards for Residential
Development 2015

Strategic Housing and Land Availability Assessment – Findings Report (2017)

Strategic Housing Market Assessment (2016)

Environmental Character Study (2008)

Housing Site Allocations Consultation Paper (2011)

Site Allocations Policies Document: Other Sites Consultation Paper (2013)

9 Planning considerations

Principle of Development

- 9.1 The principle of residential development on this site has been established by the grant of planning permission for a dementia care home, nursing home and assisted living extra care units under 14/00967/FUL.
- 9.2 The provision of conventional new housing rather than institutional accommodation permitted under 14/00967/FUL is favoured as this would make a much larger contribution towards meeting the borough's local housing needs. The Council's Strategic Housing Market Assessment (SHMA) 2016 identifies the objectively assessed need for the Council between 2015-2035 as 8,352 or 418 new dwellings per annum.

Layout, Design and Scale.

- 9.3 The layout, scale and massing of the proposed development has been subject to considerable pre-application discussions and has been further negotiated on and revised since the application was submitted. This has resulted in the fourth floor of Block B as originally submitted being entirely removed and the resulting 3 storey Blocks A, B and C nearest to Ewell By-pass boundary would be between 0.8m and 2.4m lower than the previously approved care home development.

- 9.4 It is considered that the apartment blocks as now amended with a 3 storey central Block B stepping down on either side in height and scale with the use of roof dormers in Blocks A and C provides an appropriate transition to the adjacent traditional houses in Phase 1 and to the visually sensitive 'corner' of the site nearest the roundabout. It is of a scale and massing that is acceptable within the site's context and represents a substantial improvement on the overall size, bulk and massing of the extant planning permission for the care home.
- 9.5 Two terraces of 2 bed houses as originally submitted next to the apartment blocks have also been substituted with two further small blocks of 3 storey apartments (Blocks D and E). It is considered that the proposed development is of a scale, design and layout that is appropriate for the site.
- 9.6 The layout and alignment of units near to the Reigate Road frontage and estate access road have also been amended since submission to address concerns about vehicular access and manoeuvring and there have been other changes including enlarged landscaping around the site periphery and revisions to the communal amenity space, refuse storage and cycle storage.
- 9.7 The proposed layout has a 'loop road' and parking for the apartments along the northern boundary next to the Ewell By-pass and the junction with Reigate Road. This enables the communal amenity space for the apartments to be provided around and between the blocks and to provide some separation from the noisy highway boundary.
- 9.8 The proposed houses are of similar design to those recently constructed in Phase 1 and would comprise two storeys with pitched roofs and modest architectural details. Each dwelling would have a minimum 10m rear garden depth to comply with Policy DM12. It is considered that with the use of traditional materials the proposed houses would be in keeping with the surroundings in terms of form and scale.
- 9.9 The density of 57 dwellings per hectare (dph) exceeds the general guidance of a maximum 40 (dph) set out in Policy DM11. It is however, considered that the applicant has sufficiently demonstrated that the exceptional circumstances relating to sustainability and townscape are met through this proposal. It is accepted that the design and appearance of the dwellings and the layout including landscaping would be to a high standard and any reduction in density would result in more pressure on other sites to deliver the housing numbers required in the borough and would also result in much needed affordable housing being further reduced because of the lower level of viability.
- 9.10 Each of the dwellings would comply with the DCLG Technical housing standards – nationally prescribed space standard as referred to under Policy DM12.

Visual Impact

- 9.11 The reduced scale of the apartment blocks as negotiated since submission together with the enhanced boundary landscaping would ensure that there would be no harmful visual impact arising from the development as seen from the Ewell By-pass. Similarly, the 2 storey scale of houses together with the additional landscaping buffer along Reigate Road would minimise any visual impact.
- 9.12 The development would be closest to the recently occupied dwellings along and off Roman Way to the south and Collingridge Way/Clarence Place to the east. It is considered that the scheme as proposed would be more visually compatible with its surroundings in terms of scale and appearance than the previously permitted care home development.

Residential Amenity

- 9.13 The nearest dwellings immediately to the east of the application site mainly have flank elevations along this boundary and would all exceed the minimum separation of 21m between habitable windows considered necessary to safeguard privacy and avoid overlooking. The dwelling closest to Block C which would have a kitchen/dining room window facing eastwards would not be overlooked because it only has secondary windows on the flank elevation with the closest window an obscure glazed toilet window.
- 9.14 The houses and apartment building along the Reigate Road frontage are set in some 17m-20m from the site boundary and are separated from those dwellings on Reigate Road by a substantial landscape buffer and Reigate Road itself.
- 9.15 It is accordingly concluded that the proposed development complies with Policy DM10 in respect of its impact on residential amenity.

Parking and Access

- 9.16 In accordance with Policy DM35, a Transport Assessment has been submitted which assesses the impact of the proposed development on the transport network. This concluded that the trip generation and traffic modelling analysis show the increases in traffic arising from the latest development mix are modest equating to only approximately one additional vehicle movement every two minutes. There would be no significant impact on the local highway network over and above that considered acceptable by the Highway Authority in connection with planning permission 15/00098/FUL. This view is accepted by Surrey County Council, as Highway Authority.

- 9.17 The carriageways are 4.8m wide with a single footpath and are designed to reduce the likelihood of on-street parking and to minimise the area of hard surfacing across the site. The County Highways Authority has no objection to the proposal subject to the imposition of highway conditions regarding the provision of the vehicular access, vehicular and cycle parking and sight-lines together with S106 contributions for off-site infrastructure improvements. The applicant has confirmed that the roads and footpaths would not be offered for adoption and it is accordingly proposed that the maintenance of the estate be included within the S106 Heads of Terms.
- 9.18 The proposed development complies with the Council's Parking Standards for Residential Development, December 2015 with each apartment having a parking space and the 2 and 3 bed houses each having 2 car parking spaces some of which would be in attached garages.
- 9.19 Policy DM36 requires developments to prioritise the access needs of pedestrians and cyclists in the design of new developments. The proposed development has shared surfaces and designated footpaths to protect and enhance pedestrian and cycle access routes within and through the site. Off-site improvement works such as the Toucan crossing on Reigate Road were delivered through the Phase 1 development and there is connectivity east through Phase 1 for pedestrians and cyclists.
- 9.20 In terms of cycle storage provision is made for each apartment to have 1 cycle space within either a separate store near the northern corner to the site or within the apartment buildings. Cycle storage for houses is either provided in garages or a lockage shed.

Housing Mix

- 9.21 The proposed housing mix comprises 18 x one bedroom apartments, 47 x two bedroom flats or houses and 23 x three bed houses representing 26% against the policy requirement of 25% set out in Policy DM22. The housing mix is therefore policy compliant and is considered appropriate to meet identified local housing needs.

Affordable Housing

- 9.22 As set out in the Strategic Housing Manager's comments above the applicants have submitted a viability assessment that seeks to demonstrate that it is not viable to deliver the required affordable housing contribution of 35 units (40%) on an 88 unit scheme development. An independent consultant has reviewed the viability submission on the Council's behalf and agrees that the scheme would not be able to support a policy compliant affordable housing contribution.
- 9.23 The scheme is able to deliver some affordable housing on site. The applicants' initially proposed 29 shared ownership (part-buy, part-rent) homes on site with a 50% equity share being sold in each of the homes on site. This equates to an affordable housing contribution of 33% affordable housing against a policy requirement of 40%.

- 9.24 In consultation with the Head of Housing and Community, it was agreed that the proposal to deliver all homes as shared ownership tenure would not meet priority housing needs and was therefore unacceptable. As an alternative, the applicants have therefore proposed that they deliver 11 homes for affordable rent and 7 for shared ownership. Representing an affordable housing contribution of 20%, the homes would be provided as follows: 3 rented 1B2p flats, 6 rented 2B4p flats, 2 rented 3B5p houses, 2 shared ownership 1B2p flats, 3 shared ownership 2B4p flats, 2 shared ownership 3B5p houses.
- 9.25 The Head of Housing and Community supports the affordable housing offer as now presented with a mix of rented and shared ownership units but, as is usual when there is an issue of viability raised by the applicant, it is proposed that there should be a review mechanism in the S106 Heads of Terms requiring the developer to reach slab level of construction on 10 units within two years of planning permission having been granted. If not a (viability) review process will be triggered to ensure that the permission is not 'land banked' in order to avoid a full affordable housing contribution. It is relevant to note that the extant care home permission provided no contribution towards affordable housing or meeting local housing need.

Landscaping

- 9.26 An Arboricultural Impact Assessment and Method Statement has been submitted in support of this application. Four trees are proposed for removal as part of the proposals and suitable replacements will be planted as part of a comprehensive landscaping scheme that is proposed for the site. The landscaping scheme would enhance the existing landscaped boundaries at the site with a buffer of between 3.0m to 5.0m along the northern and western boundary of the site along the Ewell By-pass and Reigate Road. In addition there would be communal softly landscaped amenity space and planting within the private curtilages.
- 9.27 The Borough Tree Officer has no objections to the proposed landscaping details as submitted.

Biodiversity

- 9.28 The applicant has undertaken an Ecological Appraisal for the site, which concludes that the site has potential for nesting birds, a low risk for reptile presence and fox earths. Mitigation measures have been proposed to manage any potential impacts and recommendations are made in an Ecological Enhancements Plan for improving the site's ecological value through measures such as built-in provision for bat roost boxes and bird nest boxes within the fabric of the buildings and a small pond in the northern corner of the site. The detailed landscape plan also incorporates native planting of known benefit to wildlife throughout the site.
- 9.29 It is considered that subject to suitable planning conditions the proposed development would comply with Policy DM4.

Flood Risk and Drainage

- 9.30 The development site area exceeds 1ha and therefore a development specific flood risk assessment was required in accordance with the National Planning Policy Framework. An outline Flood Risk Assessment (FRA) has accordingly been submitted in support of this planning application. The report sets out that the site is located within Flood Zone 1, an area with the lowest risk of fluvial flooding.
- 9.31 Surrey CC as Lead Flood Authority has reviewed the surface water drainage strategy for the proposed development and assessed it against the requirements under NPPF, its accompanying PPG and Technical Standards. It is satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission is granted subject to suitably worded conditions to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development and these have been attached.

Sustainability

- 9.32 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. Policy DM12 requires new developments to comply with Part G of Building Regulations for water efficiency.
- 9.33 An Energy and Sustainability Statement and full Sample SAP Calculations have been submitted in support of this application. The documentation demonstrates that the development would significantly reduce the buildings' carbon dioxide emissions when compared to the baseline target, through a combination of passive measures and improvements to the building fabric design. The development would also meet Part G requirements for water efficiency. It is accordingly concluded that the proposed development would comply with Policy CS6 and Policy DM12.

Contamination

- 9.34 The site is located over a principal aquifer and for that reason the Environment Agency has been consulted. It has proposed a number of precautionary planning conditions to manage the risks associated with potential contaminants affecting groundwater and these have been incorporated in proposed planning conditions recommended by the Borough Contaminated Land Officer in order to comply with the requirements of Policy DM17.

Noise

- 9.35 An Environmental Noise Assessment has been submitted in support of this application. An Acoustic Assessment has been undertaken to determine the impact of existing environmental noise arising from the site's proximity to Ewell By-pass and Reigate Road.

- 9.36 The proposed development has been designed to respond to the local noise emitters. The car parking for the apartments has been located along the sensitive boundary of the Ewell By-pass to allow the apartment buildings to be set into the site, away from noise sources, with the apartments' amenity space mainly to the south side and between the buildings to protect these spaces.
- 9.37 The Acoustic Assessment confirms that the majority of gardens and amenity space complies with World Health Organisation guidance. The Borough Environmental Health Officer did raise concerns about the impact of noise on some of the dwellings nearest to the Reigate Road boundary and as a result of this an extended 3.0m high acoustic fence has been proposed which would bring the noise levels down by some 4-6 dB (A). The fence would be largely screened from Reigate Road by existing and enhanced landscaping and would appear lower because of the fall in ground levels. The Borough Environmental Health Officer has confirmed that the revised layout proposal is acceptable subject to a condition requiring a scheme to be submitted with mitigation measures to ensure the internal noise levels in the living rooms and bedrooms of the proposed development are within the BS8233:2014 indoor ambient noise guidelines.

Refuse

- 9.38 Satisfactory provision is made for refuse storage within dedicated bin store areas next to the apartment car parking area or within the apartment buildings themselves. Each house would have access to bin storage within the garden curtilage.

Community Infrastructure Levy

- 9.39 The scheme is CIL liable.

Section 106 Agreement

- 9.40 The applicant has confirmed a willingness to enter into a legal agreement to secure the affordable housing in perpetuity and specific infrastructure contributions to ensure that the development is acceptable in planning terms. Heads of Terms have been agreed and it is expected that a signed S106 Agreement will be completed shortly after Committee.
- 9.41 The Heads of Terms agreed by the applicant include the following:
- Detailed arrangements for maintenance of the estate including roads, footpaths, open space, and landscaping within an Estate Management Plan.
 - Provision of 18 on-site affordable units comprising 11 homes for affordable rent and 7 for shared ownership in accordance with an Affordable Housing Plan.
 - Transport measures covering: A contribution of £5,000 towards accessibility improvements to the bus stop in Reigate Road at the end of Mongers Lane serving the 470 bus route (Epsom- Sutton) consisting of raised kerbs for 9.0m.

10 Conclusion

- 10.1 The application proposal meets planning policy objectives and in particular makes an important contribution to meeting the Borough's housing needs. It successfully integrates a further phase of residential development into the existing Phase 1 housing layout and should result in the creation of a single residential community with no harmful impact on the residential amenity of neighbouring occupiers.
- 10.2 In view of the above, it is recommended that planning permission is granted subject to the signing of a legal agreement.

11 Recommendation

Part A

- 11.1 **Subject to a legal agreement being completed and signed to secure the following heads of terms:**
- (a) Transport measures covering: A contribution of £5,000 towards accessibility improvements to the bus stop in Reigate Road at the end of Mongers Lane serving the 470 bus route (Epsom- Sutton) consisting of raised kerbs for 9.0m.**
 - (b) The provision of 18 on-site affordable units comprising 11 homes for affordable rent and 7 for shared ownership in accordance with an Affordable Housing Plan. The applicants will be required to reach slab level of construction on 10 units within two years of planning permission having been granted, if not a (viability) review process will be triggered.**
 - (c) Detailed arrangements for maintenance of the estate including roads, footpaths, open space, and landscaping within an Estate Management Plan.**
- 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 carried out in accordance with the following approved plans and documents: 100 Rev T, 120 Rev H, 121 Rev G, 122 Rev H, 124 Rev A, 140 Rev A, 109 Rev G, 110 Rev G, 112 Rev F, 113 Rev F, 114 Rev E, 115 Rev D, 116 Rev F, HILL21195-11C.**

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) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be 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) All planting, seeding or turfing 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.

- (5) 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, D, E and 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.

- (6) The development hereby approved shall not be first occupied unless and until both the proposed vehicular / pedestrian accesses to Roman Way and 15m metres of the new access roads have been constructed and provided, with the access provided with visibility zones in accordance with the approved plans and thereafter the access visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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.

- (7) The Units 20, 21, 34, 35, 36, 37, and 38 shown on Drawing No 100 Rev T hereby approved shall not be first occupied unless and until the proposed dropped crossings to Roman Way have been constructed and provided with visibility zones in accordance with the approved plans and thereafter 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.

- (8) No units hereby approved shall be first occupied unless and until space has been laid out for such units 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 / turning areas shall be retained and maintained for their designated purposes.

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.

- (9) 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
 - (j) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in adjoining residential roads during these times

(k) on-site turning for construction vehicles 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: 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.

- (10) (a) Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document produced by Create Consulting Engineers Ltd. (b) And then the approved Travel Plan shall be implemented on occupation of the development, and shall thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

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.

- (11) The residential unit hereby approved shall not be occupied until it has 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.

- (12) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) and in accordance with current best practice guidance, the following components of a scheme to deal with any ground contamination and ground gas (including volatile hydrocarbons) related risks shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous and current uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

- (13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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.

- (14) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

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.

- (15) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated via a risk assessment carried out in accordance with the Environment Agency's guidance 'Piling into Contaminated Sites' that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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) The development hereby permitted shall not commence until the detailed design of the surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

a) A design that satisfies the SuDS Hierarchy and follows the principles set out in the approved drainage strategy 'Surface Water Strategy, Management and Maintenance Report'

b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels.

c) Appropriate calculations to the elements above showing how the national SuDS standards have been met (if different from approved strategy).

d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and how any on site drainage systems will be protected and maintained

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (17) 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 to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (18) No development shall take place until a scheme for protecting the proposed dwelling(s) from noise from traffic on the adjacent road(s) has been submitted to and approved in writing by the local planning authority. The scheme shall specifically demonstrate the resulting internal noise levels in the living rooms and bedrooms of the proposed development are within the BS8233:2014 indoor ambient noise guidelines using a range of representative properties. The development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority.

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (19) No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with a timetable to be agreed in writing by the local planning authority 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.

- (20) No development shall take place until details of the bin and cycle stores have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented such that prior to the first occupation of each unit, it shall be provided with its' bin and cycle stores and thereafter maintained for the duration of the development.

Reason: In the interests of residential and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.

- (21) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number HILL21195-03B (Tree Protection Plan) and as set out in the Arboricultural Method Statement ref HILL21195aia-amsB have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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.

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) The developer is advised that as part of the detailed design of the highway works required by the above 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.
- (3) The road layout shown on the application drawings does not conform with Surrey Design and is not eligible for adoption.
- (4) When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
- (5) 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-dropped-kerbs

- (6) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.**
- (8) The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.**
- (9) Any unilateral undertaking shall be in accordance with Surrey County Council's standard format.**
- (10) The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey should conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.**
- (11) The water efficiency standard required under condition 11 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.**
- (12) 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.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14.frameless.htm?NRMODE=Published>

- (13) 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.**

Part B

- 11.3 In the event that the section 106 Agreement referred to in Part A is not completed by 09 November 2017 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 affordable housing units, a commuted sum towards transport measures and estate maintenance arrangements.