

PLANNING COMMITTEE - Date: 15 July 2015

Report of the Executive Head for Economic Development, Planning and Sustainability.

Ref: A2015/71816/FUL	WARD: A03 / STONECOT	Time Taken: 10 weeks, 6 days
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Site: Site F KIMPTON PARK WAY Sutton
 Proposal: Erection of a building for use as a sui generis builders merchant with related open storage, access, parking and servicing
 Applicant: Travis Perkins (Properties) Ltd
 Agent: Mr Jonathan Best

Recommendation:**GRANT PLANNING PERMISSION**

Reason for Report to Committee: Major application recommended for approval.

Summary of why application proposals are acceptable:

- The site forms part of an area identified for industrial use as set out in the LDF (Local Development Framework) and London Plan. Having regard to the nature of the proposed use, it is considered to be compliant with the site's designation as an industrial estate and the requirements of the NPPF (National Planning Policy Framework) and NPPG (National Planning Practice Guidance).
- The visual impact of the proposed development would be consistent with the character of the area and consistent with the surrounding industrial aesthetic.
- The on-site parking proposed would meet the needs of the proposed development and the access arrangement have been assessed by the Council's Highways Engineer and found to be acceptable.
- It is considered that the proposed use in this location is acceptable in planning terms and the premises would provide a suitable standard of accommodation for the intended purpose and there would be no significant or detrimental harm caused to the operation of surrounding commercial businesses.

1.0 **BACKGROUND**1.1 **Site and Surroundings:**

1.2 The site is located within the Kimpton Industrial Estate, and is currently a vacant employment site, which comprises 0.48 hectares of rough open ground with some grass and scrub which is of low landscape quality.

1.3 The site originally formed part of the former sewage treatment works before being redeveloped as part of a refuse disposal facility and waste transfer station. The previous buildings have been cleared and the site is currently clear of any buildings or structures.

- 1.4 The topography of the site is fairly level but there is a 3 metre (approx) difference in land levels adjacent to the Tesco car park located directly to the south.
- 1.5 This site forms part of the remaining undeveloped part of Site F, part of which has already been developed following the granting of outline permission for employment uses in 2005 (A2003/51176/OUT). (Part of Site E has been redeveloped through the 'Big Yellow Self Storage' development to the west of the application site).
- 1.6 The application site has a frontage to Wealdstone Road and Stayton Road and is located on that junction. The site is currently fenced with a 1.5m high chain link fence. There is no formal vehicular access to the site.
- 1.7 The site is located within the Kimpton Industrial Area which predominantly comprises industrial and storage uses. Sutton Cemetery, allotments and an area of landscaped Metropolitan Open Land are situated to the north of the site, on the opposite side of Kimpton Park Way. The Tesco food store abuts the A217 Oldfields Road to the south of the site. The nearest residential properties are located to the east of the site, on the opposite side of the A217.
- 1.8 **Site specific designation:**
- 1.9 The site falls within a Strategic Industrial Area and an Air Quality Management Area.
- 1.10 **Relevant Planning History:**
- 1.11 SUT.25301 – Use of land for industrial estate. Granted 26 April 1962.
- 1.12 SUT.28690 – Layout of roads. Granted 24 January 1964.
- 1.13 SUT.30070 – Extension of estate by 2.5 acres. Granted 7 April 1966.
- 1.14 A2003/51176/OUT - Erection of sixteen buildings for uses falling within Class B1 (business) B2 (general industry) and B8 (storage and distribution) of the Town and Country Planning (use classes) Order 1987 together with storage compound, parking facilities and new accesses. Granted 16 June 2005.
- 1.15 A2014/70840/FUL - Erection of a building for use as a sui generis builders merchant with related open storage, new access, parking and servicing. Withdrawn 3 March 2015.
- 2.0 **APPLICATION PROPOSALS**
- 2.1 **Details of Proposal:**
- 2.2 The development proposes the erection of a new building to be used as a Builders' Merchant (Sui Generis).
- 2.3 The proposed building would measure 47m by 20.6m with a height to the central ridge of 8.5m. The footprint of the building would be 974sqm. A mezzanine level is also proposed with a floor area of 294sqm. The total floor area of the building would be 1268sqm.
- 2.4 The proposed building would be located towards the southeast part of the site with associated vehicle parking and outside materials storage areas located to the northwest.
- 2.5 One new vehicular access is proposed onto Stayton Road. The access would be double width (allowing two vehicles to pass).

- 2.6 To the front of the main building would be areas for outside materials storage, stored in racking, totalling an area of 608sqm.
- 2.7 The proposed development includes a total of 30 vehicle parking spaces with 28 car parking spaces (of which 15 would be used for customer loading), 2 of which would be for disabled users and 2 for HGVS. 8 cycle parking spaces would be provided adjacent to the proposed parking area.
- 2.8 The walls and roof of proposed building would be clad in an insulated steel sheet composite (dark green and grey). Doors would be in yellow with a band of yellow detailing at eaves level and several vertical joints in yellow would also feature on the building. The proposed building would have a gable end roof with shallow pitches.
- 2.9 Boundary treatment is proposed to all boundaries to be formed of 2.4-3.0m high paladin fencing.
- 2.10 No soft landscaping is shown on the proposed plans.
- 2.11 **Significant amendments to application since submitted:** None
- 3.0 **PUBLICITY**
- 3.1 **Method of Notification:**
- 3.2 15 neighbour notification letters were sent to nearby occupiers on 15 May 2015, a site notice was displayed at the site on 18 May 2015 and a press notice has been advertised through the local newspaper, dated 21 May 2015.
- 3.3 **Number of Letters Received:** One letter of objection.
- 3.4 **Summary of material representations:**

- The proposed use as Sui Generis is not suitable within the Kimpton Strategic Industrial Location, as it does not fall within Class B1, B2 or B8.
- Most customers and staff would travel to the site by private vehicle.
- It is considered that a Class B8 use is not appropriately reflective of the proposed use and that data from operational builders' merchants should be utilised.
- Staff and customer parking is not defined and therefore it would be a 'free for all', which would attract staff to drive to work, thereby displacing customer vehicles.
- The customer loading bays are unusable for customer parking due to their proximity to stock racks, which would frequently be accessed by staff, customers, forklifts etc.
- Substantial shortfall in parking provision. In the event of 80% staff travelling to work by car, the parking provision should be 24 spaces.
- Only 4 of the proposed parking spaces would be large enough to accommodate a van. A high proportion of trips to the site would be by vans and therefore the parking provision is not appropriate for the use of the site.
- The positioning of the parking spaces along the north-eastern boundary suggests the manoeuvring in and out of these spaces would not be practical.
- At least 11 cars would need to park on the public highway as a result of the parking arrangements.
- The proposed access would not enable two vehicles to pass one another.

- The Travel Plan measures are virtually meaningless as there are no active incentives to promote sustainable modes of travel, such as subsidised public transport or subsidised cycle equipment.

3.5 **Summary of non-material representations:**

- Proposed use adversely impacts on the operation of existing businesses by bringing in another competing trade.

3.6 **Official Consultation**

3.7 **External:**

3.8 **Transport for London:** Any response to be reported to Committee orally.

3.9 **Environment Agency:** No objection, subject to conditions.

3.10 **Thames Water:** No objection, subject to informatives.

3.11 **Internal:**

3.12 **Highways:** No objection, subject to conditions.

3.13 **Principal Tree Officer:** No objection, subject to conditions.

3.14 **Biodiversity Officer:** No objection, subject to conditions.

3.15 **Waste Operations Manger:** Any response to be reported to Committee orally.

3.16 **Environmental Health (noise):** No objection, no requirements.

3.17 **Sustainability Officer:** No objection, subject to conditions.

3.18 **Councillor Representation:** None

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan (2015)
- The Local Development Framework (LDF) which comprises two main documents:
 - (a) The Core Planning Strategy (CPS)
 - (b) The Site Development Policies Development Plan Document (DPD)

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.

4.3 **The London Plan (2015):**

- 2.7 Outer London: economy

- 2.17 Strategic industrial locations
- 4.1 Developing London's economy
- 4.4 Managing industrial land and premises
- 4.12 Improving opportunities for all.
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity.
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands.
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

4.4 **The Core Planning Strategy:**

- PMP4 Main Locations for Industry
- BP6 One Planet Living
- BP7 Flood Risk and Climate Change Adaptation
- BP8 Waste Reduction and Management
- BP9 Enabling Smarter Travel Choices – An Area – Based Approach.
- BP10 Transport – Strategic and Borough Wide Proposals.
- BP12 Good Urban Design and Heritage.
- DP2 Planning Obligations

4.5 **Site Development Policies DPD:**

- DM1 Character and design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene and Public Realm
- DM5 Sustainable Design and Construction
- DM6 Climate Change Mitigation
- DEM7 Flood Risk
- DM8 Climate Change Adaptation
- DM9 Water Supply, Water Quality and Sewerage Infrastructure
- DM10 Air Quality
- DM11 Contaminated Land
- DM12 Noise and Vibration
- DM14 Hazardous Substances
- DM17 Biodiversity, Habitats and Species
- DM19 Promoting Sustainable Transport and Accessibility

- DM20 Assessing the Transport Impact of New Development
- DM21 New Development and the Highway Network
- DM22 Parking
- DM33 Strategic and Established Industrial Locations.

4.6 **Supplementary Planning Guidance/Documents:**

- SPD5 – Planning Obligations
- SPD 14 - Creating Locally Distinctive Places
- IPG 11 - Interim Planning Guidance Sustainable Design and Construction
- Kimpton Industrial Area – Development Framework SPG

5.0 **PLANNING CONSIDERATIONS**

5.1 The main considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle of Proposed Use**
- **Design Quality and Layout**
- **Impact on Neighbours**
- **Traffic & Parking**
- **Landscaping, Trees and Biodiversity**
- **Sustainability**
- **Land Contamination and Flooding**
- **Planning Obligations**
- **Crime Prevention**

5.2 **Principle of Proposed Use:**

5.3 The Kimpton Industrial Area is identified as a 'preferred industrial location' in the London Plan. Policy PMP4 of the Core Planning Strategy affirms that the Council will maintain an adequate supply of industrial land and provide employment opportunities in the Borough. The policy states the Council will encourage the development and intensification of Kimpton Industrial Estate as a Strategic Industrial Location. This development plan policy is supported by Policy DM33 of the Site Development Policies which states: "Within the main industrial locations (as shown on the Proposals Map), the Council will only grant planning permission for B1 (excluding freestanding offices), B2 (general industry) and B8 (storage and distribution) uses or other similar industrial uses. Other similar industrial uses will be granted permission provided it can be demonstrated that the use would not adversely affect the industrial status or operation of the area".

5.4 A previous application, ref.A2008/59950/FUL (renewed under A2012/65508/FUL), granted permission for use of an nearby site for Class B1 (c), B2 or B8 use and a builders' and timber merchant normally considered to be a use in its own right, or Sui Generis. It was evident that the use of the site by a builders' and timber merchant (Travis Perkins) had characteristics consistent with a Class B8 use, where the premises have a considerable requirement for storage space. It was acknowledged previously that like many other activities, the operation of that business cannot guarantee that non-trade customers would not be attracted, although it is evident that any retail custom would contribute to only a limited amount of business. In approving the previous application (A2008/59950/FUL), no objection in principle was raised to such a use given the broad similarities between Travis Perkins business and that of a typical B8 use. It is also noted that because the permitted use by Travis Perkins was Sui Generis, planning permission would be required should an alternative use be proposed.

- 5.5 The current proposal involves the construction of a building in use as a builders' merchant. Having regard to the nature of the proposed use, it is considered to be compliant with the site's designation as an industrial estate.
- 5.6 Policy 2.17 of the London Plan 2011 confirms development proposals in Strategic Industrial Locations (SILs) should be refused unless they fall within the broad industrial type activities. The Policy continues that "Development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities." This is reinforced by development plan policy which concludes that there is scarce industrial land within the Borough. In addition, employment studies, including Sutton's Employment Land and Premises Study 2005 support the view that there is a significant need for industrial land within the Borough. The Council's 'Industrial Land Supply Update' (2008) confirms that additional land and floorspace will be required to meet business needs. The Council's 'Employment Land Review' (2013), also indicates that there is relatively little vacant or developable employment land to provide new space. Additionally, the loss of the Felnex industrial estate at Hackbridge, has resulted in the loss of a significant amount of industrial employment land. The proposal is considered to be acceptable in principle, as it would retain scarce industrial land within this designated Strategic Industrial Location in a use similar to that of a more traditional industrial use.
- 5.7 The National Planning Policy Framework was published in March 2012 and whereas this document does not change the status of relevant development plan policies it does, at para.22, address the reasonable prospect of sites being used for their allocated uses. The main thrust of development plan policies is to protect Use Class B (business uses) and thus the employment function of the designated employment area as a whole and other similar industrial uses. Due to its reversible nature the proposed use would not entail the loss of a business use or floor space. It is considered that the proposed use shares many complementary components to uses found within employment areas and shares many of the characteristics of a B Class employment use and there are several other material considerations which are considered to support the application, notably:
- The site is currently vacant and would provide a significant number of both full and part-time jobs, a benefit which both national and local policies support.
 - With appropriate conditions as recommended by Environmental Health and Highway Officers there is no evidence or reason why it would conflict in any way with, or compromise the day to day operations of any surrounding or nearby uses.
 - Further, the layout and design of the unit for the intended purpose is considered appropriate for the proposed use. The proposal would ensure that the site is occupied.
- 5.8 Therefore, there are considered to be several material considerations which support the proposed development and there is not considered to be any conflict with a strict interpretation of development plan Policy DM33. In terms of an overall planning balance, the committee should also be mindful of the proposal in light of guidance with the NPPF, a strand of which is that development that is sustainable should go ahead, identifying three dimensions to sustainable development, economic, social and environmental.
- 5.9 The NPPF requires the planning system to contribute to building a strong, responsive and competitive economy. The proposed job creation associated with the use would provide significant economic and social benefits and in providing a use in demand and reusing a brownfield site, the proposal serves a sustainable environmental role. At paragraph 17 the NPPF states that every effort should be made to respond positively to wider opportunities for growth, which this proposal represents.

- 5.10 Therefore, the proposed use as a Sui Generis builders' merchant, in this industrial location, is considered to be acceptable in principle.
- 5.11 **Design Quality and Layout:**
- 5.12 Policy BP12 of the adopted Core Planning Strategy, Policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.
- 5.13 The context of the setting of the Kimpton Industrial Estate is typified by its industrial appearance within a wider surrounding townscape that could be characterised as suburban residential. Currently most of the plots within the Kimpton Industrial Estate, covered by the 2005 outline planning permission, have been developed; with ongoing works in relation to the future redevelopment of the remaining sites taking place. Land to the southeast of the subject site has been redeveloped as a Tesco's Store and comprises a low building covering a large floor area with car parking and a petrol filling station. Land to the east comprises Oldfields Road which includes a footpath and cycle way. Land to the northeast comprises the Sutton Cemetery and re-profiled earth bund/landscaping works that comprises the 'Linear Park'. The Big Yellow Self Storage building is currently completed on the land to the northwest and is a significantly higher building than that currently proposed for the application site. The Big Yellow Self Storage building is 17.5 metres in height whereas the proposed building would have a maximum height of approximately 8.5 metres.
- 5.14 The overall scale, layout and design of the proposal would reflect the form and scale of surrounding industrial development and the buildings would not appear obtrusive from surrounding areas when viewed in the context of the established industrial aesthetic, neither would it impinge on any significant views to and from the site. The proposed building would sit comfortably on the site and would be set back from Stayton Road. In order to further reduce and soften the visual impact of the development a condition is recommended to secure provision of soft landscaping.
- 5.15 The proposed design and choice of materials for the buildings are typical of an industrial location. The building proposes unbroken elevations to the Tesco development but within the context of the wider estate this relationship is considered to be acceptable. Vertical and horizontal sheeting strips, of different material specification and colour and loading doors have all been included in the elevations providing a degree of visual interest. A condition to secure a form of green wall to the southeast facing elevation to soften the impact of this unbroken facade when viewed from the adjacent Tesco car park is recommended.
- 5.16 The size and location of refuse and recycling storage can be secured by condition. Policy DM1 of the Site Development Plan Policies aims to ensure that all new developments cater for the accessibility needs of disabled people. The site would be accessible from the proposed access and level access would also be provided into buildings to allow access for all. An informative is recommended to inform the applicant of the requirements of the Disability Discrimination Act (DDA).
- 5.17 Overall it is considered that the proposed height, bulk, design, siting and finish of the building is acceptable in this location and consistent with that of standard industrial development, and particularly those of adjoining developments and would result in a development that would satisfactorily maintain the appearance of the industrial estate.

5.18 Impact on Neighbours:

5.19 Policy DM2 of the Site Development Policies seeks to protect the amenities of neighbouring properties in terms of overlooking, loss of outlook and loss of light. Policy DM2 continues that proposals should prevent undue noise, vibration, odours, smoke, fumes and dust.

5.20 The application site is located well within the estate, as opposed to the periphery, and has industrial and retail uses to the south, east, west and north. Any impact on the functioning of these adjoining uses may be affected marginally by increased traffic; however, the site is within a Strategic Industrial Location where industrial use is unlikely to be unreasonably affected by the operation of similar activities nearby.

5.21 Due to the separation distances to residential dwellings, the topography of the area and existing landscape features (such as the Sutton Cemetery, raised earth/landscaping bunds to the north and the A217 Oldfields Road) it is not anticipated that the proposed building would unacceptably impact on residential amenity in the vicinity of the site.

5.22 It is considered that neither the Kimpton Industrial Estate nor the amenity of surrounding residential areas would be adversely affected as a result of the traffic that would be generated from this development to the extent that a reason for refusal could be sustained on that ground.

5.23 Therefore, it is considered that the proposal would not adversely affect neighbouring amenity.

5.24 Traffic & Parking:

5.25 Policy BP10 of the Core Planning Strategy states that developments should seek to reduce the need to travel, advocate the use of sustainable modes of transport and reduce the impact of traffic on residential areas. Policy DM22 of the Site Development Policies DPD seeks to ensure that provision is made for off-street parking for new proposals in line with the Council's maximum car parking standards. The policy continues that planning permission will not be granted for development that is likely to result in increased on-street parking where it would adversely affect traffic flows, bus movements, road safety and the amenities of local residents and the local environment.

5.26 Wealdstone Road is a two-lane (7m wide) road with footpaths on both sides of the road. The area surrounding the site currently has problems with on-street parking stress as the adjoining properties have limited amounts of off-street parking facilities. There are current parking restrictions on Wealdstone Road at the junctions with adjoining roads. The site has a relatively low PTAL score of 1b (poor on TfL scoring system) and relies on the nearby bus routes for its public transport provision.

5.27 The main vehicular access to the Industrial estate is via the Oldfields Road junction on the A217 which is part of the TfL network.

5.28 The Kimpton Industrial Estate suffers from problems of parking stress caused by employee cars parked on-street and as a result access to sites by HGVs can sometimes be an issue on the estate. The Council has had many discussions over the on-street parking issues on the estate with interested parties.

5.29 There are no existing buildings on the site and there is no formal vehicular access to the site. The proposal involves the creation of 30 vehicle parking spaces (including parking spaces and loading bays).

- 5.30 The Council's adopted parking guidance indicates that the parking provision for Sui Generis uses should be assessed individually, as Sui Generis uses can cover a variety of uses and are not necessarily similar in terms of their effects. The guidance indicates that Class B1, B2 and B8 uses should provide 1 parking space per 100sqm of floor area. The proposed use has similar characteristics to a B8 use, therefore, it is reasonable to use this as a guide to assessing the level of parking that should be provided. A Class B1, B2 or B8 use on this site would generate a demand for a maximum of 12 parking spaces. If the storage areas were added to the floor area this would increase the amount of car parking required on site by an additional 6 parking spaces (to a total of 18 spaces). There are expected to be approximately 15 staff on site at any one time according to the draft Travel Plan so there will be pressure on the on-site parking spaces as the car driver mode is estimated to be 62% so approximately 9 staff will be likely to drive to work. Given the low PTAL score of this site, Officers would expect a development of this type to require the maximum parking provision and the 29 (14 parking spaces and 15 loading spaces) provided would be sufficient.
- 5.31 Cycle parking is shown on the plans and is sufficiently large for the proposed use. The details of the means of enclosure can be controlled by way of condition.
- 5.32 With regards to anticipated level of trips expected from the development, whilst no formal comments have yet been received, TfL commented on the previous withdrawn application (ref. A2014/70840/FUL) and stated that it did not expect there to be a significant impact on the Transport for London Road Network. Given the expected future trips associated with this development, TfL was satisfied that the development would not pose any safety risks to the TLRN. Therefore, it is likely that similar comments will be made for the current scheme.
- 5.33 The proposed development is unlikely to significantly impact on proposed vehicle flows when compared with the existing approved use (B2/B8) for the site.
- 5.34 A swept path analysis has been provided by the applicant to demonstrate that the entrance and circulation system through the site is sufficient. The proposed access is of sufficient width to allow two-way access for HGVs. There are existing parking restrictions opposite the proposed site entrance which would restrict on-street parking interfering with the proposed access/egress.
- 5.35 Officers raise some concern that the proposed car parking provision could be over-utilised by staff and, therefore, a condition is recommended to ensure that a stringent Travel Plan is implemented within 3 months of the proposed store opening.
- 5.36 The Council's Principal Highway Engineer has considered the proposal and does not raise objection to the parking provision, parking layout, access arrangements or traffic generation of the proposed development.
- 5.37 Overall, the proposal is considered to be acceptable in terms of traffic generation, parking and access, subject to conditions, including a requirement to submit a Travel Plan.
- 5.38 **Landscaping, Trees and Biodiversity:**
- 5.39 Policy DM1 of the Site Development Policies DPD seeks to ensure that development respects and retains, where possible, existing landforms and the natural features of the site, including trees of amenity value, hedgerows and other landscape features. Policy DM17 seeks to conserve or enhance biodiversity.
- 5.40 The submitted Extended Phase 1 Habitat Survey identifies limited scrub, with semi mature trees along the northern boundary, which are not considered to be of any great

amenity value. The majority of the site is bare ground and of low landscape quality, and as such, it has some local ecological value only. Therefore, the loss of the existing scrub and low amenity value trees is not considered to be objectionable. The survey concludes that the development would be acceptable without having a negative effect upon notable or protected species, (of which none were found on this site). The Council's Biodiversity Officer has confirmed that the development is acceptable, subject to conditions. A condition to secure a management plan and maintenance schedule for the ground level landscaping and a green wall is recommended to ensure that the biodiversity interest will be maintained during the operational phase.

5.41 It is considered that the principal views to the site are from the south and east from Oldfields Road and across the Tesco car parking area. The landscaping condition recommended would ensure that suitable planting is carried out to these boundaries.

5.42 Subject to a condition to secure soft landscaping and a green wall system, it is considered that the proposed development would be acceptable in terms of the impact on the landscape, trees and biodiversity.

5.43 **Sustainability:**

5.44 The most relevant London Plan policies are 5.1 (Climate change adaptation), 5.2 (Minimising carbon dioxide emissions) and 5.3 (Sustainable design and construction) which have a general expectation that an Energy Statement is submitted for developments of varying scale, and in this case, the London Plan policy is that all development should achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation, unless it can be demonstrated that such provision is not feasible. Policy DM6 of the Site Development Policies DPD requires a reduction in carbon dioxide emissions of 40% (from 2013-2016). The London Plan 2015 Policy 5.2 requires developments to make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimising carbon dioxide emissions according to the following hierarchy: use less energy through the use of passive design and energy efficiency measures, supply energy efficiently through the use of decentralised energy provision and generate renewable energy on-site. The policy continues that major development should meet a reduction in carbon dioxide emissions of 25% above 2010 building regulations. Further guidance is contained in the Council's IPG11 'Sustainable Design and Construction' and Policy BP6 'One Planet Living' of the Core Planning Strategy, which promote the highest standards of sustainable design and construction within the Borough in support of the Council's vision of 'Creating a sustainable suburb' and long-term aim of promoting Sutton as a 'One Planet Living' Borough. In line with IPG11 the proposal would need to secure a minimum of a 20 per cent saving of carbon dioxide emissions from on-site renewable energy generation and demonstrate a 'Very Good' BREEAM rating.

5.45 The Council's Sustainability Officer has considered the proposal and does not raise objection subject to the inclusion of conditions to secure energy saving measures.

5.46 **Land Contamination and Flooding:**

5.47 The development would make use of previously developed land. The previous use of the site was as the Sutton Sewage Treatment site and therefore there is a possibility that the land may still have traces of contamination and may not be fit for immediate occupation. No formal comments have yet been received from the Council's Environmental Health Service. However, it is likely that any potential concerns could be dealt with by way of condition.

5.48 The site is located within Flood Zone 1 and as such is likely to have a less than a 1 in 1000 year risk of flooding. Nonetheless, the applicant has submitted a Flood Risk

Assessment, which confirms that surface water would be managed and disposed of within the site boundaries and that the proposal would not contribute further to flood risk. The Environment Agency has made no objection to the proposal on grounds of flooding and has suggested planning conditions to prevent the potential pollution of the water environment.

5.49 The Council's Sustainability Officer has commented on the scheme in relation to drainage and recommends that a condition to secure a SUDS is imposed.

5.50 Subject to conditions, it is considered that issues of contaminated land, flooding and drainage would be acceptable.

5.51 **Planning Obligations:**

5.52 Policy DP2 of the Core Planning Strategy states that, where necessary, the Council can seek planning obligations from developers to provide community benefits necessary to facilitate implementation of an acceptable development scheme.

5.53 The proposed development does not require financial contributions/CIL payments for industrial uses, in accordance with the Council's Supplementary Planning Document 5 'Planning Obligations'. However, the proposed development would be subject to the Mayoral CIL, which requires all developments (community uses exempted) to pay £20 per sqm of floorspace.

5.54 The total amount of CIL payable would be approximately £23,940.00 which would be payable to the Mayor.

5.55 **Crime Prevention:**

5.56 The site would be enclosed by a 2.4-3.0 metre high fence. The service yard and parking areas have been orientated to provide natural surveillance into these areas from within the buildings, and surrounding the estate, promoting security. Further details can be required by condition which would stipulate that the overall development should achieve 'Secure by Design' accreditation.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 It is considered that this development is acceptable, as it would accord with the site's strategic industrial designation and would not compromise the safe and effective operation of the local highway network or significantly impact upon the living or working conditions of adjoining land users, subject to the imposition of conditions. The proposed development is considered appropriate in the Strategic Industrial Location and would enhance the quality of the area, as well as providing much needed employment opportunities. It is considered that given the parking availability on site and off-site parking demands and controls, the development is expected to have a similar traffic generation to the existing use of the site so that there would be no impact upon the operation of the surrounding highway network and it is proposed that any increase in public transport demand would be monitored as part of the Travel Plan, which would be secured by planning condition.

6.2 The site forms part of an area identified for industrial use as set out in the LDF and London Plan. The proposal would be acceptable in land use terms as the proposed use would be consistent with the designation of the Kimpton Industrial Estate as a Strategic Industrial Location.

- 6.3 Access arrangements are acceptable in terms of highway safety. The on-site vehicle parking proposed would meet the needs of the proposed development and would not lead to overspill parking on the adjacent roads.
- 6.4 Subject to suitable conditions relating to soft landscaping, it is considered that the proposed development would satisfactorily maintain the character of the area.
- 6.5 It is, therefore, recommended that the application be approved.

Background Papers: A2015/71816/FUL

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **A2015/71816**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



Mr Jonathan Best
5 Bolton Street
London
W1J 8BA

A2015/71816/FUL

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

Site F KIMPTON PARK WAY Sutton

Erection of a building for use as a sui generis builders merchant with related open storage, access, parking and servicing

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 6875P-01h Rev h, 6875P-02D Rev D, 6875P-03B Rev B, Arboricultural Implications Assessment, Extended Phase 1 Habitat Survey, Energy/Sustainability Statement, BREEAM 2014 Pre-Assessment Report, Ground Investigation Report, Transport Statement, Flood Risk Assessment, Travel Plan and Design & Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning.

(3) The materials to be used for the external surfaces of the development should be as indicated on approved plan 6875P-03B Rev B, unless first otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the area and a high standard of design.

(4) The development hereby approved may only be carried out in accordance with the approved tree protection plan accompanying the application.

Reason: In order to safeguard the retention of existing trees adjacent to the site that represent significant visual amenity.

(5) Prior to the first occupation of the development, full details of hard and soft landscaping and replacement tree planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. Any trees or plants that are removed, die, or become in the opinion of the Local Planning Authority seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of species/size/numbers as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape quality.

(6) Prior to the commencement of the hereby approved development a landscape management plan, including the provision of a green wall to the southeast elevation of the building hereby approved, schedule of planting, management objectives and responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect/conservate the natural features and character of the area

(7) If, during development, contamination not previously identified is found to be present at the site the 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 Local Planning Authority.

Reason: Having regard to the potential impact on Controlled Waters.

(8) No infiltration of surface water drainage into the ground is 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 that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent harm to human health and pollution of the environment.

(9) Prior to the first occupation of the development hereby approved the proposed boundary fencing detailed on plan 6875-01h Rev h shall be constructed and retained thereafter, unless first otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of on-site safety and security.

(10) The development shall not be occupied until refuse and recycling facilities have been provided in accordance with a scheme which shall have been first approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter for use by the occupiers of the development hereby approved.

Reason: Having regard to the character and function of the area.

(11) The development shall not be occupied until the proposed access to Wealdstone Road has been constructed in accordance with the approved plans and thereafter be permanently retained.

Reason: In the interest of road safety.

(12) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for 30 cars parking spaces (including two spaces for drivers with disabilities) and for vehicles to turn so that they may enter and leave the site in forward gear. The parking area shall be used and permanently retained exclusively for its designated purpose.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety.

(13) Prior to the first occupation of the development, elevation and floor plans of the proposed bicycle store (for 8 bicycles) and refuse store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained thereafter. The cycle parking shall be in place prior to the first occupation of any part of the development hereby approved.

Reason: Having regard to the character of the area and to encourage access by non-car modes and facilitate integration between sustainable forms of transport

(14) Before the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall then be implemented, developed, monitored and enforced in accordance with the approved details.

Reason: To promote sustainable transport choices, encourage access by non-car modes and reduce the need to travel especially by car.

(15) The development shall not begin until a Construction Method Statement, 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) construction traffic routing,
- (g) hours of working,
- (h) means to control dust,
- (i) means to control noise, and
- (k) means to prevent deposition of mud on the highway.

has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway.

(16) Within 3 months of building work starting on site, a BREEAM New Construction 2014 Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing to show that a 'Very Good' rating will be achieved with a minimum score of 56.0%.

Reason: To comply with Policy DM5 of Sutton's Site Development Policies DPD.

(17) Prior to first occupation of the development, a BREEAM New Construction 2014 Final (Post-Construction) Certificate, issued by the BRE or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing to demonstrate that a 'Very Good' rating has been achieved, with a minimum score of 56.0%. All the measures integrated shall be retained thereafter.

Reason: To comply with Policy DM5 of Sutton's Site Development Policies DPD.

(18) Prior to occupation of the development, documentary evidence (e.g. copies of 'as-built' SBEM outputs prepared under the Simplified Building Energy Model) should be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required in CO2 emissions through the approved energy strategy, then any shortfall should be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing.

Reason: To comply with Policy DM6 of Sutton's Site Development Policies DPD.

(19) Prior to occupation of the development, written confirmation that the approved site drainage and flood risk management measures, including SUDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence should be provided to show that peak run-off rates and total volumes of run-off for all storm events up to and including the 1 in 100 year 6-hour storm event (plus 30% for climate change) are less than previous conditions on the site and attenuated to green-field runoff rates. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Policy DM7 of Sutton's Site Development Policies DPD.

(20) Prior to occupation of the development, details of the full maintenance scheme for all surface water drainage and SUDS measures not offered for adoption must be submitted to the Local Planning Authority and approved in writing.

Reason: To comply with Policy DM7 of Sutton's Site Development Policies DPD.

(21) The development shall not begin until a Construction Management Plan, which assesses the likely impact of the development on air quality, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The assessment should consider the impact of the proposed development will have in terms of the air quality objectives described in the National Air Quality Strategy.

Reason: In order to minimise the impact on air quality.

(22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no enlargement to the mezzanine floor, or additional mezzanine floor, or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted, without the prior written permission of the Local Planning Authority.

Reason: Having regard to the potential increase in traffic movements and parking demand at the site.

INFORMATIVES.

(1) This approval only grants permission under Section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the

Building Regulations and you should contact Building Control on 020 8770 6268 before proceeding with the work.

(2) Attention is drawn to the need to comply with the Disability Discrimination Act. The granting of this planning permission does not over-ride the need to achieve full compliance with the Disability Discrimination Act.

(3) The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that under the Highways Act 1980, a licence must be obtained from the Head of Highways and Streetcare at 24 Denmark Road, Carshalton (tel. 020 8770 6061), before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. In the case of developer related S278 Highways Act 1980 highway improvement works, the S278 Agreement must be concluded before works can start on the public highway.

(4) Under (Section 163) Highways Act 1980 the surface water drainage of the site should be designed so as to prevent the discharge of water onto the public highway.

(5) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

(6) 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.

(7) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

(8) The Construction Management Plan required under Condition 23 should refer to the IAQM guidance and the Supplementary Planning Guidance produced by the GLA for determining control measures during the construction/demolition phase.

(9) The applicant is advised to consider incorporating security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design.