

PLANNING COMMITTEE - Date: 30 September 2015

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

Ref: B2015/71927/DEM	WARD: B09 / BELMONT	Time Taken: 18 weeks
----------------------	---------------------	-------------------------

Site: SUTTON HOSPITAL COTSWOLD ROAD Sutton SM2 5NF  
 Proposal: Application to determine whether prior approval of the Local Planning Authority is required to the method of demolition of various buildings at Sutton Hospital.  
 Applicant: Mr Terry Murphy  
 Agent: N/A

**Recommendation:**

**PRIOR APPROVAL IS REQUIRED AND GRANTED**

**Reason for Report to Committee: The Council has an interest in the land.**

**Summary of why application proposals are acceptable:**

- The proposed demolition would not generate significant traffic movements as the majority of demolition materials would remain on site for reuse.
- The proposal would not result in additional displacement parking on the surrounding highway network.
- The impact on adjoining residential properties by way of noise and dust generation has been sufficiently minimised.
- There will be no detrimental impact on biodiversity interests, including protected species.
- There will be no adverse impact on trees.

**1.0 Site Description**

1.1 The application site relates to a collection of buildings situated to the northern part of the wider Sutton Hospital site in Belmont. The application site has an area of 2.5ha (part of the wider Sutton Hospital Site, which has a total area of approximately 16.6ha).

1.2 To the south of the application site is the wider Sutton Hospital site, with the Royal Marsden Hospital further to the south and Institute of Cancer Research to the east. The surrounding area is predominantly residential. The site fronts on to Chiltern Road, which is characterised by detached dwellinghouses set in spacious plots. To the immediate east are residential dwellings, which front onto Chiltern Road. To the west, separated by Cotswold Road are allotment gardens.

**1.5 Site Specific Designation**

1.6 The site falls within a Priority Community Regeneration Area and forms part of an allocated site under the LDF for 'mixed use: residential and health'.

## 2.0 Details of proposal

- 2.1 Following a decision of the Court of Appeal *R (Save Britain's Heritage) v. SSCLG* (March 2011), paragraphs 2(1)(a) to (d) of the Town and Country Planning (Demolition – Description of Buildings) Direction 1995, has been quashed. This has had the effect that the demolition of any building prior to the grant of planning permission for redevelopment (and, if necessary, conservation area consent or listed building consent) must now be the subject of an application in accordance with the provisions of Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 to check whether prior approval of the method of demolition would be required.
- 2.2 Demolition under Part 31 Schedule 2 of the GPDO gives Permitted Development rights for demolition that has obtained prior approval. An Application for Prior Notification of Proposed Demolition form is submitted to the Local Planning Authority and gives the LPA 28 days to determine whether or not their formal approval is needed for the works. If it is determined that the LPA's approval is required, details of the method of demolition and means of restoring the site will require approval.
- 2.3 The proposal would involve the complete demolition of seven buildings within the hospital site of varying height from single storey to 3 and a half storeys. The buildings to be demolished, as identified in the supporting statement submitted with the application by 'Southdowns Safety' are as follows:
- Cheviot House
  - Main building
  - Back care
  - Physiotherapy
  - Ophthalmology
  - Pharmacy/Bloods/CFS Building (moving on Friday)
  - Podiatry
- 2.2 Cheviot House, the main building, back care and the physiotherapy buildings have been vacant for 18 months, the ophthalmology building, podiatry and the pharmacy section have been vacant for two months and the remainder of this building (bloods in the CFS building) was vacated on 24 July 2015.
- 2.3 The demolition works would follow the removal of asbestos from the buildings. The majority of the asbestos removal does not amount to demolition and the removal of some asbestos has commenced. It is of note that some of the removal of asbestos, where it would necessitate the removal of roofs, would amount to demolition and, as such, these works have not yet been started. The only asbestos removal currently being undertaken does not amount to demolition and as such is acceptable in the context of this application. The subsequent demolition process would take approximately 3 and a half months.
- 2.4 Restoration of the land would be achieved by levelling the uneven land on site and grassing over the areas where the buildings currently stand.
- 2.5 The application includes a preliminary arboricultural survey, a Phase 1 Habitat and Scoping Bat Survey and a Demolition Method Statement in relation to the method of demolition.

2.7 **Significant amendments to application since submitted:** Additional information has been submitted in relation to the location and noise levels of the crusher unit, additional tree protection information has been submitted along with the results of an initial bat emergence survey and a Bat presence/Likely-absence Survey.

### 3.0 **PUBLICITY**

#### 3.1 **Method of Notification:**

3.2 The applicant has confirmed that a site notice was displayed in accordance with Part 31 of the General Permitted Development Order 1995 (as amended).

3.3 **Number of Letters Received:** Three letters of objection received from properties on Bassett Close and Chiltern Road.

#### 3.4 **Summary of material representations:**

- The notes accompanying the application do not make reference to how asbestos would be dealt with.
- There is no mention of what is intended for the bat roost in the main building and Cheviot House.
- Query what measures will be taken to prevent nuisance, avoid pollution and damage to the green environment both on and adjacent to the site.

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

- The main building and Cheviot House should not be demolished but should be converted to flats.
- The buildings may lend themselves to alternative re-uses and should not be demolished. Demolition should be delayed until this is established.
- It is premature to proceed with the demolition without considering the future usage of the site.

#### 3.6 **Official Consultation:**

3.7 **Councillor Representation:** The application was de-delegated by Councillor Pascoe on 15 June 2015 on the grounds of inappropriate traffic management proposals.

#### 3.8 **Internal:**

3.9 **Highway Engineer:** No objection, no conditions recommended.

3.10 **Biodiversity Officer:** No objection, subject to a condition to ensure that evidence is submitted to demonstrate that a European Protected Species Licence has been granted by Natural England.

3.11 **Tree Officer:** No objection subject to conditions in relation to tree protection.

3.12 **Environmental Health Officer:** No objection subject to conditions relating to noise, dust and asbestos removal

#### 3.13 **External:**

3.14 **TfL:** No objection subject to condition to secure a Demolition Logistics Plan.

#### 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) comprises two main documents:
  - (a) The Core Planning Strategy (CPS) which sets out the Council's long term vision, spatial strategy and core policies for shaping the future development in the Borough and managing change over the next 15 years in line with the principles of sustainable development.
  - (b) The Site Development Policies (SDP) which identifies sites for future development and sets out detailed development management policies to be used to help decide planning applications.
- In the event that there are discrepancies between the adopted CPS, SDP and Replacement London Plan, legal guidance indicates that the latest adopted document prevails.

4.2 Also a material consideration in determining planning applications are:

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

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

- 5.21 Contaminated Land
- 6.3 Assessing Transport Capacity
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.4 Local Character
- 7.5 Public Realm
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands

#### 4.4 Core Planning Strategy DPD:

- PMP2 Suburban Heartlands
- BP6 One Planet Living
- BP10 Transport: Strategic and Borough-wide Proposals
- BP12 Good Urban Design and Heritage

#### 4.5 Site Development Policies DPD:

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene and Public Realm
- 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

4.6 **Supplementary Planning Guidance/Documents:**

- SPD14 Creating Locally Distinctive Places

5.0 **PLANNING CONSIDERATIONS**

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

- **Traffic**
- **Amenity**
- **Biodiversity/Protected Species**

4.8 **Traffic:**

4.9 The Council's Highway Engineer has commented on the application and sets out that no objection is raised in relation to impact that this development would have on traffic/highway and parking grounds. It is proposed that the majority of demolition materials would remain on site (other than asbestos which is currently being removed, where it does not amount to demolition). The demolition material would be used to level off areas of the site which are currently uneven and would be grassed over following demolition. Therefore, there would not be a significant amount of traffic movements. There would be some traffic movements as a result of contractors' vehicles entering and exiting the site. However, overall, there would be a significant reduction in the number of traffic movements over the existing use, as a large number of patient, staff and deliveries traffic movements would cease to occur. The application documents set out that up until recently, the Sutton Hospital Site (including the remainder of the hospital site), had up to 72,000 attendances per annum, this has dropped to 12,000 per annum, as the services have reduced. The submitted information states that there would be no more than 12 contractors' vehicle movements per day. It is clear that traffic movements throughout the demolition phase would be significantly less than when the hospital was fully operational.

4.10 There is an existing car park on the site which has previously been used for staff and visitor parking. This car park would not be available to staff and visitors throughout the demolition process. However, as activity at the hospital site, reduces as a whole, the demand for parking in this car park would be greatly reduced. There is sufficient parking available on the southern part of the wider hospital site to accommodate the parking demand for the remainder of the hospital operation. Having regard to the fact that the proposed demolition would involve less traffic movements than the day to day use of the hospital, it is concluded that subject to suitable safeguarding conditions there would be no material adverse impact on the highway network.

4.11 TfL has commented on the application and has requested that a Construction Logistics Plan be secured by way of condition. As no construction is proposed, the condition would refer to a Demolition Logistics Plan as opposed to a Construction Logistics Plan. The plan shall include details of vehicle routing, vehicle type and associated trip generation as well as phasing and duration of the planned works.

4.12 **Amenity:**

- 4.13 The Council's Environmental Health Officer has commented in relation to the scheme and raises no objection but has requested that the method of demolition statement include further information relating to the measures to minimise dust and noise throughout the demolition. This matter is dealt with by way of condition.
- 4.14 The demolition would be achieved through use of a high reach excavator fitted with a rotating hydraulic grab (known as a 'nibbler'). This method of demolition would minimise noise and dust generation. The breaking of slabs has the potential to generate high noise levels and the submitted information indicates that the noise at the boundary would be 80db(A) due to slab breaking. Following comments received during the course of the application, the crusher unit has been relocated to the central part of the site in order to minimise the potential noise disturbance so that the resultant noise levels at the boundary would be significantly less than in the central part of the site. The Council's Environmental Health Officer has considered the position of the proposed crusher unit and the noise impact on adjoining residential properties from the proposed demolition of buildings and raises no objection, subject to conditions.
- 4.15 In terms of contaminated land, the Council's Environmental Health Officer has raised no objection, subject to the requirement to provide evidence that the asbestos has been properly removed from the buildings prior to demolition. In any event, the matters relating to asbestos removal are dealt with by the Health and Safety Executive.
- 4.16 **Biodiversity/Protected Species:**
- 4.17 The application has identified that some buildings may indicate the presence of bats. The submitted Phase 1 Habitat and Scoping Bat Survey recommends that further survey works are carried out. A further Bat presence/Likely-absence Survey has been submitted which has identified that a total of three bats were recorded emerging from Cheviot House and that there is likely to be a bat roost in Cheviot House. A number of mitigation measures are proposed which include the provision of bat boxes. The Council's Biodiversity Officer concludes that the roost is likely to be small, probably utilised on a temporary basis at the start and/or end of the season, by males. The Biodiversity Officer raises no objection to the proposal and considers that the applicant should be able to secure a licence based on the surveys undertaken and mitigation proposed. Therefore, the Council's statutory duty regarding protected species is met. No objection is raised on this basis, subject to a condition to ensure that the applicant demonstrates that a licence has been granted by Natural England prior to the demolition of Cheviot House and that the mitigation measures are implemented in accordance with the details submitted.
- 4.18 No trees are proposed to be removed on the site and a suitable tree protection plan has been submitted to demonstrate that trees can be adequately protected throughout the demolition process. A condition is recommended to ensure that the works are carried out in accordance with the submitted details.
- 6.0 **Conclusion**
- 6.1 It is considered that prior approval of the authority is required and demolition consent is granted, subject to the conditions required by the Tree Officer, Biodiversity Officer, Environmental Health Officer and TfL.

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: **B2015/71927**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents

**G**

Mr Terry Murphy  
St Helier Hospital  
Sutton  
SM2 5NF

B2015/71927/DEM

**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**

SUTTON HOSPITAL COTSWOLD ROAD Sutton SM2 5NF

Application to determine whether prior approval of the Local Planning Authority is required to the method of demolition of various buildings at Sutton Hospital.

**SECOND SCHEDULE**

The Council, in pursuance of its planning powers, hereby determines that prior approval of the authority will be required for the demolition of the buildings referred to in the schedule above and demolition consent is granted, subject to the following conditions:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2888-200, 2888-205, NS-1077 Rev A1, un-numbered plan titled: "Sutton Hospital, Crusher Proposals", "Demolition of Various Buildings at Sutton Hospital, Cotswold Road, Sutton Surrey, SM2 5NF", "DB-60 Specs", "Planning Update", "Preliminary Arboricultural Survey – Sutton Hospital", "Phase 1 Habitat and Scoping Bat Survey" and "Bat presence/Likely-absence Survey".

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

(2) Prior to the demolition of the buildings, documentary evidence to show that any asbestos in the existing buildings has been fully removed, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: Having regard to health and safety issues.

(3) No development shall start until a Method of Demolition Statement / Demolition Logistics Plan, to include details of :

- (a) vehicle routing,
  - (b) vehicle type and associated trip generation and phasing and duration of the planned demolition works,
  - (c) parking for vehicles of site personnel, operatives and visitors
  - (d) loading and unloading of plant and materials
  - (e) storage of plant and materials
  - (f) programme of works including:-
  - (g) measures for traffic management, and
  - (h) provision of boundary hoarding behind any visibility zones
  - (i) measures to minimise dust throughout the demolition phase
  - (j) stockpile/skip management
  - (k) measures to minimise noise
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the demolition period.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and in the interests of the amenities of nearby residents.

(4) The development hereby approved may only be carried out in accordance with the submitted tree protection plan (dwg ref: TPPD\_SH July '15) and the associated arboricultural method statement. The submitted arboricultural details require a pre-commencement meeting between the Local Planning Authority's tree officer, the retained arboricultural consultant, and the contractor to comply with the approved details. The applicant or their agent is required to contact the Local Planning Authority tree officer in respect of this matter, giving a minimum of 10 days notice, prior to the commencement of demolition.

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

(5) No development shall start until a restoration strategy, showing how the site would be restored following demolition, has been submitted to and approved in writing by the Local Planning Authority. The site shall be restored in accordance with the agreed details within 6 months of the demolition of the buildings on site.

Reason: Having regard to the character of the area.

(6) Notwithstanding the submitted documentation, no machinery or plant shall be operated, no process carried out and no demolition related deliveries taken at or dispatched from the site except between the hours of 08:00 to 18:00 Monday to Friday, 08.00 to 13.00 on Saturday, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residents.

(7) The development shall be carried out in accordance with the recommendations and mitigation measures outlined in section 17 of the submitted 'Bat presence/Likely-absence Survey' dated August 2015.

Reason: Having regard to the impact on protected species.

(8) Prior to the demolition of Cheviot House, a copy of the European Protected Species Licence granted by Natural England shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the terms of the licence granted.

Reason: Having regard to the impact on protected species.

#### INFORMATIVES.

(1) The contractor should ensure that measures are taken to:-

- Protect residents, users of buildings close by and passers by from nuisance or harm;
- Protect Buildings from physical damage caused by vibration

(2) Separate legislation relates to the removal of asbestos in a building (The Control of Asbestos Regulations 2012). The applicant is reminded of the need to comply with all relevant legislation in this regard.

(3) 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.

(4) The information to be submitted in relation to condition 3 in relation to noise and dust should make reference to the Supplementary Planning Guidance produced by the GLA as well as the Council's Code of Practice. Appropriate control measures should be identified and detailed in the Method Statement.

(5) The information to be submitted in relation to condition 3 in relation to noise should ensure that noise from the crushing operations do not exceed 67 dBLAeq(one hour) at residential premises. The measures to reduce noise should include the duration of the works, noise levels and noise mitigation measures such as noise barriers.