

PLANNING COMMITTEE - 30 September 2015

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

Ref: B2015/72131/FUL	WARD: B09 / BELMONT	Time Taken: 9 weeks, 0 days
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Site: Henderson Hospital 2 HOMELAND DRIVE Sutton SM2 5LT
 Proposal: Removal of condition 12 of planning approval 2014/70157/FUL (Code for sustainable homes)
 Applicant: Ms Lawton
 Agent:

Recommendation:

GRANT PLANNING PERMISSION

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

Summary of why application proposal is acceptable:

Condition 12 states:

“Within 3 months of building work starting on site, a Code for Sustainable Homes 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 minimum Level 4 rating will be achieved for each of the proposed dwellings”.

Due to recent changes to the planning system, through a ministerial statement (ref: HCWS488) published on 25 March 2015, the Code for Sustainable Homes as a material planning consideration has been withdrawn. Consequently, the condition is no longer relevant for planning consideration or approval and, as such, its removal is considered acceptable in line with legislation noting that the requirements are to be transferred to Building Regulations.

1.0 BACKGROUND

1.1 Site and Surroundings:

1.2 The application site is situated within a corner location enclosed by Kingswood Drive to the east and Homeland Drive and Moore Way to the south. Sinclair Drive and Courtenay Avenue are located to the north and west of the site. The site comprises Henderson Hospital which was previously in use by the South West London and St George’s Mental Health NHS Trust as a residential care facility providing treatment for personality related disorders. Henderson Hospital has been vacant since circa 2008 following a review of services by the NHS. The site originally formed and operated as part of the former Belmont Hospital which has been redeveloped for housing.

1.3 Henderson Hospital is a three storey building with a large footprint set within a substantial plot. The site has its vehicle access from Moore Way to the south close to the junction with Homeland Drive. Independent pedestrian access is provided from Homeland Drive. A number of significant trees are located on the boundaries of the site and the front (southern) part of the site is subject to an area Tree Preservation Order.

- 1.4 To the north of the site are properties within Sinclair Drive comprising three storey terraced houses and further to the north is Overton Park Recreational Ground. To the west of the site are properties within Courtenay Avenue which are also three storey terraced houses.
- 1.5 The area is predominantly residential in character containing a mixture of flats, terraced, detached and semi-detached dwellings. The properties in the vicinity of the site are predominantly three storey terraced houses although there are three storey blocks of flats to the south.
- 1.6 Planning permission was granted, subject to conditions and s106 agreement, on 5 November 2014 for the redevelopment of the site consisting of the demolition of the former hospital building and erection of a mixed development comprising a part two, part three storey Doctor's surgery (Class D1) with 45 car parking spaces and ten cycle spaces with refuse/recycling stores and nine 4 - bedroomed three storey houses each with integral garage and a parking space together with hard and soft landscaping and new access roads.
- 1.7 This application seeks the removal of Condition 12 (Code for Sustainable Homes) of the planning permission granted 5 November 2014 (ref: B201470157/FUL).
- 1.8 **Site Specific LDF Designation:**
- 1.9 The site does not fall within a site specific designated area. However, Homeland Drive is part of a Cycle Network.
- 1.10 **Relevant Planning History:**
- 1.11 Circular 100 Procedure: New nursing home. No objection April 1957.
- 1.12 92/36910/ADV: Display of an illuminated entrance sign. August 1992.
- 1.13 94/39096/FUL: Erection of a single storey mobile building for staff seminars and meeting purposes. Granted March 1995.
- 1.14 12/66063/CPU: Re-alignment of an existing site access. Granted August 2012.
- 1.15 14/69590/DEM: Application to determine whether prior approval of the Local Planning Authority is required for the method of demolition of the former hospital building - Granted 25/06/14.
- 1.16 13/68157/FUL: Demolition of former hospital building and erection of a mixed development comprising a part two, part three storey Doctor's surgery (Class D1) with 45 car parking spaces and ten cycle spaces with refuse/recycling stores and nine 4 - bedroomed three storey houses each with integral garage and a parking space together with hard and soft landscaping and new access roads. Granted 28/02/14.
- 1.17 14/70157/FUL: Application for variation of conditions 2,6,12,13,14,15,21,24,25 & 27 of planning approval B2013/68157/FUL for Demolition of former hospital building and erection of a mixed development comprising a part two, part three storey Doctor's surgery (Class D1) with 45 car parking spaces and ten cycle spaces with refuse/recycling stores and nine 4 - bedroomed three storey houses each with integral garage and a parking space together with hard and soft landscaping and new access roads.(variations sought to give a clear distinction between conditions relating to the medical centre and those for the residential units). Granted 5/11/2014.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

2.2 Planning permission is sought for the removal of condition 12 of planning approval 2014/70157/FUL (Code for sustainable homes).

2.3 Due to a written Ministerial Statement ref: HCWS488 published on 25 March 2015 the requirement for the Code for Sustainable Homes as a material planning consideration has been withdrawn. Consequently the condition is no longer relevant for planning consideration or approval. The requirements are to be transferred to Building Regulations.

2.4 **Significant amendments to application since submitted:** None.

3.0 PUBLICITY

3.1 Adjoining Occupiers Notified

3.2 Method of Notification:

3.3 In line with the statutory requirement of Article 15 (Publication of planning applications) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) and the Council's Statement of Community Involvement (SCI), a site notice was erected in the vicinity of the application site.

3.4 **Number of Letters Received:** Any comments received will be reported orally to the Planning Committee.

3.5 Official Consultation

3.6 Internal:

3.7 Sustainability Officer: No objection to the removal of the condition.

3.8 **External:** None applicable

3.9 **Councillor Representation:** Any comments received will be reported orally to the Planning Committee.

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 Core Planning Strategy 2009
- The Site Development Policies DPD 2012

4.2 Also a material consideration in determining planning applications are:

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

4.3 As a material consideration for this application is the written Ministerial Statement ref: HCWS488 published on 25 March 2015.

5.0 **PLANNING CONSIDERATIONS**

5.1 Planning permission was granted in February 2014 for the redevelopment of the land for a residential led mixed use purpose comprising a part two, part three storey Doctor's surgery (Class D1) with 45 car parking spaces and ten cycle spaces with refuse/recycling stores and nine 4 - bedroomed three storey houses each with integral garage and a parking space together with hard and soft landscaping and new access. A subsequent approval for variations to the approved scheme was granted in November 2014. The land use principle of the development has been considered and agreed by these planning permissions. Furthermore, the effect of the development on residential amenity and highways issues were also considered to be acceptable in the issuing of the planning permissions. As such, the redevelopment of the land for mixed use residential-led development, and as approved, is acceptable.

5.2 Planning permission is sought for the removal of condition (12) of the planning permission granted on 5 November 2014. The condition requires that:

“Within 3 months of building work starting on site, a Code for Sustainable Homes 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 minimum Level 4 rating will be achieved for each of the proposed dwellings”

5.3 In March 2015, a Written Ministerial Statement (Deregulation Act) was published by the government withdrawing the Code for Sustainable Homes as a material planning consideration. For this reason the condition cannot be enforced by the Local Planning Authority, however the requirement for the monitoring and enforcement of the Code for Sustainable Homes has been passed to Building Regulations. As such, the proposal to remove the condition (12) is considered to be reasonable and justifiable given this circumstance.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 For the reasons stated above, it is considered that the removal of condition 12 (Code for Sustainable Homes) of planning permission ref: B2014/70157/FUL is reasonable and justifiable.

6.2 Consequently, approval of the application is recommended.

Background Papers: B2015/72131/FUL



Ms Lawton
Apollo House
Woburn Green
HP10 0HH

B2015/72131/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

Henderson Hospital 2 HOMELAND DRIVE Sutton SM2 5LT

Removal of condition 12 of planning approval 2014/70157/FUL (Code for sustainable homes)

SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans (of planning permission ref: B2014/70157/FUL): 1304: 01, 02C (Phasing Plan), 02D, 02(E) location of residential refuse store, 03A, 04, 05, 06A, 07, 08, 09, 10, 10A, 11, 11A, & 13; 13A (Refuse Store Details), 02(Extract), 14 and 2615/D: 001A, 002A, 003G, 004A and L00364-300 Rev PO1, 2615_DR_100-D, 2615_DR_101-A, 2615_DR_102-B and 12436/S1.

Planning Statement, Design and Access Statement, Tree Survey Report (Lloyd Bore Ltd 2615/R02 24 January 2013), Arboricultural Impact Assessment & Method Statement (Lloyd Bore Ltd 2615/R02 June 2013), BREEAM New Construction: Category 11: Land Use and Ecology (Lloyd Bore Ltd 2615/R01 February 2013), Transport Assessment (Scott White and Hookins LLP SG/lh/W00537 September 2013) and Site Investigation (Risk Management Limited RML5144 April 2013), Ecological Appraisal (Lloyd Bore Ltd 2615_RP_001 November 2013), Landscape Design Statement November 2013, Waste Management Scheme, Landscape Specification dated April 2014, Landscape Management Plan April 2014, RigiSystems Green Roofs - Ecozip, Sustainability Statement by Thrive Architects dated July 2014, Sustainability Statement by Bianco Sale Limited dated July 2013, Brukl Output document, Energy Performance Certificate, Sustainable Design and Construction Statement, BREEAM 2011 New construction pre-assessment estimator, Deliveries and removals statement, Construction Method Statement, Brunswick Autumn Ibstock details, Garsdale fibre cement slates details, Vacant Land Strategy, Medical Centre Car Park and Residential Area External Lighting Report, Sustainable Green Roofing Systems.

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

(2) Prior to the occupation of the relevant phase, as shown on drawing numbered 1304/02(C) (excluding phase 1), of the development hereby permitted, full details of the necessary crime prevention measures to achieve 'Secured by design' accreditation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include natural surveillance, car and cycle parking, lighting, fencing, gates, doors, windows etc. The car parking facilities should achieve the Park Mark Safer Parking award. The details once approved in writing by the Local Planning Authority, shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure the proposed development provides a safe environment.

(3) The development shall not be occupied until the modified vehicular access to Moore Way, has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and thereafter be permanently retained.

Reason: In the interest of road safety.

(4) Phase 2 as shown on drawing 1304/02(C) of the development hereby permitted shall not be occupied until 9 integrated residential garages and 9 parking spaces have been provided. Phase 3 as shown on drawing 1304/02(C) of the development hereby permitted shall not be occupied until 45 parking spaces have been provided of which 6 spaces will be for people with disabilities. Such parking provision shall thereafter be kept for the use of the occupants of the development hereby approved.

Reason: To ensure that adequate off-street parking provisions is made to avoid danger and inconvenience to highway users and to meet sustainability objectives.

(5) The medical centre shown as part of the development under Phase 3 of drawing numbered 1304/02(C) shall not be occupied until details of the management and use of the proposed parking have been submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall be implemented and thereafter be permanently maintained.

Reason: To ensure that adequate off-street parking provisions is made to avoid danger and inconvenience to highway users and to meet sustainability objectives.

(6) Prior to the occupation of the relevant phase, as shown on drawing numbered 1304/02(C) (excluding phase 1), of the development hereby approved shall not be occupied until bicycle and motorcycle storage facilities have been provided in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority. Such storage provision shall thereafter be kept for the use of the occupants of the development hereby approved.

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

(7) Before the first and each subsequent occupation of the medical centre, shown as part of the Phase 3 development of drawing numbered 1304/02(C), 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.

(8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Class(es) A, B, D and E of Part 1 to Schedule 2 to that Order.

Reason: To ensure that the impacts of further development on nearby properties and the streetscene can be formally assessed by the Council.

(9) Within 6 months of the first occupation of the medical centre shown as part of Phase 3 of drawing numbered 1304/02(C), a BREEAM New Construction 2011 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 minimum 'very good' 'Excellent' rating has been achieved for the proposed medical centre. A minimum overall score of 64.0 must be demonstrated, with at least 6 credits achieved under criterion ENE1.

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

(10) Prior to first occupation of the housing approved under phase 2 of drawing numbered 1304/02(C), a Code for Sustainable Homes 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 Level 4 has been achieved for each of the proposed dwellings. All the measures integrated shall be retained for as long as the housing is in existence.

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

(11) Prior to the occupation of the relevant phase, as shown on drawing numbered 1304/02(C) (excluding phase 1), of the development hereby permitted, documentary evidence (i.e. 'as-built' SAP2009 or SBEM worksheets as appropriate) should be submitted to the Local Planning Authority and approved in writing to demonstrate that each element of the development has been carried out in accordance with the approved details. If the development as a whole is unable to meet the required development plan reduction 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 LPA in writing.

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

(12) Prior to the occupation of the relevant phase, as shown on drawing numbered 1304/02(C) (excluding phase 1), of the development hereby permitted, written confirmation that the approved scheme for the management of surface water run-off, including sustainable urban drainage (SUDS) measures, 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 annual volumes of run-off are less than previous conditions on the site. 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.

(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.

Reason: To protect groundwater resources. The site lies on the Lewes Nodular, Seaford and New Haven Chalk Formation (undifferentiated). The formation is classed as a Principal Aquifer in terms of the large amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The site lies within the outer area of a source protection zone (SPZ 2) designated to protect a nearby public water supply borehole. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminants present at the site.

(14) 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 protect groundwater resources. The site lies on the Lewes Nodular, Seaford and New Haven Chalk Formation (undifferentiated). The formation is classed as a Principal Aquifer in terms of the large amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The site lies within the outer area of a source protection zone (SPZ 2) designated to protect a nearby public water supply borehole. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminated surface water discharges from the site.

(15) No works or development shall take place until the recommendations of the Arboricultural Impact Assessment and Method Statement reference no. 2615/R004 (Lloyd Bore Ltd June 2013) have been fully implemented. The protection measures and recommendations shall be retained until such time the completion of all construction works hereby approved and the construction machinery have been entirely removed.

Reason: To ensure, where applicable, adequate protection is afforded to the trees within the site, which are covered by tree preservation orders.

(16) All planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the relevant phase, as shown on drawing numbered 1304/02(C), or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the relevant phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure compliance with policy DM1 of the Site Development Policies DPD that the landscaping scheme provides a satisfactory townscape incorporating hard and soft landscaping and to make proper provision for suitable boundary treatments and screening to provide suitable landscaped areas and sitting space where appropriate.

(17) The Medical Centre and pharmacy use hereby permitted shall operate only between the hours of 0800h to 2000h Mondays to Fridays, and between the hours of 0800h to 1300h on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjacent residential properties.

(18) The pharmacy hereby approved shall be ancillary to the use of the Medical Centre use and sales shall predominantly be for the dispensing of prescribed medication from the Medical Centre, in accordance with the Typical Stock Order (Enclosure 1) associated with it and for no other retail purposes.

Reason: To ensure the proposal complies with Policies DM21 and DM23 of the Site Development Policies which seeks to ensure the proposal does not result in an increase in on-street parking, adversely affects traffic flows or the amenities of local residents or local environment.

INFORMATIVES.

(1) This application has been assessed against the relevant policies of the London Plan 2015, Sutton's Core Planning Strategy 2009 and the Site Development Policies DPD 2012. The

proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(2) 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.

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

(4) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section at 24 Denmark Road, Carshalton, Surrey SM5 2JG, telephone 020 8770 6369 or e-mail street.naming@sutton.gov.uk.

(5) 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 6263 or 6325 before proceeding with the work.

(6) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes connected with the implementation of this planning permission.

(7) The applicant's attention is drawn to the fact that the London Borough of Sutton monitors the implementation of permissions and in particular that conditions imposed are fully complied with. Should you have any queries with regard to the discharge of the conditions please telephone 020 8770 5070 for further information.

(8) 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 development related to the S278 Highways Act 1980 highway improvement works, the S278 Agreement must be concluded before works can start on the public highway.

(9) 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.

(10) 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.

(11) The developer is reminded that under the Highways Act 1980 Sections 131, 148 and 149, it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and also to prosecute persistent offenders.

(12) Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing

wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

(13) Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

(14) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

(15) This decision notice should be read in conjunction with the agreement under section 106 of the Town and Country Planning Act 1990.

(16) The Council consider that this permission is liable for a contribution under the Community Infrastructure Levy (CIL) and a CIL Determination form is attached for you to complete and return to Development Control, 24 Denmark Road Carshalton SM5 2JG. Please note that if you commence work without giving prior notice of the start date the CIL charge must be paid immediately.