

PLANNING COMMITTEE - Date: 30 September 2015

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

Ref: B2015/72308/FUL	WARD: B07 / SUTTON CENTRAL	Time Taken: 11 weeks
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Site: 24 - 34 Sutton Court Road, Sutton
 Proposal: Demolition of existing buildings and erection of a new residential development comprising of a total of 132 flats in a nine storey and an eighteen storey connecting building comprising forty four 1- bedroomed, sixty nine 2- bedroomed and six 3- bedroomed self contained flats for general sale and seven 1- bedroomed and six 2- bedroomed affordable self contained flats together with 15 car parking at basement level accessed from existing car park under Leben Court together with residents gym and indoor children's play space, internal cycle stores, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping.
 Applicant: Mr R Kelly
 Agent: Mr Simon Grainger

Recommendation:

GRANT PLANNING PERMISSION

subject to the

- 1. Completion of a s.106 legal agreement to be completed by midday on 4th November 2015, or such longer period as may be agreed in writing by the Executive Head of Economic Development, Planning and Sustainability, after which time the resolution to grant will be rescinded. Should a completed S106 legal agreement not be forthcoming by the date and time specified above the Planning Committee also agree to give delegated authority to officers, should they wish, to refuse permission on the basis that the proposal would fail to provide a series of infrastructure and environmental improvements.**

and

- 2. Referral to the Greater London Authority. The application is referable to the Greater London Authority under Category 1C of the Schedule of the Town and Country Planning (Mayor of London) Order 2008: "Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London." If the Committee resolves to grant permission, the application is referred to The Greater London Authority which has 14 days to decide whether or not to review the planning permission (under article 5.(1) of the Town and Country Planning (Mayor of London) Order 2008).**

Reason for Report to Committee: The application relates to a major application recommended for approval and has received over ten letters of objection.

Summary of why application proposals are acceptable:

- The proposal represents a high quality redevelopment scheme which would make a

considerable contribution towards the regeneration of this part of Sutton Town Centre and provides very high quality housing within the Town Centre including a number of affordable homes.

- It is considered that this is a well designed scheme which has a modern approach to design in this prominent location within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.
- The new public realm would provide an attractive landscaped area which would focus on connecting the development to the wider area and the adjoining redevelopment site at Sutton Point.
- The proposal would not result in an unacceptable loss of outlook or light, there would be nominal overlooking from windows and no significant harm would be caused through noise, vibration or disturbance. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.
- The site is located within a highly sustainable location, access to public transport is excellent and the mix of units is mostly 1 and 2 bed. As such, car parking at a level significantly below the maximum standard can be accepted and the Councils Highways Engineer and Transport for London raise no objection to the level of parking proposed noting that a significant number of cycle spaces are to be provided. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network. The access provided is acceptable and would not cause harm to highway and pedestrian safety.
- The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2015 and the Councils Local Development Framework. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.

1.0 BACKGROUND

1.1 Site and Surroundings:

1.2 The application site measures 00.16 hectares and is located towards the southern end of Sutton Town Centre with Sutton railway station to the south-west of the site. The main High Street within Sutton Town Centre is located just to the west. The site is accessed from Sutton Court Road to the north and is located adjacent to the junction of Chalk Pit Way. The site currently comprises one pair of semidetached buildings converted into flats and one half of a pair of semi detached buildings. The remainder of the site is vacant having most recently been used as a contractor's compound for the redevelopment of Leben Court to the east.

1.3 The site was formerly occupied by three pairs of two storey dwellings dating from the latter half of the nineteenth century. The dwellings originally ran the length of the south side of Sutton Court Road before office redevelopment occurred in the 1960's-1980s.

- 1.4 The surrounding area to the west has been subject to significant redevelopment and particularly on the island block formed of land lying between Carshalton Road to the north, Sutton Court Road to the south, Sutton High Street to the west, and Chalk Pit Way to the east.
- 1.5 To the north of the site on the opposite side of Sutton Court Road is Sutton Police Station located on the corner of Sutton Court Road and Clay Pit Lane. This building is five storeys in height with a large hipped roof. The site to the west of the Police Station is currently vacant with a ten-storey building (Watermead House) located opposite the site but further to the west. It should be noted that planning permission (B2011/63901/FUL) was granted in March 2012 for a new mixed use fourteen storey building located between Watermead House and the Police Station and work has commenced on site. A large B&Q superstore is located to the north east of the site.
- 1.6 The site is bound by the railway line to the south and to the east by the former UCB House office building, now converted to residential use. This building ranges from 4 to 5 storeys in height. Further to the south and east beyond Nouvelle House/Leben Court and B and Q, the character changes to residential with a mixture of flatted blocks and lower scale terraced, semi-detached and detached residential properties.
- 1.7 The site to the west formally comprised three buildings built during the 1960's known as Rafferty House, Sentinel House and South Point. The only building remaining on the site now is South Point with Rafferty House and Sentinel House having been demolished. The site has recently been renamed as 'Sutton Point'. Permission was approved under application B2013/67182/FUL in July 2013 for the redevelopment of the site involving the conversion and extension of the existing South Point tower up to 22 storeys in height, erection of an 11 storey building and a 20 storey building incorporating a link to South Point to provide 332 residential units and commercial units falling within Classes A1, A2, A3, A4, B1, D and a 139 bed hotel (C1).
- 1.8 The application site is separated from buildings facing the High Street by the Sutton Point site to the west. Quadrant House lies to the south of the railway and Sutton Railway Station (south east of 23-34 Sutton Court Road and to the north of Wellesley Road) and rises to twenty one storeys.
- 1.9 **Site specific designation:**
- 1.10 The application site is designated as being within an Archaeological Priority Area, within the Area of Taller Buildings Potential (Very Tall) for Sutton Town Centre, Limit of Sustainable Residential Development (Central Setting), Decentralised Energy Opportunity Area, within the Station Quarter in Sutton Town Centre, Sutton Town Centre Boundary and Site Allocation SRCS2 (south of Sutton Court Road). The application site is adjacent to the boundaries of the Sutton Town Centre Secondary shopping Frontage, a Transport Improvement Corridor and Transport Interchange (Tramlink) and a Green Corridor is located to the rear of the site.
- 1.11 The site, along with the land to the west comprising the adjacent vacant office building, is allocated within the Site Development Policies DPD March 2012 for a mixed use redevelopment of office, residential, retail and leisure uses. The allocation continues that any development scheme should pay particular regard to the following:

- Providing active shopping frontages at ground floor along Sutton Court Road.
- Providing buildings of between 4 and 11 storeys in height, stepping down to the east.
- Providing a public transport interchange on Sutton Court Road.
- Protecting land for Tramlink along the Sutton Court Road frontage.
- Securing pedestrian connections from Sutton Court Road through to Sutton Railway Station and The Quadrant.
- Providing high quality public realm improvements including greening and traffic calming measures on Sutton Court Road, the pedestrian connection through to Sutton Station and the creation of a new public space outside Sutton Station.
- The guidance in the Development Framework for Sutton Station and Adjacent Land Supplementary Planning Document and associated guidance in the Gillespie's Sutton Urban Design Framework.

1.12 **Relevant Planning History:**

1.13 24 Sutton Court Road:

1.14 76/15718 'Construction of new roadway and pavement on roof of multi-storey car park to link Sutton Court Road and Carshalton Road and the re-alignment of Sutton Court Road with the High Street to align with Grove Road, Sutton (No's 24-30 Sutton Court Road, 16-24 High Street and 38 Carshalton Road)' granted 19.10.1977.

1.15 90/34398/FUL 'erection of a four storey office building and provision of three levels of basement car parking (This includes No's 24 & 26 Sutton Court Road)' Refused 7.1.1991.

1.16 03/50563/FUL 'Conversion of premises into one 2-bedroomed and three 1-bedroomed self contained flats involving extension to basement and ground floor levels (viewed as two storey extension from rear elevation) together with car parking facilities' granted 5.6.2003.

1.17 08/59416/FUL 'Demolition of existing building and erection of a part sixteen, part twenty storey building with side wings of five and seven storeys comprising: 650 sq metres of commercial floor space on the ground floor purposes falling within Class A1 (shops) and/or A2 (professional services) and/or Class A3 (restaurants and cafes) and/or Class A4 (drinking establishments) and/or A5 (hot food take away) and 118 dwellings on the upper floors (46 affordable housing units) comprising thirty three 1-bedroomed, seventy 2-bedroomed and fifteen 3-bedroomed self contained flats. Together with refuse store, children's play area, cycle parking and thirteen residential car parking spaces at basement level and provision of a separate vehicular access and loading bay for commercial units' refused 21.7.2008.

1.18 26 Sutton Court Road:

1.19 76/15718 (as listed above).

1.20 86/29436 'Use of premises comprising 225 sq metres for office purposes' granted 13.11.1986.

- 1.21 90/34398/FUL 'Erection of a four-storey office building and provision of three levels of basement car parking' refused 7.1.1991.
- 1.22 00/46456/FUL 'Conversion of premises into four 1-bedroomed self contained flats incorporating a first floor rear extension together with four car parking spaces' granted 7.9.2000.
- 1.23 08/59416/FUL (as listed above).
- 1.24 28 Sutton Court Road:
- 1.25 SUT.18684 'Continued use of building of the building at rear of 28 Sutton Court Road for the storage of furniture within Class X of the Town & country (Use Classes) Order 1950' granted 21.7.1954.
- 1.26 76/15718 (as listed above).
- 1.27 86/28861 'Conversion of premises into two 1-bedroomed and one 2-bedroomed self contained flats, one studio unit, enlargement of existing dormers and provision of four car parking spaces at rear' granted 14.10.1986.
- 1.28 08/59416 (as listed above).
- 1.29 **Relevant Planning History in the vicinity of the site:**
- 1.30 Land at South Point:
- 1.31 13/67182/FUL 'Redevelopment of the site involving the conversion and extension of existing South Point tower up to 22 storeys in height. Erection of an 11 storey building and a 20 storey building incorporating a link to South Point, all to provide 332 residential units in a mix of 1,2 & 3 bedroomed self contained flats (36 affordable units) and 1,978.01m2 of floor space falling with Classes A1(shops), A2 (financial & professional services) A3(restaurants & cafes), A4(drinking establishments), 2,450.53 m2 falling within Class B1 (offices), 886.89 m2 falling within Class D (health & fitness) and a 139 bedroomed Hotel (Class C1) together with a total of 226 Car Parking spaces at basement and ground floor levels (including 3 car club spaces), 458 cycle spaces, service road, pedestrian routes, landscaping and new access onto Sutton Court Road' granted 25.7.2013.
- 1.32 17 Sutton Court Road:
- 1.33 11/63901/FUL 'Redevelopment of site to provide a fourteen storey building comprising kiosk for A1/A2/A3 use on ground floor, a gymnasium and wellness centre on ground, first and second floors (Class D1) with fifty four 1 - bedroomed, twenty two 2 - bedroomed and six 3 - bedroomed self contained flats on upper floors (includes fourteen affordable flats) together with vehicle access, two car parking spaces, 106 cycle spaces, enclosed refuse storage and associated landscaping' 28.3.2012.
- 1.34 UCB House and Group House 36 and 52 Sutton Court Road:
- 1.35 13/67063FUL 'Retention of Group House as B1 office use with retained car and cycle spaces at basement and ground floor levels; Conversion of UCB House into fifty two 1 - bedroomed, twenty 2 - bedroomed and three 3 - bedroomed self contained flats involving infilling of first floor rear, new entrance lobby at first floor

front, use of existing balcony/terrace areas as private amenity space and provision of 30 photovoltaic panels to roof together with car, cycle and motor cycle parking at basement and ground floor levels and new external refuse store' granted 24.10.2013.

- 1.36 13/67645/O2R 'Change of use under Class J from Class B1(a) (offices) to Class C3 (dwellinghouses)' granted 14.8.2013. (USB Court)
- 1.37 13/68066/O2R 'Change of use under class J from class B1(a) (offices) to Class C3 (dwellinghouses)' granted 30.9.2013. (Leben Court).
- 1.38 14/69277/O2R 'Prior Approval to convert existing B1(a) (Office) use to C3 (Residential) involving the creation of one new dwelling on the sixth floor' granted 28.5.2014. (Leban Court Sixth Floor).

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 The application was registered valid on 15 July 2015 and has an expiry date of 4 November 2015 as it includes an Environmental Impact Assessment (EIA).
- 2.3 The proposal involves the redevelopment of the application site for a residential scheme comprising a total of 132 flats. These are accommodated within two connected blocks, comprising of part nine storeys at the eastern part of the site and rising to eighteen storeys to the western part of the site spanning the full width of the development site.
- 2.4 The proposal would contain a mix of private and affordable residential units, a private resident's gym and children's play space. The proposal involves basement level car parking and cycle parking and hard and soft landscaping.
- 2.5 In total, the development proposes 132 residential units comprising 119 private units (44 x 1 bed, 69 x 2 bed, 6 x 3 bed) and 13 affordable units (7 x 1 bed and 6 x 2 bed) representing approximately 10% of the total residential units. The proposal provides 15 car parking spaces including 5 parking spaces for disabled persons and 3 electric charging points at basement level. Access to these parking areas is provided via the basement of Nouvelle House/Leben Court, which is owned by the applicant to the east of the site. Cycle parking is also accessed through Leben Court/Nouvelle House providing 264 long stay cycle parking spaces within two secure areas and 4 short stay cycle parking spaces to the front of the development. In addition a plant room and the CHP room are also provided at basement level.
- 2.6 The building involves the erection of a 9 storey (28 metres) element at the eastern part of the site which rises to 18 storeys (59 metres) at the western part of the site. The main part of the tower will be 18 storeys in height, with the top two floors partially inset. The tower will then step down to 16 storeys and then 9 storeys towards the east of the site.
- 2.7 The northern and southern elevations of the main 18 storey tower fronting Sutton Court Road is split into three well defined vertical bays and this is achieved through alterations in the external materials and a stepping of the mass of the building. The westerly bay on the front elevation is 17 storeys with a single top floor inset.

- 2.8 The middle bay is set back from the western bay and is 16 storeys in height with an inset floor and the easterly bay are also set back from the middle bay and also 16 storeys in height with the inset floors staggered towards the west. The 9 storey element adjoins the easterly bay of the main building and is stepped back a minimum of 6.3 metres from the front elevation of the 18 storey tower. The flanks of the building also contain a variety of materials and steps.
- 2.9 The proposal site falls from the west to the east, due to the change in land levels the pavement to the eastern part of the site is approximately one storey lower than that at the western end. As such, there are two pedestrian entrance points into the development. The entrance to the affordable units is at lower ground level to the east of the site and the foyer contains a service core with lifts to serve the 13 units and internal communal refuse store, post room and access to basement car parking area. Access to the proposed gym can be gained from the main entrance to the private units and at lower ground level adjacent to the entrance to the affordable entrance, with partial glazed windows to the north and east elevations.
- 2.10 The proposed entrance to the private residential units is located at the western end of the development and accessed from ground level. At ground floor level there is an indoor children's play space which consists of 150 m², with a fully glazed windows to the north and east elevations. There is a large entrance foyer to the private residential units which provide access to the main service core with three lifts to all floors and a post room. The ground floor levels are fully glazed marking the entrances to the building and providing an active frontage to the private gym.
- 2.11 The 18 storey tower would have a maximum depth of 30 metres at ground floor level and would reduce to a depth of 22.7 metres at the 17th storey and 28.7 metres including balconies to the front and rear elevations. The 9 storey tower would have a maximum depth of 17.5 metres and 20.5 metres including balconies.
- 2.12 The application site proposes two large hard and soft landscaped areas to the front of the site with additional landscaped areas to the flank and rear of the development. As the building is set back from the public footpath and further set in from the east and west boundaries of the site. The site offers a significant improvement to public realm. Due to the changes in land levels a new ramp and steps would be provided to the affordable and private entrances stepping up from the pavement to the new public realm areas.
- 2.13 With the exception of unit H1 positioned at ground floor level within the affordable units, all units have private balconies or gardens as the site does not provide outdoor communal amenity space. The provision of the indoor children's play space can be used all year round by residents and is accessible by both the affordable and private units.
- 2.14 The proposed external materials for the building consist of high quality materials. The 18 storey tower at the most westerly bay and continuing to wrap around half of the western elevation and the rear centre bay will comprise of a mix of three different shades Alucoil (lead grey, umbra grey and graphite grey). The centre bay will also be clad in Alucoil in copper patina and the part of the rear 9 storey element. The eastern bay will be clad in a light buff/ cream facing brick colour. The facing brick will wrap around the eastern elevation where it will meet the grey

cladding along the eastern half of the rear elevation. The western half of the half of the rear elevation will also be clad in the facing brick and continue to wrap around onto the western elevation.

2.15 The 9 storey tower will be clad in both the copper patina and the three grey colours. The whole of the eastern elevation will be clad in the grey and continue to wrap around half the front and rear elevations where the remainder will be copper patina.

2.16 **Significant amendments to application since submitted:**

2.17 9 September 2015 – Amended plans were received, which included:

- Alterations to lower ground floor layout regarding the access ramp;
- Alterations to ground floor layout in relation to access ramp and internal alterations to children's play space; and
- Alterations to the first to seventh floor layouts resulting in changes to 13 of the two bedroomed units to create 13 one bedroomed units. This allows for these units to be 'easily adaptable' for wheelchair users.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 529 neighbour Notification Letters were delivered to adjoining residents on 31 July 2015 and a site notice was displayed. Neighbours were re-notified on 9 September 2015 and a site notice was displayed advising of amendments received. Letters were delivered to addresses along:

- Alfred RoadChalk Pit Way
- Reading Road
- Morland Road
- Clowster Close
- Turnpike Lane
- Eaton Road
- Cumnor Road
- Langle Park Road
- Wellesley Road
- Sutton Court Road
- High Street
- Carshalton Road

3.4 **Number of Letters Received:**

3.5 Seventeen.

3.6 **Address of Representations:**

- 6 Leben Court, 36 Sutton Court Road
- 11 Leben Court, 36 Sutton Court Road
- 39 Leben Court, 36 Sutton Court Road
- 74 Leben Court, 36 Sutton Court Road

- Garden Flat, 28 Sutton Court Road
- 31 Cumnor Road
- 26 Cumnor Road
- 27 Cumnor Road
- 4 Morland Road
- 11 Morland Road
- 17 Morland Road
- 37 Morland Road
- 39 Morland Road
- 21 Langley Park Road
- 25 Langley Park Road
- 10 Reading Road
- 14 Reading Road

3.7 **Summary of Material Responses Objecting to the Proposal:**

- Parking stress in the area will increase with only 15 car parking spaces.
- Security concern for Leben Court car park from more people using it.
- Peregrine Falcons regularly nest in the Read building, the new building may interfere with their flight path.
- The number of flats should be reduced and increase in parking facilities.
- Residents of the flats should not be able to apply for 'green badges'.
- The building is excessive in height and for the area.
- The building does not provide sufficient affordable housing.
- Morland Road was not included in the Daylight, Sun light and Overshadowing Assessment.
- Loss of privacy.
- Loss of sunlight.
- The building would be dominating and obtrusive.
- The proposal has not overcome the previous refused scheme.
- Morland Road is prone to flash flooding.
- 18 storeys is too high and will ruin the current landscape.
- The existing road infrastructure cannot support such a large development.
- Loss of trees on site.
- The proposal is not in keeping with the surrounding area.
- Sutton Court Road already is a wind tunnel and this will increase with the new proposal.
- The proposal will overshadow Leben Court, Morland Road and Langley Park Road
- How affordable are the new homes.

3.8 **Summary of Non Material Responses Objecting to the Proposal:**

- Leaseholders (from Leben Court) are liable for the cost of removing unauthorised cars from their car park.
- Residents will be left homeless if existing dwellings are demolished.
- The proposal will devalue property values.
- Will local services be able to cope with an influx in residents.

3.9 **Official Consultation**

3.10 **External:**

- 3.11 **Greater London Authority (GLA):** The GLA state that London Plan policies on housing, affordable housing, urban design, housing quality and tall buildings, inclusive design, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:
- **Principle of the development:** In summary, the principle of residential development is supported. Further information is required to confirm that the level of density is acceptable. The Council should confirm that the mix of units will meet local needs. Considering the low child yield and the inclusion of private amenity space, including some gardens, the provision of internal play space is considered acceptable.
 - **Affordable housing:** In this instance it is considered that this level of development should be able to provide a significantly greater level of affordable housing. A viability assessment has been provided and is being independently assessed, once the assessment has been finalised details will need to be shared with the GLA prior to referral at Stage Two.
 - **Urban Design, Housing Quality and Tall Buildings:** There are some concerns regarding the residential quality of the single aspect units and further information is required.
 - **Inclusive Design:** The design of the wheelchair adaptable units should be revised according to London Plan requirements to make them easily accessible. Access ramps should be amended to incorporate level landings for every 0.5 metre rise and the proposals should be amended accordingly.
 - **Climate Change:** The energy assessment submitted; show that the carbon emissions are excessively high for this size of development. The calculations should be revised and the comments above addressed before compliance with London Plan energy policy can be verified. Information on the proposed levels of the basement, lower ground and ground floor in comparison with the likely level and depths of flooding in the 1 in 100 year storm event should be supplied prior to any Stage Two planning referral to the Mayor. A suitable planning condition should be applied to any planning permission, requiring the proposals to achieve a greenfield run-off rate.
 - **Transport:** A car park management plan should be secured through the section 106 agreement, including a mechanism whereby future residents are prevented from applying for parking permits in the adjoining controlled parking zone (CPZ). Further details of the costs of the key measures included in the draft travel plan are required and the final Travel Plan should be secured, enforced, funded, and monitored as part of a section 106 Agreement. A full construction management plan (CMP) and delivery and servicing plan (DSP) should be prepared in accordance with TfL guidance and secured by condition.
- 3.12 **Transport for London (TfL):** TfL considers that subject to conditions and securing planning obligations through the s106 agreement the application could be considered acceptable in the context of the London Plan.
- 3.13 **Environmental Agency:** No objection is raised subject to conditions.
- 3.14 **Crime Prevention Officer:** No objection subject to conditions and a planning obligation relating to a new CCTV system.
- 3.15 **Thames Water:** No objection subject to condition.

- 3.16 **English Heritage:** No objection to the proposal.
- 3.17 **London Fire and Emergency Planning Authority:** No objection.
- 3.18 **Network Rail:** No objection subject to conditions.
- 3.19 **Surrey and East Surrey Water:** No comments received.
- 3.20 **Internal:**
- 3.21 **Principal Highways Engineer:** No objection to the proposal subject to conditions and the provision of a car parking management scheme and prohibiting residents from apply for parking permits.
- 3.22 **Principal Tree and Landscaping Officer:** No objection subject to a condition on hard and soft landscaping details.
- 3.23 **Biodiversity Officer:** No objection subject to conditions requiring biodiversity improvements.
- 3.24 **Waste Operations Manger:** No objection, subject to conditions.
- 3.25 **Environmental Health: Contaminated Land Officer:** No objection subject to conditions.
- 3.26 **Environmental Health: Air Quality Officer:** No objection subject to conditions.
- 3.27 **Environmental Health: Environmental Protection Officer (Noise, Vibration and Odour):** No objection subject to conditions.
- 3.28 **Housing Enabling Officer:** No objection subject to conditions secured through S106 agreement.
- 3.29 **Sustainability Officer:** No objection subject to conditions.
- 3.30 **Lighting:** No objection due to limited external lighting.
- 3.31 **Lead Local Flood Authority:** No objection subject to conditions.
- 3.32 **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:

(1) The London Plan July 2015.

(2) The Local Development Framework (LDF) which, at present, 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. Following public consultation and a formal public examination by Government Inspectors the final version of the CPS was adopted by the Full Council on 7.12.09.

-(b) The Site Development Policies Development Plan Document (DPD) which identifies sites for future development (outside Sutton Town Centre) and sets out detailed development management policies to be used to help decide planning applications. The DPD was adopted on 5.03.12 following public consultation and examination by the Planning Inspectorate.

Also a material consideration in determining planning applications is:

(a) National Planning Guidance.

(b) Adopted London Borough of Sutton Supplementary Planning Guidance /Documents.

National Planning Guidance:

- The National Planning Policy Framework (NPPF).
- The National Planning Policy Guidance (NPPG).

The London Plan:

- 2.5 - Sub-regions
- 2.6 - Outer London: vision and strategy
- 2.7 - Outer London: economy
- 2.8 - Outer London: transport
- 2.15 - Town Centres
- 3.1 - Ensuring Equal Life Chances for All
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.7 - Large residential Developments
- 3.8 - Housing choice
- 3.9 - Mixed and Balanced Communities
- 3.10 - Definition of affordable Housing
- 3.11 - Affordable housing targets
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 - Affordable housing Thresholds
- 4.1 - Developing London's Economy
- 4.5 - London's Visitor Infrastructure
- 4.7 - Retail and town centre Development
- 4.9 - Small Shops
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.7 - Renewable energy
- 5.9 - Overheating and Cooling

- 5.10 - Urban Greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficient
- 5.17 - Waste capacity
- 5.18 - Construction, excavation and demolition waste
- 6.2 - Providing public transport capacity and safeguarding land for transport
- 6.3 - Assessing effects of development on transport capacity
- 6.4 - Enhancing London's transport connectivity
- 6.5 - Funding Crossrail and other strategically important transport infrastructure.
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and Archaeology
- 7.14 - Improving Air Quality
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscape
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodlands
- 8.2 - Planning obligations
- 8.3 - Community infrastructure Levy

The Core Planning Strategy:

- PMP1 - Housing Provision
- PMP6 - Sutton Town Centre
- BP1 - Housing Density
- BP2 - Affordable Housing
- 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.
- BP13 - Taller Buildings
- DP2 - Planning Obligations
- DP3 - Infrastructure Requirements and Delivery

Site Development Policies DPD:

- DM1 - Character and design
- DM2 - Protecting Amenity
- DM3 - Enhancing the Street Scene and Public Realm
- DM5 - Sustainable Design and Construction
- DM12 - Noise and Vibration
- DM19 - Promoting Sustainable Transport and Accessibility
- DM20 - Assessing the transport impact of new development
- DM21 - New development and the Highway Network
- DM22 - Parking
- DM26 - Housing Mix
- DM29 - Housing Standards
- DM6 - Climate Change Mitigation
- DM7 - Flood Risk
- DM8 - Climate Change Adaptation
- DM9 - Water Supply, Water Quality and Sewerage Infrastructure
- DM12 - Noise and Vibration
- DM13 - Light Pollution
- DM17 - Biodiversity, Habitats and Species
- DM18 - Agricultural Land and Diversity
- DM19 - Promoting Sustainable transport and accessibility
- DM20 - Assessing the transport impact of new development
- DM21 - New development and the Highway Network
- DM22 - Parking
- DM25 - Maximising Affordable Housing Provision
- DM26 - Housing Mix
- DM29 - Housing Standards
- DM35 - Development in Town and Local Centres
- DM36 - Office Provision through Mixed Use Conversions or Redevelopment
- DM37 - Shopping Frontages in Town Centres
- DM41 - Site Allocations

Supplementary Planning Guidance/Documents:

- SPD 5 - Planning Obligations
- SPD 14 - Creating Locally Distinctive Places
- IPG 11 - Interim Planning Guidance Sustainable Design and Construction.

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**
 - Housing
 - Density
 - Planning Obligations
 - Viability
 - Future Redevelopment of Adjoining Sites
 - Summary

- **Design Quality**
- **Affect on Residential Amenity**
- **Layout, Amenity Space and the Impact on Future Occupiers**
- **Traffic, Access and Parking**
- **Sustainability**
- **Public Realm, Landscaping and Biodiversity**
- **Archaeology**
- **Flood risk**
- **Air quality**
- **Land Contamination**
- **Wind Microclimate**
- **Other Matters**

5.2 **Principle:**

5.3 Central Government Guidance requires Local Authorities to make the best use of urban land within the Borough while safeguarding the quality of the surrounding environment and the amenity of neighbouring residents. The National Planning Policy Framework (NPPF) supports sustainable economic growth and sets out a presumption in favour of sustainable development by planning for prosperity, planning for people and planning for places. The primary objective of development management is to foster the delivery of sustainable development, and significant weight should be attached to the benefits of economic and housing growth. In seeking to achieve sustainable economic growth, the Government's objectives include promoting the vitality and viability of town centres. The National Planning Policy Framework (NPPF) also requires the Council to make the most efficient use of land by maximising the re-use of previously developed land and the conversion of existing buildings.

5.4 With reference to the vitality of town centres, the NPPF states at paragraph 23 that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. The NPPF continues that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of the town centre. In addition, the NPPF states that residential development can play an important role in ensuring the vitality of centres and Councils should set out policies to encourage residential development on appropriate sites.

5.5 Policy PMP6 of the Core Planning Strategy states that the Council will promote Sutton town centre as a Metropolitan Centre and will support proposals for new shopping, office, housing, accessible community and leisure facilities, and cultural development, which will contribute to the regeneration and growth of the town centre and the creation of a 'Low Carbon Zone', including an expansion of the main retail and leisure area, increases in the range and quality of the retail offer and the creation and protection of a range of employment opportunities including enhanced office provision. Policy DM35 of the Site Development Policies DPD confirms that within town centres the Council will grant planning permission for new development that makes the optimum use of the site providing a mix of town centre uses appropriate to the scale of the development and its location within the centre, unless it can be demonstrated this is not practical or viable.

- 5.6 The site is allocated within the Site Development Policies DPD and, in terms of the principle of use, the allocation states that redevelopment proposals for the site should include a mix of office, residential, retail and leisure use and should pay particular regard to providing active shopping frontages at ground floor along Sutton Court Road. However it should be noted that the allocation is for the wider development site including the adjacent South Point site.
- 5.7 Whilst this specific proposal does not provide any office, retail or leisure uses in the allocation, the proposal does provide high quality residential development which is considered acceptable and the objectives of the site allocation have been met through the proposed development on the adjacent South Point site which did contain office, retail and leisure uses. As such, this scheme, when taken together with the South Point proposal, is fully compliant with the site allocation and is not considered to be a departure from policy.
- 5.8 In addition, whilst the application site falls within the Station Quarter, the site forms a natural break between the High Street and retail elements to the west and residential elements to the east and south. As such, the principle of this proposal, for a residential led development, is considered to be compliant with the aims and objectives of the Councils development plan policy.
- 5.9 Housing:
- 5.10 The provision of new housing on previously developed land is encouraged by relevant Central Government Policy, and adopted policies of the Local Development Framework. The National Planning Policy Framework (NPPF) states that to boost significantly the supply of housing, Local Planning Authorities (LPAs) should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF confirms that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 5.11 The NPPF, at paragraph 50, states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, LPAs should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and, where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 5.12 Policy 3.3 of the London Plan states that the Mayor will seek to ensure the identified housing need is met through an annual provision of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners. Policy PMP1 'Housing Provision' of the Core Planning Strategy states that the Council will make provision for 3,450 new residential units a year although it should be noted that this target figure has been increased by the London Plan 2015 which now proposes a minimum target of 3,262 dwellings for the minimum ten year target period 2015-2025 and an annual monitoring target of

363 new dwellings. It should be noted that Sutton has exceeded its housing target over recent years and has identified sites which will continue to meet the housing need for the foreseeable future. The Council's Core Planning Strategy policy PMP1 outlines that Sutton Town Centre will be required to provide 40% of the total Borough target.

- 5.13 The site is identified as being within the 'Limit of Sustainable Residential Development' around Sutton Town Centre. Policy BP1 of the Core Planning Strategy confirms that the Council will support proposals for higher density development within and around town centres provided that it is of exemplary design and relates satisfactorily to its surroundings.
- 5.14 The site has historically included residential use and this current proposal provides a total of 132 residential units. This proposal would provide 119 new private residential flats with the following unit split:
- 44 x one bed two person units.
 - 20 x two bed three person units.
 - 49 x two bed four person units.
 - 6 x three bed six person units.
- 5.15 In addition, the proposal would also provide 13 (10%) new affordable units (shared ownership):
- 7 x one bed two person units.
 - 5 x two bed three person units.
 - 1 x two bed four person units.
- 5.16 In terms of affordable housing, the London Plan 2015 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes having regard to the Councils affordable housing targets. The amplification to the policy states that to "expedite the planning process, developers should engage with a registered provider prior to progressing the scheme and secure from them a commitment to provision. In doing so, they should require the provider to identify the resources it is bringing to the scheme and demonstrate that the proposed affordable housing provision makes optimum use of the resources applied in terms of Policy 3.12, and provides the range of affordable rents indicated in the London Housing Strategy."
- 5.17 Policy BP2 of the Core Planning Strategy states that the Council will seek to meet an overall borough wide target that 50% of all new housing from all sources is affordable. The amplification to policy BP2 states that "Given the relatively low level of affordable housing achieved to date, the Council will adopt the 50% target, but will keep this figure under review." Policy BP2 is reinforced by Policy DM25 of the Site Development Policies DPD which states that "the Council will seek to achieve 50% affordable housing provision on all sites capable of providing 10 or more units, either in terms of the number of units on site or the residential floorspace of the development."
- 5.18 The application provides 10% affordable housing which is below the 50% required under development plan policy. However, the applicant has submitted a viability assessment, discussed in more detail below, to demonstrate that the

achievement of 50% affordable housing on this site is not realistic in the current economic climate.

- 5.19 The viability assessment submitted by the applicants and verified by the Council's own independent advisors, states that the scheme is on the margins of viability with 10% of the units being affordable but this should be weighed up against the overall benefits of the scheme including the delivery of a high quality residential development making good part of a derelict site. It should be noted that, on the basis of the viability assessment submitted, the Council's Housing Enabling Officer has not raised objection regarding the proposal or the mix of affordable housing proposed.
- 5.20 Concern has been raised by the GLA regarding the mix of affordable housing noting that all the units will be shared ownership. Policy 3.11 'Affordable Housing Targets of the London Plan 2015 states that 60% should be for social rented and 40% for intermediate rent for sale (shared ownership). The Council's Housing Enabling Officer has not raised objection to the current proposal and the scheme has been tested to show that viability is only marginal. Having social rented units within the scheme would have further reduced viability.
- 5.21 In terms of specific housing policy, policy DM26 of the Site Development Policies DPD states that the Council will seek to achieve a balance in the mix of housing types and sizes in order to create a more mixed and balanced community. The proposal would provide a good mix of unit types of one, two and three bed flats and, whilst the proposal is heavily skewed towards one and two bed units, the inclusion of a number of family sized units is commendable particularly given the site's Town Centre location. It should also be noted that whilst two bed units are not technically classed as family sized units, it is apparent that they are capable of providing accommodation for small young families. The proposal would comply with policy DM26 of the Site Development Policies DPD.
- 5.22 Whilst the proposal does not provide the Borough wide target of 50% affordable housing units, Development Plan policy, allows applicants to show through their viability assessment that it is not economically viable (discussed further below) to provide the maximum amount of affordable housing and this scheme includes 10% (13 units) affordable housing. In this case, the Council's own expert advisors on financial viability concur with the developer's findings and on this basis, it is considered that the amount of affordable housing provided is acceptable balanced against the need to fulfil other priorities through the Community Infrastructure Levy.
- 5.23 Density:
- 5.24 The London Plan Policy 3.4 'Optimising Housing Potential' states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The site is within a central location where the density matrix sets a guideline of 650-1100 habitable rooms, or 140-405 units, per hectare with a PTAL of 4-6, although the London Plan notes that these ranges should not be applied mechanically.
- 5.25 Policy 3.4 of the Housing Supplementary Planning Guidance 1.3.41 states that where proposals are made for developments above the relevant density range they must be tested rigorously, taking particular account not just of factors covered by Policy 3.4 but also other policies which are relevant to exceptionally

high density development. These include different aspects of 'liveability' related to proposed dwelling mix, design and quality, physical access to services, long term management of communal areas, and the wider context of the proposal including its contribution to local 'place shaping' as well as concerns over 'place shielding'. It is particularly important to take account of its impact in terms of massing, scale and character in relation to nearby uses – design should be exemplary. Such proposals must also be assessed in terms of their bearing on the capacity of existing local amenities, infrastructure and services to support the development. As the Outer London Commission notes, "exceptions to the (density) ranges should be just that, whether above or below the appropriate range, and must be justified robustly".

- 5.26 The proposed density of the scheme is 825 units per hectare, or 2,262 habitable rooms per hectare. The density ranges contained in the London Plan are not applied mechanistically and a density above the stated range can be considered acceptable; however the London Plan continues that any application above the stated density ranges is required to be exemplary in all other respects and provide a high quality living environment for occupiers, including amenity and play space, affordable housing, a mix of unit sizes, and high quality design.
- 5.27 The applicant has stated their case for a high density scheme, including documentation on amenity and play provision; on-site affordable housing; mix of units and high quality design. The applicant also cites the neighbouring South Point planning permission, which has a residential density of 658 units or 1,818 habitable rooms per hectare for a scheme which included a hotel, leisure, retail and office uses in addition to the residential element. If the South Point scheme was a solely residential proposal, as is the case with the current application, then a significantly greater residential density would have been achieved on that site. The density of the scheme is also a reflection of the very good transport connections in the area.
- 5.28 It is noted that the application site is located centrally within Sutton Town Centre, it has excellent transport links, is within a site suitable for taller and denser developments around a high building cluster and subject to other considerations, which include achieving high quality design, the proposed density of the development is considered to be acceptable in this location.
- 5.29 Planning Obligations:
- 5.30 Policy DP2 of the Core Planning Strategy and the NPPG states that, where necessary, the Council can seek planning obligations from developers to provide the necessary infrastructure and improvements to facilitate implementation of an acceptable development scheme.
- 5.31 The following planning obligations would be sought as part of the proposal:
- Provision of 13 shared ownership affordable housing units:
 - 7 x one bed two person units.
 - 5 x two bed three person units.
 - 1 x two bed four person units.
 - Travel Plan for all proposed uses including a £2,500 monitoring fee.
 - Restriction on residents obtaining parking permits.
 - Establish and promote a Car Club upon first occupation of the residential units;

- Enter into a S278 Agreement for off-site highways works associated with the development;
 - Introduction of construction training and employment program.
 - The provision of CCTV on site linked up to the network
- 5.32 In addition, it should be noted that the application will be subject to the Community Infrastructure Levy (CIL) which is a tax on development and introduced as the mechanism that Local Authorities can seek financial contributions towards a range of environmental and infrastructure improvements within their boroughs. This scheme would have a Mayoral CIL at £20 per sqm, which would be the equivalent of £219,034 and The London Borough of Sutton's own CIL at £100 per sq m, which would be the equivalent of £1,095,182. In total, the applicant will be required to pay a total of £1,314,216 CIL.
- 5.33 In addition, Transport for London, within their consultation requested that a contribution be made towards a potential future tram route. However, there is no requirement under current development plan policy to safeguard land within the application site and any financial contributions should be made through CIL until such time there is a policy need for further contributions. This approach has been accepted by the GLA.
- 5.34 Viability:
- 5.35 The amplification to Policy DM25 of the Site Development Policies DPD states that "The Council recognises that it may not be financially viable to provide 50% affordable housing on all individual sites. In considering proposed developments, the Council will take into account the economic viability of a scheme and the most effective use of public subsidy, as well as any particular costs associated with the development of the site. In such cases, the Council will request that the developer provides a financial appraisal of the scheme so that a fair contribution can be agreed."
- 5.36 In this case, it is stated by the applicant that the provision of 50% affordable housing would render the development 'unviable'. Instead, the applicant is proposing to provide 10% (13 units) affordable housing. To support their application a detailed financial viability appraisal was submitted which has been assessed by an independent consultant on behalf of the Council. Much of the financial information contained within the viability report is commercially sensitive information and cannot be included in this report.
- 5.37 The applicant's viability assessment prepared by BNP Paribas Real Estate assessed the current proposal on the basis of the mix of uses proposed with 10% affordable housing. The applicants report concludes that the submitted scheme is the only viable option for this site. The Councils independent consultants, Peter Brett Associates, have confirmed the applicant's findings and consider that the proposed scheme is only marginally financially viable allowing for the recognised developer profit margins.
- 5.38 PBA's initial report to the Council states that the applicant's report does not necessarily represent the current market conditions, in particular, profit costs, build costs, CIL assumptions and threshold land value. In each assessment undertaken, the PBA results have shown greater levels of viability than calculated by the applicant but still shows the scheme only being marginally viable with the offer of 10% affordable shared ownership units.

- 5.39 Whilst the proposal does not provide the full extent of affordable housing, it is considered that this acceptable given the findings in relation to the viability of the scheme and the requirement to provide £1,314,216 in CIL to be shared by the Major and Sutton Council. It is considered that the viability evidence submitted by the applicant presents a persuasive argument that the scheme should be accepted.
- 5.40 Future Redevelopment of Adjoining Sites:
- 5.41 Planning permission has already been approved for the adjacent site 'South Point' to the west. The proposed access to that development is located to the west of the proposal site and the closest elevation to the application site is 19 metres from flank to flank. As will be discussed further below, the proposed scheme ensures that the redevelopment of adjoining sites will not be hindered by way of overlooking or loss of light.
- 5.42 As such, it is considered that the proposed application would not cause harm to the future redevelopment of adjoining sites and no concern is raised in this respect.
- 5.43 Summary:
- 5.44 The current proposal provides an acceptable mix of residential units on this key Town Centre site.
- 5.45 The submitted financial viability assessment, which has been independently verified, has demonstrated that the scheme is only marginally viable with the amount of affordable housing units, on this basis; the proposal is acceptable in principle in land use terms.
- 5.46 It is envisaged that the proposal would make a significant impact on the regeneration of this part of the Town Centre, acting as a catalyst for change on this site and the surrounding area in general whilst providing a balanced mix of residential properties for the local area. The proposal is considered to be in accordance with the NPPF, the London Plan 2015 and the Councils Local Development Framework. Taken together with the adjoining site, it is considered that the proposal is fully compliant with the allocation in the Council's Site Development Policies. The acceptable of the development in land use terms is, however, subject to the consideration of all other relevant policy guidance and material considerations which are considered below.
- 5.47 **Design Quality:**
- 5.48 The National Planning Policy Framework (NPPF) states at paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." 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.
- 5.49 Policy BP13 of the Core Planning Strategy advises that the Council will expect proposals for taller buildings in the borough to i) Be well designed and to make a positive contribution towards the skyline and the surrounding area; ii) Respect

their local context and to be designed in a way that visually integrates with both the townscape and the streetscape; iii) Demonstrate a high level commitment to sustainable design and construction; iv) Include a mix of uses, including functions that are widely used by the public (such as restaurants), in order, to ensure successful interaction in the local area; and v) Ensure safe, attractive and comfortable amenity/open spaces designed to support social interaction and cohesion and engender a sense of place.

- 5.50 It is considered that the redevelopment of this site will mark a positive change in the appearance of this key town centre site which would enhance the image of Sutton and the town centre by creating a landmark development that will improve the orientation and recognition of the Town Centre as a place to live for those arriving by rail, bus, car, foot or bicycle. Given the very prominent position of the site in relation to Sutton Station and open views from various locations within the Town Centre, the scheme represents a real opportunity for Sutton that will help to promote the redevelopment of the Station site.
- 5.51 The existing site, whilst retaining 3 of the original Victorian properties along Sutton Court Road, has a negative impact on the street scene due to the fact that the existing buildings are in a poor condition, one half of the semi-detached property to the east has been demolished and the remainder of the site has been left vacant and unused for sometime. The site currently fails to contribute to the appearance of Sutton Town Centre. It is considered that although the scale and height of the proposed development is considerably greater than the existing buildings on site the quality of the design of this scheme is exemplary and will redefine the appearance of this part of the Town Centre creating a new and exciting built environment that will assist to stimulate growth in Sutton Town Centre in particular by boosting confidence in the Centre as a place, creating a new landmark and bold vistas in short, medium and longer views of the site.
- 5.52 The scheme has addressed a number of design challenges arising from the constraints adjoining the site such as the recently developed residential scheme to the east and the 2013 permitted 'South Point' scheme to the west. It is considered that the final designs manage to successfully balance these competing constraints with a scheme that would work in the context of the adjoining proposal at South Point should this come forward and also as a standalone building.
- 5.53 The proposed building would occupy most of the application site. The eastern elevation being 9 storeys in height would be set approximately 10 metres from flank elevation of Leben Court. The western flank elevation would be set approximately 18.5 metres from the proposed eastern flank elevation of the South Point development and approximately 7 – 9 metres from this sites boundary. The proposed rear elevations would be set a minimum of 1 metre from the boundary and the front building line would be set a minimum of 2.3 metres from the pavement noting that the proposal has a varied front building line.
- 5.54 The design and layout of this scheme is based on a number of defining factors such as the varying land levels within the site as Sutton Court Road falls away to the east. Due to the falling site levels, the pavement at the eastern end of the site is about one storey lower than at the western end, however, the proposal manages to successfully accommodate this change in land levels by having two pedestrian access points into the development, one at lower ground and ground floor levels This, along with the glazed ground floor elevations to the private gym/entrance points, allows for active frontages to be provided along the full

width of the site and ensures that sufficient public realm is provided on the sites frontage. The main entrance is in the north western corner and directed towards Sutton Town Centre. This entrance is well designed with a curved glazed feature at ground and first floor levels framed by public space to its frontage and complimented by balconies above which project and wrap around this corner.

- 5.55 The glazing at lower ground, ground floor and first floor frontages ensure that the proposal does not appear overly dominant at street level and forms an elegant, welcoming and positive street frontage. The lower and ground floors provide a domestic scale when viewed from pedestrian level through the use of fully glazed façades.
- 5.56 The scale of the building is considered appropriate within its setting and the buildings form, by providing a series of steps to its frontage, the use of balconies and a varied palette of materials would ensure that the building is well articulated. The height of the building, which steps down to the east, is considered appropriate and provides an acceptable transition with the scale of development within the town centre. The use of bays and varying materials creates a sense of more slender elements to the front and rear elevations which assist in reducing the perceived bulk and scale of the building. The building would complement the height of the South Point proposals and the bays and balconies have been designed to follow the line of Sutton Court Road in a similar way to the adjoining proposal. The building is elegantly capped with a parapet which allows for shadow lines to be provided and greater articulation at top floor level. In addition, the 9 storey secondary element assists in breaking up the massing of the building when viewed from the east.
- 5.57 At 18 storeys in height the central building would assume significant prominence in surrounding views, however, the combination of the part curved and stepped bay lines along with the variety and choice of high quality materials would provide considerable architectural interest in the streetscene and a sense of identity to this part of the town centre, which will appear particularly striking at pavement level. The proposal would form part of a cluster of tall buildings at this end of the high street with South Point, Quadrant House and the commenced 14 storey building at 17 Sutton Court Road on the opposite side of Sutton Court Road.
- 5.58 It should also be noted that the taller buildings study by Gillespies on behalf of the Council which informed the relevant policy in the Core Planning Strategy and the Site Development Policies DPD recognises that this site is suitable for very tall buildings which are defined as being 11 or more storeys in height.
- 5.59 Hard and soft landscaping has been provided to all boundaries of the site, with particular focus on improving the public realm to the front of the proposal. The proposed landscaping strategy for the application site has taken the aspirations of the adjoining South Point scheme by enhancing and strengthening the existing streetscene by using high quality materials, with the aim to complement the adjacent scheme. No technical details have been provided for the night time lighting of the proposed buildings which will be secured by condition.
- 5.60 The previous application (08/59416/FUL) within the site was refused in 2008 for a building containing a part sixteen, part twenty storey building with side wings of five and seven storeys. It is considered that the current proposal is of a significantly enhanced design when compared to that scheme and allows for improvements to the public realm. The total height of the building is lower and provides greater separation to boundaries compared to the previous refusal. In

addition, since this refusal, the government has published the NPPF and the NPPG which sets a presumption in favour of development and there is a significant demand within London for new housing which this proposal would assist in meeting. On this basis, it is considered that the concerns raised by the previous proposal have been addressed within this current application.

5.61 The application site is separated from The Sutton High Street Crossroads Conservation Area by the approved development at 'South Point' and is approximately 120 metres from the proposal. There are two Areas of Special Local Character which lie to the east, the Victoria Road area beyond Langley Park Road and the Newtown area to the north east. This application site is within the vicinity of six Grade II listed buildings:

- Sutton Police Station, Carshalton Road to the north of the site.
- Trinity Methodist Church.
- Sutton Baptist Church, Cheam Road.
- Church of St Nicholas.
- Gibson Mausoleum situated in the yard of the Church of St Nicholas.
- Listed wall sets against the party wall of numbers 101 - 103 High Street which is to the west of the site and the closest listed structure to the site.

5.62 The closest listed building to the application site is the old Sutton Police Station which is approximately 129 metres; however, views to the building are mainly obscured to those from the application site due to a number of developments to the south and south east of the Police Station. It is considered that the proposal would not result in material harm by adversely affecting views of this listed building. English Heritage have not objected to this proposal and for the above reasons, it is considered that the proposed development would not harm the setting of the old Sutton Police Station or any other listed buildings or structures.

5.63 The Crime Prevention Design Adviser has not objected to the proposal on the basis that a condition is included requiring that the scheme achieves 'Secured by Design' accreditation and that car parking facilities achieve the Park Meter Safer Parking award. In addition, a well designed lighting scheme will be the subject of further details to be agreed by condition. Subject to these conditions, the proposal would be designed to deter crime and create a safe environment for users of the site.

5.64 The GLA has not raised concern over the design of the scheme and welcomes the changes made from the original pre application submission noting that the height of the proposed building steps down appropriately from the approved Sutton Point development (22 and 20 storeys). However the height of the building is also acceptable on a standalone basis. It is also noted that the GLA require further justification to the residential quality of the single aspect units which is discussed further below.

5.65 As such, It is considered that this is a well designed scheme comprising a modern design approach to breathe new life into this prominent site which would set a benchmark for the quality of design expected in future developments within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.

5.66 **Affect on Residential Amenity:**

- 5.67 Policy DM2 of the Site Development Policies DPD 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. Policy DM12 of the Site Development Policies DPD refers to noise and vibration and states that new noise-sensitive developments should be separated from major noise-generating activities where practicable and such planning applications should be accompanied by a noise and vibration assessment.
- 5.68 The impact of the proposed development on daylight and sunlight to adjacent properties was considered through the submission of a Daylight, Sunlight and Overshadowing Assessment. This report considered that the proposed development would not have an adverse impact upon the adjacent residential properties in respect of loss of daylight and/or sunlight and overshadowing.
- 5.69 The report refers to five of the closest properties which include Leben Court, B&Q store, Patrick Dunn House (Police station), South Point development and Quadrant House. The report states that the daylight and sunlight impact from the proposed scheme on the surrounding properties and amenity spaces will be within acceptable limits given the dense urban setting of the site.
- 5.70 Daylight Assessment:
- 5.71 A total number of 209 windows were assessed for daylight access. The results are as follows:
- 77 of 209 assessed windows achieved a Visual Sky Component (VSC) of greater than 27%.
 - 122 of the remaining 132 windows achieved the recommended relative VSC value of 80% of their former value.
 - The remaining 10 windows achieved the relative VSC value of over 75% of their former value, deemed acceptable given the urban context as explained within this report.
- 5.72 Sunlight Assessment:
- 5.73 A total of 52 windows on 3 surrounding developments within 90 degrees north of the proposed development were assessed for annual and winter sunlight hours. Sunlight assessment results are as follows:
- 48 of the 52 assessed windows achieve 25% (>372 hours) of annual probable sunlight hours (APSH).
 - 50 of the 52 assessed windows achieve 5% (>22 hours) of winter probable sunlight hours (WPSH).
 - The remaining 4 windows with APSH and WPSH of less than 80% of their former values, do not meet the BRE criteria.
- 5.74 Two of these four windows serve corner flats and it is considered that they are likely to be dual aspect. The remaining two windows serve non-domestic areas where it is considered that sunlight expectations are lower.
- 5.75 Over Shadowing Assessment:

- 5.76 The report did not identify any amenity areas within close proximity to the proposed development. Therefore, it is considered that the proposal does not have a significant impact on the sunlight received to any existing amenity spaces.
- 5.77 It should be noted that the overarching guidance in relation to Daylight and Sunlight contained within the BRE guidance 2011 recognises that the values for achieving good daylight and sunlight conditions can be applied more flexibly in Town Centre locations as the values in the guidance are designed to ensure optimum lighting conditions in a predominantly suburban setting. On this basis and given the results above, it would be unreasonable to resist this development in terms of its impact on light and overshadowing of adjacent properties in this Town Centre setting. Concern has been raised within one of the letters of objection that properties in Morland Road were not considered as part of the daylight/sunlight reports, however, whilst views of the proposal would be possible from this road it is not considered that the proposal would result in loss of daylight/sunlight to properties within Morland Road noting that there is a separation distance of approximately 152 metres. The submitted daylight/sunlight report has assessed all adjoining residents and concluded that there would be an acceptable impact. As such, the same conclusion would have been reached for properties that are a greater distance from the application site.
- 5.78 In terms of privacy and outlook, it is considered that there would not be a significant adverse impact to the occupiers of Leben Court as the closest nine storey element would be positioned 10 metres from the flank elevation of Leben Court and the windows to this elevation are dual aspect to living rooms and the windows within the roof space are to bedrooms and are afforded light through roof lights. As such, the proposal would not result in loss of outlook or privacy to Leben Court as the majority of windows facing the application site from this neighbouring building are secondary and adequate separation is provided noting that the part of the scheme closest to this boundary is the lower more slender 9 storey element. The taller 20 storey tower is set approximately 20m from Leben Court which would provide an adequate separation distance given this town centre location. In addition, a condition is included to ensure that any windows, with the potential for direct overlooking, are obscure glazed and fixed shut to a height 1.7m above floor level within the eastern flank of the 9 storey element proposed. As such, it is considered that there would not be any significant adverse impact on neighbouring occupiers noting that this is a town centre location which is allocated in the Site Development Policies DPD for redevelopment with high buildings.
- 5.79 The proposal is separated by 19m from the flank of the permitted building at 'South Point'. Given the separation distance provided, which is similar to that provided within the South Point scheme between towers, it is considered that no harm would be caused to the residential properties within the 'South Point' development by way of loss of privacy/overlooking.
- 5.80 In terms of noise and distance created during the course of construction it is noted that the applicant has confirmed proposed works would be for a relatively limited amount of time. To ensure there is no significant disturbance to surrounding properties and the surrounding road network within the vicinity of the site, a condition is included that will require the submission and approval of a construction management strategy, and a restriction upon hours of building operations to week days and Saturday mornings. In addition, conditions are recommended to ensure that noise emissions from plant within the development would not significantly impact on nearby residential occupiers.

- 5.81 In addition, policy DM2 of the Site Development Policies DPD seeks to ensure that there is no undue adverse impact from increased levels of light pollution on the environment or on the amenities of neighbouring occupiers. It should be noted that the proposed site is located within an existing town centre, where a certain amount light spillage between sites is common place. However, to ensure that there are no adverse affects to the adjacent properties and to ensure there is uniformity of the lighting in the main areas, a lighting scheme will be required by condition.
- 5.82 Whilst it is acknowledged that a proposal of this size will inevitably cause some impact to the adjoining properties, it is considered that the design of the building has been carefully considered as to ensure that there is no unacceptable loss of outlook, privacy, and light from habitable windows. Whilst the proposed building is taller than the existing properties and there will be some impact on adjoining occupiers, this is considered not to be to a level that a reason for refusal could be justified, given the benefits of the development.
- 5.83 The proposal would not result in an unacceptable loss of light or outlook, there would be minimal overlooking from windows and no significant harm would be caused by increased noise, vibration or disturbance. No significant concern is raised regarding the impact on neighbouring occupiers.
- 5.84 **Layout, Amenity Space and the Impact on Future Occupiers**
- 5.85 Supplementary Planning Document 14 requires adequate provision of private amenity space advising that each flat should have 25sqm of amenity space. The London Plan 2015 states that a minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 5.86 The majority of the units would provide the recommended level of amenity space in accordance with the London Plan, it is noted that all properties with the exception of unit H1 on the ground floor have balconies and/ or private gardens and the site falls within the Sustainable Residential Development Area around Sutton where amenity space standards can be applied flexibly as advised by policy BP1 of the Core Planning Strategy.
- 5.87 The residential accommodation is compliant with the minimum size standards set out in policy 3.5 of the London Plan and the Councils standards contained within SPD14 'Creating Locally Distinctive Places'. Therefore, it is considered that the proposed room sizes are acceptable. The stacking of the rooms is considered acceptable and a condition is recommended to ensure that there is suitable noise installation between the residential units, children's play space and the gym.
- 5.88 The GLA have raised concern regarding the single aspect units which is approximately 20% of the overall number of units. Some of these units are south facing, which may be susceptible to overheating and noise from the adjacent railway line which would prevent people from opening windows for ventilation. The GLA also note that some single aspect units are north facing, and would not receive direct sunlight; however these units would have an open aspect toward Manor Park.
- 5.89 The Environmental noise and Vibration Planning Report submitted with the application contains the noise and vibrations likely to be experienced by any

future occupiers. Based on the noise levels which were measured from outside the site, natural ventilation by means of open windows would not achieve the required internal noise criteria across all elevations. An open window provides around a 10-15 dB reduction in external noise levels, which would for this scheme result in levels significantly above the proposed internal criteria. However, it is considered that this can be addressed through the provision of acoustically treated ventilators. The applicant is in the process of providing further details on how these properties can be properly ventilated by mechanical means. A further update will be provided to the Committee by way of an addendum.

- 5.90 The report concluded that subject to suitable sound installation, glazing specification and mechanical ventilation to the south facing properties the proposal would not result in harm to future occupiers and the Councils Environmental Health Officer has not raised concern with regards to noise, vibration and fumes subject to conditions. On this basis, it is considered that the remaining concerns raised by the GLA could be adequately addressed.
- 5.91 The applicant has advised that the single aspect units will all have floor-to-ceiling height of 2.6 metres and the main living accommodation will be afforded light by full height double glazed door which will provide a good level of natural light. There will be one unit on each level that is both single aspect and north facing. These units are one bedroomed, with the first unit at first floor level and will have un-obstructive sky views.
- 5.92 The proposal does not include windows that directly overlook or face other properties within the development, although there are potential oblique views from some of the balconies. However, this will be addressed by the use of a condition that will require details of balcony screens on the occasions they are required.
- 5.93 London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10 sq metres of useable child play space to be provided per child, with under-5 child play space provided on-site as a minimum. Policy PMP9 of the Core Planning Strategy seeks provision for safe and stimulating children's play and informal recreation areas.
- 5.94 On the current unit breakdown, the child yield of the proposal is expected to be eleven children, with seven under the age of five. This would require 110 sq metres of play space. The proposal provides 150 sq metres of play space to be provided at ground floor level, which is considered acceptable for under-fives. Manor Park is within close proximity to the site and as such, it is considered that due to the low child yield and the provision of private amenity space, the provision of the play space is acceptable.
- 5.95 Policy DM1 of the Site Development Polices DPD aims to ensure that all new developments cater for the accessibility needs of disabled people. The scheme should be designed to accord with Part M of the Building Regulations and level access should be provided. An informative has been included to inform the applicant of the requirements of the Equalities Act 2010. The applicant has confirmed in their Design and Access Statement that 100% of the units will meet the Lifetime Homes Standards. The GLA raised concerns that the proposed 10% wheelchair adaptable units were not 'easily adaptable' and would require the conversion of a bedroom to a bathroom for seven units and the complete

redesign of a further six. The GLA also raised concerns regarding the gradient of the slope of the ramp to the private and affordable entrances. These concerns have now been addressed through the submission of amended drawings to both ramps and 10% of the units have been confirmed as being easily adaptable for wheelchair users.

- 5.96 The Council's Waste Operations Manager has not objected to the proposal subject to conditions. Full details of the management strategy for refuse and recycling storage and collection is reserved by condition.
- 5.97 For these reasons it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers in accordance with development plan policy.
- 5.98 **Traffic, Access and Parking:**
- 5.99 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 'Parking' 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.
- 5.100 Policy BP10 of the Core Planning Strategy advises that the Council will encourage and facilitate greater integration between sustainable forms of transport. Policy BP9 of the Core Planning Strategy states that the Council supports the Croydon Tram link scheme and will seek to introduce an extension to the London Tramlink network to Sutton Town Centre.
- 5.101 The site does have good access to both the pedestrian and road network and the cycle network. The stretch of Sutton Court Road in front of the application site is identified within TfL's Local Cycling Guide as part of a local network of 'quieter roads that have been recommended by other cyclists'. Given the close proximity of the site to the town centre and the railway station, the site has a PTAL rating of 6a where 0 is the lowest and 6b the highest rating. The application site is in one of the most sustainable locations within the borough.
- 5.102 A Transport Assessment (TA) was produced by Transport Planning and Highway Solutions dated July 2015 in support of the current planning application. The site is in a highly accessible town centre location, within close proximity of the Sutton Mainland Railway Station, where numerous bus services operate.
- 5.103 The proposed access to the site would be from Sutton Court Road. Vehicular access is via the existing access ramp located between the adjacent car park at Leben Court and the development site. The proposal would not involve any alterations to existing access points within Sutton Court Road.
- 5.104 The application proposes 15 car parking spaces, including 5 disabled spaces and three electric charging points all provided at basement level, which equates to 0.11 spaces per unit. All of the basement car parking spaces would have direct access to the lift and staircase serving the apartments on the upper floors. The proposed disabled parking and electric vehicle charging points, including passive

provision, will be provided in accordance with the London Plan. This level of parking provision is considered acceptable by the Councils Principal Highways Engineer and Transport for London noting the mix of proposed units and the sites highly sustainable location.

- 5.105 The proposal also provides 264 long stay cycle parking spaces within cycle stores within the lower basement and a further 4 short term spaces are to be provided within the public realm on Sutton Court Road. The Councils Highway Officer and the GLA agree that the cycle parking provisions accord with the current London Plan and local policies. Full details of the layouts and the type of cycle parking mechanism used will be secured by condition.
- 5.106 The application site would not conflict with the tram route currently proposed within the Development Plan and, as such, no harm would be caused by the proposal on the future delivery of the tram route.
- 5.107 The Transport Assessment (TA) states that the proposal would generate 15 additional bus trips in the AM peak hours and a further 11 in the PM peak hours, and a further 52 and 38 additional rail trips in the AM and PM peak hours respectively. The additional public transport trips generated by the proposed development are unlikely to have a negative impact on the operation of the existing public transport network and this is confirmed by the Councils Principal Highways Engineer.
- 5.108 During the construction phase, the applicant advises that there will be a full time full time Traffic Marshall. Suppliers will be instructed to use the agreed route to site, utilising the main routes and limiting the traffic impact. Deliveries will, as far as possible, be limited to 4 in the morning and 4 after noon for the superstructure stage, reducing to 3am and 2 pm for the fit-out, with deliveries being restricted to off-peak. These proposals will ensure that the construction phase traffic generation is limited to a level which has no significant additional impact on the highway network.
- 5.109 The Councils Highway Officer and TfL have raised no objection to the proposal and, therefore, it is considered that the level of vehicle and cycle parking proposed is acceptable. A condition relating to a full Construction Management Plan (CMP) and Delivery and Service Plan (DSP) should be provided prior to construction and first occupation respectively.
- 5.110 Whilst a draft residential Travel Plan (TP) has been provided, further details of the cost of keys measures are required. The final TP will be secured, enforced, funded and monitored as part of the Section 106 agreement. A Car Park Management Plan and Car Club provision will also be secured via the Section 106 agreement and will include a mechanism whereby future residents will be prevented from applying for parking permits in the adjoining Controlled Parking Zone (CPZ).
- 5.111 For the reasons given above, the proposal is considered acceptable in terms of traffic, access and parking and would not cause harm to highway and pedestrian safety.
- 5.112 **Sustainability:**
- 5.113 The most relevant London Plan policies are 5.1 (Climate change adaptation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction)

and 5.7 (Renewable Energy) which has 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 will achieve a reduction in carbon dioxide emissions from on-site renewable energy generation, unless it can be demonstrated that such provision is not feasible. 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 40% below 2010 building regulations.

- 5.114 The GLA has raised concerns of overheating within the corridors and that there will be some shading to the properties from the overhangs from the balconies. They have also requested that the application shows compliance with Policy 5.9 'Overheating and Cooling' of the London Plan 2011. However, the applicant will be submitting further information on this issue and a further update will be provided by addendum on the date of the Committee.
- 5.115 The Energy Statement submitted by the applicant in support of the development state that there is an aim to achieve a reduction of 1,885 tonnes per annum (10%) in regulated CO₂ emissions under this first tier of the energy hierarchy ('Be Lean'), compared to a 2013 Building Regulations compliant development.
- 5.116 The applicant is also proposing to install a 20 kW_e gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 5,948 tonnes per annum (32%) is claimed through this second part of the energy hierarchy ('Be Clean'). The GLA have raised concern with respect to the carbon savings claimed, however, the applicant has now provided an update to their energy statement to address the GLA concerns and the Councils Sustainability Officer has raised no objection to the proposals.
- 5.117 The applicant has provided a range of passive design features and demand reduction measures within the scheme to aid in the reduction of carbon emissions of the development. Air permeability and heat loss parameters will be improved further than the minimum backstop values required by building regulations. The application also provides additional features which include low energy lighting and the use of accredited construction details to reduce thermal bridging.
- 5.118 The applicant has investigated the feasibility of a range of renewable energy technologies and found solar photovoltaics (PV) to be feasible, but is not proposing to install any as it is claimed that the carbon reduction target is met without the need for the installation.
- 5.119 As such, it is considered that the proposal would comply with development plan policy by delivering a 42% reduction in CO₂ emissions compared to the target emission rate (TER) based on Part L 2013 through the incorporation of energy efficiency measures and the provision of on-site combined heat and power (CHP). The Councils Sustainability Officer has raised no objection to the proposal.
- 5.120 **Public Realm, Landscaping and Biodiversity:**

- 5.121 Policy DM1 of the Site Development Policies DPD states that development shall make suitable provision for high quality hard and soft landscape treatments around buildings. Landscape proposals will need to ensure that new development is integrated and positively contributes to or enhances the streetscene. Policy DM17 seeks to create, conserve or enhance biodiversity and improve access to nature by sustaining and, where possible improving the quality and extent of natural habitat enhancing biodiversity in green spaces and among developments.
- 5.122 The hard landscaping proposal for the public realm provides two small public spaces connected by a wide public footpath. These spaces would enhance the legibility of the building and serve to mark the entrance to the affordable and private properties. As the building is set back from the existing pavement, this has presented an opportunity to widen the public realm and integrate the development up to the pavement. It should also be noted that due to the changes in land levels a new ramp and steps would be provided to the two entrances, stepping up from the pavement to the building.
- 5.123 Additional landscaped areas are provided along the rear of the development adjoining the boundary with the railway line and to the west of the site adjoining the development at 'South Point'. The Councils Tree and Landscaping Officer has confirmed that there are no objection to the overall proposal subject to condition.
- 5.124 Further pavement details are required which blend and complement the paving on the public highway and complement the adjoining site 'South Point', clarification on materials to proposed steps, tree pits and raised beds and suitable alterations to proposed trees/shrubs and planting. Further details are required on the proposed render, capping for the walls, materials for handrails/bollards/and cycle stands and tree pit depths. These requirements are requested by way of suitable conditions. It should also be noted that there are no significant trees within the application site or adjoining sites.
- 5.125 Subject to condition, it is considered that the new public realm would provide an attractive landscaped area for both the public and residents of the development which would focus on connecting the development into the wider area to create a vibrant public space.
- 5.126 Within the Design and Access Statement and The Preliminary Ecological Assessment (Arbtech, 2015) the applicant has advised that the site is of low ecological value. Based on the report and knowledge of the area and surrounding landscape, there is no reason to doubt PEA's conclusions on biodiversity.
- 5.127 The Councils Biodiversity Officer confirms that the submitted application and proposed site plans to be adequate in its regards to the protection of extant biodiversity but inadequate in regard to the opportunities to make substantial enhancements for local nature. The Councils Biodiversity Officer confirms that the site and existing building is unlikely to contain any protected species and/or breeding birds. However, a condition should ensure that further studies are undertaken prior to the demolition of the existing building and other site works.
- 5.128 The Biodiversity Officer continues that the scheme should offer enhancements in accordance with the National Planning Policy Framework which states that schemes should achieve net gains for nature. The Biodiversity Officer has recommended that the scheme is acceptable subject to conditions relating to biodiversity enhancements and details of the proposed green roof, including construction, species and future maintenance.

- 5.129 An objection was raised with regards to Peregrine Eagles at Quadrant House to the south west of the application site. The Construction Environmental Management Plan (CEMP) which is to be secured by condition should include; considerations on timing of construction to minimise potential disturbance when the nest is being constructed or in use, training and awareness on peregrine falcons on the nearby Quadrant House and contact details for groups who are in a position to affect rescues of newly fledged birds.
- 5.130 Subject to conditions, no concern is raised regarding the ecological or biodiversity impact of the proposal, the hard and soft landscaping and the protection of significant trees during the course of construction.
- 5.131 **Archaeology:**
- 5.132 The site lies within the southern boundary of a designated Archaeological Priority Area (APA) where policy DM4 of the Site Development Policies DPD is applicable. An 'Archaeological Desk-Based Assessment' was submitted with the application.
- 5.133 The assessment concluded that no designated archaeological assets lie within the site. Whilst the site lies within an archaeological priority area, it is considered to have a low potential for remains of archaeological interest dating from the prehistoric to the post-medieval periods. Due to the site's low archaeological potential and the extent of past ground disturbance, the proposed development is considered unlikely to impact any significant archaeological assets.
- 5.134 English Heritage has raised no objection and, as such, no concern is raised to this planning application in this regard.
- 5.135 **Flood Risk:**
- 5.136 Policy DM7 of the Site Development Policies DPD aims to ensure the risk of flooding is not increased by new development and seeks to avoid, manage and reduce all sources of potential flood risk to and from new development and adapt to the future impacts of climate change.
- 5.137 The GLA have raised concern regarding the likely level and depth of flooding within the 1 in 100 year storm event.
- 5.138 The site is located within flood risk 1 and thus there is a risk if surface water run off which has been identified in the submitted Flood Risk Assessment (FRA). The FRA confirms that parts of the application site are at risk of surface water flooding in excess of 500mm in a 1 in 100 year plus climate change storm.
- 5.139 As a result of the proposal providing living accommodation at lower ground levels, the applicant should confirm the proposed levels of the basement, lower ground and ground floor in comparison with the likely level and depths of flooding in the 1 in 100 year storm event. This information has been provided by the applicant to address the GLA concerns and the Councils Flood Risk Officer has not raised any objection to the proposal. A further update will be provided by addendum on the day of the Committee.
- 5.140 The FRA states that the surface water discharge rate is readily able to achieve greenfield run-off rates. This will be achieved through the use of green roofs, a

combination of natural drainage landscaping, landscaping with tanked storage, and if required additional tanked storage. The intention to meet this level of sustainable drainage is welcomed and in line with London Plan Policy.

- 5.141 As such, it is considered that a suitable planning condition should be applied to any planning permission, requiring the proposals to achieve a greenfield run-off rate and for those proposals to be approved in consultation with Sutton Council.
- 5.142 The Environment Agency and the Councils Flood Risk Officer has raised no objection to the proposal subject to condition and, on this basis, the proposal would not result in increased flood risk.
- 5.143 **Air Quality:**
- 5.144 Policy DM10 of the Site Development Policies DPD states that development proposals that would have significant adverse impacts on local air quality, expose the public to air pollution or lead to a breach of the Government's air quality objectives will not be permitted unless appropriate mitigation measures are put in place to reduce the adverse impacts to acceptable levels.
- 5.145 The applicants submitted an air quality assessment (ref. 8510) report prepared by XCO2 Energy which states that during construction there is potential for dust soiling and health effects to occur due to the proximity of demolition and earthworks to sensitive receptors, with the site presenting a 'low' to 'medium' risk during the demolition and construction phases. An Air Quality Neutral Assessment was undertaken and this demonstrated that the proposal is expected to be below the relevant benchmark for both building related emissions and transport related emissions.
- 5.146 A Revised Construction and Environmental Management Strategy Plan August 2015 (CEMP) prepared by Lodgecrest (Caelum Sutton) Ltd was submitted in support of the application. The Councils Environmental Protection Officer advises that the CEMP refers to measures to be taken to minimise the effects of dust during the demolition and construction phases which is consistent with the Supplementary Planning Guidance produced by the GLA. Therefore, the Council is satisfied with the mitigation measures. A condition relating to details of the dust/air quality real time monitoring locations and methodology will need to be included in the CEMP and should be submitted and approved before commencing works on site.
- 5.147 The applicant also submitted an Energy Statement (Ref. E457-ES-03) prepared by Doherty Design & Planning Limited in support of the application. The report identified a communal Combine Heat and Power System (CHP) and two Boilers for supplying heating and hot water to the development.
- 5.148 The applicant has confirmed that a flue dilution system will be positioned on the South façade of the building and will discharge at low level. The Environmental Protection Officer has advised that a flue which terminates at a low level (ground) can inhibit dispersion of NOx. Poor dispersion can lead to elevated concentrations of NOx that could potentially impact future occupiers of the building. The Air Quality Assessment (ref. 8510) originally submitted prepared by XCO2 Energy does not predict the effects of NOx dispersion from the flue at a low discharge point. However, the applicant will be submitting further information on this issue and a further update will be provided by addendum on the date of the Committee.

5.149 The Council's Environmental Protection Officer has raised no objection to the proposal subject to condition and, as such, it is considered that the proposal would not cause harm to air quality.

5.150 **Land Contamination:**

5.151 Land contamination is considered under Policy DM11 of the Site Development Policies DPD which states that the Council will permit development proposals located on or near potentially contaminated sites should be accompanied by a full risk assessment, which takes account of existing site conditions, the groundwater regime and pollution pathways.

5.152 The applicant submitted a 'Phase I & Phase II Site Investigation' by Risk Management (reference RML 5710 dated January 2015). The Environment Agency has confirmed that whilst the report shows some elevated concentrations of lead and polycyclic aromatic hydrocarbons (PAHs) which were identified in the ground but are not considered to represent a current risk to Controlled Waters, particularly as the majority of the made ground work is proposed to be removed as part of the basement construction groundwork. As such, the proposal is considered acceptable with suitable conditions recommended. In addition, the Council Contaminated Land Officer also raises no concern subject to recommended conditions. As such, no concern is raised regarding contamination.

5.153 **Wind Microclimate:**

5.154 Policy 7.6 and 7.7 of the London Plan 2011 confirm that tall and large buildings should not affect their surroundings adversely in terms of microclimate or wind turbulence.

5.155 A Wind and Microclimate Assessment was undertaken on behalf of the applicants, and submitted as part of the application which assessed the wind microclimate around the development at pedestrian level mapping the relevant wind directions for the site. The study concludes that the results of the wind assessment for the development, do not indicate any major adverse effects on local wind conditions when the proposed development is considered either in isolation or along with future development at South Point.

5.156 It is considered that surrounding wind microclimate would not significantly impact on the proposed uses or buildings.

5.157 **Other Matters:**

5.158 An objection was raised from an occupier of a flat within the application site which is due to be demolished. The letter advises that the occupier is registered as disabled and benefits from a number of aids from Sutton Council. Whilst the concerns raised in the letter would not constitute a material planning consideration, the case officer has responded by way of email and advised the objector to contact the homeless families unit, which requires an online assessment to be completed by the occupier and a Sutton representative, will contact after this has been completed.

6.0 **CONCLUSION AND RECOMMENDATION:**

6.1 The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of Sutton Town

Centre and providing very high quality housing within the Town Centre including a number of affordable homes and providing attractive and active frontages to Sutton Court Road.

- 6.2 The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of Sutton Town Centre and provides very high quality housing within the Town Centre including a number of affordable homes.
- 6.3 It is considered that this is a well designed scheme which has a modern approach to design in this prominent location within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.
- 6.4 The new public realm would provide an attractive landscaped area which would focus on connecting the development to the wider area and the adjoining redevelopment site at Sutton Point.
- 6.5 The proposal would not result in an unacceptable loss of outlook or light, there would be nominal overlooking from windows and no significant harm would be caused through noise, vibration or disturbance. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.
- 6.6 The site is located within a highly sustainable location, access to public transport is excellent and the mix of units is mostly 1 and 2 bed. As such, car parking at a level significantly below the maximum standard can be accepted and the Councils Highways Engineer and Transport for London raise no objection to the level of parking proposed noting that a significant number of cycle spaces are to be provided. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network. The access provided is acceptable and would not cause harm to highway and pedestrian safety.
- 6.7 The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2015 and the Councils Local Development Framework. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.

Background Papers: B2015/72308/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: **B2015/72308**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents

G

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B2015/72308/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

24-34 Sutton Court Road, Sutton

Demolition of existing buildings and erection of a new residential development comprising of a total of 132 flats in a nine storey and an eighteen storey connecting building comprising forty four 1- bedroomed, sixty nine 2- bedroomed and six 3- bedroomed self contained flats for general sale and seven 1- bedroomed and six 2- bedroomed affordable self contained flats together with 15 car parking at basement level accessed from existing car park under Leben Court together with residents gym and indoor children's play space, internal cycle stores, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping.

SECOND SCHEDULE

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

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:

01089/PL18, 01089/PL01 rev G, 01089/PL02 rev G, 01089/PL03 rev E, 01089/PL04 rev E, 01089/PL05 rev F, 01089/PL06 rev E, 01089/PL07 rev E, 01089/PL08 rev E, 01089/PL09

rev D, 01089/PL10 rev D, 01089/PL14, 01089/PL15, 01089/PL16, 01089/PL19, 01089/PL20, Topographic Survey, 805_LAN_DET_001, 805_LAN_DET_002, 805_LAN_ING_001, 805_LAN_PLN_001, 805_LAN_PLN_002, 805_LAN_PLN_003, 805_LAN_PLN_004 and 805_LAN_PLN_005.

In addition to the drawings listed above, the following documents have been taken into account in the consideration of the application:

Wind and Microclimate Analysis May 2015, Site Waste Management Plan, AVR/VVM images, methodology and supporting information June 2015, Transport Assessment Report July 2015, Traffic Management Plan, Townscape and Visual Impact Assessment, Statement of Community Involvement January 2015, Phase I & Phase II Site Investigation January 2015, Secure By Design Schedule, Accommodation Schedule, Residential Travel Plan (Draft) July 2015, Planning Impact Statement June 2015, Supply & Demand of Office Accommodation In Sutton January 2015, Environment Noise and Vibration Planning Report January 2015, Lifetime Standards Schedule, Flood Risk Assessment July 2015, External Materials 2015, Construction Management & Environmental Strategy Plan August 2015, Technical Appendices - Environmental statement Volume 2 June 2015, Environmental Statement Volume 1 June 2015, Environment Statement - Non Technical Summary June 2015, Energy Statement and email dated 14.9.2015, Preliminary Ecological Appraisal, Drainage Strategy Report July 2015, Design and Access Statement, Daylight, Sunlight and Overshadowing Assessment June 2015, Construction Management & Environmental Strategy Plan August 2015, Report on the Code for Sustainable Homes Pre-Assessment February 2015, Archaeological Desk-Based Assessment May 2015 and Air Quality Assessment February 2015.

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

(3) The windows in the eastern flank elevation of the 9 storey element shall be obscure glazed and fixed shut up to 1.7 metres in height above floor level and therefore maintained.

Reason: To protect the privacy of the adjoining neighbours.

(4) Prior to the commencement of development, revised full details and samples where applicable showing the type and treatment of the materials to be used on the exterior of the buildings, including details of the podium, balconies and railings and external railings and doors, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials and completed prior to its occupation/use and retained thereafter.

Reason: To safeguard the visual amenities of the area and to ensure compliance with policy BP12 of the Core Planning Strategy which seeks to ensure buildings are of a high standard of design and where applicable compatible with existing townscape.

(5) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for all external lighting showing details of all private and public areas, parking areas and road surfaces. The approved scheme shall be installed in accordance with the approval and carried out prior to the occupation of any part of the development hereby permitted and thereafter retained.

Reason: To safeguard the visual amenities of the area and to ensure compliance with policy BP12 of the Core Planning Strategy which seeks to ensure buildings are of a high standard of design and where applicable compatible with existing townscape.

(6) No development shall take place until there has been submitted to and approved by the Local Planning Authority details of all finished levels. There shall be no change in levels unless specifically shown on the approved plans.

Reason: To ensure a satisfactory standard of development is provided.

(7) No development shall take place until there has been submitted to and approved by the Local Planning Authority a revised scheme of hard and soft landscaping, tree planting and the details of all proposed boundary treatments, which indicates all existing trees and hedgerows on the land and details of any to be retained and includes a management plan . All planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the building(s) 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 development 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.

(8) The development hereby permitted shall not be occupied until the communal and public realm areas have been provided and a management plan has been submitted and approved by the Local Planning Authority. Such communal provision shall thereafter be kept for the use of all the residential occupants of the development hereby approved.

Reason: To ensure a satisfactory standard of development is provided.

(9) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of green/brown roofs which indicates method of construction, species and future maintenance. The details once approved in writing by the Local Planning Authority, shall be retained thereafter.

Reason: To ensure compliance with policy DM17 of the Site Development Policies DPD which supports the creation of new site of nature conservation.

(10) The development shall not be commenced until a scheme for biodiversity protection (including Schedule 1 species) and enhancements has been submitted to and approved in writing by the Local Planning Authority. Work shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity value of the land in accordance with policy DM17 of the Site Development Policies DPD which seeks to create, conserve or enhance biodiversity.

(11) Prior to the occupation 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.

(12) No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed waste management scheme to show how refuse and recycling facilities will be stored and collected on/from the site. The development shall thereafter be carried out in accordance with the approved waste management scheme which shall be provided prior to the occupation of the development and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling materials from all parts of this development in a manner that does not adversely affect the amenities of adjoining properties.

(13) No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed cycle storage scheme to show how cycles will be stored and method of storage. The development shall thereafter be carried out in accordance with the approved plans which shall be provided prior to the occupation of the development and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

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

(14) The development shall not be occupied until the modified vehicular access from Leben Court, Sutton Court Road, has been constructed in accordance with the approved plans, and thereafter be permanently retained.

Reason: In the interest of road safety.

(15) The development shall not be occupied until details of the management and use of the 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.

(16) The development hereby permitted shall not be occupied until 15 car parking spaces and 264 long stay cycle parking have been provided. 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.

(17) The development shall not be occupied until the redundant accesses from the site to Sutton Court Road have been permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority; and only the approved details shall be implemented.

Reason: To restrict access onto the public highway where it is necessary in the interest of highway safety.

(18) Prior to development and first occupation a full Construction Management Plan (CMP) and Delivery and Service Plan (DSP) shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: In the interest of road safety.

(19) The development shall not begin until a Construction Method Statement / Environmental 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) means to prevent deposition of mud on the highway and wheel washing facilities.
- (h) means to minimise dust pollution, air pollution and suppress noise and vibration in order to protect surrounding residential properties from any disturbance;
- (i) means to manage and control construction traffic.
- (j) Signing system for works traffic.
- (k) Compliance with Sutton Council's Code of Practice for the Control of Pollution and noise from Demolition and Construction Sites, May 2008.
- (l) Hours of construction.
- (m) means to minimise potential disturbance to nearby Peregrine falcons

have been submitted to and approved in writing by the Local Planning Authority; and only the approved details shall be implemented during the construction period.

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

(20) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Reason: In the interest of rail safety.

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

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer and within SPZ1).

(22) Prior to building work starting on site, further documentary evidence must be submitted to the Local Planning Authority and approved in writing which demonstrates how the proposed ventilation and cooling strategy for the development will ensure that the dwellings will not be at risk from overheating now or in the future and will reduce reliance on air conditioning systems in accordance with the Mayor's cooling hierarchy. These details shall incorporate dynamic thermal modeling based on CIBSE guides TM42 and TM49 and that the ventilators would need to be an acoustically treated, type 'A' ventilator, as specified within the Noise Insulation Regulations 1975.

Reason: To provide sufficient ventilation with the windows closed and ensure that there would not be any harm by way of noise.

(23) The noise level from any extraction/ventilation plant together with any associated ducting, shall not exceed 10 dB(A) above the measured background noise level at the nearest noise sensitive premises. Should the predicted noise levels of the extraction system exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to the commencement of use. The method of assessment should be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

(24) The Good Standard of 30 dBLAeq,T in living rooms and bedrooms and 45 dBLAmax (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233 shall not be exceeded unless with written agreement with the Local Planning Authority.

Reason: To protect neighbouring amenity and the amenity of future occupiers.

(25) Prior to the commencement of the development, a scheme shall be submitted for approval to the Local Planning Authority to show how residential flats will be isolated from the gym, mechanical plant and children's play room which should include details relating to sound insulation methods to pillars, floor/ceilings and walls and include the effectiveness of the methods. The approved details shall be implemented and retained thereafter.

Reason: To protect the amenity of future occupiers.

(26) Prior to commencement of development a scheme detailing additional sound reduction measures, to be installed to the separating walls and separating floor / ceiling constructions to limit the airborne and impact sound transmission through the structure shall be submitted to and approved by the Local Planning Authority. The sound insulation shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12).

Reason: In accordance with Planning Policy DM12, improve on the sound insulation standards in Part E of the Building Regulations by 5dB in accordance with the Mayor's preferred standards set out in the Mayor's Sustainable Design and Construction SPG (2006) as amended.

(27) Prior to commencing of the development an Air Quality Assessment shall be submitted and approved in writing by the Local Planning Authority. The assessment shall include air dispersion modelling of the emissions from the proposed flue and compare them to the national air quality objectives to demonstrate compliance.

Reason: To minimise the adverse impacts of air pollution during both construction and the lifetime of the development in accordance with Sutton Policy DM10.

(28) The boiler unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall provide details, to be approved by the Local Planning Authority of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met.

Reason: To minimise the adverse impacts of air pollution during both construction and the lifetime of the development in accordance with Sutton Policy DM10.

(29) The Combined Heat and Power (CHP) unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall provide details, to be approved by the Local Planning Authority, of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met.

Reason: To minimise the adverse impacts of air pollution during both construction and the lifetime of the development in accordance with Sutton Policy DM10.

(30) The development hereby approved shall not be implemented until a contaminated land remedial strategy, has been submitted to, and agreed in writing by the local Planning Authority. The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment. On completion of the agreed remediation works, a closure report shall be submitted to and agreed in writing by the Local Planning Authority.

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

(31) Prior to building work starting on site, a revised energy strategy incorporating 'as-designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing which demonstrates how the development will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 40% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2010 Building Regulations (or equivalent reduction compared to Part L1A 2013).

The revised energy strategy should include further details of proposed energy efficiency measures, the CHP unit and renewable energy technologies together with calculations to show that the targeted reduction in emissions can be delivered at each stage of the Mayor's energy hierarchy. The revised energy strategy should also include a commitment to ensuring that the development will connect to any future district heating network serving the wider area by demonstrating that sufficient space will be safeguarded within the energy centre to accommodate the heat exchangers that would enable future connection.

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

(32) Prior to occupation of the development, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure 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 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 Local Planning Authority in writing.

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

(33) Before commencement of development, final designs should be submitted to and approved by the Local Planning Authority. These should utilise conclusive calculation figures and include details on the choice of SuDS along with their locations, capacities and drainage details. The site should aim to achieve Greenfield runoff, as per Policy 5.13 of the London Plan. If this is not proposed, a justification should be made as to why which will need to be

agreed by the LPA. Where infiltration SuDS have been chosen, test results should be provided which support the decision. There should also be a SuDS specific management strategy. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved submitted details to the Local Planning Authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To comply with sustainable principles and policy 5.13 of the London Plan.

(34) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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 approval details.

Reason Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

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

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

(36) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no part of the building shall be used as a house in multiple occupation without planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise further control of potential impacts from a house of multiple occupation and in the interests of highway safety, the amenities of occupiers of nearby properties and the amenities of the future occupiers of the building.

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 5000 before proceeding with the work.

(2) The applicant was provided with pre application advice. As the submitted application accorded with that advice and complied with the relevant policies Sutton Council has accordingly granted planning permission.

(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) Attention is drawn to the need to comply with the Equality Act 2010. The implementation of this planning permission does not over-ride the need to achieve full compliance with the Equality Act.

(5) 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.

(6) 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.

(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) 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.

(11) 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.

(12) 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.

(13) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed

to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

(14) There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

(15) 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.

(16) With regard to water supply, this comes within the area of the Sutton & East Surrey Water Company. For your information the address to write to is -Sutton & East Surrey Water Company, London Road, Redhill, Surrey, RH1 1LJ Tel - (01737) 772000.