

## PLANNING COMMITTEE - Date:16 December 2015

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

Ref: B2015/72658/FUL	WARD: B07 / SUTTON CENTRAL	Time Taken: 12 weeks, 2 days
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Site: 17 SUTTON COURT ROAD Sutton  
 Proposal: Formation of 14 additional self contained flats; eight 1-bedroomed and six 2-bedroomed at first and second floors; amendments to gymnasium previously approved under application reference B2011/63901/FUL.  
 Applicant: Mr  
 Agent: Mr Paul O'Neill

**Recommendation:**

**GRANT PLANNING PERMISSION subject to the completion of a section 106 legal agreement by the 21 December 2015, or such longer period as may be agreed in writing by the Executive Head of Planning and Transportation, after which time the resolution to grant will be rescinded.**

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

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

- The change of use and conversion of the consented gymnasium to provide additional residential use is considered to be acceptable in land use terms and would not undermine the consented scheme on the site.
- In light of the proposed development, the loss of the gymnasium is considered to be acceptable.
- The provision of 14 additional units with all units to be affordable is considered to be acceptable. The standard of accommodation is also acceptable.
- The proposal would not affect the external appearance of the building and as such would not harm the visual appearance of the building, site or the wider area.
- The proposed development would not have an adverse impact on the amenity of neighbouring residents and would not adversely impact on the local highway network.

1.0 **BACKGROUND**1.1 **Site and surroundings:**

1.2 The application site is approximately 0.1 hectares in area located towards the southern end of Sutton Town Centre with Sutton Railway Station to the south of the site. The site is accessed from Sutton Court Road to the south and is located adjacent to the Sutton Police Station on the junction of Chalk Pit Way and Sutton Court Road with Watermead House, a nine storey office vacant building, to the west. The site is currently being redeveloped in line with the previous approvals (ref: B2011/63901/FUL; B2014/69634/FUL and B2014/70016/NMA)

1.3 Within the surrounding area are a mixture of commercial, retail and residential uses accommodated in buildings of varying heights. This area is characterised by large-

scale office buildings along the commercial east-west link of Sutton Court Road and Grove Road with smaller scale, but more intensive retail, restaurant and leisure development clustered along the High Street and Brighton Road.

**1.4 Site specific LDF designation:**

1.5 The site is identified within the Council's adopted Local Development Framework for a mix of office and residential uses. The site is located within the Secondary Shopping Frontage of Sutton Town Centre, an Archaeological Priority Area, Transport Improvement Corridor (adjoining), Community Priority Regeneration Area, and Area of Taller Building Potential.

**1.6 Relevant Planning History:**

1.7 B2011/63901/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. Approved 28 March 2012.

1.8 B2014/69634/FUL - Application to vary condition 2 (relating to the type and treatment of the materials to be used on the exterior of the building) ,and condition 28 (approved drawing nos.) to Application no. 2011/63901/FUL for 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. Approved 11 November 2014.

1.9 B2014/70016/NMA - Application for a non-material amendment to planning application no. B2011/63901/FUL Layouts of ground floor level floors three to thirteen. Approved 18 November 2014.

**2.0 APPLICATION PROPOSALS**

**2.1 Details of Proposal:**

2.2 Planning permission is sought for the change of use of the gymnasium at first and second floor to create 14 self contained flats comprising of eight 1-bedroomed and six 2-bedroomed units at first and second floors. All the proposed units would be provided as affordable units.

2.3 The previous applications, B2014/69634 and B2014/70016 amended the layout, external appearance and size of the first and second floors would facilitate this change of use.. The alteration at ground floor level to remove the gymnasium entrance, create a plant room and enlarge the cycle and refuse stores has also been previously approved under the above applications.

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

2.5 None.

- 3.0 **PUBLICITY**
- 3.1 **Adjoining Occupiers Notified**
- 3.2 **Method of Notification:**
- 3.3 438 letters were sent to nearby residents/occupants. Site and press notices were also posted.
- 3.4 No comments were received.
- 3.5 **Official Consultation:**
- 3.6 **Internal:**
- 3.7 **Sustainability Officer:**
- 3.8 No objection subject to conditions.
- 3.9 **Housing Enabling Officer:**
- 3.10 No objection.
- 3.11 **Biodiversity Officer:**
- 3.12 No objection.
- 3.13 **Senior Highways Engineer:**
- 3.14 No objection.
- 3.15 **Environmental Health:**
- 3.16 No comments received.
- 3.17 **Waste Management:**
- 3.18 No comments received.
- 3.19 External:
- 3.20 **Environment Agency:**
- 3.21 No objection.
- 3.22 **Transport for London:**
- 3.23 No objection.
- 3.24 **Councillor Representation:**
- 3.25 None.

#### 4.0 MATERIAL PLANNING POLICIES

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

- The London Plan (2015)
- The Local Development Framework (LDF). At present the LDF comprises two main documents -
  - (a) The Core Planning Strategy (CPS)
  - (b) The Site Development Policies (DPD)

4.2 Also a material consideration in determining planning applications are:

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

4.3 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
- 3.16 - Protection and enhancement of social infrastructure
- 4.1 - Developing London's Economy
- 4.5 - London's Visitor Infrastructure
- 4.6 - Support for and enhancement of arts, culture, sport and entertainment provision
- 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

#### 4.4 **Core Planning Strategy:**

- PMP2 Suburban Heartlands
- BP12 Good Urban Design and Heritage
- PMP1 Housing Provision
- BP1 Housing Density
- BP6 One Planet Living
- DP2 Planning Obligations
- DP3 Infrastructure Requirements and Delivery

#### 4.5 **Site Development Policies:**

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene & Public Realm
- DM22 Parking
- DM5 Sustainable Design and Construction
- DM6 Climate Change Mitigation
- 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

**4.6 Supplementary Planning Guidance/Documents:**

- Supplementary Planning Document 14 Creating Locally Distinctive Places

**5.0 PLANNING CONSIDERATIONS**

5.1 The main issues to be taken into consideration including whether any material planning objections have been reasonably addressed in relation to this application are:

- **Principle**
- **Design Quality and Impact on Streetscene**
- **Residential Amenity**
- **Amenity of Future Residents**
- **Parking**

**5.2 Principle:**

5.3 The proposal would result in the loss of the approved gymnasium at first and second floor levels. The London Plan Policy 3.16 and 4.6 and Site Development Policy DM31 seek to protect arts, culture, sport and entertainment uses. Policy DM31 states that the Council will not grant planning permission for development that involves the loss of a social or community facility unless it can be demonstrated that the facility is no longer required either in its current use or for any alternative social or community use; or suitable alternative provision is made or is available nearby.

5.4 The applicant has submitted a marketing report which concludes that the current space in this location would not be economically viable, and therefore would be unlikely to be let as there are suitable alternative gymnasiums available in the area. As such, the loss of the gymnasium would not harm social or community facilities in the area.

5.5 The proposal seeks the change of use of the gymnasium to residential use. The provision of new housing on previously developed land is seen as a sustainable use of brownfield sites and encouraged by central government policies, the London Plan and adopted policies of the Local Development Framework. The proposal would provide additional residential units comprising of eight 1-bedroomed and six 2-bedroomed units at first and second floors, all of which would be affordable, within the existing development.

5.6 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 Council's affordable housing targets.

5.7 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."

5.8 The application seeks to provide 100% affordable housing and this provision is welcomed and acceptable.

5.9 As such, the proposed change of use of the gymnasium to provide 14 affordable residential units is considered to be acceptable. Whist all the units would be provided

as shared ownership, given that this would add to the Council's housing stock, this provision is considered to be acceptable as part of this development and follows the affordable tenure of the extant affordable provision within the remainder of the development. As such, the proposal would secure additional affordable housing within the development.

**5.10 Design Quality and Impact on Streetscene:**

5.11 Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' seek to ensure that development is sympathetic with the appearance of the original building, and that all development complements and improves the character of the area and street scene.

5.12 No external alterations are proposed as part of this application, therefore the proposal is considered to be acceptable in design terms.

**5.13 Affect on residential amenity:**

5.14 Policy DM2 of DPD2 seeks to protect the amenity of the occupants of buildings which adjoin, or are likely to be affected by proposed new development.

5.15 Given the proposed and approved use of the building, including the minor amendments to the building to facilitate the proposed development, it is not considered that there would be additional amenity implications on nearby residents over and above that of the approved scheme.

**5.16 Affect on the amenity of future residents:**

5.17 The size of the proposed units has been assessed against the minimum space standards stipulated within the London Plan. The units would exceed the minimum floorspace standards of the London Plan and it is clear that the units would function as intended. It is therefore considered that the standard of accommodation is acceptable.

5.18 The remainder of the proposal would remain largely as previously approved in relation to access, amenity space and refuse stores.

5.19 As such the proposal would provide an acceptable level of accommodation for future occupiers.

**5.20 Parking:**

5.21 The proposals would result in an increase the number of residential units within the development through the loss of the gymnasium. However, as approved the proposal incorporates two vehicular parking spaces and 192 cycle parking spaces and no additional vehicular or cycle parking is proposed as part of this application. 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. Given the central location of the site, within a sustainable location, with a very high PTAL rating (level 6a), this proposed level of parking is acceptable.

5.22 In addition no objection has been raised by either Transport for London or the Senior Highways Engineer to the proposal and as such, there would be no additional impact upon the local highway network and, subject to securing a car free development through a S106 agreement, the proposal would not be prejudicial to pedestrian and highway safety in compliance with Policy DM22 of the Site Development Policies DPD.

5.23 **Other matters:**

5.24 The proposal requires a S106 agreement in relation to the affordable housing provision and to secure a car free development on the site by prohibiting the future occupants of the units from being eligible for residents parking permits. This agreement is currently being drafted and a further update will be provided by way of an addendum or verbally at the Committee meeting.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 In light of the provision of affordable residential dwellings, the loss of the gymnasium is considered to be acceptable. The standard of accommodation proposed would provide a good standard of accommodation for the intended occupants.

6.2 Given the minimal alterations associated with the proposal, there would be no harm in terms of design to the streetscene or area in general. There would be no adverse impact to neighbouring occupiers and highways and parking would be mitigated by the provision of a car free development on the site secured by a S106 agreement. Consequently, subject to the successful completion of a S106 legal agreement, the provision of 14 affordable units within the building is considered to be acceptable.

Background Papers: B2015/72658/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: **B2015/72658**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



**G**

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B2015/72658/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

17 SUTTON COURT ROAD Sutton

Formation of 14 additional self contained flats; eight 1-bedroomed and six 2-bedroomed at first and second floors, alteration to ground floor including enlarged refuse store for residential use, separate refuse store for proposed kiosk, plant room and increase in cycle storage spaces to 192; amendments to gymnasium previously approved under application reference B2011/63901/FUL.

## 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:

5826-D9000 Rev 02, 5826 D12000 Rev 07, 5826 D12001 Rev 08, Planning Statement submitted by Metropolis Planning & Design, Design & Access Statement Addendum submitted by Formation Architects, Marketing Report submitted by Metropolis Planning & Design and Transport Statement Ref 14-170-01B submitted by Odyssey Markides.

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

(3) Prior to first occupation of the development, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) should be submitted to the Local Planning Authority and approved in writing to demonstrate that the development to secure at least a 32% 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) and seek to achieve a 20% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. 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.

(4) Prior to first occupation of the development, a completed Water Efficiency Calculator for New Dwellings must be submitted to the Local Planning Authority and approved in writing to show that internal potable water consumption will be limited to 110 litres per person per day (l/p/d) based on the Government's national calculation method for water efficiency for the purpose of Part G of the Building Regulations. The Water Efficiency Calculator should be accompanied by details of the location and type of all appliances or fittings that use water, the capacity or flow rate of any equipment and any rainwater or greywater collection systems incorporated as part of the development.

Reason: To comply with Policy DM9 of Sutton's Site Development Policies DPD.

#### INFORMATIVES.

(1) This application has been assessed against the relevant policies of the London Plan 2015, Sutton's Core Planning Strategy 2009 and the Site Development Policies DPD 2012. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

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