

PLANNING COMMITTEE - Date:16 December 2015

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

Ref: B2015/72850/FUL	WARD: B07 / SUTTON CENTRAL	Time Taken: 10 weeks, 2 days
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Site: 190-196 HIGH STREET Sutton SM1 1NR
 Proposal: Removal of conditions 11 and 12 (relating to a code for Sustainable Homes Interim and BREAAAM Domestic Refurbishment 2012 Interim Certificates) of previously approved App. No. B2014/70480 for the erection of a part one part two storey rear extension at first and second floors and conversion of part of rear ground floor to provide, one 2-bedroomed, eight 1-bedroomed flats, two 1-bedroomed duplex units and three studio units incorporating alterations to rear elevation with part new cladding, bin and cycle stores together with hard landscaping and soft landscaping at first floor.

Applicant: Mr Piers Rooke
 Agent: Mr Ian Coomber

Recommendation:**GRANT PLANNING PERMISSION**

Reason for Report to Committee: The application seeks to vary the conditions of an approved Major Application and therefore is itself classed as a Major Application and is recommended for approval.

Summary of why application proposal is acceptable:

Conditions 11 and 12 state:

“Within 3 months of building work starting on site, a Code for Sustainable Homes Interim (Design Stage) Certificate and a BREAAAM Domestic Refurbishment 2012 Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing to show that minimum levels will be achieved for each of the proposed dwellings”.

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(ref: HCWS488) published on 25 March 2015, the Code for Sustainable Homes as a material planning consideration has been withdrawn.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

1.0 BACKGROUND**1.1 Site and surroundings:**

1.2 The application site consisted of a group of three Victorian mid terraced three storey buildings located on the eastern side of the High Street, Sutton. Planning permission was obtained in January 2015 for the erection of a part one part two storey rear extension at first and second floors and conversion of part of rear ground floor to

provide, one 2-bedroomed, eight 1- bedroomed flats, two 1-bedroomed duplex units and three studio units incorporating alterations to rear elevation with part new cladding, bin and cycle stores together with hard landscaping and soft landscaping at first floor. The development has commenced to implement that consent.

1.3 The wider area is mixed in character being within the Sutton Town Centre which has predominantly commercial uses at ground floor level with residential or office accommodation above. The site fronts the pedestrianised high street with no vehicular access on Sutton High Street or the adjacent Manor Place. The site is also within the Sutton Controlled Parking Zone (CPZ) and has a high Public Transport Accessibility Level given the town centre location.

1.4 **Site specific designation:**

1.5 The site is located within the Primary Shopping Frontage of the High Street Parade (Retail Core) of Sutton Town Centre. The site is also located within an Archaeological Priority Area, a High Building Zone and within the Limits of Sustainable Residential Redevelopment.

1.6 **Relevant Planning History:**

1.7 13-67310 – In June 2013 planning permission was granted for the erection of a first floor rear extension and conversion of the first and second floor to provide one 1-bedroom self contained live/work unit and one 2-bedroomed and four 2 bedroomed self contained flats, together with refuse cycle provision and first floor roof terrace at the rear.

1.8 14-70480 – In January 2015 planning permission was granted for the erection of a part one part two storey rear extension at first and second floors and conversion of part of rear ground floor to provide, one 2-bedroomed, eight 1- bedroomed flats, two 1-bedroomed duplex units and three studio units incorporating alterations to rear elevation with part new cladding, bin and cycle stores together with hard landscaping and soft landscaping at first floor.

2.0 **APPLICATION PROPOSALS**

2.1 **Details of Proposal:**

2.2 The application seeks consent to remove conditions 11 and 12 of the planning permission granted in January 2015, reference 14/70480, in relation to compliance with BREEAM 'Excellent' level and Code for Sustainable Home level 4.

2.3 Condition 11 states –

2.4 *Within 3 months of work starting on site, a Code for Sustainable Homes Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorising body, must be submitted to the Local Planning Authority to show that a minimum Level 4 rating will be achieved for each of the new build dwellings. Prior to first occupation of any new build dwelling, a Code for Sustainable Homes Final (Post-Construction) Certificate, issued by the BRE or equivalent authorising body, must be submitted to the Local Planning Authority and approved in writing to demonstrate that Level 4 has been achieved for the new-build dwelling. All the measures integrated shall be retained for as long as the development is in existence.*

2.5 Condition 12 states –

2.6 *Within 3 months of work starting on site, a BREAAAM Domestic Refurbishment 2012 Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorising body, must be submitted to the Local Planning Authority to show that a minimum "Excellent" 4 rating will be achieved for each of the refurbished dwellings. Prior to first occupation of any refurbished dwelling, a BREAAAM domestic Refurbishment 2012 Final (Post Construction) Certificate, issued by the BRE or equivalent authorising body, must be submitted to the Local Planning Authority and approved in writing to demonstrate that a minimum "Excellent" rating has been achieved for the refurbished dwelling. All the measures integrated shall be retained for as long as the development is in existence.*

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

2.8 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 A site notice was erected within the vicinity of the site and press notice published.

3.4 **Number of Letters Received:**

3.5 None

3.6 **Official Consultation:**

3.7 **Sustainability Officer:**

3.8 No objections.

3.9 **Councillor Representation:**

3.10 There have been no Councillor representations made on this application.

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 March 2015
- The Core Planning Strategy December 2009
- The Site Development Policies DPD March 2012

4.2 Also a material consideration in determining planning applications are:

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

- 4.3 London Plan
 - 3.3 Increasing Housing Supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing development (table 3.3)
 - 3.10 Mixed and balanced communities
 - 3.11 Definition of affordable housing
 - 3.12 Affordable housing targets
 - 3.13 Negotiating affordable housing
 - 3.14 Affordable housing thresholds (table 3.2)
 - 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 environment site benefits
 - 5.12 Flood risk management
 - 5.13 Sustainable drainage
 - 5.15 Water use and supplies
 - 5.21 Contaminated land
 - 6.1 Integrating transport and development – strategic approach
 - 6.3 Assessing transport capacity
 - 6.9 Cycling
 - 6.10 Walking
 - 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
 - 7.13 Safety, security and resilience to emergency
 - 7.18 Protecting local natural space and addressing local deficiency
 - 7.19 Biodiversity and access to nature
 - 8.2 Planning Obligations
- 4.4 Core Planning Strategy
 - PMP1 Housing Provision
 - PMP2 Suburban Heartlands
 - BP1 Housing Density
 - BP6 One Planet Living
 - BP9 Enabling Smarter Travel Choices
 - BP10 Transport Strategic & Borough Wide Proposals
 - BP12 Good Urban Design and Heritage
- 4.5 Site Development Polices DPD
 - DM1 Character and Design
 - DM2 Protecting Amenity
 - DM3 Enhancing the Streetscene and Public Realm
 - DM5 Sustainable Design and Construction
 - DM6 Climate Change Mitigation
 - DM12 Noise and Vibration
 - DM16 Noise and Vibrations

- DM19 Promoting Sustainable Transport & Accessibility
- DM20 Assessing The Transport Impact of New Development
- DM21 New Development and the Highway Network
- DM22 Parking
- DM24 Conversions
- DM26 Housing Mix
- DM29 Housing Standards
- DM35 Development in Town & Local Centres

4.6 Supplementary Planning Guidance/Documents

- IPG11 Sustainable Design and Construction
- SPD1 Designing Out Crime
- SPD5 Planning Obligations
- SPD14 Creating Locally Distinctive Places

4.7 A material consideration for this application is the written Ministerial Statement ref: HCWS488 published on 25 March 2015.

5.0 **PLANNING CONSIDERATIONS**

5.1 **Principle**

5.2 The proposal seeks to remove conditions 11 and 12, in relation to BREEAM and Code for Sustainable Homes levels. It is considered that the development remains acceptable in principle as previously approved.

5.3 **Design Quality**

5.4 The proposal seeks to remove conditions 11 and 12, in relation to BREEAM and Code for Sustainable Homes levels. It is considered that the development remains acceptable in design terms, as previously approved.

5.5 **Impact on Neighbours**

5.6 The proposal seeks to remove conditions 11 and 12, in relation to BREEAM and Code for Sustainable Homes levels. It is considered that the development remains acceptable in terms of impact on adjoining neighbours, as previously approved.

5.7 **Standard of Accommodation**

5.8 The proposal seeks to remove conditions 11 and 12, in relation to BREEAM and Code for Sustainable Homes levels. It is considered that the development remains acceptable in highway terms, as previously approved.

5.9 **Trees and Landscaping**

5.10 The proposal seeks to remove conditions 11 and 12, in relation to BREEAM and Code for Sustainable Homes levels. It is considered that the development remains acceptable in terms of trees and landscaping, as previously approved.

5.11 **Sustainability**

5.12 The previous permission required the development to achieve a BREEAM 'Excellent' level and Code for Sustainable Homes level 4. This application seeks to remove these requirements.

- 5.13 In March 2015, a Written Ministerial Statement (Deregulation Act) was published by the government withdrawing the Code for Sustainable Homes as a material planning consideration. For this reason the condition cannot be enforced by the Local Planning Authority, however the requirement for the monitoring and enforcement of the Code for Sustainable Homes has been passed to Building Regulations. As such, the proposal to remove the conditions (11 and 12) is considered to be reasonable and justifiable given this circumstance.
- 5.14 As such, the Council's Sustainability Officer raises no objections to the removal of these conditions.

6.0 **CONCLUSION AND RECOMMENDATION**

- 6.1 For the reasons stated above, it is considered that the removal of conditions 11 and 12 of planning permission ref.14/14/70480 is reasonable and justifiable.
- 6.2 Consequently, approval of the application is recommended.

Background Papers: B2015/72850/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: **B2015/72850**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



Mr Ian Coomber
69 Park Lane
Croydon
CR0 1BY

B2015/72850/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

190-196 HIGH STREET Sutton SM1 1NR

Removal of conditions 11 and 12 (relating to a code for Sustainable Homes Interim and BREAM Domestic Refurbishment 2012 Interim Certificates) of previously approved App. No. B2014/70480 for the erection of a part one part two storey rear extension at first and second floors and conversion of part of rear ground floor to provide, one 2-bedroomed, eight 1-bedroomed flats, two 1-bedroomed duplex units and three studio units incorporating alterations to rear elevation with part new cladding, bin and cycle stores together with hard landscaping and soft landscaping at first floor.

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date of the permission in relation to application B2014/70480 approved on 19 January 2015.

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 & documents: 174 EX 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 and P01A, PL02A, PL03B, PL04B, PL05, PL06A, PL07A, PL08, PL09B, PL10A and PL11.

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

(3) All planting, seeding or turfing shown in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, 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, where applicable, compliance with Policy BP12 of the Core Planning Strategy and Policy DM1 of the Site Development Policies Development Plan Document (March 2012) which require landscaping schemes to provide a satisfactory townscape incorporating hard and soft landscaping.

(4) The development hereby permitted shall not be occupied until cycle and refuse storage facilities have been provided in accordance with a scheme which shall have been agreed in writing by the Local Planning Authority. Such storage provision shall thereafter be kept for the use of the occupants of the development hereby approved.

Reason: To ensure compliance with Policy BP12 of the Core Planning Strategy DPD and Policy DM1 of the Site Development Policies Development Plan Document (March 2012), which seek to ensure that such ancillary buildings integrate with the principal development, and to encourage the sustainable, safe and efficient use of the development.

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

Reason: To comply with Policy DM7 of the Site Development Policies Development Plan Document (March 2012).

(6) Unless otherwise agreed in writing with the Local Planning Authority the Construction Management Plan (15 September 2014) shall be implemented.

Reason: To minimise the impact of the construction of the development on the amenities of local residents, the free flow of traffic and the safe and continued use of the High Street and the surrounding streets.

(7) Unless otherwise agreed in writing with the Local Planning Authority, no building works which can be heard at the site boundaries shall be carried out except between the hours of 8.00am and 6.00pm Monday to Friday, between 8.00 am and 1.00pm on Saturdays and not at all on Sundays and public holidays.

Reason: To safeguard the amenity of the occupiers of adjacent premises and the area generally during the building construction process.

INFORMATIVES.

(1) This approval only grants permission under Section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 6268 before proceeding with the work.

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

(3) 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.

(4) 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.

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

(6) This permission creates one or more new units which will require a correct postal address. Contact the Street Naming and Numbering Section at 24 Denmark Road, Carshalton, Surrey SM5 2JG, telephone 020 8770 5070 or e-mail street.naming@sutton.gov.uk.

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

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