

PLANNING COMMITTEE - Date: 16th December 2015**Report of the Executive Head for Economic Development, Planning and Sustainability.**

Ref: C2015/72769/FUL	WARD: C11 / WANDLE VALLEY	Time Taken: 7 weeks, 2 days
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Site: Durand Close Regeneration Scheme DURAND CLOSE Phases 3 to 4 Carshalton

Proposal: Variation of Conditions 2, 8, 11, 13, 15, 18, 22, 25, 26 and 27 (relating to:- remediation, drainage, surface water, implementation of planting, riverside environmental management plan, lighting, design stage sustainable homes, final sustainable homes certificate and energy strategy) to previously approved application ref C2014/70533 for 'Erection of twelve 2-bedroomed and thirty two 3-bedroomed terraced houses in two and three storey buildings and six 1-bedroomed and twenty six 2-bedroomed self contained flats in a mix of three and five storey buildings together with car parking, cycle, refuse and recycling facilities, new roads, soft and hard landscaping and new public park' to avoid delays to the commencement of development and secure sooner occupation of completed units.

Applicant:

Agent: Vivienne Goddard

Recommendation:**GRANT PLANNING PERMISSION**

Subject to the completion of a S.106 legal agreement by 21st December 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Executive Head of Economic Development, Planning and Sustainability, after which time the resolution to grant will be rescinded.

Reason for Report to Committee: The application is a Major application recommended for approval.

Summary of why application proposals are acceptable:

It is considered that the proposed changes to the wording of Conditions 2, 8, 11, 13, 15, 18, 22, 25, 26 and 27 would not have a negative impact on the character and appearance of the proposed residential units or the surrounding area, the amenity of adjoining residents, parking and highway considerations, landscaping, biodiversity, flood risk or for any other reason as discussed below.

1.0 BACKGROUND**1.1 Site and Surroundings:**

1.2 This application relates to part of the Durand Close regeneration scheme, which provides for the redevelopment of a former Council owned and managed housing estate. The original 276 flats across the site have been demolished and the redevelopment of the wider site is taking place in several phases following the grant of outline planning permission C2006/56803/OUT which proposed a phased development of 474 dwellings, a community centre, shop and replacement riverside walk and subsequent applications for the approval of reserved matters.

- 1.3 Phases 1 and 2 of the development approved under ref. C2006/56803/OUT, relating to land closest to the Culvers Avenue frontage, are now substantially complete and occupied by residents. Site clearance has occurred in anticipation of works commencing on Phases 3 and 4 of C2006/56803/OUT imminently.
- 1.4 The site (covering all phases of the original outline permission) is bounded by Culvers Avenue to the south, the rear gardens of residential properties on roads to the north and west, whilst the eastern boundary is adjacent to the River Wandle.
- 1.5 The area surrounding the site is almost suburban in nature, comprising primarily a mixture of two-storey terraced and semi-detached housing, mainly from the inter-war period.
- 1.6 **Site Specific Designation:**
- 1.7 The application site is within an Archaeological Priority Area and a Site of Importance for Nature Conservation.
- 1.8 The area of the site adjacent to the River Wandle is designated as a Site of Importance for Nature Conservation (SINC) and forms part of the Green Corridor Network. It also forms part of the 'Blue Ribbon Network' as defined in the Mayor's London Plan.
- 1.9 **Relevant Planning History:**
- 1.10 The site has an extensive planning history. The history relevant to this particular application is as follows:
 - 1.11 C2006/56803/OUT – Outline planning permission was granted in August 2008 for the Phased demolition of the existing estate buildings comprising 271 affordable dwellings and the erection of a new phased development comprising: approximately 474 residential dwellings (214 of which will be affordable or shared ownership) in the form of 19 blocks of 1 and 2-bedroomed flats, 10 terraces and 2 pairs of semi-detached 2, 3 & 4-bedroomed houses together with a shop, community centre, replacement riverside walk adjacent to the Wandle, two vehicular accesses to Culvers Avenue, new access roads and footpaths. Provision of 437 car parking spaces, including car club and visitors parking spaces (outline application to determine access and layout only).
 - 1.12 C2011/64913/ARM – Reserved Matters were approved in April 2012 for details of phases two to four of the redevelopment of the site involving demolition of existing buildings and provision of 325 dwellings (139 affordable or shared ownership) comprising 261 one and two bedroom self contained flats in a range of three to six storey buildings, and 64 three and four bedroom houses in two and three storey terraces, together with three play areas, a public open space, new access roads, landscaping, 273 car parking spaces and 261 cycle spaces. (Approval of reserved matters application to determine appearance, landscaping and scale pursuant to condition 7 of outline approval ref: C2006/56803/OUT).
 - 1.13 C2014/70349/FUL – A Section 73 Application to vary condition 4 of the Reserved Matters Planning Permission C2011/64913 was approved by the Planning Committee on 3rd December 2014. This gave approval to a modification to the form of 6 units within the approved scheme, located on the western boundary of the site contained within Phase 3 of the original outline permission.
 - 1.14 C2014/70533/FUL – Erection of twelve 2-bedroomed and thirty two 3-bedroomed terraced houses in two and three storey buildings and six 1-bedroomed and twenty six

2-bedroomed self contained flats in a mix of three and five storey buildings together with car parking, cycle, refuse and recycling facilities, new roads, soft and hard landscaping and new public park. Granted July 2015. This application related to a large part of Phases 3 and 4 of the original outline application (ref. C2006/56803/OUT).

- 1.15 Application ref. C2014/70533/FUL is being brought forward as a single phase, split into four nominal development blocks or 'zones'. In order to commence development and meet construction deadlines a small number of existing conditions require the approval of design specifications on a site-wide basis that would delay commencement of construction of the first blocks affecting the applicant's ability to bring the development into use. As such, variations to the wording of a small number of conditions are sought in order to avoid construction delays and secure prompt occupation of the completed units.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 This application seeks planning permission to amend Conditions 2, 8, 11, 13, 15, 18, 22, 25, 26 and 27 of application ref. C2014/70533/FUL (discussed in paragraph 1.14). These conditions relate to drawing numbers (2), contaminated land remediation (8), surface water drainage (11 & 13), landscaping management (15), environmental management plan (18), lighting (22), and sustainability (25-27).

- 2.3 For ease of comparison the existing and proposed conditions are demonstrated in the table below:

No.	Existing Condition	Proposed Condition
2	The development hereby permitted shall be carried out in accordance with the following approved plans: PL001, PL01, 02C, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 20, 29, 30, 31, 32, 33, 34, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 60 and 61, 165 TR1, 1102A and 1101A, 28258 L-PH3-4-90-100-P02, 101 P02, 120 P02, 121 P02.	The development hereby permitted shall be carried out in accordance with the following approved plans: PL001, PL01, 02C, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 20, 29, 30, 31, 32, 33, 34, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 60 and 61, 165 TR1, 1102A and 1101A, 28258 L-PH3-4-90-100-P02, 101 P02, 120 P02, 121 P02 and 'C2014/70533 Construction Zones'.
8	The Remediation Strategy as set out in Appendix 10 "Supplementary Contaminated Land Assessment" (7th August 2014) and in the preceding documents referred to therein shall be undertaken and completed on site prior to the first occupation of any dwelling.	The Remediation Strategy as set out in Appendix 10 "Supplementary Contaminated Land Assessment" (7th August 2014) and in the preceding documents referred to therein shall be undertaken and completed on site, and reported to the local planning authority's Environmental Protection Officer for Land Contamination for approval, prior to the first occupation of the block to which it relates (as shown on supporting plan 'C2014/70533 - Construction Zones').
11	No development shall take place until details of on-site drainage works have been submitted to, and approved in writing by the Local Planning Authority	No development in respect of the relevant part shall take place until details of on-site drainage works have been submitted to, and approved in

	<p>in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the on-site drainage works referred to above have been completed.</p>	<p>writing by the Local Planning Authority in consultation with the sewerage undertaker. No work that would result in the discharge of foul or surface water from the site shall be commenced until the on-site drainage works referred to above have been completed for the relevant part (as shown on supporting plan 'C2014/70533 - Construction Zones').</p>
13	<p>The construction of the surface water drainage system and the surface water source control measures (with the associated attenuation calculations) shall be carried out in accordance with details which shall be submitted to and approved in writing to the Local Planning Authority before development commences.</p>	<p>The construction of the surface water drainage system and surface water source control measures (with the associated attenuation calculations) in respect of the relevant part (as shown on supporting plan 'C2014/70533 - Construction Zones') shall be carried out in accordance with details which shall be submitted to and approved in writing to the LPA before any development commences.</p>
15	<p>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 first occupation of any building within the "crescent" or the completion of the development, whichever is the sooner, and any trees or plants, including those to be retained in accordance with condition 28, 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 prior written consent to any variation.</p>	<p>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 first occupation of the relevant block (as shown on supporting plan 'C2014/70533 - Construction Zones') and any trees or plants, including those to be retained in accordance with condition 28, 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 prior written consent to any variation.</p>
18	<p>No development approved by this permission shall be commenced until an Environmental Management Plan, containing the scheme for the maintenance and renewal of the river banks, including the enhancement of the riverside state within the Environment Statement, and flooding management/evacuation measures, has been approved by and implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. This must include the design, method of construction, dimensions and material. Control of invasive species</p>	<p>Prior to occupation of any part of the development hereby approved an Environmental Management Plan, containing the scheme for the maintenance and renewal of the river banks, including the enhancement of the riverside state within the Environment Statement, and flooding management/ evacuation measures, has been approved by and implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the LPA. This must include the design, method of construction, dimensions and materials. Control of invasive species should be included.</p>

	should also be included.	
22	Prior to the first occupation of any building, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be provided prior to the occupation or use of the development and should include measures to prevent light spill into the watercourse, adjacent river corridor habitat and standing water habitats. The approved lighting scheme shall be implemented in accordance with the approved scheme and shall be maintained and retained thereafter.	Prior to the first occupation of any building, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The relevant part of the approved lighting scheme shall be provided prior to the occupation of the relevant block to which it (as shown on supporting plan 'C2014/70533 - Construction Zones') and should include measures to prevent light spill into the watercourse, adjacent river corridor habitat and standing water habitats. The approved lighting scheme shall be implemented in accordance with the approved scheme and shall be maintained and retained thereafter.
25	Within 3 months of building work starting on site, a Code for Sustainable Homes Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing to show that a minimum Level 4 rating will be achieved for all of the dwellings.	A Code for Sustainable Homes Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing within six months of work above ground level starting on the relevant block to which the Certificates relate (as shown on supporting plan 'C2014/70533 - Construction Zones') to show that a minimum Level 4 rating will be achieved for all of the dwellings.
26	Prior to first occupation of the development, a Code for Sustainable Homes Final (Post-Construction) Certificate, issued by the BRE or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing to demonstrate that Level 4 has been achieved for all of the dwellings. All the measures integrated shall be retained for as long as the development is in existence.	A Code for Sustainable Homes Final (Post-Construction) Certificate, issued by the BRE or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing within three months of work above ground level starting on the relevant block to which the Certificates relate (as shown on supporting plan 'C2014/70533 - Construction Zones') to demonstrate that Level 4 has been achieved for all of the dwellings. All the measures integrated shall be retained for as long as the development is in existence.
27	Prior to occupation of the development, evidence (e.g. 'as-built' SAP 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 energy strategy and secures at least a 40% reduction in CO2 emissions below the	Evidence (e.g. 'as-built' SAP outputs prepared under the Standard Assessment Procedure) should be submitted to the Local Planning Authority and approved in writing prior to the first occupation of the relevant block to which the evidence relates (as shown on supporting plan 'C2014/70533 - Construction Zones') to demonstrate that the development has been carried out in accordance with the

	<p>target emission rate (TER) based on Part L1A of the 2010 Building Regulations (or equivalent reduction compared to Part L1A 2013). 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.</p>	<p>approved energy strategy and secures 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). 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.</p>
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- 2.4 The proposed amendments are to enable the development within the application site to be constructed in a phased manner that reflects the zoning of the development as shown on the 'C2014/70533 Construction Zones' plan. This would allow construction works to commence and complete at the earliest possible opportunity and would facilitate the occupation of the approved properties as early as possible.
- 2.5 No material alterations to the built form of the approved scheme are proposed.
- 2.6 **Significant amendments to the application since submitted:**
- 2.7 None.
- 3.0 **PUBLICITY**
- 3.1 **Adjoining Occupiers Notified**
- 3.2 **Method of Notification:**
- 3.3 Consultation letters were delivered to 480 residents nearby on 27th October 2015. Three public notices were also posted within the site and close to the main entry points of the wider Durand Close regeneration site.
- 3.4 **Number of Letters Received:**
- 3.5 None.
- 3.6 **Official Consultation**
- 3.7 **Internal:**
- 3.8 Senior Highways Engineer – No objections.
- 3.9 Environmental Health (Land Contamination) – No objections.
- 3.10 Lead Local Flood Officer – No objections.
- 3.11 Principal Tree Officer – No objections.
- 3.12 Sustainability Officer – No objections.

3.13 Lighting Officer – No comments made.

3.14 Biodiversity – No objections.

3.15 **External:**

3.16 Environment Agency – No objections.

3.17 Thames Water – Discussions ongoing.

3.18 **Councillor Representation:**

3.19 None.

4.0 **MATERIAL PLANNING POLICIES**

4.1 (1) The London Plan 2015.

(2) The Local Development Framework (LDF) comprising of two main documents

- (a) The Core Planning Strategy (CPS)

- (b) The Site Development Policies Development Plan Document (DPD)

4.2 In the event that there are discrepancies between the adopted CPS, DPD and the London Plan, legal guidance indicates that the latest adopted document prevails.

4.3 **National Planning Guidance:**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4.4 **London Plan:**

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.7 Large Housing 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
- 3.13 Affordable Housing Thresholds
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Tall Buildings
- 7.14 Air Quality
- 7.15 Managing Noise
- 7.17 Metropolitan Open Land
- 8.2 Planning Obligations

4.5 **Core Planning Strategy DPD:**

- PMP8 District Centres
- BP1 Housing Density

- BP2 Affordable Housing
- BP6 One Planet Living
- BP12 Good Urban Design and Heritage
- BP13 Taller Buildings
- DP2 Planning Obligations

4.6 **Site Development Policies DPD:**

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene and Public Realm
- DM5 Sustainable Design and Construction
- DM6 Climate Change Mitigation
- DM7 Flood Risk
- DM8 Climate Change Adaptation
- DM10 Air Quality
- DM11 Land Contamination
- DM12 Noise and Vibration
- DM17 Biodiversity
- DM19 Promoting Sustainable Transport
- DM20 Assessing Transport Impact of New Development
- DM21 New Development and the Highway Network
- DM22 Parking
- DM25 Maximising Affordable Housing
- DM26 Housing Mix
- DM29 Housing Standards
- DM36 Loss of Office Space

4.7 **Supplementary Planning Guidance/Documents**

- SPD1 Designing Out Crime
- SPD5 Planning Obligations (As Amended)
- SPD13 Transport Assessments and Travel Plans
- SPD14 Creating Locally Distinctive Places
- IPG11 Sustainable Design and Construction

5.0 **PLANNING CONSIDERATIONS**

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

- **Design Quality/Impact on Neighbours**
- **Parking & Traffic**
- **Land Contamination**
- **Trees, Landscaping and Biodiversity**
- **Sustainability, Flood Risk and Water Management**
- **Lighting**
- **Financial Contributions**

5.2 **Design Quality/Impact on Neighbours:**

5.3 Regional advice in relation to design is found in the replacement London Plan. Policy 3.5 states that all new housing should enhance the quality of local places, considering physical context, character, density and inclusivity. Core Policies BP12 and PMP2 state that the Council will seek to ensure that development respects the local context and distinctive local character. SPD14 also seeks to ensure that development should

incorporate the basic elements of good urban design, respect the prevailing street scene and also the surrounding area in general.

- 5.4 In addition, Site Development Policy DM2 states that the Council will not grant planning permission for any development that adversely affects the privacy, outlook or daylight and sunlight of adjoining occupiers. DM12 states that noise and vibration to and from a development should also be considered.
- 5.5 It has already been established under the original application ref. C2014/70533/FUL that the development would not cause harm to the character of the area or to the amenity of nearby residents subject to conditions.
- 5.6 As described above, the alterations to the wording of conditions are proposed to allow changes to the construction phasing of the development in order for individual residential units within the development site to be occupied as soon as possible in line with the 'Construction Zones' plan approved as part of C2014/70533/FUL. The proposed changes would not lead to any alteration to the external appearance of the individual flats and houses.
- 5.7 As such, it is considered that approval of this application would not have a detrimental impact on the character and appearance of the proposed development or the surrounding area. Therefore, the proposal is acceptable in design terms.
- 5.8 The proposed changes to the wording of the conditions would not affect the external appearance, size or scale of the development. As such, there would be no additional impact on the day/sunlight, outlook or privacy of neighbouring occupiers arising from this application.
- 5.9 Although the phasing of the development would change so blocks of properties are constructed individually, rather than all at the same time, the time period taken for demolition and construction would not change significantly. As such, there would be no additional disturbance from construction dust or noise and appropriate mitigation measures concerning these issues will continue to be secured by the same conditions as previously agreed as part of the original planning approval for this site.
- 5.10 As such, it is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring dwellings.
- 5.11 **Parking & Traffic:**
- 5.12 Site Development Policy DM22 states that new developments will be expected to provide the appropriate amount of car parking necessary in accordance with the Council's restraint-based maximum car and cycle parking standards and to ensure the safe and efficient operation of the transport network.
- 5.13 As mentioned above, the phasing of the development would change so blocks of properties are constructed individually, rather than all at the same time and this would not cause significant delays to the construction timeframe of the development. As such, it is considered that the proposals would not result in any impact on the highway network during construction, nor would allowing the re-wording of these conditions preclude the applicant from complying with any of the highway related conditions contained in application ref. C2014/70533/FUL.
- 5.14 Furthermore, it is relevant to note that the Council's Senior Highways Engineer has not raised any objections to the application.

- 5.15 As such, it is considered that the application would be acceptable in terms of its impact on parking and the public highway.
- 5.16 **Land Contamination:**
- 5.17 Site Development Policy DM11 states that development proposals on or near contaminated sites will be approved subject to appropriate site investigations and mitigation.
- 5.18 The appropriate contaminated land investigations for this site have already been undertaken and a remediation strategy has been agreed on a site wide basis within Appendix 10 to the document named 'Supplementary Contaminated Land Assessment' dated 7th August 2014. The re-wording of this condition is to allow the remediation to be completed on a block-by-block basis.
- 5.19 The Council's Environmental Health Officer for Land Contamination confirmed that, as long as the remediation is confirmed as having been completed on a block-by-block basis by way of submitting a closure report to be submitted to the Environmental Health team at the relevant point in the construction process, then there are no objections to the remediation strategy being implemented in a phased manner by way of amending Condition 8. The proposed wording of this condition requires the submission of the closure report to Environmental Health in accordance with their recommendations.
- 5.20 As such, it is considered that the application would be acceptable in terms of its impact on public health from land contamination.
- 5.21 **Trees, Landscaping and Biodiversity:**
- 5.22 Site Development Policy DM1 states that natural landforms including trees should be retained where possible. Policy DM17 states that the Council will grant planning permission for developments that create, conserve or enhance biodiversity.
- 5.23 Conditions 15 and 18 refer to timing of planting and the provision of an Environmental Management Plan (EMP). Ultimately, the completed development will be landscaped in accordance with plans that have already been agreed and undertaking this in a phased manner would not change the agreed proposals. The EMP is to be agreed on an overall site wide basis and can be adequately implemented on a phase-by-phase basis for the application site area.
- 5.24 As such, the Council's Principal Tree Officer and Biodiversity Officer have both confirmed there are no objections to the phasing of Conditions 15 and 18.
- 5.25 Therefore, it is considered the application would be acceptable in terms of its impact on trees, landscaping and biodiversity.
- 5.26 **Sustainability, Flood Risk and Water Management:**
- 5.27 Site Development Policy DM5 states that the highest standards of sustainable design and construction are required throughout the Borough. DM7 states that development should minimise all elements of flood risk where possible.
- 5.28 The Council's Sustainability Officer has raised no objections to the changes to the wording of Conditions 25, 26 and 27 as they would not affect the applicant's ability to meet the relevant sustainability policies.

- 5.29 The Lead Local Flood Authority has stated that although not all of the drainage features (referenced under Conditions 11 and 13) will be constructed at once due to the proposed phasing of this development, by the end of the development work it will be constructed as per the plans that are to be approved by the Council at a later date. The Environment Agency also raised no objections to this application. As such, the amended wording to the conditions is acceptable as there would be no negative impact on sustainability, local flood risk and water management.
- 5.30 **Lighting:**
- 5.31 The lighting scheme for this area has already been approved and the installation of the lights for each individual block has no practical impact on the wider development if this takes place in a phased manner.
- 5.32 **Financial Contributions:**
- 5.33 Policy DP2 of the Core Planning Strategy states that, where necessary, the Council can seek planning obligations from developers to provide community benefits necessary to facilitate implementation of an acceptable development scheme.
- 5.34 The previous application for this site was granted subject to a Section 106 Agreement and the obligations contained within it (for oyster cards and travel plan monitoring) are still applicable. As such, the requirements of the previous legal agreement are proposed to be retained through a Deed of Variation that will also confirm the future phasing of the blocks within the application site boundary.
- 6.0 **CONCLUSION AND RECOMMENDATION**
- 6.1 It is considered that the proposed changes to the wording of these conditions would not have a negative impact on the character and appearance of the proposed residential units or the surrounding area, the amenity of adjoining residents, parking and highway considerations, landscaping, biodiversity, flood risk or for any other reason as discussed above.
- 6.2 It is therefore recommended that the application is granted subject to the conditions as laid out in the Agenda.

Background Papers: C2015/72769/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: **C2015/72769**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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C2015/72769/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

Durand Close Regeneration Scheme DURAND CLOSE Phases 3 to 4 Carshalton

Variation of Conditions 2, 8, 11, 13, 15, 18, 22, 25, 26 and 27 (relating to:- remediation, drainage, surface water, implementation of planting, riverside environmental management plan, lighting, design stage sustainable homes, final sustainable homes certificate and energy strategy) to previously approved application ref C2014/70533 for 'Erection of twelve 2-bedroomed and thirty two 3-bedroomed terraced houses in two and three storey buildings and six 1-bedroomed and twenty six 2-bedroomed self contained flats in a mix of three and five storey buildings together with car parking, cycle, refuse and recycling facilities, new roads, soft and hard landscaping and new public park' to avoid delays to the commencement of development and secure sooner occupation of completed units.

SECOND SCHEDULE

(1) The development must be begun not later than the expiration of three years beginning with the date of the planning consent for the application ref. C2014/70533/FUL.

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: PL001, PL01, 02C, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 20, 29, 30, 31, 32, 33, 34, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 60 and 61, 165

TR1, 1102A and 1101A, 28258 L-PH3-4-90-100-P02, 101 P02, 120 P02, 121 P02 and 'C2014/70533 Construction Zones'.

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

(3) Prior to their installation, the type and treatment of the materials to be used on the exterior of the buildings including samples of materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To safeguard the visual amenity of the area and a high standard of design.

(4) Prior to their installation, the type and treatment of all boundary treatment and/or fences/walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the first occupation of the building to which it relates.

Reason: To safeguard, where applicable, the security, visual amenity and privacy of occupiers of adjoining properties and the development hereby approved.

(5) Prior to the first occupation of any building, the method of refuse and recycling storage for each building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the first occupation of the building to which it relates.

Reason: To ensure that this facility is provided in a manner which seeks to ensure that such facilities integrate with the overall form of development and to encourage the collection and recycling of appropriate materials for re-use.

(6) Prior to the first occupation of any building, details of the cycle storage for both the internal (residents) and external (public) facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the first occupation of the building or land to which it relates.

Reason: To ensure that cycle storage provision is made as part of new development.

(7) Prior to the first occupation of any building, full details of the allocation between residential and visitor car parking provision shall be submitted to, and approved in writing by the Local Planning Authority. The car parking scheme shall be provided in accordance with the approved details and retained as such thereafter.

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

(8) The Remediation Strategy as set out in Appendix 10 "Supplementary Contaminated Land Assessment" (7th August 2014) and in the preceding documents referred to therein shall be undertaken and completed on site, and reported to the local planning authority's Environmental Protection Officer for Land Contamination for approval, prior to the first occupation of the block to which it relates (as shown on supporting plan 'C2014/70533 - Construction Zones').

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

(9) On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties 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.

(10) If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

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

(11) No development in respect of the relevant part shall take place until details of on-site drainage works have been submitted to, and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No work that would result in the discharge of foul or surface water from the site shall be commenced until the on-site drainage works referred to above have been completed for the relevant part (as shown on supporting plan 'C2014/70533 - Construction Zones').

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

(12) With the exception of roof water drainage, no surface water or other type of drainage shall discharge to ground. Any soakaway must be constructed in natural ground, such that its base is at least 1m above the highest seasonal water table and in any case no deeper than 3m. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater and controlled waters.

(13) The construction of the surface water drainage system and surface water source control measures (with the associated attenuation calculations) in respect of the relevant part (as shown on supporting plan 'C2014/70533 - Construction Zones') shall be carried out in accordance with details which shall be submitted to and approved in writing to the LPA before any development commences.

Reason: To prevent the increased risk of flooding.

(14) Prior to the first occupation of any building, a scheme of landscaping shall be submitted to the Local Planning Authority. This shall include the retention of existing trees as indicated on the approved plans, the landscaping of the public park, open space and play area, and the riparian habitat of the River Wandle. The submission shall also include details of the future maintenance and management of all public open space. The landscaping scheme and management plan shall be implemented in accordance with approved scheme.

Reason: To ensure compliance with the criteria set out in Policies DM1, DM16 and DM17 of the Site Development Policies Development Plan Document (March 2012) which require landscaping schemes to be suitable to the site and the surrounding area, to provide suitable private amenity garden and public open space, and in the interests of nature conservation and biodiversity of the adjoining River Wandle.

(15) 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 first occupation of the relevant block (as shown on supporting plan 'C2014/70533 - Construction Zones') and any trees or plants, including those to be retained in accordance with condition 28, 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 prior written consent to any variation.

Reason: To ensure compliance with the criteria set out in Policies DM1, DM16 and DM17 of the Site Development Policies Development Plan Document (March 2012) which require landscaping schemes to be suitable to the site and the surrounding area, to provide suitable private amenity garden and public open space, and in the interests of nature conservation and biodiversity of the adjoining River Wandle.

(16) No development shall commence until details of the holding tanks/storage vessels which will store run-off water and release it to the River Wandle have submitted to an approved in writing by the Local Planning Authority.

Reason: To reduce run-off from the site in order to reduce the risk of flooding.

(17) An 8m buffer zone alongside the watercourse shall be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To provide undisturbed refuges for wildlife using the river corridor. In order that river corridors can be of benefit to wildlife they should remain undeveloped and in a natural state. This should be designed to provide habitat for watervoles a protected species and UK priority Biodiversity Species. Any paths or decking should be located outside this zone. Any encroachment should be discussed with the Environment Agency.

(18) Prior to occupation of any part of the development hereby approved an Environmental Management Plan, containing the scheme for the maintenance and renewal of the river banks, including the enhancement of the riverside state within the Environmental Statement, and flooding management/ evacuation measures, has been approved by and implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the LPA. This must include the design, method of construction, dimensions and materials. Control of invasive species should be included.

Reason: To protect and enhance the ecological value of the River Wandle.

(19) All water crossings shall be by clear spanning structures (from banktop to banktop) that will not impede the river corridor and allow the migration of both channel and bank species.

Reason: This will maintain a continuous buffer strip and provide a corridor for the passage of wildlife and reduce the risk of pollution from run-off.

(20) No building or raising of ground levels shall take place on any part of the site liable to flood, equal to or below the flood level of 24.45m above Ordnance Datum Newlyn, for the 1 in 100 year event.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

(21) The Recommendations in Appendix 8 "Archaeological Assessment" (7th July 2014) shall be undertaken and completed on site prior to the erection of any dwelling and the details submitted to the Local Planning Authority for approval.

Reason: To ensure that there is an opportunity to properly investigate and record information on this site, which is considered to be of high archaeological potential.

(22) Prior to the first occupation of any building, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The relevant part of the approved lighting scheme shall be provided prior to the occupation of the relevant block to which it (as shown on supporting plan 'C2014/70533 - Construction Zones') and should include measures to prevent light spill into the watercourse, adjacent river corridor habitat and standing water habitats. The approved lighting scheme shall be implemented in accordance with the approved scheme and shall be maintained and retained thereafter.

Reason: In the interests of nature conservation and reduction in light pollution, and to ensure a safe and secure environment for the occupants of the site.

(23) There shall be no light spill into the watercourse, adjacent river corridor habitat and standing water habitats. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

Reason: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitat. This is of particular importance as the site is considered to be important for bats.

(24) Details of CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved CCTV scheme shall be implemented and operational before first occupation of the scheme and shall be retained and maintained thereafter.

Reason: To ensure a safe and secure environment for the occupants of the site.

(25) A Code for Sustainable Homes Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing within six months of work above ground level starting on the relevant block to which the Certificates relate (as shown on supporting plan 'C2014/70533 - Construction Zones') to show that a minimum Level 4 rating will be achieved for all of the dwellings.

Reason: To comply with Policy DM5 of Sutton's Site Development Policies Development Plan Document (March 2012).

(26) A Code for Sustainable Homes Final (Post-Construction) Certificate, issued by the BRE or equivalent authorizing body, must be submitted to the Local Planning Authority and approved in writing within three months of work above ground level starting on the relevant block to which the Certificates relate (as shown on supporting plan 'C2014/70533 - Construction Zones') to demonstrate that Level 4 has been achieved for all of the dwellings. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Policy DM5 of Sutton's Site Development Policies Development Plan Document (March 2012).

(27) Evidence (e.g. 'as-built' SAP outputs prepared under the Standard Assessment Procedure) should be submitted to the Local Planning Authority and approved in writing prior to the first occupation of the relevant block to which the evidence relates (as shown on supporting plan 'C2014/70533 - Construction Zones') to demonstrate that the development has been carried out in accordance with the approved energy strategy and secures 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). 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 Development Plan Document (March 2012).

(28) Prior to first occupation, written confirmation that the approved site drainage strategy 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 Sutton's Site Development Policies Development Plan Document (March 2012).

(29) The development must be constructed in accordance with the details approved by the Local Planning Authority in respect of the construction requirements below:

(i) at least 3 of the following elements are specified to achieve at least a B rating for reduced lifecycle impact according to the BRE Green Guide to Specification (a) roof (b) external walls (c) internal walls (d) floors (upper and ground); and (e) windows; and

(ii) at least 95% of timber and timber products are Forest Stewardship Council (FSC) accredited with the remainder being compliant with the UK Government's Timber Procurement Policy.

Reason: To comply with Policy DM5 of the Site Development Policies Development Plan Document (March 2012), Guidelines IPG11 and SDC12 of Sutton's Interim Planning Guidance (IPG) on 'Sustainable design and construction' and Sutton's One Planet Action Plan targets.

(30) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music or speech shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

(31) There shall be no storage of materials within eight metres of the watercourse. This must be suitably marked and protected during development and there shall be no access during development within this area. There shall be no fires, dumping or tracking of machinery within this area.

Reason: To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats.

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

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

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) 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.

(3) The applicant is encouraged to install a residential fire sprinkler system to reduce the potential consequences of a fire breaking out. Guidance is contained within British Standard DD251:2000 (contact Customer Services, BSI, tel: 020 8996 2001). Further information can be obtained from the residential Sprinkler Association (Tel: 0118 971 2322 or e-mail info@firesprinklers.org.uk).

(4) 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 6369 or e-mail street.naming@sutton.gov.uk.

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

(6) When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developer's expense.

(7) 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.

(8) The Highway Authority has no objection to the proposed development, subject to the conditions attached. However, if the applicant intends to offer any of the roadworks included in the application for adoption as maintainable highways, this permission under the Town and Country Planning Act shall not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

(9) 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.

(10) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.

(11) The applicant is reminded that the proposed minimum finished floor levels of the buildings across the development site must be raised to 25.05 above Ordnance Datum Newlyn as stated in the flood risk assessment. This figure takes into account freeboard of 300mm and 300mm for the climate change scenario. For further advice the applicant is advised to contact the Environment Agency.

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

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