

## PLANNING COMMITTEE - Date:30 March 2016

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

Ref: C2015/73309/FUL	WARD: C11 / WANDLE VALLEY	Time Taken: 14 weeks, 0 days
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Site: Land between 21 and 25 York Street, Mitcham Junction  
 Proposal: Erection of a two storey two-bedroom end of terrace house with roof accommodation.  
 Applicant: Mr Robert Graham  
 Agent: Mr Michael Calder

**Recommendation:****GRANT PLANNING PERMISSION**

**Reason for Report to Committee: De-delegated by Councillor Zuchowska.**

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

It is considered that the proposed new house would not be out of keeping with the character and appearance of the distinctive surrounding area, impact negatively on the amenity of neighbouring occupiers, have an inappropriate layout, impact negatively on parking and the public highway, and would not be unacceptable for any other reason as discussed below.

**1.0 BACKGROUND****1.1 Site and Surroundings:**

1.2 The application site is located on the eastern side of York Street and is flanked on either side by 21 and 25 York Street. The site comprises a yard area and a detached garage/store building that is set back slightly from the nominal building line. There is no vehicle crossover to the site from York Street.

1.3 The surrounding area is residential in character and features detached, semi-detached and terraced dwellings in a range of styles.

**1.4 Site Specific Designation:**

1.5 The site is within the Beddington Corner Area of Special Local Character (ASLC). The ASLC designation focuses on the Victorian terraces and semi-detached properties in the area, whilst also noting that 'cottage garden style' terraces are visible in the southern part of the designated area.

1.6 The site is also within an Architectural Priority Area as defined by the Council's Local Development Framework.

**1.7 Relevant Planning History:**

1.8 C2003/50564/FUL. Erection of a three storey building comprising one 1-bedroomed self contained flat and one 2-bedroomed maisonette. Refused June 2003.

1.9 C2009/61592/FUL. Erection of a two storey terrace house with roof accommodation. Refused November 2009. This application was refused for the following reasons:

- The proposed residential development would involve the loss of the existing storage use. The applicant has not demonstrated that (a) the retention of this use would have a significant adverse effect on residential amenity and (b) that the site has been properly marketed for employment generating uses without success;
- The proposed development due to its siting, bulk, and design, and its close proximity to the boundaries of the site, would adversely affect the outlook from, and the levels of daylight to the kitchen window in the adjoining flank wall of no. 25 York Street, and would adversely affect the outlook from the rear amenity areas of the adjoining occupiers. In addition, use of the proposed rear second floor Juliet balcony would result in an unacceptable level of overlooking and loss of privacy to the rear amenity areas of occupiers of adjoining properties;
- The proposed development, due to its siting, height, massing and design of the gable end roof and large box rear dormer incorporating a Juliet Balcony, would not satisfactorily relate to the scale, design and character of adjoining properties, and would adversely affect the character of the Beddington Corner Area of Special Local Character;
- The proposed development does not provide for off-street parking spaces, and the applicant has not demonstrated that the additional on-street parking generated by the development would not adversely affect local highways movement, amenity and safety conditions.

## 2.0 APPLICATION PROPOSALS

### 2.1 Details of Proposal:

2.2 Planning permission is sought to demolish the existing garage/store and erect a two-bedroom dwelling house. It would be attached to the northern side of 21 York Street to form a row of three terraced properties.

2.3 The proposed house would be of the same height, width, depth and roof style as the dwellings at 19 and 21 York Street. The proposed part one, part two storey rear projection would also reflect that of those two adjacent properties. A front porch is also proposed.

2.4 Four roof lights would be included to the roof slopes with two at front and two at rear.

2.5 The property would be finished in materials to match the adjoining properties at 19 and 21 York Street.

2.6 No parking spaces are proposed within the application site boundary.

### 2.7 Significant amendments to application since submitted:

2.8 Amendments to the on-street parking survey demonstrating overnight parking availability were submitted on 8 February 2016. Additional drawings were also submitted on 11 February showing overnight on-street parking availability and more accurately demonstrating the front driveway area.

## 3.0 PUBLICITY

### 3.1 Adjoining Occupiers Notified

#### 3.2 Method of Notification:

3.3 Consultation letters were delivered to six adjoining occupiers on 11 January 2016. A site notice was also posted close to the application site on 19 January 2016.

3.4 **Number of Letters Received:**

3.5 Three letters of objection have been received from 19, 21 and 27 York Street.

3.6 **Summary of Material Considerations:**

- Out of keeping with the character and appearance of the surrounding area;
- Does not reflect local distinctiveness;
- Loss of privacy;
- Loss of day/sunlight;
- Increased noise disturbance from proposed occupiers of the dwelling;
- Loss of on-street parking availability.

3.7 **Summary of Non-Material Considerations:**

- Notification of the planning application was not delivered widely enough;
- Permission would be required before the applicant could build onto a party wall;
- Impact on existing building foundations;
- Change in designation of property from semi-detached to terraced property;
- The applicant has undertaken building work to prevent the occupier at 25 York Street from objecting to this application;
- Disturbance from construction works;
- The information provided within the application is inaccurate.

3.8 **Official Consultation:**

3.9 Internal

3.10 Senior Highways Engineer – No objections.

3.11 Sustainability Officer – No objections, subject to conditions.

3.12 Environmental Health (Land Contamination) – No objections, subject to conditions.

3.13 External

3.14 Historic England (GLAAS) – No objections.

3.15 **Councillor Representation:**

3.16 The application has been de-delegated by Councillor Zuchowska on grounds of loss of privacy, loss of day/sunlight, overdevelopment of the site, and because the submitted survey provided insufficient/inaccurate information. In addition, the Councillor considered that the development would set an unacceptable precedent, although such matters are not a material planning consideration.

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 relevant policy documents comprise:

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

- The London Plan (2015);
- The Core Planning Strategy DPD;
- The Site Development Policies DPD;
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.

#### 4.2 Material Planning Policies Considered in Determining this Application

#### 4.3 London Plan

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3.8 Housing Choice
- Policy 4A.7 Renewable Energy

#### 4.4 Supplementary Planning Documents

- SPD5 Planning Obligations (as amended)
- SPD14 Creating Locally Distinctive Places

#### 4.5 Core Planning Strategy DPD

- BP1 Housing Density
- BP6 One Planet Living
- BP12 Good Urban Design and Heritage
- PMP1 Housing Provision
- PMP2 Suburban Heartlands

#### 4.6 Site Development Policies DPD

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene and Public Realm
- DM4 Historic Environment
- DM5 Sustainable Design and Construction
- DM6 Climate Change Mitigation
- DM7 Flood Risk
- DM8 Climate Change Adaptation
- DM12 Noise and Vibration
- DM13 Light Pollution
- DM19 Promoting Sustainable Transport and Accessibility
- DM22 Parking
- DM29 Housing Standards
- DM30 Housing and Back Garden Land

### 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:

- **Principle of Development**
- **Design Quality**
- **Impact on Neighbours**
- **Layout & Accessibility**
- **Trees & Landscaping**
- **Parking & Highways**
- **Sustainability & Flood Risk**
- **Archaeology & Land Contamination**

- **Financial Contributions**
- **Other Considerations**

5.2 **Principle of Development:**

5.3 The national and local policy context against which planning applications are assessed has changed since the most recent refusal on this site in 2009. The National Planning Policy Framework (NPPF) was brought in at national level in 2012 whilst the Council's Site Development Policies DPD also came into force in the same year.

5.4 The NPPF (para. 22) states that policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Furthermore, para. 51 of the same document states that Councils should normally approve planning applications for changes from commercial to residential use where there is local demand, and provided that there are not strong economic reasons why such development would be inappropriate. It is also noted that the NPPF para. 49 states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

5.5 Policy DM34 of the Site Development Policies DPD states that industrial sites outside of the main locations for industry are protected unless they are no longer viable. In order to demonstrate the site is not viable the policy states that information should be provided with detailed and convincing arguments to demonstrate that the ongoing commercial use is not viable in land use terms and is inappropriate for a residential area.

5.6 The application site contains a building with the external appearance of a garage, plus a yard area at rear that has been in long-term use for the storage of building materials. Such uses generally fall within Use Class B8 (Storage or Distribution). However, it is understood that the site is not used on a regular basis for commercial operations. No individuals are directly employed on the site itself and the building and yard area not connected to service facilities that would encourage the expansion of the business and employment uses at this site.

5.7 Furthermore, the site is located in an area that has been widely developed for residential purposes.

5.8 A supporting statement has been provided by the applicant that states there is little prospect of the site being let to potential commercial occupiers due to the residential location of the site and its relatively small size.

5.9 As such, the application is considered to be acceptable in terms of the principle of a change in land use terms to residential (Use Class C3) as the existing storage use is very limited and does not provide any direct local employment, has the potential to extend to impact negatively on the amenity of nearby residents should the business be expanded, and given that the surrounding area is highly residential in character.

5.10 However, the proposal must also be acceptable in respect of its visual appearance, impact on the surrounding area, effects on neighbouring amenity, parking and the public highway, and all other relevant issues. These matters are discussed in the sections below.

5.11 **Design Quality:**

5.12 Site Development Policies DM1 and DM3 states that the Council will only grant permission for development providing it maintains and enhances local character and the appearance of the surrounding area. Policy DM4 of the same document states that

the key elements of ASLCs should be respected. Core Policy BP12 states that the Council will seek to ensure that development respects local context and distinctive local character.

- 5.13 The proposed house with a gable-ended roof would be added to the end of a pair of semi-detached dwellings, also with gable-ended roofs, to form a short terraced row with properties of a similar appearance. The detailed design of the proposed property's frontage, such as the use of finishing materials, the layout of fenestration and the inclusion of a front porch, has been carefully considered to reflect similar features at the front of 21 York Street. The height, width and roof style of the proposed dwelling would also match that of both 19 and 21 York Street.
- 5.14 It is relevant to note that there is very little consistency to the detailed design of residential properties on this part of York Street. Although the site is located within an Area of Special Local Character, the key elements referred to in the designation of the ASLC are located to the north and south beyond the vicinity of the application site and therefore that designation does not preclude the erection of a residential property, as designed, in this location in the circumstances.
- 5.15 At the rear of the proposed property the part one, part two storey rear projection has a similar appearance to the projections located at the rear of 19 and 21 York Street, and thus it would not appear as an element of excessive size and bulk relative to the appearance of the proposed house or other properties in the area.
- 5.16 As such, it is considered that the erection of an infill property in this location would not be out of keeping with the local street scene or the character and appearance of the distinctive surrounding area due to its appropriate size, bulk and detailed design.
- 5.17 Therefore, the application would be acceptable in design terms.
- 5.18 **Impact on Neighbours:**
- 5.19 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. Policies DM12 state that noise sensitive locations such as housing should be protected.
- 5.20 The proposed property would be sited far enough from the dwellings on Percy Road (minimum 15m) so that it would not affect the occupiers of any dwellings on that street in terms of a loss of day/sunlight or outlook.
- 5.21 There are no windows in the northern side of 21 York Street and the proposed house would not extend beyond the rear walls of that neighbouring property at ground floor level. Furthermore, at first floor level the proposed rear projection would generally reflect the height and depth of the similar existing first floor rear projection at 21 York Street.
- 5.22 The occupier at 21 York Street has raised concern about loss of day/sunlight to their garden. However, although erecting a dwelling on the plot of land at 23 York Street may result in some loss of sunlight to that property's garden during late parts of the day, substantial amounts of daylight and sunlight would still reach that garden area for the remainder of the day. Furthermore, the day/sunlight reaching the windows of the dwelling at 21 York Street would not be affected.
- 5.23 As such, it is considered that the amenities of 21 York Street would not be adversely affected in terms of a loss of day/sunlight or outlook to a significant enough extent at which a refusal could reasonably be sustained on these grounds.

- 5.24 Furthermore, there are no windows in the southern side of 25 York Street and the proposed house would not extend beyond the rear wall of that neighbouring property. The window on the southern side of 25 York Street appears to have been filled in since the previous application on this site was decided. As such, 25 York Street would also not be adversely affected in terms of a loss of day/sunlight or outlook.
- 5.25 Overlooking from the upper floor windows of residential properties towards neighbouring garden areas already exists in this highly residential area and would not be significantly increased by the erection of a new dwelling in the proposed location. The occupier at 21 York Street has raised concern about loss of privacy to their upper floor windows. However, the positioning of windows at first floor level of the proposed house would not permit direct overlooking into the first floor windows of 21 York Street. As such, loss of privacy to neighbouring occupiers would not occur in this case.
- 5.26 The erection of a dwelling in this location would not lead to a significant increase in noise disturbance in this area given that several other residential gardens surround the site, noting that the house would only provide occupancy for a single family only and also given that the host site has the potential to facilitate the limited commercial expansion of its existing storage use.
- 5.27 Therefore, it is considered that the amenity of neighbouring occupiers would not be negatively affected by the proposal.
- 5.28 **Layout and Accessibility:**
- 5.29 By providing an internal living space of approximately 89sqm and a private garden amenity area in excess of 70sqm, the application comfortably meets the requirements of the Nationally Described Space Standards document, the London Plan and SPD14 in respect of such matters for two bedroom properties.
- 5.30 It is relevant to note that the overall internal height dimensions of the proposed roof space are not significant enough for that room to be considered 'habitable' and as such, although it is considered usable for storage purposes only, it would not form an additional bedroom for the purposes this application.
- 5.31 The proposed house would not meet all 'Lifetime Homes' standards. However, it would reflect the accessibility provisions of other properties in the area and would also be sufficiently internally adaptable to meet any additional access requirements in future if required.
- 5.32 Refuse and cycle storage provision has not been indicated on the submitted plans. Neighbouring properties store their bins within their respective front garden areas and a similar approach would be expected with this proposed dwelling. Space for cycle storage is available within the proposed garden. As such, the exact arrangement of these matters can be clarified by condition in the event that this application is approved.
- 5.33 Therefore, the proposed dwelling is acceptable in terms of its layout, amenity space provision and accessibility.
- 5.34 **Trees and Landscaping:**
- 5.35 Policy DM1 of the Site Development Policies DPD states that trees and other landscape features should be respected.

- 5.36 There are no trees within the vicinity of the application site that could be affected by the proposed erection of a new house in this location. The rear garden would need to be laid with appropriate soft landscaping and this matter can be dealt with by condition in the event that the application is approved.
- 5.37 As such, it is considered that the application would be acceptable in terms of its impact on trees/landscaping.
- 5.38 **Parking and Traffic:**
- 5.39 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. Policy DM19 of the same document states that developments should make provision for sustainable transport modes.
- 5.40 For a two bedroom property one off-street parking space would typically be required in order to meet the requirements of Policy DM22. However, it is noted that in this area the majority of properties, including those at 19 and 21 York Street, do not benefit from any off-street parking. Accordingly, if the proposed property is to be designed and located to respect the character and appearance of neighbouring dwellings, it is considered reasonable that a similar parking arrangement should also be considered on its own merits.
- 5.41 Despite this, it is still necessary for the applicant to demonstrate that the required space for one car to be parked is available on-street during overnight periods. Letters have been received from local residents claiming that parking spaces are not available in York Street or the surrounding roads overnight.
- 5.42 The applicant has provided a parking survey and an associated plan in support of this application. The survey provides photos taken during night-time periods (i.e. after 8pm on weekdays) to show that several on-street parking spaces are available outside of working hours.
- 5.43 It is also relevant to note that the existing garage/store on site has not been used to park vehicles for a substantial number of years and therefore its replacement with a new house would not lead to a direct increase in on-street parking from the loss of an existing off-street parking area.
- 5.44 As such, the Council's Senior Highways Engineer has raised no objections to the application.
- 5.45 Therefore, the proposal is considered to be acceptable in parking and highway terms.
- 5.46 **Sustainability and Flood Risk:**
- 5.47 The applicant has submitted an Energy Statement to demonstrate that the proposed dwelling is on track to meet several requirements of Policy DM6 and London Plan Policy 5.2 in line with the Mayor's be lean, be clean, be green energy hierarchy, such as:
- High standards of building fabric energy efficiency;
  - Passive solar gain;
  - Efficient gas condensing boiler system;
  - Solar PV panels;



- The development will achieve a 20.4% reduction in CO2 emissions compared to the target emission rate (TER) based on Part L1A of the 2013 building regulations (or 26.4% compared to Part L1A 2010);
- The contribution of on-site renewables to reducing total CO2 emissions from the site (regulated + unregulated) is 10.7%.

5.48 These provisions have been considered acceptable by the Council's Sustainability Officer and will be secured by condition in the event that planning permission is granted.

5.49 Although the site is located within EA Flood Zone 1 (low risk of fluvial flooding) and is under 1 hectare, a site specific Flood Risk Assessment (FRA) is required by part (a) of Policy DM7 of the Site Development Policies DPD since the site is located within the Hackbridge Critical Drainage Area identified within the Borough Surface Water Management Plan (SWMP).

5.50 The Council's Sustainability Officer has considered that, in this case, it is reasonable that a FRA can be secured by condition in the event that planning permission is granted.

5.51 Therefore, the application is acceptable in terms of its impact on sustainability and flood risk considerations.

5.52 **Archaeology and Land Contamination:**

5.53 The application site is located within an area designated as being of archaeological importance and therefore Historic England has been consulted on this application. As the proposal is for the erection of a new house on a building plot that has already been developed Historic England has raised no objections to the application. As such, the application is considered to be acceptable in archaeological terms.

5.54 The site has previously been used for the storage of building materials including bricks and scaffolding and there is no direct evidence that contaminating commercial activities have taken place at the site. However, the Council's Environmental Health Officer for Land Contamination has commented to state that the potential for land contamination still exists from both the existing use and as from past uses of the site. It is understood that contaminating operations occurred within neighbouring sites during the recent past. As such, although no objections are raised to the development coming forward, conditions are recommended to ensure that land contamination is assessed and dealt with as appropriate, if required.

5.55 Therefore, subject to conditions, the application is considered to be acceptable in terms of its contaminating impacts.

5.56 **Financial Contributions:**

5.57 The total Community Infrastructure Levy (CIL) payment relating to 60.88sqm of new development (floor space of new house minus the floor space of the existing garage) would be £8475.61, divided into £1496.06 for the Mayor of London (at £20psqm, index-linked) and £6979.55 for the London Borough of Sutton (at £100psqm, index-linked).

5.58 It is understood that as the application is for a single new dwelling this development may be considered a 'self-build' proposal that would not be liable for CIL. However, the applicant would need to live in the property themselves for a period of three years, post-construction, for this exemption to apply. As such, in line with the Council's CIL

procedure, the applicant will be served a demand notice for CIL unless the 'self-build' status of the property can be formally demonstrated post-construction.

5.59 **Other Considerations:**

5.60 Public Consultation

5.61 Comments have been received from local residents stating that insufficient public consultation was undertaken. However, the Council consulted residents in line with its Statement of Community Involvement document. It is relevant to note that a public notice was posted in close proximity of the application site for local residents to view.

5.62 Non-Material Planning Considerations

5.63 Party wall issues and the potential impact of the construction on existing building foundations are legal matters between the relevant parties concerned and as such these are not matters that are assessed as part of the planning process.

5.64 The construction works associated with developments are also controlled by other legislation. The altering of a property from being termed as a semi-detached house to a terraced house, or any potential loss of property value that may occur as a result, is also not a material planning consideration and as such has not been assessed as part of this application.

5.65 It should be noted that planning applications are considered on the basis of the site conditions and supporting information provided at the time of submission. Letters have been received stating that a previously existing side window at a neighbouring property to the application site was filled-in by the site owner in order to facilitate the development. The indication is that all appropriate parties are complicit in that arrangement. Furthermore, the information provided with the application has been considered sufficient for the Council to make an informed and accurate decision on this application.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 It is considered that the proposed new house would not be out of keeping with the character and appearance of the distinctive surrounding area, impact negatively on the amenity of neighbouring occupiers, have an inappropriate layout, impact negatively on parking and the public highway, and would not be unacceptable 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: C2015/73309/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: **C2015/73309**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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C2015/73309/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

Land between 21 and 25 YORK STREET Mitcham Junction

Erection of a two storey two-bedroom end of terrace house with roof accommodation.

## 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: 001, 01-03, 04 Rev. A, 05-08, P01, 'front yard' plan.

In addition, the following supporting documentation has formed part of the material consideration of this application: Energy Statement, letter from Stuart Edwards Fullmoon dated 30th March 2015, Design and Access Statement, Planning Statement, York Road Traffic Report (as amended 8th February 2016).

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

(3) The type and treatment of the materials to be used on the exterior of the dwelling shall be approved in writing by the Local Planning Authority prior to the development being carried out. Samples and/or brochure materials shall be submitted where

appropriate. The approved materials shall be used in the construction of the development hereby approved and the development shall be completed prior to its occupation/use.

Reason: To safeguard the visual amenities of the area.

(4) No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed scheme of hard and soft landscaping for the front and rear gardens and vehicle hardstandings. Hardstanding areas shall be constructed of permeable materials. The agreed measures shall thereafter be implemented and retained as such.

Reason: To protect the visual amenity and privacy of residential occupiers.

(5) 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 occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure landscaping schemes, provide where appropriate adequate privacy and screening, boundary treatments and promote satisfactory townscape.

(6) Details of secure and covered cycle storage and refuse storage provision shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The approved details shall be installed and retained as long as the development is in existence.

Reason: In order to meet the Council's highways and waste management policies.

(7) Prior to occupation, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing to demonstrate that the new dwelling will achieve at least a 19% reduction in CO<sub>2</sub> emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. If the development is unable to meet the required reduction in CO<sub>2</sub> 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

(8) Prior to building work starting on site, a site specific Flood Risk Assessment (FRA) together with a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SUDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The proposed scheme should ensure that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as

reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. Prior to first occupation of the dwelling, 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.

Reason: To comply with Policy DM7 of Sutton's Site Development Policies DPD.

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

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. 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.

(11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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-D to Part 1 of Schedule 2 to that Order.

Reason: To protect the amenities of neighbouring occupiers

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

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

#### INFORMATIVES.

(1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.

(2) 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.

(3) The Council was able to negotiate successfully with the applicant to amend the application so that it complied with the relevant policies. Sutton Council has accordingly granted planning permission.

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

(5) The Council consider that this permission is liable for a contribution under the Community Infrastructure Levy (CIL).

Please note that if you commence work without giving prior notice of the start date the CIL charge must be paid immediately.

(6) The contaminated land assessment shall include:

(a) a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology to quantify the risks to the future users from the private public gardens;

(b) a site investigation report, in accordance with BS 5930:2015 (Code of Practice for Site Investigations & BS10175:2011 + A1 2013 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy;

(c) all work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DEFRA documents Contaminated Land Research Reports, CLR Series.

(7) The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

All work should be in accordance with the HSE document 'Protection of workers & the general public during the development of Contaminated Land'.

The decommissioning and removal of all redundant fuel storage tanks is to be in accordance with the Health and Safety Executives (HSE) Health and Safety Guidance.

(8) The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be

included in the closure report together with the necessary 'Duty of Care' documentation detailing what waste materials have been removed from the site.

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