

PLANNING COMMITTEE - Date: 29 June 2016

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

Ref: A2016/73996/FUL	WARD: A02 / NONSUCH	Time Taken: 4 weeks, 1 days
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Site: 239-241 Cheam Common Road and Land to the rear of 225, 227 and 229 Cheam Common Road, Worcester Park , KT4 8ST

Proposal: Redevelopment of the existing commercial and residential garden site to provide a mixed retail and residential development comprising a terrace of eight 3-bedroomed three storey houses. Erection a two storey extension to the existing Class B8 ancillary retail / office building to create a ground floor shop unit and conversion of the extended space above to create a 2-bedroomed self contained flat. Provision of cycle and refuse storage and 12 car parking spaces.

Applicant: Mr T Mees

Agent: Mrs J Tasker

**Recommendation:**

**GRANT PLANNING PERMISSION**

**Reason for Report to Committee:** The application has been de-delegated by Councillor Broadbent.

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

- The land use principle of the redevelopment of this site is acceptable as the site currently represents an unconforming, historic use within a predominantly residential area.
- The residential garden area and B8 (Distribution and Storage) Use Class are not protected by existing planning policies and therefore the alternative use of the site for residential purposes is acceptable.
- The design and scale of the proposed dwellings is considered to be acceptable and given the back land position of the site, would not cause harm to the character and appearance of the area and streetscene.
- The proposed dwellings would not give rise to additional increased levels of overlooking or loss of privacy to neighbouring occupiers and no adverse impact in terms of noise and disturbances, as such the proposal is considered acceptable in terms of its relationship to neighbouring occupiers.
- The quality of the proposed accommodation is be acceptable and complies with current housing standards.
- The proposal would not adversely affect local parking or highway safety conditions.

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

1.2 The application site is located on the western side of Cheam Common Road, close to the junction with Griffiths Close. The site is accessed between 239 and 241 Cheam Common Road.

1.3 The site comprises a commercial timber merchant which includes a substantial covered storage unit in association with the timber storage use. The area is wholly laid to hardstanding providing informal parking. The ground floor of 241 Cheam Common Road is utilised as the retail element of the timber merchant with an integrated residential unit above.

1.4 The application site also comprises a section of garden land belonging to numbers 225, 227 and 229 Cheam Common Road.

1.5 The site measures a maximum depth of 53.6 metres, and 45 metres wide covering an area of approximately 1,500sqm.

1.6 The surrounding area is comprised predominantly of commercial properties with ancillary accommodation on the upper floors. Some residential properties are also located to the north and west of the site.

**1.7 Site Specific Designation:**

- Limit of Sustainable Residential Development

**1.8 Relevant Planning History:**

1.9 The application site has been the subject of a number of planning applications since 1972 in relation to the existing use. The most relevant history being:

1.10 A2005/55074/FUL – Demolition of former builders yard and erection of a terrace of six 2-bedroomed 2-storey houses together with nine car parking spaces and alterations to access. Permission refused on grounds of a lack of marketing information to demonstrate that the premises is no longer viable for employment generating use.

1.11 A2006/55494/FUL - Demolition of former builders yard and erection of a terrace of six 2-bedroomed 2-storey houses together with nine car parking spaces and alterations to access. Permission refused on grounds of a lack of marketing information to demonstrate that the premises is no longer viable for employment generating use.

1.12 A2015/72326/FUL - Demolition of timber yard buildings and part lowering of ground level; Provision of a mixed development comprising retention of building at front for retail use on ground floor and a 2 - bedroomed maisonette over involving a two storey rear extension, a first floor rear extension and loft conversion involving rooflights at front and rear; Erection of five 3 - bedroomed three storey town houses at rear together with eight car parking spaces, domestic sheds (for two dwellings), refuse and cycle facilities and associated hard and soft landscaping. Granted on 30 November 2015.

**2.0 APPLICATION PROPOSALS****2.1 Details of Proposal:**

2.2 The application seeks full planning permission for the comprehensive redevelopment of the existing commercial backland and residential garden site involving the lowering of the ground level for the provision of a mixed retail and residential development involving the retention of the building at front for retail use on ground floor and a 2-bed self contained flat above including the erection of a two storey rear extension, a first floor rear extension and loft conversion with rooflights at front and rear and the erection of a terrace of 8 three storey houses together with 12 car parking spaces, refuse and cycle facilities and associated hard and soft landscaping.

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

2.4 The site address was amended to include 'garden land to the rear of 225, 227 and 229 Cheam Common Road'.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

3.3 Letters were sent to 20 adjoining occupiers and a site notice was posted near the site on the 18 April 2016.

3.4 A further re-consultation was carried out on the 1 June 2016. Any further comments received will be reported by addendum to the committee.

3.5 **Number of Letters Received:**

3.6 Four letters of representation have been received from 2 addresses – 3 objecting to the proposal and 1 in support.

3.7 Three letters of objection were received from the occupiers of 223 Cheam Common Road and a letter of support was received from 227 Cheam Common Road.

3.8 **Summary of Material Responses in objection:**

- Overbearing appearance
- Loss of privacy / overlooking
- Loss of light
- Overdevelopment
- Noise and disturbance

3.9 **Summary of Material Responses in support:**

- Development would improve current unsightly appearance of site.

3.10 **Official Consultation**

3.11 **Internal:**

3.12 **Senior Highways Engineer:**

3.13 No objection subject to condition to secure the parking provision.

3.14 **Sustainability Officer:**

- 3.15 No objections subject to conditions to secure the submission of an energy statement and a site specific Flood Risk Assessment.
- 3.16 **Land Contamination Officer:**
- 3.17 No objections subject to conditions to secure a contaminated land assessment and associated remedial strategy.
- 3.18 **Environmental Health Officer:**
- 3.19 No objections subject to conditions to secure a construction management plan and a scheme detailing additional sound reduction measures, to be installed to the separating floor / ceiling constructions of the retail and residential unit.
- 3.20 **External:**
- 3.21 None.
- 3.22 **Councillor Representation:**
- 3.23 The application has been de-delegated by Councillor Broadbent for reasons of overlooking, loss of privacy and access issues.

#### 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
  - National Planning Practice Guidance
  - The London Plan
  - The Core Planning Strategy DPD
  - The Site Development Polices DPD
  - Adopted London Borough of Sutton Supplementary Planning Guidance documents.

Material Planning Policies Considered in Determining this Application:

- 4.2 **The London Plan:**
- 2.5 - Sub-regions
  - 2.6 - Outer London: vision and strategy
  - 2.7 - Outer London: economy
  - 2.8 - Outer London: transport
  - 3.3 - Increasing Housing Supply
  - 3.4 - Optimising Housing Potential
  - 3.5 - Quality and Design of Housing Developments
  - 3.8 - Housing Choice
  - 3.9 - Mixed and Balanced Communities
  - 4.1 - Developing London's Economy
  - 5.1 - Climate change mitigation
  - 5.2 - Minimising carbon dioxide emissions
  - 5.3 - Sustainable design and construction
  - 5.7 - Renewable energy
  - 5.13 - Sustainable drainage

- 5.21 Contaminated land
- 6.2 - Providing public transport capacity and safeguarding land for transport
- 6.3 - Assessing effects of development on transport capacity.
- 6.7 - Better streets and surface transport.
- 6.9 – Cycling
- 6.10 Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 7.1 - Lifetime Neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing Out Crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.14 - Improving Air Quality
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 - Biodiversity and Access to Nature
- 8.2 - Planning obligations
- 8.3 - Community infrastructure Levy

#### 4.3 **The Core Planning Strategy:**

- PMP1 - Housing Provision
- PMP2 - Suburban Heartlands
- BP6 - One Planet Living
- BP9 - Enabling Smarter Travel Choices – An Area – Based Approach
- BP10 - Transport – Strategic and Borough Wide Proposals
- BP12 - Good Urban Design and Heritage
- DP2 - Planning Obligations
- DP3 - Infrastructure Requirements and Delivery

#### 4.4 **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
- DM9 - Water Supply, Water Quality and Sewerage Infrastructure
- DM11 - Contaminated Land
- DM12 - Noise and Vibration
- DM17 - Biodiversity, Habitats and Species
- DM19 - Promoting Sustainable transport and accessibility
- DM20 - Assessing the transport impact of new development
- DM21 - New development and the Highway Network
- DM22 - Parking
- DM26 - Housing Mix
- DM29 - Housing Standards
- DM30 - Housing and Back Garden Land
- DM31 - Social and Community Infrastructure

#### 4.5 **Supplementary Planning Guidance/Documents:**

- SPD5 - Planning Obligations
- SPD13 - Transport Assessments and Travel Plans, adopted 2008
- SPD14 - Creating Locally Distinctive Places (Urban Design Guide)
- 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:

- Principle of Development
- Design Quality and Impact on Street Scene
- Impact on Neighbours
- Quality of Proposed Accommodation
- Traffic & Parking
- Refuse/Recycling
- Trees and Landscaping
- Sustainability
- Planning Obligations
- Other Material Considerations

## 5.2 **Principle of Development**

5.3 Government guidance requires Local Authorities to make the best use of urban land within the Borough while safeguarding the quality of the surrounding environment and the amenity of neighbouring residents. This guidance is reflected in the Council's Development Plan Policy. The National Planning Policy Framework states that local authorities should actively promote sustainable development attaching significant weight to the benefits of social and economic growth.

## 5.4 Redevelopment of Timber / Builders Merchants Yard:

5.5 The proposal seeks the redevelopment of a brownfield site for residential purpose. The area is residential in character and consists of semi-detached dwellings. The NPPF (paragraph 51) states that Councils should normally approve planning applications for change to residential use from commercial buildings where demand (for residential) exists in that area and provided that there are no strong economic reasons why such development would be inappropriate.

5.6 The application site currently represents an unconforming, historic use within a predominantly residential area. The current occupier has a number of more suitable premises within the vicinity which are better suited for the current operation. In addition, the B8 (Distribution and Storage) Use Class is not protected by existing planning policies and therefore the alternative use of the site for residential purposes is acceptable.

5.7 The principle of redeveloping the site for residential purposes has already been considered acceptable in November 2015 when planning permission was granted for the erection of five houses, reference 2015/72326/FUL. Given this existing approval, it is considered that the current proposal is acceptable in land use terms.

5.8 Notwithstanding the loss of the employment use on the land the proposed development would retain a retail unit fronting Cheam Common Road. As such the proposed mixed use development is considered acceptable.

5.9 Garden Land Development:

- 5.10 The National Planning Policy Framework states that Local Planning Authorities (LPA) should consider setting out policies which resist garden land development where it would cause harm to the local area. This view is supported by policy 3.5 of the London Plan. Policy DM30 of the Site Development Policies (DPD) states that garden land will not be developed where it currently makes an important contribution to the character and appearance of the surrounding area.
- 5.11 The application site comprises an area of garden land to the rear of 225, 227 and 229 Cheam Common Road. The application seeks the redevelopment of the land for residential purposes, as part of the application site.
- 5.12 As noted earlier in this report, planning permission was granted in November 2015 for the redevelopment of the timber merchant yard (ref: 2015/72326/FUL). The current proposal would continue the consented building line and footprint to provide a further 3 houses to the rear of 225, 227 and 229 Cheam Common Road.
- 5.13 The surrounding area is residential in character and the land at present makes an important contribution to the character and appearance of the surrounding area however its loss through its incorporation as part of a larger backland development site would not cause harm to the prevailing character of the area. The principle of developing the land for residential purposes would be acceptable in land use terms noting the proposed dwellings would not be prominent within the streetscene. Furthermore, the site is located within a sustainable residential area where intensification of such residential use is supported.
- 5.14 On balance, the current proposal makes a more efficient use of the site and complies with policy 3.4 of the London Plan by optimising the housing output for this location. It is therefore considered that the principle of redevelopment is appropriate and acceptable in land use terms, subject to compliance with other policies in terms of design, neighbouring amenity impact, the quality of the proposed accommodation and other highway considerations.
- 5.15 **Design Quality and Impact on Street Scene:**
- 5.16 The National Planning Policy Framework highlights a presumption in favour of sustainable development as long as the back garden proposal would not harm the character and appearance of the surrounding area, although it also states that new development should add to the overall quality of the area. Policy 3.5 of the London Plan states that all new housing should enhance the quality of local places, considering physical context, character, density and inclusivity.
- 5.17 Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' along with the London Plan Policy 7.6, requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.
- 5.18 The proposal seeks planning permission for a terrace of eight three storey three bedroom dwellings. The proposed buildings would not be readily visible from Cheam Common Road, except through the existing access point and would be largely screened from the street by the existing street facing buildings. The design of the proposed houses would be contemporary in style, comprising a brick finish with metal cladding. The proposed houses would be similar in height, scale and massing to the

existing structures on the timber merchant yard. Noting that there are a variety of design styles in the area, the contemporary design is considered to be acceptable and would complement its immediate surroundings.

- 5.19 The proposed houses would have adequate separation between the dwellings and the site boundaries. The houses would be adequately positioned within the site, so as not to appear cramped within their setting and allows for significant amenity areas around the site for soft landscaping and tree planting, as such, enhancing the visual characteristics on the site.
- 5.20 The application proposes the erection of a two storey rear extension, a first floor rear extension and loft conversion with rooflights at the front and rear of the existing frontage building. Given the position of the extensions and their limited footprint it is considered that they are acceptable in terms of their design and scale.
- 5.21 Overall, it is considered that the proposed development presents a high quality design that would complement the existing character of the area. The development would offer a significant visual improvement on the existing situation and as such the proposal is considered acceptable in design terms and in accordance with the NPPF, the London Plan 2015 and the Site Development Policies DPD.
- 5.22 **Impact on Neighbours:**
- 5.23 Policy DM2 of the Site Development Policies DPD states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties or has an unacceptable impact on the surrounding area.
- 5.24 To the north-west of the site the proposed dwellings would replace an open storage building of a similar height, bulk and scale and as such, noting the significant separation distances the proposal would not adversely impact on the adjoining occupiers to the east through a loss of outlook, light or privacy.
- 5.25 It is noted that concerns have been raised by the occupiers of no. 223 Cheam Common Road regarding potential amenity impacts to their property. This property is in excess of 24 metres from the proposed houses. Given the substantial separation distances it is considered that there would be no adverse impacts in terms of loss of light or privacy. Furthermore, the flank windows on Unit 8 would be obscure glazed to prevent overlooking into the garden of no. 223 Cheam Common Road.
- 5.26 The proposal would be located adjacent to the boundary of Cheam Common Junior School, adjacent to an outside play area. The proposal includes louvered screens to the first floor balconies and high level windows at second floor level to prevent overlooking. The houses would be between 7.5 metres and 10 metres from the shared boundary with the school site and a minimum of 30 metres from the school building. Given the separation distances to this boundary and the use of louvered screens and high level windows it is considered that there would not be an adverse impact in terms of a loss of privacy to the adjacent school site.
- 5.27 Given the existing use of the site as a timber / builders merchants yard it is considered that any disturbance arising from the proposed use through additional vehicle movements or from the use as residential dwellings would not be to a level that would be over and above that of the existing use.
- 5.28 The limited height and projection of the proposed extensions to the frontage building would not result in any adverse impact to adjoining occupiers.



- 5.29 Consequently, it is considered that the proposal would not have an adverse affect on the amenity of the occupants of the neighbouring properties to an unacceptable level through any loss of light, outlook, noise and disturbance or privacy.
- 5.30 **Layout and Amenity of Future Occupiers:**
- 5.31 The size of the proposed dwellings has been assessed against the minimum space standards stipulated within the London Plan. The dwellings would exceed the minimum floorspace standards of the London Plan and it is clear that the proposed houses and the flat within the frontage building would function as intended family houses and flatted units. It is therefore considered that the standard of accommodation is acceptable.
- 5.32 Policy DM29 outlines that amenity space provision should be in line with the provisions of the Urban Design SPD. SPD14 requires adequate provision of private amenity space advising that a minimum of 25sqm of private garden space should be provided for flats. The London Plan requires a significantly lesser amount of, 5 sqm, private amenity space per unit.
- 5.33 Each of the proposed dwellings would have access to private secure amenity space in form of private rear gardens.
- 5.34 Overall, it is considered that the proposed development would provide an acceptable level of amenity space for future occupiers. As such, subject to conditions to secure details of hard and soft landscaping, the proposal would be acceptable in terms of its layout and amenity of future occupiers.
- 5.35 **Traffic and Parking:**
- 5.36 The proposed development would utilise the existing vehicular access and crossover to provide vehicle and pedestrian access to the site. Twelve car parking spaces would be provided on site. One each for the proposed houses with the additional spaces allocated for visitor parking.
- 5.37 Whilst the parking provision would provide one space less than the Council's maximum parking standards as set out in policy DM22, the Senior Highways Engineer has raised no objection to the development on highways or parking grounds. Noting the sites location within the limits of sustainable residential development and that there is good access to public transport within the vicinity it is considered that the proposed parking provision would be acceptable.
- 5.38 The Senior Engineer has not raised objections to the traffic movement associated with the number of dwellings proposed. Therefore, noting an acceptable parking provision is provided within the site and the separation between the proposed parking spaces and the existing residential dwellings, it is considered that the use of the accessway and the parking spaces would not result in demonstrable harm to the future occupiers or adjoining occupiers through noise and disturbance or fumes from vehicles.
- 5.39 14 cycle parking spaces would be provided for the development. The cycle parking spaces would be provided in accordance with the minimum London Plan standards and therefore the proposed provision is considered acceptable.
- 5.40 As such, the Senior Highways Engineer raises no objection to the proposal subject to conditions to secure the car and cycle parking and the proposed level of parking is considered acceptable. The proposal would not have any significant impact on the operation or safety of the highway network.

5.41 **Refuse and Recycling:**

5.42 The submitted plans indicate that refuse and recycling bins would be provided for all of the proposed residential units. Should the application be approved a condition is recommended to request further information regarding the storage and collection arrangements for both the retail and residential elements of the development. Therefore, subject to condition it is considered that the proposals would be acceptable in terms of refuse and waste provision.

5.43 **Trees:**

5.44 Policy DM1 states that development should respect and retain, where possible, existing landforms and the natural features of the site including trees of amenity value, hedges and other landscape features, and make suitable provision for high quality additional landscaping.

5.45 There are no protected trees located within the site, and the application is not considered to have an adverse effect on any significant trees. The proposals are considered to be generally acceptable and should the application be approved conditions would be included to secure a high quality landscaping scheme to include details of planting and maintenance.

5.46 **Sustainability:**

5.47 Policy 5.2 of the London Plan requires developments to make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimising carbon dioxide emissions according to the following hierarchy: use less energy through the use of passive design and energy efficiency measures, supply energy efficiently through the use of decentralised energy provision and generate renewable energy on-site. Further guidance is contained in the Council's IPG11 'Sustainable design and construction', Policy BP6 'One Planet Living' of the Core Planning Strategy DPD, and Policies DM5 and DM6 of the Site Development Policies DPD, which promote the highest standards of sustainable design and construction within the Borough in support of the Council's vision of 'Creating a sustainable suburb'.

5.48 Should the application be approved, a condition would be included to ensure that an energy strategy is prepared and submitted to the Council in order to demonstrate that the targets set out in Policy DM6 and London Plan Policy 5.2 will be delivered in the completed development.

5.49 Policy DM9 of the Site Development Policies DPD requires all residential developments to be designed to achieve good practice standards of water efficiency by ensuring that internal potable water consumption is limited to 105 litres per person per day (l/p/d). As such, should the application be approved a condition would be included to secure the submission of a completed Water Efficiency Calculator for New Dwellings prior to the commencement of development.

5.50 Policy DM7 of the Site Development Policies DPD, London Plan Policy 5.13 and the Mayor's Sustainable Design and Construction SPG require all proposed developments to:

- use SuDS unless there are practical reasons for not doing so and aim to achieve greenfield run-off rates by managing surface water run-off as close to its source as possible in line with the Mayor's drainage hierarchy;

- ensure that the runoff rate at peak times is no more than three times the calculated greenfield rate;
- as a minimum, achieve at least 50% attenuation of the site's surface water runoff at peak times compared to previous conditions on the site (i.e. prior to redevelopment); and
- ensure a minimum discharge rate of 5 litres per second per outfall; and
- give consideration to green roofs, walls or site planting measures where feasible.

5.51 The site is located within EA Flood Zone 1 (low risk) and is under 1 ha, a site specific Flood Risk Assessment (FRA) is required under Policy DM7 given that the site is located within the Worcester Park Critical Drainage Area identified in the Borough Surface Water Management Plan. As such, should the application be approved a condition would be included to secure the submission of a site specific Flood Risk Assessment (FRA) together with a scheme for the management of surface water runoff.

5.52 The Council's Sustainability Officer has been consulted and raises no objection subject to recommended conditions to secure the above.

5.53 **Secure by Design:**

5.54 Policy 7.3 of the London Plan 2015 relates to designing out crime and advises that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

5.55 Noting that the proposal would provide a mixed use residential and retail development it is recommended that a condition be included to secure further details from the applicant regarding proposals to ensure compliance with Policy 7.3 of the London Plan and to ensure that the development would provide a safe and secure environment for both retail and residential users.

5.56 **Contamination:**

5.57 Policy 5.21 (Contaminated land) of the London Plan 2015 states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Site Development Policy DM11 advises that the Council will permit development proposals on or near potentially contaminated sites, provided that a detailed site investigation is undertaken prior to the start of construction.

5.58 A Phase 1 Desk Study has been submitted in support of the application which has been reviewed by the Council's Environment Health officer. The submitted site assessment recommends that a phase 2 site assessment should be completed to assess the nature and extent of any contamination. The Council's Environment Health officer has suggested conditions to secure this. Therefore, subject to conditions it is considered that the proposal would be in accordance with Policy 5.21 of the London Plan 2015 and Policy DM11 of the Site Development Policy DPD.

5.59 **Planning Obligations:**

5.60 The proposed development would be liable for the London Borough of Sutton's Community Infrastructure Levy (CIL) as well as the Mayor of London's CIL. All residential developments are required to pay CIL on any new floorspace or net increase of existing floorspace.

5.61 CIL would be liable for the new dwellings. 3 of the houses would have a floor area of 112.35 sqm each and 5 of the houses would have a floor area of 120.66 sqm each. The total floor area liable for CIL is 940.35 sqm.

5.62 The total CIL liable for the development would be approximately £129,002.82 (£22,770.81 Mayoral CIL and £106,232.01 London Borough of Sutton CIL).

## 6.0 CONCLUSION AND RECOMMENDATION

6.1 In light of the in principle decision for the redevelopment of the site for 5 houses, it is considered that the provision of eight terraced dwellings including a retail unit with a residential flat above on the site noting that the surrounding area is predominantly residential in nature, would be acceptable.

6.2 The B8 (Distribution and Storage) Use Class is not protected by existing planning policies and therefore the alternative use of the site for residential purposes is acceptable. The incorporation of part of the residential garden of no's 225, 227 and 229 Cheam Common Road is acceptable.

6.3 The design and scale of the proposed dwellings is considered to be acceptable and given the back land position of the site, would not cause harm to the character and appearance of the area and streetscene.

6.4 The proposed dwellings would not give rise to increased levels of overlooking or loss of privacy to neighbouring occupiers and no adverse impact in terms of noise and disturbances, as such the proposal is considered acceptable in terms of its relationship to neighbouring occupiers.

6.5 The quality of the proposed accommodation is acceptable and complies with current housing standards.

6.6 The proposal would not adversely affect local parking or highway safety conditions.

6.7 It is therefore recommended that the application be approved, subject to the recommended conditions.

Background Papers: A2016/73996/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: **A2016/73996**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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A2016/73996/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

239-241 CHEAM COMMON ROAD and Land to the rear of 225, 227 and 229 CHEAM COMMON ROAD Worcester Park KT4 8ST

Redevelopment of the existing commercial and residential garden site to provide a mixed retail and residential development comprising a terrace of eight 3-bedroomed three storey houses. Erection a two storey extension to the existing Class B8 ancillary retail / office building to create a ground floor shop unit and conversion of the extended space above to create a 2-bedroomed self contained flat. Provision of cycle and refuse storage and 12 car parking spaces.

## 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 and documents:

Drawing no. D-110, D-111 Rev A, D-112 Rev B, D-113 Rev C, D-114 Rev B, D-115 Rev B, 2016/3099/001, 2016/3099/002, Design & Access Statement, Planning Statement, Phase 1 Desk Study by Lustre Consulting dated February 2016 (ref: 1516\GH\2-2016\430).

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

(3) All external facing materials, treatments and finishes shall be as indicated on the approved plans and in the approved design and access statement. Where this is not possible the type and treatment of the materials to be used shall be agreed in writing by the Local Planning Authority prior to the development being carried out.

Reason: To safeguard the visual amenities of the area in accordance with the London Plan, Policy BP12 of the Core Planning Strategy and Policies DM1 and DM3 of the Site Development Policies DPD.

(4) The development shall not begin until a Construction Method Statement/Environmental Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) construction traffic routing
- (f) means to prevent deposition of mud on the highway
- (g) means to control dust and emissions

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

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

(5) The development shall not be occupied until space has been laid out within the site in accordance with Drawing No. D-112 Rev B dated 3rd February 2015 to provide 12 parking spaces within the site, 4 of which shall be designated visitor parking spaces. The parking and turning areas shall be used and permanently retained exclusively for their designated purpose.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety in accordance with Policy DM22 of the Site Development Policies.

(6) 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 8.00 am and 1.00pm on Saturdays and not at all on Sundays, Public and Bank Holidays.

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

(7) The development hereby approved shall not commence until a contaminated land assessment and associated remedial strategy, has been submitted to, and agreed in writing by the local Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Policy PNR 3 of the Sutton Unitary Development Plan.

(8) 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 in accordance with the aims and objectives of Policy PNR 3 of the Sutton Unitary Development Plan.

(9) 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

(10) 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) Any window/s on the flank walls of the dwellings hereby approved shall be fitted with obscured glazing that shall be fixed shut up to a height of 1.7 metres above the finished floor level of the room that those windows serve, the remaining elements above may be clear glazed and openable.

Reason: To safeguard the level of privacy enjoyed by the current occupants of the adjoining properties.

(12) The flat roof element of the houses at second floor level shall not be used as a terrace or for recreational / amenity purposes at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent residential properties.

(13) 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 Classes A, B, C, D and E to the schedule to that Order.

Reason: To prevent an overdevelopment of the site, to ensure adequate provision of amenity space for the occupiers and to protect the amenities of adjoining residential properties.

(14) 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.

(15) Prior to the occupation of the development, full details of all hard and soft landscaping and tree planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the recommendations of the British Standards, paying particular attention to BS 3882:2015 'Specifications for Topsoil' and BS 8545:2014 'Trees: From Nursery to Independence in the Landscape'. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that (within a period of five years after planting) are removed, die, or are (in the opinion of the Local Planning Authority) damaged or defective shall be replaced as soon as is reasonably practicable with a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with Policies DM1 and DM7 of the Site Development Policies.

(16) Prior to building work starting on site, an Energy Statement incorporating 'as-designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) shall be submitted to the Local Planning Authority and approved in writing to demonstrate how the development will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 25% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2010 Building Regulations (or equivalent reduction compared to Part L1A 2013) and seek to achieve a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.

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

(17) Prior to occupation of the dwellings, 'as-built' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) shall be submitted to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures unless otherwise agreed in writing by the Local Planning Authority.

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

(18) 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 shall 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, achieve at least a 50% attenuation of peak run-off rates compared to 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) and to achieve 'greenfield' run-off rates where possible.

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

(19) Prior to the occupation of the development, written confirmation that the approved site drainage and flood risk management measures, including SUDS, have been implemented as part of the development as built shall be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence shall be provided to show that the proposed development will achieve at least a 50% attenuation of peak run-off rates compared to 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 DPD, Policy 5.13 of the London Plan and Mayor's SPG on 'Sustainable Design and Construction'.

(20) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for secure cycle parking. The cycle parking areas shall be used and permanently retained exclusively for the designated purpose.

Reason: To encourage access by non-car modes.

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

Reason: To ensure compliance with Policy BP12 of the Core Planning Strategy DPD and Policy DM1 of the Site Development Policies DPD.

(22) Prior to the occupation of the development hereby approved, full details for 'Designing Out Crime' shall be submitted to and approved in writing by the Local Planning Authority. The details once approved in writing by the Local Planning Authority, shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure compliance with Policy 7.3 of the London Plan 2015.

(23) Prior to the commencement of the relevant development to implement the commercial element of the development hereby approved, a scheme detailing additional sound reduction measures, to be installed to the separating floor / ceiling constructions of the retail and residential unit to limit the airborne and impact sound transmission through the structure, shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation shall be designed to be 5dB better than that given in Approved Document E (2003 Edition) of the Building Regulations (Table 1a, page 8).

Reason: To limit the airborne and impact sound transmission through the structure to protect the amenity of future occupiers.

#### 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 submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

(4) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section at 24 Denmark Road, Carshalton, Surrey SM5 2JG, telephone 020 8770 6369 or e-mail [street.naming@sutton.gov.uk](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 applicant is advised of the following comments from the Environment Protection Officer:

The contaminated land assessment should include: -

A desk top study detailing the history of the site's uses and proposing a site investigation strategy based on the relevant information discovered by the desk study all of which is to be submitted to the local planning authority for approval.

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.

A site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 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.

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, 1994.

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

Note 41– Petroleum Filling Stations Construction and Operation (1998). Also in accordance with the HSE's Guidance note CS 15 - The Cleaning and Gas Freeing of Tanks Containing Flammable Residues (1985).

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.

(7) Any proposed signage or adverts on the shopfront will require the submission and approval of on an application for Advertisement Consent.

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