PLANNING COMMITTEE - Date: 19 April 2017

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

Ref: A2016/75951/FUL

WARD: A02 / NONSUCH

Time Taken: 20 weeks, 1 days

Site: Victoria House, 388 Malden Road, Cheam, SM3 8HY

Proposal: Application for full planning permission for comprehensive mixed-use redevelopment comprising: demolition of existing building and erection of a part four (4) part seven (7) part nine (9) part ten (10) storey mixed use building with 88 residential units (Use Class C3) in a mix of 1, 2 and 3 bedrommed flats (including affordable units) and up to 518.4 sq.m. of commercial floorspace (Flexible Use Class A1-A3/ B1/ D1 /D2), together with the provision of associated landscaping, cycle spaces, car parking spaces formation of new and amended vehicular access off Church Hill Road, public realm improvements and other ancillary works.

Applicant: Mr Will Gardner
Agent: Mr Paul Rogers

Recommendation:

GRANT PLANNING PERMISSION

subject to referral to the Greater London Authority. The application is referable to the Greater London Authority as an application of Potential Strategic Importance pursuant to Category 1C of the Schedule of the Town and Country Planning (Mayor of London) Order 2008: “Development which comprises of includes the erection of a building of more than 30 metres high and is outside the City of London”

Reason for Report to Committee:

● Major Application that is a Departure from the adopted Development Plan
● 10 or more persons have made written objections contrary to the officer recommendation
● The Council has an interest in the land.

Summary of why application proposals are acceptable:

● The design, scale and layout of the proposed development would be of high quality, delivering a landmark building on this prominent allocated site and a mix of uses that would facilitate regeneration of the North Cheam District Centre;
● Notwithstanding the minor departure from development plan policy by reason of the proposed D1 and D2 use classes, the proposed flexibility in uses for the commercial units would optimise the potential for the site to act as a catalyst for further regeneration of the District Centre;
● Whilst the height of the development would exceed the indicative taller building threshold of 4-6 storeys for North Cheam, for the reasons set out in this report it is considered that the development justifies an exception to this threshold having particular regard to the site-specific location, the previously permitted taller building development on the site (2013) and the particular design and massing strategy proposed which is considered to have due regard to existing townscape character and context;
1.0 **BACKGROUND**

1.1 **Site and Surroundings:**

1.2 The application site has an area of approximately 0.32 ha and is located at the north eastern corner of the junction between London Road (A24, a Red Route), Malden Road (A2043) and Church Hill Road. It presently accommodates a part-two, part-five storey building constructed in the 1960s which formerly comprised retail units and a public house on the ground floor with offices above. The building is now in a very poor state of dereliction and has been subject to recent vandalism.

1.3 To the front of the site adjacent to the junction of London Road and Malden Road is a landscaped area, which is in public use and is jointly owned by the applicant, Transport for London (TfL) and London Borough of Sutton (LBS). London Road forms part of the Transport for London Road Network for which TfL are the Highway Authority with the remaining frontage roads the responsibility of the Council as Highway Authority.

1.4 The vacant public house (formerly the Queen Victoria) is located on the eastern section of the site fronting Church Hill Road. A ramped access located inside the site’s north-eastern boundary provides access to the former first floor office parking area. A separate public parking area remains within the eastern section of the site fronting Church Hill Road. All the site is currently protected by hoarding, locked gated access (via Church Hill Road) and CCTV.

1.5 The site lies within the North Cheam District Centre. The centre is typically characterised by two- and three-storey buildings with retail units at ground floor level and office/residential accommodation above. The areas to the east of the site, including Church Hill Road, are mainly residential in character and include a mix of two and three storey flats and semi-detached houses. Immediately abutting the north-east boundary, is Beckett House; a 2.5 storey detached block comprising ten flats with frontage to Church Hill Road and a communal rear garden, plus 512 London Road, which forms part of the existing shopping parade – this comprises commercial (A5 take-away) on the ground floor and residential above. A development of eight flats is
under construction at the rear of 514 London Road, with habitable windows and terracing facing directly towards the application site (approved under reference A2015/71946/FUL).

1.6 Although the character of the area is varied, many of the District Centre buildings were built in the 1930s and incorporate art deco features which are evident at the main crossroads of London Road and Malden Road/Cheam Common Road.

1.7 There is an existing site ingress and egress vehicular access via Church Hill Road, currently closed off by site hoardings. A private vehicular access way also runs along part of the north-east boundary, between the site and the flank of 512 London Road. The site is level, whilst, with the exception of the northbound London Road, these levels fall steadily to the west, south and east.

1.8 Parking controls exist around the site in the form of red route double lines (Malden Road and London Road), double yellow (Malden Road and Church Hill Road junction) and single yellow lines (Church Hill Road). There are 20 minute (max) public parking bays on part of the London Road frontage.

1.9 **Site specific designation:**

1.10 The site is located within the North Cheam District Centre and Primary Shopping Area. The London Road and Malden Road frontages of the site are designated Primary Shopping Frontage, whilst the remainder of the site is Secondary Shopping Frontage. The site also lies within an Archaeological Priority Area, within the Limit of Sustainable Residential Development and Area of Taller Building Potential.

1.11 Table 4.6 of the Site Allocations Schedule of the Site Development Policies DPD (2012) states that the site (referenced BW20) is suitable for mixed use comprising residential, retail and office. Any development scheme should pay particular regard to the following:

- Achieving a high quality redevelopment in design terms on a prominent corner site which will define North Cheam District Centre.
- The site location within an area of Taller Building Potential (four to six storeys). However, any proposals for taller buildings should be exceptionally designed and respect the local context and character.
- Undertaking significant public realm improvements in and around the site.
- Providing sufficient retail and office space to create an active frontage at the crossroads.
- Providing flatted accommodation with sufficient amenity space and other appropriate facilities for residents.

1.12 **Relevant Planning History:**

1.13 Planning permission was granted on 15 July 2013 (26 June 2013 Planning Committee) for demolition of existing building and erection a part two storey, rising to part eight storey building with retail use (Class A1) at ground floor and 75 residential units (Class C3) on the upper floors, in a mix of one, two and three bedroomed self contained flats (7 affordable units), provision of associated landscaping, 75 cycle spaces, 7 motorbike spaces, 20 shared parking spaces for the commercial and residential uses and 62 basement car parking spaces for residential use, accessed from Church Hill Road (Ref: A2013/67211/FUL). This permission has now expired.
Previously, permission was granted on 19 October 2006 (Ref: 05/55183/FUL) for refurbishment, remodelling and new floor to the existing building to provide A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurant/cafes) and A5 (Hot Food take-aways) at ground floor level, 21 parking spaces for residential use, cycle facilities and A1 (Retail) at first floor level and 4 one bedroom and 15 two bedroom self-contained flats at second, third and fourth floor levels together with an energy tower, service yard containing 8 car parking spaces for commercial use and 14 car parking spaces for public/retail use all accessed from Church Hill Road. This consent was not implemented and has expired. The scheme excluded the former Queen Victoria House which was then under separate ownership.

This application follows the withdrawal of planning application ref: A2016/73710, for a similar development proposal, in June 2016, to allow for the resolution of a number of planning concerns and subsequent re-submission. These further discussions have particularly sought improvements in respect of the following matters, which are discussed further in the report below:

- Affordable housing;
- Retail floorspace and frontage;
- Design detailing;
- Height and massing assessment;
- Consideration of basement car parking options;
- Tree retention, landscaping and children’s play areas;
- Daylighting to proposed units;
- Drainage;
- GLA comments, notably in respect of cycle parking and sustainable transport measures;
- Refuse and servicing access;
- Air quality and noise mitigation;
- Parking stress survey;
- Wind tunnelling effects;
- Overlooking between proposed units.

APPLICATION PROPOSALS

Details of Proposal:

Full planning permission is sought for the demolition of the existing building and the erection a part-four, part-seven, part-eight, part-nine and part-ten storey building with three ground floor commercial units (proposed flexible uses A1-A3, B1 office, D1 non-residential institutions or D2 Assembly and Leisure). The commercial units would have a combined gross floor area of 537.4 sq m, with a total retail frontage of approximately 60.0m and each unit depth measuring between 16.3m, 9.9m and 10.3m respectively.

Following the receipt of amended plans in early February 2017, the upper floors would comprise a total of 88 x residential units (Use Class C3) in a mix of 43 x 1B flats, 39 x 2B flats and 6 x 3B5P flats, reduced from 90 flats in the submitted scheme. Thirteen affordable units (representing 14.7% of residential units) would be provided, 10 units for affordable rent and 3 units intermediate/shared ownership. The dwelling mix breaks down as follows:
The scheme would provide for 730 sq metres of shared private amenity space for residents on a first floor podium garden, inclusive of play space of circa 55 sq m (around 8% of the podium area). Each flat would have a private balcony (ranging between 5-7 sq m), with first/second/third floor balconies fronting London Road and Malden Road being enclosed ‘winter gardens’.

There are proposed 150 cycle spaces (12 within the improved public realm area), 3 motorbike spaces and a total of 51 car parking spaces of which 5 would be accessibility spaces and 1 would be a dedicated Car Club parking space, located on the Church Hill Road site frontage. There would be 40 parking spaces located at ground level in an under-croft parking and servicing area, accessed by a looped access road served by a new ingress and egress arrangement from Church Hill Road. The existing access junction on Church Hill Road would be closed up. It is proposed that the under-croft parking spaces would be allocated to residents on a first-come, first-served basis (during the marketing phase) and that secure remote control entry shutters would enclose this area. Servicing and refuse collection vehicles would be required to access this under-croft parking area.

Public realm hard and soft landscaping improvements around the site frontage to London Road, Malden Road and Church Hill Road are also proposed. Amended plans now propose the retention of 14 of the existing 16 frontage trees (compared to none in the preceding (withdrawn) planning application in 2016), planting 3 new Norway Maple trees on the Church Hill Road frontage and 2 new trees (Hormbeam and Tulip) within the TfL maintained land, resulting in a net gain of 3 trees overall together with areas of hedgerow planting around the external parking area. These trees would be enclosed within new planters with areas of raised concrete (white) edging acting as integrated seating areas. Existing grille coverings would be removed and amenity turf planted around the retained/new trees with approximately 30% scattered coverage with dwarf daffodil/snowdrop bulb planting.

Existing hard surfacing would be replaced with block pavours arranged in alternating bands of grey/silver as illustrated in the Design and Access Statement and new tactile paving to dropped kerb crossing points. Flush ground level kerb-lines would be added to de-marcate respective highway land (TfL and Council) and areas for potential sitting out to the frontage of the retail units 2 and 3.

Eleven of the 50 car parking spaces would be located on the building frontage to Church Hill Road, either side of the proposed ingress/egress points serving the main undercroft car parking area for the development. One of these parking spaces would be specifically allocated for Car Club vehicles only as part of the sustainable transport measures proposed (discussed in section 5.0 below). The external parking spaces would be hot rolled asphalt with coated chips/gravel, with the main access carriageway laid as hot rolled asphalt.

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<th>Affordable Shared Ownership</th>
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2.9 The application has previously been the subject of pre-application consultation, principally in association with the recently withdrawn but similar planning application (2016/73710). This included presentations made to the Local Area Committee and local Members respectively in March and November 2015. A workshop with Year 5 pupils at Cheam Field Primary school was also held in May 2015 and formal consultation events held on two days in the same month. Throughout the determination of the previous planning application and preceding and during the consideration of this amended application, meetings have continued to be held with planning officers to secure improvements. A presentation of the amended application was made to Ward Members in September 2016 and a leaflet drop made to local residents just prior to formal submission in November 2016. A summary of pre-application engagement, the issues raised in responses and a copy of the recently distributed leaflet are set out in the applicant’s Design and Access Statement.

2.10 Since submission of the application in November 2016 and at the request of planning officers, the following further amendments have been submitted which form the basis of this report and recommendation:

- An additional affordable rented unit, increasing overall provision from 12 to 13 units (13.6% to 14.7% of total dwellings);
- A reduction in height of the tallest 10-storey block by approximately 2.7m by way of removal of top floor parapet features (the equivalent of a full non-accommodation storey);
- Removal of one accommodation storey comprising 1 x 1-bed flat and 1 x 2-bed flat, from the lower section of Block B (a reduction from 10-storey to 9-storey), to maintain the similar stepped design rationale of the scheme and in response to concerns raised in representations.
- Retention of two public realm trees initially indicated for removal associated with a dedicated fire tender access from London Road (no longer advised as being required);
- Planting of two additional trees in the TfL-maintained public realm area, to ensure no net loss of TfL trees;
- Removal of proposed tree grilles;
- Adjustment to planting species;
- Identification in the public realm hard surfacing of the demarcation between TfL and LB Sutton Highway land, for maintenance purposes, by way of smooth concrete and level setts, together with proposed public realm land within applicant ownership to be transferred to TfL/LBS (by way of s.106 Agreement);
- Provision of a dedicated Car Club space, to be available principally for occupiers of the development, but also available for use by local residents;
- Re-organisation of the undercroft parking area to identify a further car parking space, resulting in total on-site parking of 51 spaces;
- Improved screening provided to the north-west edge of the first floor podium amenity area, to ensure acceptable levels of privacy to properties in London Road and Beckett House;
- A supplementary Framework Travel Plan Memorandum, which provides:
  - Agreement in principle to establish a Transport Liaison Group to review and monitor on-going implementation of the Travel Plan measures. This TLG would convene on a 6 monthly basis and is proposed to comprise a representative of the developer (expected to be a Homegroup-nominated Travel Plan Co-ordinator), planning and highway officers from the Council, a local cycling group, local transport...
2.11 Residential Layout

The building would be arranged as two core blocks, separated by a raised first floor amenity space at the site’s southern-most frontage to Malden Road. The raised amenity deck allows for the utilisation of the ground floor for car parking, cycle parking and servicing/refuse purposes, alongside ground level retail units. The parking area would be accessed off Church Hill Road as described above.

2.13 The blocks are identified in the submission drawings as Blocks B & C (western side of the central amenity deck) and Blocks A1 and A2 on the eastern side. For the purposes of this report the buildings shall be referred to as the ‘western’ and ‘eastern’ block respectively.

2.14 Residential flats would be single aspect units separated by a central access core. The units in the western block are largely west or east facing. Units in the eastern block largely face either south-east or north-west. In addition, the NW-facing units in the eastern block would receive some benefit from the afternoon sun-path across the open amenity deck. Pedestrian access to the building cores would be possible directly from the public realm area or from within the under-croft parking area.

2.15 As viewed from London Road, the western block has a continuous frontage of approximately 55m, whilst the eastern block measures 46m fronting Church Hill Road, both blocks linked at ground level by a continuation of new ground floor retail frontage, providing a continuous built frontage overall of approximately 119m along all elevations. This frontage would be broken intermittently by the entrances to the residential units above, the car and cycle parking area and plant areas. The western block would follow the existing building line from 514 London Road before taking a southerly alignment to facilitate public realm (and ‘spill out’ retail) space at the site’s western corner.

2.16 The eastern block would be sited approximately 14.0m behind the highway edge and 9.0m forward of Beckett House immediately to the north (the principal building flank being approximately 4.5m from the Beckett House flank wall).

2.17 A first floor decked amenity space would be provided, accessible by all residents as a communal open space. This would comprise a mix of artificial turf, planters comprising tall windbreaker/shading shrubs (Juneberry, Butterfly Bush and Burkwood Viburnum) and mixed ornamental planting (comprising grasses and perennial planting suited to
exposure to wind and sun (specifically Blue Star, Stipa tenuissima, Early Bird Gold, Dragon Heart, Little Spire and Sesleria autumnalis). Concrete seating (finished white), children’s play areas and equipment for under-5’s would also be provided. Hard surfacing would comprise concrete flag paving (silver grey) around seating areas, plus porous resin-bonded gravel for the pathways. Two-colour safety play surface would be provided in a roughly central position on the deck.

2.18 Scale

2.19 Each block ‘steps’ up in storey height towards a highest point either side of the proposed amenity deck. The ‘western’ block rises from four-storey alongside the London Road shopping parade, then seven-storey and again to ten storey, before dropping again to nine-storey adjacent to the central amenity deck. The ‘eastern’ block similarly rises from four-storey closest to Beckett House, then seven-storey and finally eight-storey alongside the amenity deck. The principle of progressive height increase towards the southern, Malden Road frontage, has been established in the previous planning permission in 2013, but in the current proposal the previously unbroken elevation has been opened up, principally to provide enhanced private amenity and sunlight ingress for the northerly facing (rear) parts of the development.

2.20 The whole of the building cannot be read from any one view and the site curvature must be recognised. As such, the proposed elevation drawings cannot be considered to give a true street scene and, to this end, the submitted CGI images are beneficial in adding perspective.

2.21 In terms of overall height, the four storey elements of the development would be approximately 14.5m above ground level, whilst the highest point of the western block would be a maximum of 33.6m high (plus lift over-run which would not be visible from street level). The equivalent highest point of the eastern block would be 26.2m high. The blocks would range in depth between 14-15m (Block A), 15.0m to 18.6m (Block B) and 18.0m -21.0m depth (Block C), inclusive of balconies.

2.22 Design

2.23 The design philosophy as set down in the applicant’s Design and Access Statement and Planning Statement alludes to several objectives, including provision of a landmark, exemplar development of contemporary flats at a recognised gateway junction and one that acknowledges the site’s urban structure and built context. In addition, existing public realm would be enhanced with a new retail frontage and landscaping improvements comprising new footway surfacing, tree planters and seating.

2.24 Another key component relative to the 2013 scheme is the creation of separate development blocks, allowing a significant gap to be formed at the south-west tip of the development footprint (approximately 7.0m at narrowest point) and thereby allow sunlight through and across a central raised amenity deck and to the north-west facing elevation of the eastern block.

2.25 The applicants propose a relatively simple design approach in terms of materials, relying largely upon facing buff brickwork, broken up by white precast concrete surrounds, glazing, decorative metalwork to balconies and aluminium framing to the shopfronts. Brickwork is to be recessed in window reveals and this would be white painted at taller recesses at the top of the building. The ground level would comprise
shopfront glazing with white precast columns and cornicing with occasional use of facing brick, of differing colour to the residential floors above. Ground level bike stores would have obscure glazing to the street frontage. The amenity podium would be enclosed by 1.2m high decorative metal railings to the Malden Road frontage, with the rear boundary comprising 1.2m high solid enclosure, rising to 1.8m in the northern-most third of the podium to protect the privacy of new dwellings at the rear of 514 London Road. The final details of these means of enclosure are to be secured by way of planning condition.

2.26 **Use**

2.27 The internal layout of the proposal is as follows:

- **Ground:** Retail units (A1) x 3, car and cycle parking, vehicular and pedestrian access and servicing, bin stores, lift and stair access, re-located electricity sub-station.

- **First floor:** External amenity deck and 16 flats comprising
  - o 10 x 1B2P (50 sq m – 57.5 sq m)
  - o 2 x 2B3P (62 sq m – 67 sq m)
  - o 3 x 2B4P (72 sq m – 88 sq m)
  - o 1 x 3B5P (86 sq m)

- **Second floor:** 16 flats comprising:
  - o 8 x 1B2P (50 sq m – 57.5 sq m)
  - o 3 x 2B3P (60 sq m – 62 sq m)
  - o 4 x 2B4P (72 sq m – 88 sq m)
  - o 1 x 3B5P (86 sq m)

- **Third floor:** 16 flats comprising:
  - o 8 x 1B2P (50 sq m – 57.5 sq m)
  - o 3 x 2B3P (60 sq m – 62 sq m)
  - o 4 x 2B4P (72 sq m – 88 sq m)
  - o 1 x 3B5P (86 sq m)

- **Fourth floor:** 10 flats comprising:
  - o 5 x 1B2P (53 sqm – 57.5 sq m)
  - o 2 x 2B3P (62 sq m)
  - o 2 x 2B4P (72 sq m – 84 sq m)
  - o 1 x 3B5P (86 sq m)

- **Fifth floor:** 10 flats comprising:
  - o 5 x 1B2P (53 sqm – 57.5 sq m)
  - o 2 x 2B3P (62 sq m)
  - o 2 x 2B4P (72 sq m – 84 sq m)
  - o 1 x 3B5P (86 sq m)

- **Sixth floor:** 10 flats comprising:
  - o 5 x 1B2P (53 sqm – 57.5 sq m)
  - o 2 x 2B3P (62 sq m)
  - o 2 x 2B4P (72 sq m – 84 sq m)
  - o 1 x 3B5P (86 sq m)
● Seventh floor: 4 flats comprising:
  o 1 x 1B2P (55 sq m)
  o 1 x 2B3P (65 sq m)
  o 2 x 2B4P (72 sq m and 84 sq m)

● Eighth floor: 4 flats comprising:
  o 1 x 1B2P (55 sq m)
  o 1 x 2B3P (65 sq m)
  o 2 x 2B4P (72 sq m and 84 sq m)

● Ninth floor: 2 flats comprising:
  o 1 x 2B3P (65sq m)
  o 1 x 2B4P (84sq m)

2.28 All of the proposed flats would be designed to be adaptable to the equivalent of former 'lifetime homes' standards as now provided in Building Regulations.

2.29 Amendments to application since submitted:

2.30 As noted in the description of the development above, there have been a series of amendments to the scheme since submission in November 2016. These are summarised in paragraph 2.9 above.

3.0 PUBLICITY

3.1 Adjoining Occupiers Notified: The extent of direct written notification was agreed in advance of submission with Ward Councillors and significantly exceeds the requirements of the Council’s Statement of Community Involvement (SCI). Properties in neighbouring streets, specifically Church Hill Road, London Road, Malden Road, Cheam Common Road and Senhouse Road. Additional notification was made by letter to properties in the following streets, in some cases directly to occupiers that have previously made representations in the recently withdrawn application: - Lingfield Road, Priory Crescent, Priory Road, Clarkes Avenue, Hilbert Road, Tudor Avenue, Palmer Avenue, Wellington Avenue, Grosvenor Avenue, Wrayfield Road, Chatsworth Road, Kingsmead Avenue, Lower Green Gardens, Oaks Avenue, Priory Avenue, Elm Way, Harcourt Road, D'Arcy Road, Hayes Crescent, Lloyd Road, Leicester Close, Wordsworth Drive, Hobart Road, Brocks Drive, Balmoral Road, Ardossan Gardens, Kenley Walk, Kingsdown Road, Roe Way, Courtenay Road, Henley Avenue, Somerset Close, Hemingford Road, Staines Avenue, Trent Way, Knolls Close, Bridgewood Road, Newbolt Avenue, Marlow Drive, Hemingford Road, Beechmore Gardens, Sandringham Road, Northfield Crescent, Chertsey Drive, Kingston Avenue, Burnham Drive, Ebbisham Road, Molesey Drive, Wickham Avenue and Morningside Road.

3.2 Method of Notification:

3.3 The application was advertised by way of 259 letters delivered to the owner/occupiers of nearby properties in the roads listed above, and by way of statutory site and press notices. Due to the technical departure from the adopted site allocation by reason of proposed optional D1 (non-residential institutions) and D2 (Assembly and Leisure) uses at the ground floor, the application has been advertised as a departure from the development plan.
A second round of public notification was undertaken on 16 February upon receipt of the recently amended drawings.

181 letters of objection and 53 letters in support of the application have been received, together with two petitions with 846 and 434 signatures respectively, objecting to the development (total signatures 1280).

A full schedule of addresses submitting individual representations is provided at Annex 1 to this report.

**Summary of material objections:**

The petitions both raise objection on the grounds that:

- There would be insufficient on-site car parking;
- The building would be too high and out of character with the area.

The individual representations raise a significant number of objections, which are summarised in full in Annex 2 to this report. However, a brief summation of the most recurring points of objection is set out below:

- The proposed development would be too tall and out of keeping with the character of the area;
- The development should not exceed 4-6 storeys as specified in the development plan;
- There would be insufficient on-site car parking giving rise to additional parking stress in local roads;
- Increased highway congestion would be caused;
- Additional pressure on local infrastructure that is not being mitigated;
- Design out of keeping with the established 1930s built character of North Cheam;
- The commercial units would remain vacant as is already the case in other units in the district centre;
- Inadequate provision for affordable housing and family dwellings;
- Deterioration in air quality by reason of additional traffic;
- Overlooking and loss of light to neighbouring dwellings;
- Construction noise and related traffic disturbance;
- Inadequate public consultation and previous objections have not been heeded by the developers; and
- Loss of trees.

In response to the 2nd round of publicity, the following additional objections have been received (new comments to those already listed):

- There is limited reduction in height
- There is little clarity on the nature of the amendments proposed;
- There is no material improvement upon the originally submitted proposals and the Car Club space is meaningless;
- The current structure should be refurbished instead;
- Basement parking should be provided on two levels;
- There should be additional parking available at The Printworks;
- Concerns expressed by the GLA are agreed;
- No car parking for the enlarged retail units;
● Car ownership cannot be deterred by limiting car parking, despite GLA and TfL views;
● Enlarged retail units are a mistake in view of declining retail shop sales in favour of more on-line shopping;
● Should propose studio apartments only;
● The development should include a GP surgery;
● A development similar to Eden Place in London Road would be more suitable.
● The recent addition of double yellow lines in Wordsworth Drive will only increase on-street parking problems with this development;

3.11 The following comments have also been received from residents’ associations:

Chapra RA

● Residents will be forced to park in Sainsbury’s and will not shop in the North Cheam shops;
● The development will destroy North Cheam;
● Design is out of keeping – should be no more than 6-storeys in this location (an alternative sketch scheme is supplied showing a maximum 6 storey scheme);
● Insufficient car parking;
● Cannot view documents on-line
● The local GP surgery is already over-crowded

3.12 In response to the 2nd round of publicity, CHAPRA states that the objections still stand.

3.13 Summary of comments in support:

● The redevelopment of the site is welcomed as it will replace a building which is currently harmful to the appearance of the area and only encourages crime.
● Extra affordable housing and cycle provision is supported, although more intermediate housing would be preferred;
● Support more affordable, subject to a review mechanism to secure more affordable units in the future;
● Tree retention and public realm enhancements are welcomed;
● The height is fine in this location at a busy crossroads;
● Materials can be dealt with by planning condition;
● The development will assist regeneration in North Cheam and create new jobs;
● This is an important and prominent site and needs a modern landmark building;
● Bus and train connections are good and can support this development with reduced parking;
● Reduced parking will help encourage move away from the car in particular more cycle use;
● This might be the last chance to secure redevelopment of this site – Councillors need to make this happen as residents have waited long enough for this building to be taken down;
● Common sense to allow high density on a brownfield site, in line with the local plan and to prevent urban sprawl elsewhere;
● New homes are more important than car parking;
● Attractive design which responds well to Art Deco character;
● The development makes the most of a challenging site;
● Helps meet housing needs for London and Sutton;
● Better than building on Green Belt;
● The green spaces will help reduce pollution at this junction;
● There is no logic in providing more parking space as this will not help reduce car numbers or pollution;
● There is alternative parking available in short stay spaces or at Sainsbury’s
● There should be s.106 provisions to boost non-car mode travel such as travel card vouchers;
● Consider a Controlled Parking Zone in Lavender Avenue and by Macmillan House;
● An opportunity to tidy up North Cheam and remove litter;
● The proposed financial contributions to support local health, education, transport and community facilities are to be welcomed;

3.14 Summary of non material representations:

● All supporting documents paid for by developer, so conclusions would be biased.
● Are Council Taxes rising to pay for this social housing?
● This is just about getting more Council Tax income;
● This is just a money-making scheme for the developer;
● House prices will plummet but would at least make units more affordable;
● Homegroup are seeking to ‘wear down’ objectors with endless revisions;

Consultation

Internal

3.15 Highways: Recommend approval subject to conditions. The site has a moderate PTAL 3 rating. The parking provision is acceptable subject to the mitigation measures being secured, in particular through the Travel Plan. It is noted that the GLA/TfL recommendation would be 0.5 spaces per dwelling, and a ratio of 0.57 per dwelling is proposed. The proposed Transport Liaison Group is supported and it should have membership from local cycling groups such as Sutton Cycling Campaign, local community groups, TfL and representatives of the Council. The Construction Management Plan should ensure construction traffic is excluded from local roads and construction staff excluded from driving to site. The haul route should be specified and enforced through the CMP. Wheel washing must be present at all times during construction.

3.16 The Car Club should be funded and promoted by the developer for 3 years. The proposed use by local residents is supported and encourage modal shift. It should be secured through condition or section 106. Land for adoption by the local highway authority will need to secured by way of s.38 Highways Act agreement. The proposed offer of a further parking survey, to be managed by the proposed TLG, is supported and there should be funding to support a wider traffic study in support of a controlled parking zone. On-going traffic monitoring should also be secured through the s.106.

3.17 Urban Design: The site is within North Cheam District Centre at the important crossroads and has an extant planning consent for a tall building granted in 2013. The adjacent streets are wide with generous setback from street edges and marks the south-west corner of the North Cheam District Centre. The site was marked by the Queen Victoria House coaching inn, a significant building in its context and later replaced by the current Victoria House building, an office block with modern architectural design that visually stand out in the surrounding context. As such, the
visual prominence of the street corner as well as its difference from the uniform height of mansion blocks along London Road sets parameters that justify a substantial change in scale, massing and height to that of the immediate site context.

3.18 There are no sensitive townscape, open space or heritage assets within the site context. However, the proposed scheme will be visible from the wider area due to its height and location at the prominent crossroads on a higher topography.

3.19 The current planning application is the revised scheme that was previously submitted in February 2016. The revised scheme addresses previous design concerns about the ground floor layout, legibility of entrances, quality of public realm, testing alternative massing and height options and detailed architectural design are addressed in the current submission.

3.20 The proposed building line reinforces the street corner and provides a wide and enhanced public realm at the London Road and Malden Road street corner. Two street corners i.e. London Road-Malden Road and Malden Road-Church Hill Road are activated with the primary entrances to the development. Main entrances to the lift lobby including cycle parking are legible and blank frontages at the street level are minimised. Chamfered edges of the building footprint and reconfiguring the layout has resulted in three flexible retail units at the ground floor. This will help to animate the adjacent new public realm and provide a well overlooked and safer environment. Retail units are wider and deeper with adequate service provision making them more attractive to the future occupants.

3.21 The ground floor layout and parking arrangements has been revised in the current scheme. Vehicular and pedestrian movement, location of cycle parking and refuse store details have been refined creating a safer and attractive ground floor. However, it will be important to ensure that Church Hill Road boundary treatment, new trees, hedges and any barriers for managing parking spaces are of high quality and treated with the same high quality finishes. Detailed elevation showing indicative signage location, lighting and parking management systems and a supporting floor plan with details about landscaping could be requested to clarify this issue should the application be approved.

3.22 The revised public realm at the ground level retains as many of the existing trees, introduces new planting areas and provides complementary seating to create an attractive environment outside the development. This will provide generous frontage to the new retail units and a seating area for visitors thus improving the visual amenity at North Cheam District Centre. It is essential that high quality details as illustrated in the landscape drawings and materials are secured when implementing the public realm through pre-commencement conditions.

3.23 The podium level amenity area and play space provision are supported as they provide well designed door-step communal green space to the future residents at this busy location. All four service cores have a direct access to the communal amenity space and there is sufficient diversity in terms of planting and finishes that clearly help to define the proposed activities.

3.24 London Borough of Sutton Tall Building Study (2008) has identified the site area to be appropriate for mid-rise 4-6 storey building and acknowledges the site’s gateway and prominent location and potential to improve legibility and attractiveness of the area. The immediate site setting does not include any sensitive townscape or landscape
receptors. The proposed ten storey block would be visible in the local views from much further afield due to the site topography. Several alternatives and massing options including building height were tested by the architects during the design development and a summary explaining the preferred option is documented in the Design and Access Statement. Overall, the proposed stepping composition with the tallest height at the street corner was supported in principle as the scheme was revised.

3.25 The proposed massing is in stepped blocks which have been arranged to rise from four storeys on London Road up to 10 storeys at the street corner and falling back down to four storeys on Church Hill Road. The building layout, floor plan configuration and position of balconies at corners helps to break down the continuous block into a series of smaller blocks. Therefore, the building composition is read as a group of buildings instead of a slab block.

3.26 The building massing is distinctly split into two halves. Introducing a clear separation between the two blocks at the southern corner allows ample daylight to penetrate through to the communal amenity space. Along London Road and in the local street views, the gap helps to reduce any perceived impact of the building height and massing. Further, a stepping form with four storeys at the either ends achieves successful transition with the surrounding context. The highest block of ten storeys is at the street corner that clearly draws the attention to the important crossroads sign posting the North Cheam District Centre. Overall, the proposed massing and height are successful in responding to the prominent street corner.

3.27 Revisiting the proposed articulation of the top storey parapet is recommended as this does not assist the overall building appearance and adds unnecessary height. The eastern elevation, visible prominently along Church Hill Road requires the introduction of relief brickwork blank windows to add interest to the elevation.

3.28 The principal building finish is brick with precast concrete spandrel panels and anodised metal. These finishes are robust and they can withstand exposure to busy road and weathering. Building appearance and high quality requires securing through reserved matters. Details such as balconies, window surrounds, material samples and 1:20 scale detail should be requested prior to the commencement.

3.29 Housing unit layout and space standards are in accordance with the Mayor of London Housing Design Guide. Units are double aspect and benefit with a private amenity space where feasible.

Overall it is concluded that the proposed scheme meets the policy criteria BP13, Core Policy BP12 and DM1 Character and Design. The redevelopment of the existing Victoria House would enhance the local area, provide high quality public realm, retail units and new homes. It is in accordance with the adopted and emerging Local Plan design policies, demonstrates high quality design to make an exception for a building height higher than the established townscape context. Subject to the recommended amendments above, no objection is raised.

3.30 Parks: Any response received will be reported orally to Planning Committee.

3.31 Lead Local Flood Authority: Conditional approval is recommended. The application does not demonstrate that surface water run-off would be managed as closely to source as possible as required by the London Plan drainage hierarchy and the run-off calculations and flood risk mitigation does not address the impacts of climate change.
Therefore conditions are required to confirm these details.

3.32 **Waste Operations Manager:** Vehicle tracking details for a dustcart should be submitted to confirm acceptable ingress and egress from the site.

3.33 **Tree Officer:** the amended hard and soft landscaping proposals, including the species selected for planting, are acceptable, including all those at podium level. The applicant is advised that there should be no works to Council street trees without prior consent from the Parks Department.

3.34 **Biodiversity Officer:** the submitted Phase 1 habitat survey and bat surveys are acceptable. Conditions are required to ensure appropriate mitigation by way of restricting light levels to protect bat foraging and commuting corridors, nesting birds, installation of bat and bird boxes. There should be biodiverse roofing and possible green walls and prefabricated ponds, deadwood and bare soil areas to enhance wildlife.

3.35 The proposed planting beneath the public realm trees should be expanded from two bulb species to at least 7 species to maximise pollen and nectar. The native mix hedgerow is acceptable and the estate management should cut only one side per annum to allow for berry crops to be harvested. The Norway Maple should be replaced by a native Maple, or Oak or Beech. The podium edges should be planted with climbers.

3.36 The proposed planting of Buddelia davidii on the amenity podium could give rise to maintenance difficulty as it can seed excessively. It is on the London Invasive Species Initiative List and should be replaced.

3.37 **Sustainability Advisor:** no objection raised to the development, subject to conditions to ensure the delivery of the proposed sustainable design and energy efficiency measures. Appropriate conditions are recommended.

3.38 **Housing Enabling Officer:** GLA grant and right-to-buy receipts cannot be used together for rented units as this is deemed to be double subsidy – it has to be one or the other. It is possible for GLA grant to be secured for the shared ownership units and RTB grant for rented units. The applicants should be required to seek maximum funding to increase the level of affordable housing in the scheme. The viable level of affordable housing offered by the applicants is accepted based upon submitted financial viability details and independent assessment by the Council’s viability consultants.

3.39 **Environmental Health:** The AQ Assessment has based its predictions upon a worst case over-estimated operation of the proposed Combined Heat and Power (CHP) system. Whilst his shows a small increase in the annual average NO2 concentration, the submitted Air Quality Assessment concludes that the development would be air quality neutral for both building and transport emissions and subject to the securing of the recommended mitigation measures. The development is considered acceptable in terms of air quality and compliant with local and national policies. The required mitigation would be a mechanical ventilation system for dwellings on the first floor facing the A24 and A2043. Intakes for the ventilation system should be located above first floor level. Provision of a Car Club, electric vehicle points and sustainable measures within a Travel Plan (such as public transport packs for residents, discounted travel cards) together with the limitation of on-site car parking spaces is supported in helping to minimise pollution emissions.
With regard to permitted hours for servicing and delivery to the retail units, it is recommended that this be restricted to between 7am and 8pm Monday to Saturday and not at all on Sundays or Public Holidays.

There is no objection raised in terms of site contamination, based upon the submitted Environmental Risk Assessment. However flats with communal amenity may still have a contaminant linkage risk, so a detailed contaminated land assessment should be secured by condition and recommended remediation works undertaken prior to occupation of the units.

A Dust Management Plan should be secured to manage PM10 emissions during construction together with controls on construction hours. A piling risk assessment should be secured to agree measures to minimise noise and vibration and locations of piles. Details should also be secured by condition in respect of plant noise level ratings, acoustic reduction glazing and ventilation systems, odour control systems and sound insulation measures between the ground level commercial units and flats above.

**External:**

Greater London Authority: The principle of the application is supported in strategic planning terms. However, the application is not wholly in accordance with the London Plan by reason of the level of affordable housing proposed and the applicants should explore alternative tenure mix, sources of funding and affordable housing product in line with the Mayor’s draft Affordable Housing and Viability SPG. However, if after further financial viability assessment the scheme continues to offer less than 35% affordable housing, an early review mechanism should be incorporated into a section 106 Agreement.

The housing mix would be acceptable for this town centre location. Whilst the density of residential development would exceed the London Plan density matrix range of 200-450 habitable rooms per hectare (at 566 hrph *based upon 90 units as originally proposed*), the site’s town centre location makes it suitable for intensification subject to high quality final design and the density is therefore accepted. The form and massing is acceptable in rising up to the southern frontage to Malden Road whilst falling again to the lower-rise development to the north in London Road and Church Hill Road. The south opening in the blocks would allow sunlight to penetrate the amenity space.

The development layout is well thought out and the enhanced public realm is supported. The applicant could however explore whether or not the building frontage could be brought further forward on Church Hill Road and one of the access points removed, to incorporate the external parking and improve the street scene frontage to this road. The location of the plant room could also be re-considered as it is too prominent. The internal accommodation is acceptable, but windows in the north-east elevation of Block A could be considered (with suitable screening) to enhance daylight to the deep kitchen areas.

The use of brickwork is considered appropriate together with possible variations in brick tone and other variable detailing to the elevations. Final details of materials and also the depths of reveals and balcony balustrading should be clarified by condition.

Provision for children’s play is acceptable, subject to ensuring accessing by disabled
In terms of carbon reduction, the applicant should provide the carbon emission reductions separately for domestic and non-domestic elements of the scheme with regard to the London Plan zero-carbon target. The application has also been accompanied by an Air Quality Assessment which confirms that the proposal would be air quality neutral, based upon the mitigation measures proposed which should be secured by condition. The site is Flood Zone 1 so no flood risk assessment is required. The proposed underground attenuation tanks for sustainable drainage and podium planting (which would act as a green roof) is acceptable.

Transport comments replicate those issued independently by TfL (below).

Heritage England (Archaeology): Recommend approval, subject to a condition securing submission and approval of a written scheme of investigation prior to site works commencing (including demolition) and a further WSI submitted and approved in respect of any Stage 1 archaeology finds and the recording and publication of any findings of significance. Prior trial trenching is recommended.

Transport for London (TfL)(nb: part landowner and highway authority): TfL considers that the impact of the scheme can be managed on the local highway network. The principle of enhanced public realm is supported. Following receipt of amended drawings, TfL welcomes the delineation of the areas of public realm between the two highway authorities. TfL streetscape guidance should be followed for the public realm. Provision for loading associated with the retail units should be provided from one of the existing London Road parking bays and a Traffic Regulation Order would be required.

The proposed removal of 2 x TfL trees would require compensatory re-planting (on-site or elsewhere on the TfL highway) plus a payment of £129,036 in line with the Capital Asset Value for Amenity Trees methodology. The applicant should further explore if these trees can be retained or otherwise the compensatory details (including new planting, maintenance and compensatory payment) will need to be captured in a section 106 and s.278 agreement as required.

The increased provision of amenity grass around the retained and additional trees is supported. The public realm details generally should be captured by a landscape strategy planning condition and in a section 278 Highways Act Agreement, to be referenced in any s.106 Agreement.

Car parking provision would equate to 0.56 spaces per unit and is in conformity with the London Plan. Cycle parking is also consistent with the London Plan. The provision of Electric Vehicle Charging Points (20% active and 20% passive) is supported. A Car Park Management Plan should be secured by planning condition. This should detail the allocation of car parking spaces and means of control of the external car parking bays. Accessibility bays should be increased from the 5 proposed, to 8 in line with the Housing SPG. However, TfL agree that the Car Park Management Plan could provide for the demand for such spaces to be reviewed and implemented as required.

The Framework Travel Plan is supported and the funding, monitoring and review of this document should be secured through a section 106 Agreement. The proposed Car Club is also supported, to be secured through the Travel Plan and Car Park
Management Plan. A Construction Logistics Plan and Delivery and Servicing Plan should also be secured.

3.57 **Environment Agency:** Any response received will be reported orally to Planning Committee.

3.58 **Thames Water:** No objection. Petrol/oil interceptors should be fitted in car parking areas. A piling method statement should be secured if piling is proposed, to avoid impact upon sewerage infrastructure. A Groundwater Risk Management Permit will be required. In terms of surface water, storm flows should be attenuated or regulated into the receiving public network through on or off site storage.

3.59 **National Grid:** Any response received will be reported orally to Planning Committee.

3.60 **Fire Service:** The removal, through amended plans, of the formerly identified fire tender access from London Road in order to retain TfL trees, is accepted on the basis that dry risers to all cores are within 18m of the roadside and clearly visible from the street. Building Regulations procedures will confirm these points.

3.61 **Police Crime Prevention Officer:** Any response received will be reported orally to Planning Committee.

3.62 **Sutton and East Surrey Water Company:** Any response received will be reported orally to Planning Committee.

4.0 **MATERIAL PLANNING POLICIES**

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

- London Plan (March 2016);
- Core Planning Strategy (December 2009);
- Site Development Policies DPD (March 2012);
- South London Waste Plan (March 2012).

4.2 The London Plan (2016) policies of relevance to this development are as follows:

- 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
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Schemes
- 5.1 Climate Change Mitigation
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.5 Decentralised energy in Development Proposals
5.7 Renewable Energy
5.9 Overheating and Cooling
5.13 Sustainable Drainage
6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
6.3 Assessing Transport Capacity
6.4 Enhancing London’s Transport Connectivity
6.9 Cycling
6.11 Smoothing Traffic Flow and Tackling Congestion
6.13 Parking
7.1 Building London’s Neighbourhoods and Communities
7.2 An Inclusive Environment
7.3 Secured by Design
7.4 Local Character
7.5 Public Realm
7.6 Architecture
7.8 Heritage assets and Archaeology
7.15 Reducing Noise and Enhancing Soundscapes
7.19 Biodiversity and Access to Nature
8.2 Planning Obligations
8.3 Community Infrastructure Levy

4.3 Local Development Framework – Core Planning Strategy DPD1
   - PMP1 Housing Provision
   - PMP2 Suburban Heartlands
   - BP1 Housing Density
   - BP6 One Planet Living
   - BP12 Good Urban Design and Heritage
   - BP13 Taller Buildings
   - DP2 Planning Obligations
   - DP3 Infrastructure Requirements and Delivery

4.4 Site Development Policies DPD2
   - 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
   - DM9 Water Supply, Water Quality and Sewerage Infrastructure
   - DM10 Air Quality
   - DM11 Contaminated Land
   - DM12 Noise and Vibration
   - DM13 Light Pollution
   - 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
   - DM25 Maximising Affordable Housing Provision
4.5 Draft Sutton Local Plan (2016) – the site is allocated in the draft Local Plan (site S35) for residential, retail and town centre uses. The allocation differs from the adopted site allocation in not specifically requiring office accommodation, requiring regard to planning permission A2013/67211 (see planning history – this permission has recently expired), and flood risk assessment and SuDS measures. The indicative housing capacity is increased to 75 plus indicative retail (A1) capacity of 1,128 sq m, based upon the 2013 permission. The site is anticipated to be delivered in the first delivery phase of April 2016 and March 2021. At the current time, only limited weight can be attached to the draft Local Plan in planning decisions, pending formal Examination-in-Public and adoption anticipated for the autumn of 2017.

4.6 The following Supplementary Planning Guidance, produced by the Mayor of London, and Supplementary Planning Documents produced by the London Borough of Sutton:

**Mayoral SPG**

- Housing (March 2016) and Draft Affordable Housing and Viability SPG (Nov 2016)
- Play and Informal Recreation (Sept 2012)
- The Control of Dust and Emissions during Construction and Demolition (2014)
- Sustainable Design and Construction (Apr 2014)
- Character and Context (June 2014)
- Accessible London (Oct 2014)
- Social Infrastructure (May 2015)
- Planning for Equality and Diversity in London (Oct 2007)
- Use of Planning Obligations in the funding of Crossrail and the Mayoral CIL (April 2013)
  - Mayor’s Transport Strategy
  - Mayor’s Water Strategy
  - Mayor’s Climate Change Mitigation and Energy Strategy
  - Mayor’s Climate Change Adaptation Strategy
**Sutton SPD**

- Designing Out Crime SPD - adopted April 2005
- Planning Obligations - adopted April 2014
- Car Clubs SPD - adopted November 2007
- Transport Assessments and Travel Plans SPD - adopted June 2008
- Community Infrastructure Levy – adopted April 2014

5.0 **PLANNING CONSIDERATIONS**

5.1 The principal considerations in relation to this application are:

- Principle
- Proposed Land Uses and Departure from the Development Plan
- Loss of Offices
- Height and Massing
- Impact on Neighbours, including Daylight and Sunlight
- Design and Public Realm
- Affordable Housing and Viability
- Transport, Highway Conditions and Parking
- Layout, Amenity space and Living Conditions
- Landscaping and Trees
- Air Quality and Noise
- Land Contamination
- Surface Water, Flood Risk and Drainage
- Sustainability and Climate Change
- Construction Management
- Heritage and Archaeology
- Biodiversity
- Wind Assessment
- Planning Obligations
- Community Infrastructure Levy

**Principle**

5.2 Central 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.

5.3 The National Planning Policy Framework (NPPF) supports sustainable economic growth and sets out a presumption in favour of sustainable development by planning for prosperity, planning for people and planning for places. The primary objective of development management is to foster the delivery of sustainable development, and significant weight should be attached to the benefits of economic and housing growth. In seeking to achieve sustainable economic growth. The NPPF also requires the Council to make the most efficient use of land by maximising the re-use of previously developed land.
Proposed Land Use and Departure from the Development Plan

5.4. As required by section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined with regard to the development plan, and the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. The current Development Plan policy DM41 states that land uses other than those set out in the site allocation shall be opposed. The requirements of the site allocation are set out in section 4.0 above.

5.5. As the proposed development proposes flexible use commercial units including possible D1 (non-residential institutions) and D2 (Assembly and Leisure) land uses, it would represent a departure from the adopted development plan and has therefore been advertised as required by the Town and Country Planning (Development Management)(England) Order 2015. The application is not considered to be a departure by reason of its height, as, whilst the site allocation requires developers to “...pay particular regard to...” the site's location within an Area of Taller Building Potential (recommended mid-rise 4-6 storey), it does not preclude proposals for taller buildings which “...should be exceptionally designed and respect local context and character”. CPS Policy BP13 requires taller buildings to be well designed, to make a positive contribution to the skyline and respect local context and be designed in a way that visually integrates with both the townscape and the streetscape. In terms of height therefore, the development plan allows for taller buildings to be permitted where they meet these tests. The consideration of development height is discussed in further detail below.

5.6. It is therefore necessary to specifically address whether or not there are material considerations in justifying the departure from the development plan. In doing so, the implications for the allocated residential, retail and office land uses must be addressed, alongside the need case for the new D-class uses and the new development as a whole. The local planning authority must then balance the weight to be afforded to these material considerations against the prevailing development plan policy and other material considerations.

(i) Proposed D1 uses

5.7. The proposed flexible use of the commercial spaces at ground level is considered to be beneficial as this would help to support and regenerate the vitality of the district centre. Since the adoption of the development plan, the site has remained vacant and other commercial units in North Cheam have also been vacated. The District Centre Health Check commissioned by the Council in 2013, referenced in the applicant’s DAS, highlighted weaknesses in the commercial vitality in the District Centre, with little national retailer representation and the derelict Victoria House dominating the central crossroads. At the time of the 2013 study, there was a 14% vacancy rate (12 units), the second highest of all District Centres in the Borough. A statement has also been submitted with the current planning application from local commercial estate agents (also in the DAS), which states that Victoria House has been “…a constant negative backdrop to any negotiations”.

5.8. More recently, in 2015 a Council-commissioned Town Centre and Economic Development Assessment, forming part of the evidence base for the draft Local Plan, reiterated these same concerns for North Cheam. As such, in order to facilitate regeneration in the district centre, a flexible approach to town centres uses is considered to be appropriate. This is reflected in the draft Local Plan which only
maintains the site allocation but in addition offers greater flexibility in allowing not only residential and retail uses, but more broadly ‘Town Centre Uses’ which include uses such as leisure, entertainment, offices, hotels, clinics and health centres, day nurseries and other community uses. However, only limited weight can be placed upon the draft Local Plan at the current time as stated in section 4.0.

5.9. Given that the site is located within primary shopping frontage and in view of its prominent position, the preference remains for retail uses A1-A3, whilst accepting that other town centre uses can also generate beneficial footfall at this prominent location. As such, the provision of D1 or D2 uses as a departure from the development plan, is considered to be appropriate based upon the continued weaknesses in the district centre and the opportunities that such flexibility would offer the developer in maximising commercial interest in the new units. However, the development should be subject to a planning condition requiring at least 2 of the 3 commercial units being in A1-A3 use at any one time, in line with the Primary Shopping Frontage location and the requirements of adopted policy DM37 to retain a high proportion of retail uses in such locations.

(ii) Office use

5.10. The application does not propose the permanent loss of office use, as it includes provision for possible B1 office use in the commercial units. This would however be a significant reduction in office floor-space from that previously in Victoria House (1,300 sq m). Taking into account the potential to limit B1 occupancy of the proposed commercial floor-space to one of the proposed units (at most 197.2 sq m), the reduction in office floor-space would be numerically significant. However, with the exception of the more recently vacated Ladbrokes unit, the building has been vacant for over a decade and is in a very poor state of repair. Taking into account the tests set out in SDP policy DM36, the site has evidently been vacant in excess of 12 months and the Council has already accepted that there is no reasonable prospect of re-letting the existing building for office use. Furthermore, the principle of total loss of office use on this site has already been established by the granting of planning permission in 2013 for the site’s redevelopment (A2013/67211). Whilst this permission has recently expired, it remains a material consideration of reasonable weight.

5.11. It is clearly evident that the existing building has reached the end of its economic life and it would not be possible to re-let the building for office purposes without extensive renovation works. As a result it is considered that the reduction in office floor-space is acceptable noting also that the introduction of new floor space for retail uses on the ground floor would create employment opportunities likely to be drawn from a local catchment area.

(iii) Retail uses

5.12. The provision of retail uses (defined in the adopted Site DPD as including A1 Retail, A2 Financial and Professional Services and A3 (restaurant/cafe) uses would be in full accordance with the site allocation BW20 and DM41. Policy DM37 states that in Primary Shopping Frontages the loss of Class A1 retail shops would be resisted.

5.13. As the existing building has been vacant for a considerable number of years with no active A1 retail use, the principal consideration is the need to secure new retail activity in this prominent frontage and this is clearly supported in the adopted and emerging site allocation policies, whether or not this would comprise a range of A1-A3 uses. The
2013 planning permission granted just over 1,000 sq m of A1 retail accommodation at ground level plus a 38 sq m police station unit. Whilst the application seeks a more flexible range of uses, including B1 office and D1/D2 uses, as explained above these are considered acceptable subject to a planning condition requiring 2 of the 3 commercial units to be in A1-A3 use at any one time, supporting the primary shopping frontage policies and optimising the potential for an active public realm at this highly visible junction within the district centre. It is encouraging to note that the applicants indicate early interest in the development from potential occupiers including known high street retailers.

(iv) Proposed residential use

5.14. The NPPF, at paragraph 50, states that to deliver a wide choice of high quality homes, widen opportunities for homeownership and create sustainable, inclusive and mixed communities, LPAs should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and, where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The provision of new housing on previously developed land is also strongly encouraged.

5.15. The London Plan outlines the need for residential development within London through Policy 3.3 ‘Increasing Housing Supply’. Core Policy PMP1 ‘Housing Provision’ sets out the Council’s strategic position for meeting and exceeding the Council’s share of London’s housing need. North Cheam is classified as an ‘Other District Centre’ for the purposes of policy PMP1, where there is a requirement for delivery of 500-550 new dwellings in the period 2009-2014, the draft Local Plan increasing this to c.635 dwellings for the period 2016 to 2031. Policy DM41 of the SDP sets out the allocated development sites for the plan period, including the application site (BW20) which is allocated for residential use (with an indicative capacity of 25 units), plus retail and office uses. The site also appears in the draft Local Plan as site S35 and is allocated for residential, retail and town centre uses, as discussed above (with a capacity of 75 units, reflecting permitted scheme A2013/67211).

5.16. The submitted scheme would deliver 88 net additional dwellings within a district centre location. Site allocation BW20 gives an indicative capacity of 25 units for the site, based on the London Plan Density Matrix Setting of Urban. Whilst the scheme presented is far in excess of the adopted allocation it is only indicative and consideration must be given to 2013 permitted scheme for 75 units, which is now reflected in the draft Local Plan, and to the strategic policy of the London Plan to meet or exceed London housing need figures. It is considered that the principle of developing the site for residential purposes is clearly established in adopted and emerging development plan policy. The need to increase the provision of housing is reiterated in the 2016 London Plan policy 3.3 and North Cheam remains an area for intensification through Core Strategy policy PMP1.

5.17. The density figure for the development would be 546 hrph, which would exceed the indicative density range in the London Plan (200-450 hrph in this PTAL 3 location. However, as noted by the GLA and for the reasons set out elsewhere in this report, the development is considered to respond successfully to site constraints and where necessary any development impacts can be mitigated, including by way of recommended measures pursuant to planning condition or section 106 Agreement.
The location of the site in a district centre location makes it appropriate for intensification and the site is immediately available and deliverable for development.

5.18. Overall, having regard to the opportunities afforded by the development in terms of regeneration, as well as the net increase in new and mixed tenure homes, and subject to meeting other policy requirements, the proposed quantum of residential development is considered acceptable.

(v) Conclusion on Land Use Principle

5.19. The proposed residential, retail and office uses would be compliant with the development plan and site allocation policies. The proposed D-class uses, whilst representing a departure from the development plan, would comprise town centre uses that would give the developer some flexibility in the marketing of the new commercial units which has for some time been struggling to secure inward commercial investment. A significant contributor to the relative weakness in the district centre’s vitality has been the on-going vacancy and increasing state of dereliction of Victoria House. By maximising the reasonable flexibility of commercial uses as proposed, whilst also removing the existing building, it is considered that the development as proposed would optimise the potential for the site to act as a catalyst for further regeneration of the district centre. Subject to the recommended planning condition securing a majority occupancy by A1-A3 uses, the departure from adopted policy is therefore considered to be acceptable.

5.20. Height and Massing

5.21. The site is designated as an area of taller building potential for mid-rise development of between 4-6 storeys. The scheme proposed would rise to 10 storeys at its highest, exceeding the guidance of policy BP13 of the Core Planning Strategy. However, as the previously permitted scheme included a building up to eight storeys it is accepted that exceeding this guidance is appropriate in principle.

5.22. Policy BP13 expects taller buildings to be well designed, make a positive contribution to the skyline, respect local context and visually integrate with both the townscape and streetscape. The application has been the subject of extensive pre-application discussion with officers, Ward Councillors and the local community through formal consultation since the applicants acquired the site in 2014. The Council’s Urban Design Officer and the GLA support the stepped approach to massing, rising to a highest point at the southern edge of the site whilst falling to meet the relative scale of existing development to the north. The opening up of the development at the south would provide a beneficial break in the building mass, allowing for views and light through and across the first floor level amenity deck. This is considered to be an improvement upon the originally approved scheme for the site and the applicants have provided a comparison, overlay image of the two schemes in the submitted DAS which demonstrates this difference.

5.23. At the request of officers, the height of Block B has been reduced. Whilst this is not a significant reduction, it is judged to be a positive step with amended architectural street scene perspectives demonstrating a massing that is considered to be appropriate at this particularly prominent location, fronting an expansive open area of public highway. Whilst the building would remain significantly higher than the existing district centre character of typically 2-4 storeys, it benefits from sufficient space to its south, east and west to accommodate the height and massing proposed. The design is considered to
be of high quality subject to the confirmation of the external materials and design detailing which can be secured by planning condition. In addition, the stepping of the building mass through the maximum block heights and through the vertical separation of the blocks, together with the variable transition between brick, metal and white painted brick and pre-cast concrete elements as proposed is considered to result in a contemporary development that would provide a positive ‘landmark’ addition to the skyline in all directions. This is considered to be appropriate with regard to development plan policies that seek intensification and regeneration in North Cheam.

5.24. Equally, at ground level the vertical stepping between blocks, following the curvature of the site from London Road to Church Hill Road, whilst maintaining a predominantly glazed retail frontage set apart from the facing brickwork of the residential floors above, serves to continue the building line and retail unit proportions of the existing centre. Combined with first floor and public realm planting, the building would result in attractive and not overly dominant street scene.

5.25. The site allocation states that any development scheme should pay particular regard to achieving a high quality design that defines North Cheam district centre. Taller buildings should be exceptionally designed and respect local character and context. Whilst it is not considered that an ‘exceptional design’ has been achieved, the design would be of high quality and the development has had particular regard to local townscape and context in its approach to form and massing with the tallest elements located to the southern edge of the site where it can serve a landmark function without compromising immediately adjoining townscape.

5.26. Overall, it is considered that the development as amended would be of an appropriate height and massing in this location. It would not significantly exceed the overall massing of the originally approved scheme – indeed, it is considered that the development as proposed would arguably present a building of reduced massing than that previously approved by reason of the clear break between the eastern and western blocks and the design approach adopted. For the above reasons therefore, it is considered that the development would comply with the development plan policies cited above.

5.27. Impact on Neighbours, including Daylight and Sunlight

5.28. Policy DM2 of the Site Development Policies seeks to protect the amenities of neighbouring properties in terms of overlooking, loss of outlook and loss of light. Policy DM2 continues that proposals should prevent undue noise, vibration, odours, smoke, fumes and dust.

5.29. As amended, the scheme is considered to have an acceptable impact upon neighbouring amenities taking into account the approach adopted for siting, stepped increases in massing/height from north to south, orientation of windows and design-specific measures such as boundary screening which will be secured by planning condition. In terms of residential amenity, the closest dwellings are located at Beckett House (fronting Church Hill Road) and flats above 512 and 514 London Road, in particular recently constructed dwellings at the rear of 514 London Road which directly face the application site.

5.30. The main flank of the building would be located 6.3m from the flank wall of Beckett House which would be 3.8m closer than the existing building, whilst 1.2m further away than the previously approved development. The proposed development would also site
the closest vehicular access (egress) further south than the existing access point and would not have an open servicing route along the full extent of the boundary with Beckett House, as had been permitted in the 2013 scheme. The majority of the vehicular access to and from the site would be enclosed by the proposed building resulting in a relative improvement in terms of noise and general disturbance in comparison to the existing open access and ramp that had serviced Victoria House and the boundary service access in the previously approved scheme.

5.31. The existing building sits roughly 8.2m forward of the front elevation of Beckett House whilst the current proposal would extend roughly 9.0m forward, similar to the previously approved scheme. However, as the flank of the proposed building would be 4 storeys, higher than the existing and previously approved schemes (2- and 4-storey respectively) there would be increased massing closer to Beckett House. However, having regard to the relative separation between the respective flanks of each building, the removal of open servicing along the boundary and the district centre location, it is considered that the outlook from the closest flats in Beckett House would not be unduly harmed. The recent amendments to the proposed 4-storey flank by way of the addition of recessed brick relief panels add some beneficial visual interest to this elevation due to the absence of windows. The formation of windows in this flank would be prevented by planning condition in the interests of privacy.

5.32. There are two windows on each of the ground, first and second floor levels on the west facing flank elevation of Beckett House which would be affected by the proposed development although the second floor windows comprise rooflights. From the planning history relating to Beckett House it is identified that the windows in question either serve bathrooms or small kitchens, which, for the purposes of assessing impact on light are considered to be habitable rooms. However during the site visit it was evident that the windows on the ground floor are already close to the shared boundary wall and fence with only limited penetration of daylight and sunlight (discussed further below), further restricted by boundary trees and hedgerow.

5.33. The rearward extent of the development would not extend beyond the centre-line of Beckett House, with the open first floor amenity podium continuing beyond that point. The podium would be 3.0m from the shared boundary and screened by proposed planting with restricted access to the podium edge other than for maintenance purposes. A Landscape Management Plan is to be secured by planning condition to maintain these privacy measures.

5.34. It was also noted from a site visit that the height and proximity of the existing Victoria House building already dominates the outlook from the facing Beckett House windows at first floor level. Overall it is considered that the proposed development is unlikely to cause a significant worsening in the outlook experienced from these adjacent windows over and above that which currently exists.

5.35. In terms of outlook from the closest residential windows in London Road dwellings, the closest directly facing habitable room windows are in new flatted development currently nearing completion at the rear of No.514 London Road. One first floor flat would directly face the proposed 4-storey flank of the new development, abutting the service road alongside No.512 London Road. However, the separation would be approximately 10.2m and the outlook from this new flat of relatively modest quality in view of its backland position, behind town centre retail units, a rear servicing yard and the existing Victoria House. Overall, it is considered that refusal on grounds of loss of outlook to these new units could not be justified.
5.36. With regard to overlooking, the application as amended proposes a 1.8m boundary screen along the edge of the first floor amenity podium which would prevent overlooking to the facing windows at rear of No.514. A first floor external terrace at the rear of No.512 London Road would also be protected by the proposed screen and podium planting and access restrictions to the podium edge. The flank of the rear-facing balconies of Block C would also comprise the flank wall of the new building, preventing direct overlooking from these balconies. Views from the balconies towards the rear of Beckett House would be screened at podium level and views from balconies on the 2nd and 3rd floors above would be sufficiently oblique and of sufficient separation distance (approximately 22.5m to the closest rear window of Beckett House) to prevent direct overlooking. Whilst the presence of higher-level windows and balconies from the proposed development would represent a significant change to existing conditions for these properties and there would be a perception of overlooking from higher levels, these views would be of such relative distance and height that refusal on grounds of overlooking would be difficult to sustain, especially in a town centre location. Notwithstanding the recent expiry of the 2013 planning permission, the similar orientation and siting of high level windows and terraces in both schemes is also considered to be material in this regard.

5.37. The proposed development would be located more than 30m away from residential dwellings on the opposite side of Church Hill Road and so there would be no harm to these properties by reason of outlook, overlooking or light (being south of the application site). The separation, across Church Hill Road provides enough distance to ensure the outlook from the front of these existing houses is not unduly dominated, taking into account the existing outlook to Victoria House. Furthermore, as stated above, higher level windows and balconies would not be considered to give rise to intrusive overlooking by reason of their relative height and distance from these properties, including the rear gardens of properties fronting Malden Road.

Daylighting and Sunlighting Assessment

5.38. The application has been accompanied by a Daylight and Sunlight Assessment, which assessed the impact of the development upon neighbouring properties and in addition the anticipated conditions for occupiers of the proposed flats. This has since been updated in response to receipt of amended drawings and in part due to findings articulated in the first report.

5.39. The first report, in assessing the scheme as originally submitted, concluded that the rear garden of Beckett House would experience a reduction in the ‘2 hour March equinox’ level of sunlight (as per 2011 Building Research Establishment (BRE) sunlight and daylight guidance) from 88% to 51%. In addition, it did not model impacts upon the new residential development to the rear of 514 London Road. Other concerns highlighted were that 21% of the proposed units would be below the recommended BRE guidelines for sunlight and only 53% of living rooms/kitchens being above BRE guidelines for daylight.

5.40. At the request of officers, the amended scheme has increased the size of window openings to proposed flats resulting in an increase in living room/kitchen BRE daylight compliance from 53% to 78.4%. Further assessment of the impact upon sunlight to the garden of Beckett House has also been undertaken and submitted, which points out that the 51% equinox sunlight would be in compliance with the BRE guidelines (which seek at least 50%). Hour by hour plots have also been submitted demonstrating that
the rear garden of Beckett House would receive over 90% sunlight during the summer period (at 21st June) when use of the garden is likely to increase. On the basis of this additional information and clarification, the impacts upon Beckett House in terms of daylight and sunlight are considered to be acceptable.

5.41. With regard to the new flats at the rear of 514 London Road, these would receive acceptable levels of sunlight in line with BRE guidelines. However, the daylight serving one of the flats would deteriorate by approximately 40% as a consequence of the development. This first floor flat would also be single aspect. However, whilst this represents a significant reduction, the actual daylight levels to this flat would not be dissimilar to other existing windows modelled in the assessment, including existing windows at the rear of 514 London Road and also at Beckett House. On balance, it is considered that the reduced level of daylight to a single flat located within a relatively higher density District Centre location where lighting levels may be expected to be lower than suburban values, is not sufficient reason to refuse the application proposals when weighed against the many benefits to be delivered by the scheme.

5.42. Overall, it is acknowledged that a development of this scale will inevitably have some impact on adjoining properties. However, it is considered that the buildings have been carefully designed to ensure that there is no unacceptable loss of light or outlook and minimal overlooking from windows. It should be noted that the existing buildings on this site currently have an impact on adjoining properties given their scale, prominent location and activity associated with their former uses. In these circumstances, the development is judged to be acceptable in terms of amenity impacts upon neighbouring properties.

5.43. **Design and Public Realm**

5.44. The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The London Plan policies 7.4 (Local Character) and 7.6 (Architecture) state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

5.45. Policy BP13 of the Core Planning Strategy advises that the Council will expect proposals for taller buildings in the borough to i) Be well designed and to make a positive contribution towards the skyline and the surrounding area; ii) Respect their local context and to be designed in a way that visually integrates with both the townscape and the streetscape; iii) Demonstrate a high level commitment to sustainable design and construction; iv) Include a mix of uses, including functions that are widely used by the public (such as restaurants), in order, to ensure successful interaction in the local area; and v) Ensure safe, attractive and comfortable amenity/open spaces designed to support social interaction and cohesion and engender a sense of place. The site allocation requires a high quality design on this prominent corner site and where buildings exceed the indicative 4-6 storey height for this location under policy BP13, they should be exceptionally designed and respect local context and character.

5.46. Given that the existing building is in a poor state of repair and fails to make a positive contribution to the visual appearance of the area, it is considered that its redevelopment is welcome and a pragmatic solution to ensuring the comprehensive
regeneration of the site rather than seek to retain and adapt the building as proposed in the now lapsed permission. This application represents a scheme that not only maximises the potential of the site in land use terms but provides an opportunity to address its prominent position with a modern and innovatively designed landmark building.

5.47. It is acknowledged that the area is mainly characterised by art deco style retail shopping parade buildings comprised largely of facing brick. However, the location of the application site at a peninsula location at the meeting of Church Hill Road and London Road with the A2043 Malden Road and the markedly different appearance of the existing 1960s building is considered to support the delivery of a contemporary and landmark design approach for the site.

5.48. The elevations of the blocks have sought to replicate the mixed horizontal and vertical features of existing art deco buildings and the grouping of window openings to maintain a symmetry of appearance. Apertures in the brickwork have been sized to create distinct bottom, middle and top levels to the building. White coloured brick is proposed for recesses and to reflect natural light within balconies. Overall the proposed mix of materials is intended to be relatively restrained as a contemporary reference to the art deco character features of North Cheam.

5.49. Following the receipt of amended drawings, removing the extended upstand element at the highest point of Block B and adding recessed relief brickwork to the flank wall facing Beckett House, it is considered that the design is now acceptable and that the approach is sympathetic to the established character of the district centre. The submitted computer generated images are generally considered to confirm the appropriateness of the elevational treatment to the proposed building, but the final details of the facing brickwork will be secured by planning condition.

5.50. The extensive use of glazing at the ground level retail units (increased in extent with amended drawings by re-siting of enclosed cycle parking stores and removal of one of the residential entrance cores), combined with the stepped corners and vertical columns of matching brick and white concrete (to match floors above) would create a contemporary commercial frontage in excess of 60.0m, addressing a further requirement of the site allocation.

5.51. As such, the proposed development is considered to meet the policy requirements as set out above in demonstrating high quality design and warranting an exception to the indicative mid-rise scale for taller buildings in this location. The site allocation policy indicates that ‘exceptional’ design quality would be required where the recommended 4-6 storey height is exceeded. Whilst the design is not considered to be ‘exceptional’, it is of high quality, responds to the local context and art deco character. The stepping down in building scale from the southern edge of the site to the lower scale development to the north would visually integrate the development with the existing townscape, in line with policy BP13.

5.52. Furthermore, the public realm enhancements demonstrate further compliance with policy, notably BP12 which requires new developments to create vibrant, attractive and accessible public spaces and create a sense of welcome by promoting legible spaces through the development of landmark buildings and public realm features. Approximately 1640 sq m of existing public realm is to be improved. The provision of new amenity grass, bulb planting and seating around the retained trees on the site frontage is welcomed, enhancing the street scene and improving the health of these
trees, in particular those maintained by TfL by the removal of existing grilles at their base. The new grey/silver block paving would replace existing concrete pavours and raised white concrete edging to the grassed areas provides seating areas for public use. The use of flush feature trim to the frontage of the retail units would assist the possible introduction of external café seating associated with these units, enhancing the public realm and general vitality of the centre (subject to necessary highway licences). Selective tree pruning including crown lifting is to be undertaken to the street trees to improve the inter-visibility between the public realm and the new retail units, subject to planning condition and approval from TfL and Borough Parks Department. There will be 12 cycle parking stands for public use at the southern corner of the building at the junction of Malden Road and Church Hill Road.

5.53. In terms of the Church Hill Road frontage, the GLA has requested that the design and layout approach be re-visited, suggesting that the building could be moved closer to the highway allowing more of the external parking to be internalised within the building and potentially having a single ingress/egress point on the building frontage. However, it is considered that moving the building further forward would impact upon the outlook from Beckett House and would reduce the separation from residential dwellings on the opposite side of Church Hill Road and so this is not recommended in view of the relative scale of existing and proposed buildings. Furthermore, the provision of a single ingress/egress point in the building would potentially require a widening of the opening to the undercroft parking area and provision of turning space in the undercroft area, potentially reducing the overall quantum of car parking. Subject to the new tree and hedgerow planting on the street frontage as proposed, acceptable hard surfacing and external roller shutter designs to the access points, the current siting and layout is considered to be optimal.

5.54. Overall therefore, subject to suitable conditions securing final details of external materials and a landscape strategy for the implementation and maintenance of soft landscaping works, the design approach for the building and the public realm is considered to be acceptable and would meet the requirements of development plan policy.

5.55. Affordable Housing and Viability

5.56. In terms of affordable housing, the London Plan (policies 3.11 and 3.12) states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes having regard to the Council’s affordable housing targets. The amplification to the policy states that to “expedite the planning process, developers should engage with an affordable housing provider prior to progressing a scheme, and provide development appraisals to demonstrate that each scheme maximises affordable housing output.” The GLA also reference in their Stage 1 comment the November 2016 draft Affordable Housing and Viability SPG, which states that developments offering more than 35% on-site affordable housing without public subsidy can avoid the need to submit financial viability data.

5.57. Policy BP2 of the Core Planning Strategy states that the Council will seek to meet an overall borough wide target that 50% of all new housing from all sources is affordable. The amplification to policy BP2 states that “Given the relatively low level of affordable housing achieved to date, the Council will adopt the 50% target, but will keep this figure under review.” Policy BP2 is reinforced by Policy DM25 of the Site Development Policies DPD which states that “the Council will seek to achieve 50% affordable
housing provision on all sites capable of providing 10 or more units, either in terms of the number of units on site or the residential floor space of the development” unless the application is accompanied by a financial viability appraisal which shows that it would not be economically viable to do so.

5.58. The application as originally submitted proposed 12 affordable units (13.3% of 90 units) of which 9 would be for affordable rent and 3 shared ownership, with no reliance upon additional public funding. The application was accompanied by confidential financial viability calculations which stated that, even with this offer of affordable units, the development would be marginally unviable. This took account of anticipated CIL payments to the Council of £617,839, £111,561 Mayoral CIL and £31,500 section 106 obligations (Nb: The CIL calculations have since been adjusted – see paragraph 5.122, although this does not materially alter the conclusions on scheme viability).

5.59. The applicant’s viability report was assessed by the Council’s independent financial viability advisor and following objection from the GLA on the low level of affordable housing on offer, further discussions with the GLA and the Council about possible public subsidy and review of the viability methodology by the Council’s assessors, an amended offer was made by the applicants to provide 13 affordable units (10 x affordable rent and 3 x shared ownership), which amounted to 14.7% of a reduced overall number of dwellings (from 90 to 88), due to the negotiated reduction in height of Block B. It was agreed that the viable level of on-site affordable housing was appropriate and that this offer was made by the applicants notwithstanding a significant scheme deficit. Whilst differences remain between the applicants and the Council as to the methodology adopted by the applicants in establishing the threshold land value, calculations by both sets of consultants demonstrate a negative viability position.

5.60. Notwithstanding the baseline ‘viable’ position, the applicants have agreed for a section 106 Agreement to contain obligations that provide for review and ‘clawback’ clauses to re-evaluate the viability position at an agreed later date, as sales income and/or costs change over time. Additional on-site affordable housing would then be provided (or a commuted sum as a last resort) if the viability position improves. Furthermore, the applicants agree to secure the maximum level of potential public subsidy in the form of Council right-to-buy receipts and GLA grant, both having been indicated as available for this development. This would be expected of any registered landlord in any event, with Homegroup being one of the largest housing associations in the UK. On this basis, the application is considered to be acceptable in terms of affordable housing and having regard to the other benefits to be derived from this development.

5.61. **Transport, Highway Conditions and Parking**

5.62. Policies DM20 and DM22 seek to ensure that planning permission will not be granted for development likely to result in an increase in on-street parking, where it would adversely affect traffic flows, bus movement, road safety, the amenities of local residents or the local environment. Parking is proposed in the following forms:

- 50 allocated car parking spaces for residents;
- 1 Car Club space;
- 3 motorcycle spaces (internal);
- 138 secure and sheltered cycle parking spaces;
- 12 external public realm cycle spaces.
5.63. Based upon the figures, the parking would represent 0.57 spaces per unit which would comply with the adopted London Plan. The provision of electric vehicles charging points as proposed is also supported by the GLA as is the Car Club space which should be managed alongside other spaces through a Car Parking/Servicing management plan and the wider site Travel Plan. These documents would be secured for subsequent approval by way of condition and/or section 106 agreement as recommended below.

5.64. The Transport Assessment submitted has considered the transport impacts of the development upon the existing highway network, together with an assessment of the appropriate level of car parking taking into account the PTAL 3 location and existing on-street car parking. Policy DM22 supports the granting of development with low or zero on-site car parking where it can be demonstrated that this would not result in an increase in on-street parking that would adversely affect traffic flows, bus movement, road safety, local amenity of the local environment. Accordingly, the TA has been accompanied by a parking stress study which is based upon parking surveys undertaken on 3rd and 9th September 2015, the former undertaken at 1600, 1900, 2100, 2300 and 0100 hours with the latter date as a follow up study at 0100 hours. The study has been undertaken in line with accepted ‘Lambeth Methodology’ and, following representations received to the withdrawn planning application (2016/73710), included an allowance for the reduced carriageway widths in Leicester Close and Lingfield Road (where parking is only possible on one side). The survey covered roads within 500m walking distance of the site.

5.65. The survey has identified that there is spare parking capacity in the vicinity of Victoria House, with greatest stress at 1900 hours where there remain on average 87 spare spaces within the study range. Available on-street parking totalled 270 spaces of which no more than 72% occupancy was recorded. In Church Hill Road, parking occupancy averages 45%, with the majority of dwellings capable of accommodating 1-2 cars off-street on driveways. With no parking permitted on the carriageway of the A24 (red route) or Malden Road frontage (part red route/double yellow lines) and single yellow line restrictions (0800-1830 Mon-Sat) and white zig-zag lines extending beyond Senhouse Road, the TA concludes that there is no evidence to suggest that there would be additional, adverse on-street car parking.

5.66. Despite these findings, it is also necessary to consider the additional measures put forward with the application to reduce reliance upon the private car. These include:

- A marked Car Club space for use by residents and by the public, located within the external parking area on the Church Hill Road frontage, supported by developer subsidy for resident membership for a period of 3 years;
- A Framework Travel Plan and establishment of a Transport Liaison Group (TLG), as described at paragraph 2.10 above;
- A Travel Plan fund (to be confirmed in report Addendum papers) to be made available for use by the TLG to support implementation of the travel plan ‘toolkit’ of sustainable transport measures – this could include subsidy measures such as:
  - Cycle purchase;
  - Cycle equipment purchase and repairs;
  - Cycle training;
  - Car share schemes;
  - Bus ‘taster’ tickets for a specified period;
  - Sustainable travel welcome packs and sustainable travel events to
5.67. These measures would be secured by section 106 agreement. It should also be noted that car parking spaces are to be allocated to residents on a first-come first-serve basis upon dwelling purchase. When each space has been allocated (upon sale of the 50th unit), future purchasers will be aware that no on-site parking is available and this should discourage car ownership. However, it is proposed that the TLG would monitor the level of car ownership among residents of the development and that the amended travel plan will specify 'trigger points' whereby the 'toolkit' of sustainable transport measures and associated developer fund would be 'drawn down' to reinforce sustainable travel choices. It is considered that the TLG would determine the appropriate trigger points and the frequency of resident car ownership/parking surveys.

5.68. The TA notes that the current scheme would comprise a net decrease of roughly 566 sq m of retail floorspace from that previously approved in 2013, plus removal of the market store and police point. There is also a reduction in number of family sized units is reduced from 13 to 6 whilst an overall increase in dwellings of 13 units. Overall, taking account of the site’s PTAL 3 rating and the sustainable transport measures proposed by the applicants (and as set out in the recommendation below) the balance of parking provision is considered to be appropriate.

5.69. In terms of predicted vehicular trip rates, these trip rates modelled for the 2013 permission have been used and adapted to respond to the net land use floorspace and parking provision changes between the two schemes. Trip generation is based upon the highway industry TRAVL database which takes into consideration comparable locations. Trip rates have focused upon peak hour travel 0800-0900 hours (AM) and 1700-1800 hours (PM) as well as total daily trips. It is noted that the previous TA made no allowance for the new/primary trips associated with the retail element of the scheme and as such the current proposal, in view of the substantial reduction in retail floorspace, makes no allowance in the assessment. The TA finds that the estimated trip generation would represent a net increase of 11 car arrivals and 11 car departures compared to the previously approved scheme.

5.70. In addition, the TA notes that based upon 2011 census data, local car ownership ratios for similar sized flats amounts to 69%. Whilst the proposed on-site parking percentage would be 57% (not including the Car Club), this shortfall is considered appropriate in the interests of encouraging modal shift and in the light of the PTAL 3 location and alternative modes of transport to the site. The TA confirms that the walking and cycling accessibility of the site is very high with rail stations at Worcester Park, Cheam, West Sutton and Stoneleigh within 30 minutes’ walk of the site or otherwise regular connection by way of bus. Overall, there is considered to be good potential for modal shift for future occupiers and that it is not necessary to provide more on-site car parking than is shown to be necessary in highway safety terms.

5.71. The Council’s Highway Engineers raise no objection to the methodology and findings of the TA, subject to submission for approval of an amended Travel Plan, Parking and Servicing Management Plan, Construction Management Plan and establishment of the TLG as proposed. The applicant has agreed to enter into a S278 agreement with the Council and TfL to carry out changes to the highway and footway in the vicinity of the proposed development, in particular the public realm improvements to the front of the site. TfL also raise no objection, stating that impacts upon the strategic road network would be ‘negligible’. TfL request that any section 106 Agreement contains provision to monitor and secure as necessary additional demand for disabled parking bays, as 8
such spaces are stated to be required rather than the 5 currently proposed.

5.72. It is noted that the applicants have offered to provide additional funding for a wider car parking survey that could potentially support the Council in considering the implementation of a Controlled Parking Zone in the locality of the site. However, this is not considered to be a necessary planning obligation in the context of the clear tests set out in the CIL Regulations 2010 (as amended) and taking account of the findings of the on-street parking surveys.

5.73. Overall it is considered that the proposed development would not be prejudicial to pedestrian and highway safety and would ensure there would not be an unacceptable level of pressure upon the local highway network.

5.74. **Layout, Dwelling Mix, Amenity Space and Living Conditions**

5.75. In terms of specific housing policy, SDP policy DM26 states that the Council will seek to achieve a balance in the mix of housing types and sizes in order to create a more mixed and balanced community. The proposal would provide a good mix of unit types of one, two and three bed flats and, whilst the proposal includes a high number of one and two bed units and only 6 x 3-bed units (7% of total units) this mix is considered to be acceptable. Policy DM26 states that whilst 25% 3-bedroomed units or more would normally be sought, there can be an exception where the location is not appropriate of viable for increased family-sized dwellings. Overall, having regard to the town centre location of the site and the high density nature of the development, the number of 3-bedroomed units is considered to be appropriate.

5.76. In terms of general building layout, at ground level the retail units have increased in size both in terms of overall frontage and depth, since the previously withdrawn scheme. This is welcomed as it will provide greater certainty of commercial interest, which it is understood is already being shown by retailers. The remainder of the ground floor has been re-configured in the recently amended plans to provide greater efficiency through removal/re-location of some of the undercroft support piers, which has rationalised the siting of parking bays (including an extra parking space overall), electric vehicle points, disabled parking bays (closer to the retail frontage and building exit lobbies) and access by refuse vehicles to the enclosed bin stores. Swept path tracking plans have been provided demonstrating the safe ingress and egress of a refuse vehicle into and out of the undercroft parking area.

5.77. Each flat would be accessible from the street frontage or the undercroft parking area. A single lift core is provided for the east and west blocks respectively. A further lift core was initially sited in Block C, but was removed to allow an increase in the size of the ground level commercial units. No more than 8 flats would be served from a single core. The first floor also provides four equally spaced access points to the first floor amenity deck. The GLA have confirmed that the proposals would represent a good standard of residential accommodation with efficient core to unit ratios.

5.78. The flats would be largely single aspect, some facing the public highway, others facing the internal amenity space. However, units at the southern end of the blocks benefit from dual aspect towards Malden Road. Each flat also has a private balcony of between 5-7 sq m. As set out in section 2.0 above, a mix of dwelling types is to be provided on each floor which is welcomed. The affordable rented and shared ownership units are to be located at the northern ‘half’ of the 1st, 2nd and 3rd floors of Block C, with one of the shared ownership units indicated on the southern, dual aspect
corner of the first floor.

5.79. The proposed 730 sq m amenity deck combined with the individual balconies would meet the recommended amenity space requirements of the London Plan, the amenity space equating to roughly 14 sq m per unit. The Mayoral SPG “Play and Informal Recreation” recommends that a one or two bedroom flat should have at least 5sq.m of private amenity space with an additional 1sq.m provided for each additional bedroom thereafter. This would therefore be satisfied. The proposed 55 sq m of childrens’ play space together with the wider amenity podium is also considered to be acceptable and in accordance with the London Plan guidance, SDP policy DM29 and Council’s Urban Design Guide (SPD14).

5.80. In terms of lighting conditions for the new units, following receipt of the amended plans and an updated Daylight and Sunlight assessment, 91.5% of the new units would exceed the BRE daylight standard analysis submitted with the application. In terms of sunlighting, 71 of the 88 units (80%) would be above the BRE criteria for internal sunlight, with the balconies and amenity deck all being compliant. Overall, this is considered acceptable taking into account the district centre location and the external amenity space available.

5.81. Policy 3.8 of the London Plan requires that 90% of new housing should meet Building Regulation requirement M4(2) (Accessible and adaptable dwellings), with 10% being specifically wheelchair user dwellings (Regulation M4(3)). The GLA have noted that only 78 of the 88 flats would meet M4(2). With the amended plans submission, the applicants have confirmed that 9 of the flats (on 1st to 5th floor) would be specifically wheelchair accessible, subject to minor adaptation. All of the remaining flats would meet the requirements for adaptation of M4(2). This is considered to be acceptable and in accordance with development plan policy.

5.82. The Council’s Waste Operations Manager has not objected to the proposal and refuse vehicle tracking has confirmed the safe movement into and out of the building by refuse vehicles. Full details of the management strategy for refuse and recycling storage and collection is reserved by condition.

5.83. For these reasons it is considered that the proposal would result in an acceptable layout and standard of amenity for the future occupiers in accordance with development plan policy.

5.84. **Landscaping and Trees**

5.85. The proposed development proposes the removal of only 2 trees compared to all street trees in the previous withdrawn application. The 2 trees are proposed for removal to improve visibility to the new commercial units. The Council’s Tree Officer has raised no objection to the proposed planting proposals and has informed the species selection on the amenity deck to take account of the greater exposure to wind and sunlight. The range of planting proposed would also offer biodiversity gains for this site as required by policy DM17.

5.86. However, both the Council’s Tree Officer and TfL have advised that the proposed replacement tree planting may not be compatible with the existing Birch and Tulip trees. As such, it is considered that the re-planting proposals for these trees should be reserved by condition, and associated dedication to TfL by way of the s.106 and s.278 Agreements. Conditions are also recommended to ensure the necessary protective
fencing for the retained trees and details of all tree pruning works considered necessary. TfL have advised that compensation will be payable to the sum of £129,036 if the two trees identified for removal are ultimately removed. This will need to be captured in the s.106 Agreement. It is open to the applicants to explore options for the pruning/crown lifting of these trees rather than complete removal and this would be supported in principle. If this is agreed as possible, this will be reported to Committee. Alternatively, these tree work details can be resolved through condition and legal agreement.

5.87. **Air Quality, Noise and Odour Control**

5.88. Policy DM10 of the Site Development Policies DPD states that development proposals that would have significant adverse impacts on local air quality, expose the public to air pollution or lead to a breach of the Government’s air quality objectives will not be permitted unless appropriate mitigation measures are put in place to reduce the adverse impacts to acceptable levels.

5.89. An Air Quality assessment has been submitted in support of the application. The assessment concludes that there would be a marginal increase in NO2 concentration, based upon a worst-case over-operation of the proposed CHP system. However, overall, taking into account building design and sustainable transport measures, the development is considered to be air quality neutral in line with the requirements of London Plan policy. Mitigation would also include mechanical ventilation to dwellings on the first floor fronting London Road and Malden Road and enclosure of balconies (as ‘winter gardens’ to the units at first floor level. A Dust Management Plan will be secured by planning condition (as part of a Construction Management Plan) to control potential PM10 emissions.

5.90. In terms of noise, no objection is raised to the development from the Council’s Environmental Health Officer. However, conditions are recommended to secure details of piling works, fixed plant, acoustic-specification glazing and ventilation and measures to protect first floor flats from noises associated with ground floor commercial units. It is also recommended to control the hours of opening of the commercial units and the hours of servicing to protect residential amenities. The applicants have requested servicing hours between 4am and 9pm (Mon-Sat) and 5am to 6pm (Sundays) and 9am to 4pm (bank holidays). However, these timeframes are considered too broad and could give rise to disturbance to existing and proposed residential occupiers. As such, reduced servicing hours (excluding Sundays and public holidays) are recommended below.

5.91. In the event that commercial units are provided with commercial kitchens, details of suitable extraction systems will be required. A condition is recommended to secure submission of these details in the event that a future occupier requires a commercial kitchen.

5.92. **Land Contamination**

5.93. The submitted Environmental Risk Assessment has concluded that the on-site environmental sensitivity to contamination is low. There is likely to be made ground plus an on-site electricity sub-station that will need to be re-located. These can be sources of contamination. However, contaminant pathways are likely to be limited by the presence of hardstanding and building cover. Flats would also be above ground
and would not rely upon existing ground soil. A Phase 2 Site Investigation was undertaken which identified small hotspots of localised contaminants, but these would be capped by the development. Furthermore, deep groundwater sources are protected by a 50m cap of London Clay.

5.94. It is not considered that submission of further contaminated land assessment is required prior to commencement of site works, subject to implementation of remedial measures outlined in the assessment, measures to be undertaken in the event of unexpected contaminants being identified during construction activity and submission of piling risk assessments and mitigation proposals.

5.95. **Surface Water, Flood Risk and Drainage**

5.96. A flood risk assessment has been submitted with the application. The site lies within Flood Zone 1 where an FRA would not normally be required for sites below 1.0ha. However, an analysis of surface water management is required. The London Plan requires surface water run-off to be to equivalent greenfield run-off rates. These cannot be achieved on the application site as it includes un-controlled highway land outside the applicant’s control. However, surface water will be controlled by way of below ground tanked attenuation systems within the site, rainwater harvesting and drainage to the first floor amenity landscaping which will be formally drained acting as a green roof and reducing run-off rates. Discharge will be to the existing public sewer system.

5.97. The Lead Local Flood Authority raises no objection subject to confirmation of surface water run-off rates and implementation of all SuDS measures. Thames Water similarly seek surface water attenuation prior to discharge to the public network. These measures are to be secured by planning condition.

5.98. **Sustainability and Climate Change**

5.99. The most relevant London Plan policies are 5.1 (Climate change adaptation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.5 (Decentralised energy), 5.7 (Renewable Energy) and 5.9 (Overheating). An Energy Statement has been submitted with the application. It should be noted that as of October 2016, policy 5.2 requires all new residential development proposals to achieve zero-carbon standard, which is reflected in SDP Policy DM6.

5.100. Policy BP6 ‘One Planet Living’ of the Core Planning Strategy seeks the highest standards of sustainable design and construction within the Borough in support of the Council's vision of 'Creating a sustainable suburb' and long-term aim of promoting Sutton as a 'One Planet Living' Borough. SDP Policy DM5 references Code for Sustainable Homes which has since been replaced as a standard through the 2015 Building Regulations, although all non-residential development is still required to meet an ‘outstanding’ sustainability rating under BREEAM (Building Regulations Energy Efficiency Assessment Method).

5.101. The application proposes a 35.5% reduction in CO2 emissions on-site compared to Part L of the 2013 Building Regulations. This would be achieved through a combination of fabric energy efficiency measures, mechanical ventilation with heat recovery and a centralised Combined Heat and Power (CHP) led low temperature hot water heating system for the whole development. The energy system would also be
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5.102. The energy efficiency measures are in line with the Mayor’s energy hierarchy, subject to confirmation of ‘as designed’ Building Regulations outputs through planning condition. The CHP system would also comply with the second step of the Mayor’s energy hierarchy but further details will need to be secured by condition to confirm targeted emission reductions.

5.103. The development does not however propose renewable energy measures, such as photo-voltaic panels. It also does not meet the zero-carbon standard as set out in the London Plan. Whilst the shortfall in respect of the zero-carbon standard can be met through payment of commuted sums, this can only be accepted where there are fully costed schemes within Sutton. This is not the case currently and as such it is not permissible for the Council to seek such payments in the context of clear guidance set out in the 2010 CIL Regulations. It is estimated that the payment required to address the shortfall of circa 50 tonnes of CO2 would amount to £91,440 based upon the recommended Mayor’s tariff of £60 per tonne over 30 years.

5.104. The additional costs associated with carbon-offset and renewable technology would amount to approximately £220,000 (£91,440 plus circa £130,000 for renewables) and it is material that these costs would further compromise the already agreed negative financial viability position of the scheme. As such, in the interests of securing additional benefits from the scheme, in particular the maximisation of on-site affordable housing, the energy and carbon reduction proposals are considered to be acceptable.

5.105. The Energy Statement has also undertaken an overheating analysis for the new units and concluded that overheating would not occur, in line with Part L of the Building Regulations. The landscaping proposed on the first floor amenity deck also provides benefits in terms of urban cooling and provides benefits equivalent to that of green roofing.

5.106. In terms of water efficiency, SDP Policy DM9 requires all residential developments to achieve good practice standards of water efficiency, limiting internal potable water consumption to 105 litres per person per day (which equates to the former Code 4 Sustainable Homes standard). Under updated Building Regulations, the Council is able to require a slightly relaxed threshold of 110 litres per person per day. A condition is recommended to secure final confirmation of the water efficiency calculations for the development prior to occupation.

5.107. With regard to sustainable construction measures as set out in SDP policy DM5, it is necessary for the commercial units to demonstrate compliance with BREEAM sustainability rating for non-residential development. A condition is recommended to secure certification for these units prior to first occupation.

5.108. **Construction Management**

5.109. A Construction Management Plan was submitted with the planning application which has provided indicative details of site construction management, including interface with residents through the Considerate Constructors Scheme and employment of a resident liaison officer who would communicate with the local community as well as publicise supply chain opportunities. Indicative locations for material storage on site, site offices, and site access for deliveries is set out. A drop-off area for crane-lift deliveries is shown on the Church Hill Road frontage, with lorries entering from Malden...
Road and exiting in an easterly direction along Church Hill Road. The illustration also shows site hoarding and temporary offices located over street trees which are to be retained.

5.110. It is considered that these details need considerable refinement in consultation with officers, including TfL and Council Parks and Highways officers. The recommended forum for this would be the proposed Transport Liaison Group, which is to be established through the site Travel Plan and s.106 Agreement. The applicants have agreed to this through the Framework Travel Plan Memorandum submitted with the most recently amended drawings and documents.

5.111. Heritage and Archaeology

5.112. The SDP policy DM4 states that development will be permitted in archaeological priority areas subject to appropriate archaeological assessment and measures to mitigate potential impacts and record assets of heritage significance as appropriate.

5.113. An Historic Environment Assessment has accompanied the application. This states that there is considered to be relatively low potential for archaeological finds on the site other than those of 20th Century origin. The main impacts upon any remaining archaeology would be from the demolition, piling and lidt shaft excavation processes as remains are considered likely to be shallow. Targeted trial trenching is therefore recommended to provide early evaluation of risk.

5.114. The application has been the subject of consultation with the Greater London Archaeological Advisory Service who recommend approval, subject to a condition securing submission and approval of a written scheme of investigation prior to site works commencing (including demolition) and a further WSI submitted and approved in respect of any Stage 1 archaeology finds. Prior trial trenching is recommended and a planning condition is proposed in this regard.

5.115. The development would not be within or adjoin a Conservation Area and there are no listed buildings in close proximity to the application site.

5.116. Biodiversity

5.117. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving nets gains for nature. London Plan policy 7.19 and SPD Policy DM17 seek to ensure developments create, conserve and enhance biodiversity. The nearest statutory nature reserve to the site is the Anton Crescent Wetland Local Nature Reserve, located roughly 1km due north-east of the site.

5.118. The Council’s Biodiversity Officer has advised that the submitted Phase 1 habitat survey is acceptable. The desk study has confirmed that bats and slow-worm have been previously identified within 2km of the site. No harm to the nature reserve is anticipated as the protected species are largely flora with principal fauna being waders. A bat emergence survey was undertaken on 28th September 2015 and found no evidence of bats roosting on the site. However evidence of pipistrelle bat foraging around the street realm trees has been identified. As such, maximum retention of existing street trees is recommended together with limitations upon night-time light spill. Breeding bird conditions are also required, recognising that the site currently
provides some habitat for feral pigeon.

5.119. Conditions have therefore been recommended in respect of bat and bird boxes, measures to protect breeding birds prior to site clearance and control of light levels in respect of bat commuting and foraging routes. The Landscape Strategy will also ensure delivery of the recommended new planting in both the public realm and amenity deck areas. Overall, the new planting proposed as part of the development is considered to deliver a net biodiversity gain for the site and is welcomed.

5.120. **Wind Assessment**

5.121. SDP Policy DM2 requires regard to be had to development impacts upon the micro-climate. In view of the proposed building heights, there is potential for wind effects from the development. These have been modelled and reported in a submitted Wind Assessment report.

5.122. Principal wind sources are from the south-west. The modelling assessment has concluded that there would be a moderate increase in wind speeds in the vicinity of the new development but this would not be at a level that would be harmful to pedestrian safety or comfort, in particular with regard to the public realm and amenity deck areas. Marginal increases in wind speeds are anticipated along the London Road frontage and the amenity deck would require some mitigation at its exposed Malden Road frontage. Maximisation of tree retention within the public realm is recommended, together with suitable planting along the southern edge of the amenity deck.

5.123. The submitted landscaping proposals have been considered by the Borough Tree Officer who has confirmed that these would be robust enough to provide wind protection for residents. The increase in tree retention within the public realm by reason of the retention of TfL trees formerly identified for removal for fire tender access, would help to mitigate the wind effects – these were identified for removal at the time of the Wind Assessment modelling. The Landscape Strategy sought by planning condition will further address these considerations.

5.124. **Planning Obligations:**

5.125. Policy DP2 of the Core Planning Strategy DPD states that the Council will ensure through the use of planning obligations that all new development meets on and off site requirements that are made necessary by, and are related to, any proposed development. The scheme is also liable for the Borough Council and Mayors Community Infrastructure Levy and this has been factored into the financial viability assessments.

5.126. Following negotiation with planning officers and having regard to the financial viability constraints, the applicant has agreed to the following Heads of Terms for the purposes of Section 106:

- **Affordable Housing** – on site provision of 13 affordable dwellings, comprising 10 x affordable rented tenure and 3 x shared ownership/intermediate tenure, representing 14.7% on-site provision; appropriate review and clawback provisions; obligations upon the applicant to secure maximum available public funding to enhance on-site affordable housing provision.
- **Site Travel Plan and Car Club** – an updated Travel Plan is to be secured to build upon the measures outlined in the submitted Framework Travel Plan, as
This will include a commitment to establish a Transport Liaison Group, as described in section 2.10 of this report, including provision of a Sustainable Toolkit Fund of £5k per annum for 3 years from first occupation.

The Travel Plan will include a Parking and Servicing Management Plan and details in respect of the provision of a dedicated Car Club space within the application site, its management and funding for 3 years from first occupation;

- **Public Realm** – enhancement works within the public highway (including closure of existing access and formation of new access points) as maintained by both the Council and TfL will require necessary approvals pursuant to section 278 of the Highways Act and in addition land transfers pursuant to s.38 of the Highways Act are proposed from the applicant to both the Council and TfL; compensatory payment in respect of the potential removal of two TfL street trees may also be required to the sum of £129,036, but this may not be required if retention of these two trees is confirmed as achievable;

- Administrative and monitoring costs as standard.

### Community Infrastructure Levy

5.127. The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. This is in addition to the Mayor of London CIL.

5.128. The CIL due for this development, taking account of 3,600 sq m of floorspace to be demolished, would be:

- **LBS CIL:** £599,880
- **Mayoral CIL:** £94,136

### Public Sector Equality Duty and Human Rights

5.129. Under the Equalities Act, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. The pre-application process and assessment process for this planning application have been undertaken with due regard to the PSED.

5.130. It is recognised that environmental impacts from the development might be expected to disproportionately impact the very young and very old, but the findings of the submitted assessments indicate that such impacts would be at most moderate and can be mitigated. Impacts from traffic or parking are not considered likely to materially affect one group over another. It is considered that, overall, the development would have a net positive impact by way of enhanced opportunities in terms of construction of the development and related supply chain and future residential occupancy. The proposed Car Club would also be available to the wider public. The application proposals are not considered to conflict with the Duty.

5.131. The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

5.132. **Other Resident Representations**

5.133. All representations have been considered in weighing the recommendation below. It is
considered that the vast majority of the representations made by way of objection to the proposed development have been addressed either directly or indirectly in the relevant sections of this report above. However, it is necessary to address other points raised where it is judged that these are material planning considerations and are not considered to be readily captured in the main topic analysis above.

5.134. A number of objections comment on existing highway congestion, rat running, an on-site car parking problems. Many of these issues are existing highway condition issues which remain under the day-to-day responsibility of the local highway authority or TfL and specific mitigation by the applicants must be governed by clearly identified impacts in a Transport Assessment and following assessment by Council Highway engineers. This has been undertaken and appropriate mitigation measures set out accordingly below.

5.135. Other land use options are proposed by residents, including for example use of the site for more car parking or elderly persons housing. However, Members are advised that the application as submitted must be considered on its own merits. Any alternative land uses would need to meet the same development plan policy tests.

5.136. Reference to cumulative traffic impacts arising from other developments in the vicinity of the site are noted. The TA methodology and findings have been accepted by Council Highway Engineers and no demonstrable harm to highway safety conditions is identified that cannot otherwise be addressed through recommended planning obligations and conditions as set out below.

5.137. Reference made to alternative designs on other nearby sites are also noted, but each planning application must be considered on its merits.

5.138. Concerns raised in respect of the construction process are noted and the Construction Method Statement in conjunction with the proposed Transport Liaison Group (through the section 106 Agreement) would will address these concerns.

5.139. Suggestions are made to convert the existing building as an alternative to re-development. In view of the current condition of the building, it is considered that this would neither be feasible nor desirable in planning terms, but in any event this does not form part of the current planning application under consideration.

5.140. One objection refers to loss of sunlight to existing footways by reason of the new development height. However, the public footways are to the south, east and west of the application site and as such these concerns are not considered to be sustainable.

6.0 CONCLUSION AND RECOMMENDATION

6.1 The existing building is detrimental to the visual amenity of the area and the comprehensive regeneration of this allocated site is highly desirable. It is considered that the proposed development would represent a significant catalyst for additional investment and regeneration in North Cheam. The proposed public realm improvements would also encourage footfall and activity around the site.

6.2 The proposed development is considered to be acceptable in planning terms, subject to the requirement to Stage 2 consultation with the Mayor of London under Article 5 of Town & Country Planning (Mayor of London) Order 2008.
6.3 It is recommended that Planning Permission is Granted, subject to completion of a section 106 Agreement to secure the following planning obligations as set out in paragraph 5.120 in this report and the following conditions:

Background Papers: A2016/75951/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: A2016/75951
3) Click on Search and View Current Applications
4) Click on View Plans & Documents
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

Victoria House, 388 Malden Road, Cheam, SM3 8HY

Application for full planning permission for comprehensive mixed-use redevelopment comprising: demolition of existing building and erection of a part four (4) part seven (7) part nine (9) part ten (10) storey mixed use building with 88 residential units (Use Class C3) in a mix of 1, 2 and 3 bedroomed flats (including affordable units) and up to 518.4 sq.m. of commercial floorspace (Flexible Use Class A1-A3/ B1/ D1 /D2), together with the provision of associated landscaping, cycle spaces, car parking spaces formation of new and amended vehicular access off Church Hill Road, public realm improvements and other ancillary works.

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) 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.

(3) The development shall not begin until a Construction Method 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) provision of boundary hoarding, behind any visibility zones
(f) construction traffic routing
(j) means to prevent deposition of mud on the highway
(k) means of tree protection;
(l) measures to protect breeding or nesting birds within the site; and
(m) dust control measures
has been submitted to and approved in writing by the Local Planning Authority; and the approved details shall be implemented throughout 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 and in the interests of neighbouring residential amenity and protection of retained street trees.

(4) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and to minimise noise and vibration, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: In the interest of protecting underground infrastructure, groundwater and neighbouring residential amenity.

(5) Remedial measures as set out in the submitted Environmental Risk Assessment (Nov 2016) shall be implemented in full. This shall include the provision of petrol/oil interceptors in the proposed car park areas and means of access. If during implementation of the development contamination not previously identified is found to be present on site, 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 occupation of the development hereby approved. On completion of remediation works, a closure report and certificate of compliance shall be submitted to and approved 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 DM11 of the Site Development
Policies DPD.

(6) Full details and samples where applicable shall be submitted to the Council showing the type, treatment and maintenance proposals in respect of the materials to be used on the exterior of the building(s) and shall be approved in writing by the Local Planning Authority prior to the commencement of above-ground construction works. Such details shall include means of enclosure to the first floor amenity deck and all ground level shopfronts, roller shutter doors, screens, doors and fenestration. Plans at 1:20 scale shall also be submitted to confirming balcony and window surround details. The development shall thereafter be carried out in accordance with the approved details and maintained in good condition for the lifetime of the development.

Reason: To safeguard the visual amenities of the area and to ensure compliance with policy BP12 of the Core Planning Strategy which seeks to ensure buildings are of a high standard of design and where applicable compatible with existing townscape.

(7) Prior to commencement of above-ground construction works, full details shall be submitted to and approved by the Local Planning Authority for any external lighting proposed within the site. The approved scheme shall be installed in accordance with the approved details and carried out prior to first occupation of any part of the development hereby permitted and thereafter retained.

Reason: To protect the amenities of neighbouring occupiers.

(8) Prior to commencement of above-ground construction works, an isolux contour map of existing and predicted light levels shall be submitted for approval by the local planning authority to confirm expected light levels. Such agreed levels shall not be exceeded at any time.

Reason: To ensure existing bat commuting and foraging routes and areas are not harmed by the development.

(9) Prior to the occupation of the development hereby permitted, full details of the necessary crime prevention measures to achieve 'Secured by design' accreditation 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 the proposed development provides a safe environment.

(10) No above-ground construction works shall commence until a detailed Landscape Management Strategy has been submitted, which shall include details of:

- All planting and hard landscaping proposals (including childrens play equipment and surfacing) within the private and public amenity spaces;
- Confirmation of proposed tree pruning and/or crown lifting measures in respect of all retained trees;
- Details of on-going soft and hard landscaping maintenance for the first five years of the development, following first occupation;
- Appropriate measures to enhance biodiversity on the site, including siting of bat and bird boxes (or similar)
The approved Landscape Management Strategy shall be implemented in full. For the avoidance of doubt, all new planting 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 compliance with the criteria set out in Policy DM1 which requires landscaping schemes to provide a satisfactory townscape incorporating hard and soft landscaping.

(11) The development shall not be occupied until the proposed modified access to and from the development on Church Hill Road has been constructed and ready for use by proposed occupiers of the development. All other existing vehicular access points to the development shall be permanently closed prior to first occupation.

Reason: In the interest of road safety.

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

Reason: To prevent obstruction and inconvenience to other highway users and also in the interest of highway safety.

(13) Prior to the commencement of above-ground construction works, a scheme detailing additional sound reduction measures, to be installed to the separating floor/ceiling constructions 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 incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12) and maintained and retained for as long as the development is in existence.

Reason: To protect the amenity and living conditions of the first floor flats.

(14) A scheme of noise insulation/reduction shall be submitted to ensure that the noise level of 35 dBL in living rooms and bedrooms during the daytime (0700 to 2300) and 30 dBL and 45dBL during the nighttime time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Acoustic ventilation systems shall be fitted prior to first occupation and retained for the lifetime of the development.

Reason: To protect the amenity of the occupiers of the flats hereby permitted.

(15) Mechanical ventilation shall be fitted to all first floor level flats fronting Malden Road and London Road in accordance with details to be submitted to and approved by the local planning authority prior to installation. The mechanical ventilation system as approved shall be retained for the lifetime of the development.
Reason: To retain acceptable levels of air quality for proposed residential occupiers.

(16) Prior to commencement of above-ground construction works, confirmed details of measures for the management of surface water run-off, in line with the submitted ‘Flood Risk Statement and Surface Water Management Strategy’ (Revision G, November 2016), must be submitted to the Local Planning Authority and approved in writing. The submitted site drainage/SuDS scheme should:

(i) provide details of the design storm period and intensity, proposed SuDS measures to delay (attenuate) and control the rate of surface water discharged from the site and proposed measures to prevent pollution of the receiving groundwater and/or surface waters;
(ii) provide calculations carried out by an appropriately qualified professional to show that peak run-off rates for the 1 in 100 year 6-hour storm event (plus 40% for climate change) will achieve a 50% reduction of the current rate for the same event, and will ensure a minimum discharge rate of 10 litres per second;
(iii) include a timetable for its implementation; and
(iv) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The building shall not be occupied until the approved drainage scheme has been fully implemented.

Reason: To comply with Policy DM7 of the Site Development Policies DPD and London Plan Policies 5.12 and 5.13

(17) Prior to first occupation of the building, a BREEAM 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 a minimum ‘Excellent’ rating has been achieved for the proposed commercial units. 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 DPD.

(18) The commercial units hereby permitted shall be occupied by the following use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended): Class A1 (Shops), A2 (financial and professional services), A3 (food and drink), B1(a) Offices, D1 (non-residential institutions) and D2 (assembly and leisure), subject to no more than one of the proposed commercial units being occupied by uses other than A1, A2 or A3 at any time. Sub-division of the commercial units is not permitted.

Reason: To ensure the viability and vitality of North Cheam District Centre.

(19) The commercial premises hereby permitted shall not be used before 8am or after 10pm Monday to Sunday and on public holidays. Servicing (including deliveries) shall only take place between hours of 6am and 8pm Monday to Saturday and not at all on Sundays or public holidays.

Reason: To protect neighbouring residential amenities.
(20) The rating level of the noise determined by the cumulative sound emissions of the plant hereby permitted shall be equal to the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1.0m externally to any window at the nearest residential façade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To safeguard the amenity of the future occupiers of the development and of occupiers of adjacent properties.

(21) No primary cooking shall take place in the commercial part of the development until full details, with calculations, of the proposed extraction system have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The submission shall include details of:

(i) The extract fan, silencers, anti-vibration mounts, high velocity cowl, correctly sized carbon filter and electrostatic precipitator systems and any other items of plant;
(ii) The velocity of air flowing through the cooker hood, the carbon filters, electrostatic precipitator and at the duct termination;
(iii) The retention time of gases in the carbon filters;
(iv) A maintenance schedule;

Before commencement of the approved ground floor use, the approved extraction system shall be installed on site in accordance with the approved details and shall be retained and maintained thereafter. Any variations thereafter shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the future occupiers of the development and of occupiers of adjacent premises.

(22) No windows shall be formed in the flank elevations of Blocks A and C at any time.

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

(23) No site excavation works shall commence until a Written Scheme of Investigation in respect of unidentified archaeology has been submitted to and approved in writing by the local authority. The submitted scheme shall include details of preliminary trial trenching within the site and measures for post-investigation evaluation, recording and publication of the details of findings in consultation with the Greater London Archaeological Advisory Service.

Reason: To ensure that all potential archaeology within the site is identified, protected and recorded.

(24) A Car Parking and Delivery and Servicing Management Strategy shall be submitted for approval to the local planning authority prior to first occupation of the development hereby permitted. The Strategy will include details for the allocation of parking spaces for residents, management of the Car Club parking space, management and maintenance of electric vehicle (including electric cycles) active and passive charging points and on-going review of demand for disabled parking spaces within the
development. If demand for disabled parking spaces increases beyond the level shown on the drawings hereby approved, amended car park layout drawings are to be submitted to the local planning authority for prior approval to demonstrate that this can be achieved without compromising the overall function and safety of the car park layout as currently proposed. The approved strategy shall be implemented in full for the lifetime of the development.

Reason: In the interest of highway safety and neighbouring residential amenities.

(25) The development shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved plans. The facilities shall be retained thereafter for use by the occupiers of the development hereby approved.

Reason: To ensure the safe and adequate provision of refuse facilities for the development.

(26) Prior to installation, further technical details of the proposed CHP heat network should be submitted to the Local Planning Authority and approved in writing. The submitted details should include:
   (i) plans showing the proposed pipework routing in order to demonstrate that that all residential and commercial units will be connected;
   (ii) the proposed location, layout and dimensions of the energy centre; and
   (iii) any proposed measures for 'future-proofing' the development to enable connection for future heat networks serving the locality or to enable the future export of heat to adjacent buildings.

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

(27) Prior to first occupation of the development, ‘as-built’ BRUKL outputs prepared under the Standard Assessment Procedure (SAP) and the Simplified Building Energy Model (SBEM) for the residential and non-residential elements of the development respectively, must 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 to achieve at least a 35% reduction in on-site CO2 emissions below the target emission rate (TER) based on Parts L1A and L2A of the 2013 Building Regulations as appropriate. The submitted details should include an updated calculation of the remaining regulated CO2 emissions that would need to be offset (tonnes CO2/annum) in order to achieve the Mayor’s zero carbon standard for the residential element of the development. 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 to be approved by the Local Planning Authority.

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

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

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

(29) The development hereby permitted shall be carried out in accordance with the following approved plans: 1437(PL)10L; (PL)11K; (PL)12L; (PL)13K; (PL)14L; (PL)15L; (PL)16L; (PL)17K; (PL)18K; (PL)19K; (PL)20K; (EL)100F; (EL)105; (EL)106; (EL)107; (EL)300; (SE)100A; (SE)101B; (SE)102B; (EX)100A; (PL)100B; (PL)102; (PL)600; (PL)30A; (PL)31A; (PL)32A; (PL)33A; (PL)34A; (PL)35A; (PL)36A; (PL)37A; (PL)38A; (PL)39A; (PL)40A; (PL)41A; (PL)42A; (PL)43A; (PL)44A; (PL)45A; (PL)46A; (PL)47A; (PL)48A; (PL)49A; (PL)50A; (PL)51A; (PL)501; (PL)502; (PL)01; (PL)600; DR 100/T04; MO-002/P02; MO-003/P02

In addition to the drawings listed above, the following documents have been taken into account in the consideration of the application: Application forms, Planning Statement (Nov 2016); Design and Access Statement (Nov 2016) and Addendum including updated Sunlight and Daylight report and Energy Statements (Feb 2017); Transport Assessment and Framework Travel Plan (Nov 2016); Daylight and Sunlight Report (Nov 2016); Archaeological Investigation and Heritage Statement (Nov 2016); Tree Survey (Nov 2016); Ecology Report (Nov 2016); Noise Assessment (Nov 2016); Air Quality Assessment (Nov 2016); Flood Risk Statement and Surface Water management Strategy (Nov 2016); Environmental Risk Assessment (Nov 2016); Framework Construction Management Plan (Nov 2016); Wind Assessment (Dec 2016); Energy Assessment (Dec 2016);

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

INFORMATIVES.

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

(2) This permission is liable for a contribution under the Community Infrastructure Levy (CIL) and a CIL liability notice is attached to this decision notice for your consideration. Please telephone 020 8770 5070 to arrange the best method of payment.

(3) This application has been assessed against the relevant policies of the London Plan 2016, Sutton’s Core Planning Strategy 2009 and the Site Development Policies DPD 2012 in line with section 38(6) of the Planning and Compulsory Purchase Act 2004. Whilst the proposal is not in full accordance with the development plan, taking account of all material planning considerations, a departure from the development plan is judged to be acceptable in this instance and for this reason planning permission is granted.

(4) The applicant was provided with pre-application advice. As the submitted application (as amended) accords with that advice, Sutton Council has accordingly granted planning permission.

(4) 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 6263 or 6325 before proceeding with the work.

(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) 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.

(7) 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.

(8) Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

(9) Transport for London state that the proposed edging of grassed areas within the public realm will need to be designed to avoid creating a tripping hazard. Benches should follow TfL Streetscape Guidance and have backs and armrests. Block pavers are no longer recommended and 660mm x 900mm ASP pavers are instead suggested.
Annex 1:
Schedule of addresses making representations

**A2016/7595**

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**Objections**

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Annex 2: Summary of objections

Transport and Parking

- There would be an insufficient level of off-street parking for the development resulting in pressure upon the local highway network.
- Parking stress survey is ill-founded;
- The junction of Church Hill Road is already dangerous by reason of buses, vehicle speeds and on-street parking and this will be exacerbated by the development;
- Residents will not be cyclists to the numbers anticipated by the spaces proposed
- Car ownership high in North Cheam so development must plan for high car ownership – this is not central London with good range of alternative travel options;
- Should be at least 2 spaces per flat;
- Cycle spaces should be replaced by car parking spaces;
- Cycle spaces won’t be used unless they are secure;
- Emergency Access will be compromised by lack of parking
- Why not have a basement car park?
- Local road system already at capacity;
- Site should be PTAL 2, not PTAL 3 as no direct trains to London;
- Should reduce to 50 units thereby 1:1 car parking
- The retail units should be replaced with more parking;
- No parking for the retail units is proposed – should be at least 12;
- Completion of Macmillan House conversion will only add more traffic;
- Site not close enough the London Underground to facilitate move away from private car;
- More parking would enhance footfall and hence trade;
- Navigation hazard for helicopters;
- Increased parking pressure will prejudice the accessibility of key workers such as nurses and carers to visit North Cheam homes;
- Should be more disabled parking bays;
- There should be no car parking as site is well served by public transport
- The car-free development at Farm Way will add to traffic;
- Crossrail 2 at Worcester Park will push local parking demand into North Cheam;
- Public Realm area would be better as car parking;
- Flats in London Road have 2 cars typically and cannot park;
- Church Hill Road and Hilbert Road are used as rat runs to avoid Sainsbury’s congestion;
- School traffic at bottom of Church Hill Road already causes dangers;
- There should be traffic calming in Church Hill Road;
- Church Hill Road and Lavender Road are already double parked;
- Residents will not pay to use their spaces, so will end up on the street;
- There should be 270 spaces, 3 per unit;
- Don’t propose a Controlled Parking Zone as this only reduces parking space;
- Reduced parking is political correctness;
- No parking space for servicing or refuse collection;
Delivery vehicles will cause disturbance in Senhouse Road;
Why is this scheme allowed reduced parking whilst smaller housing schemes have to maximise parking?
There should be more motorcycle spaces;
Cycle route enhancement should be secured on Malden Road;
Are there any hidden covenants that prevent van parking on site, meaning these will just be parked on-street?

Regeneration

Claims of regeneration are unfounded – development will just create more empty retail units, promote crime and further depreciate North Cheam;
Not enough new retail space on offer – insufficient to regenerate;
There are already vacant shops in the area; therefore the introduction of new retail units would exacerbate the situation.
Site should be a free car park – this would assist regeneration as North Cheam suffers from limited parking;
The existing empty shops suggest that additional retail provision is unwise and units will remain empty further blighting the area;
Worcester Park already failing – don’t want North Cheam going the same way;
Commercial units won’t be able to compete with Sainsbury’s store;

Design, layout, scale, density and appearance

Poor quality and inappropriate materials proposed;
Materials should reflect those existing;
Replacement of one eyesore with another;
The proposal replaces similar buildings recently demolished in Sutton;
Shouldn’t be tempted to approve simply due to condition of existing building;
The development would constitute an overdevelopment of the site and is better suited to central Sutton;
Exceeds density standards in the development plan;
Exceeds the Mid-Rise (4-6 storey) tall buildings policy guideline for North Cheam, as set out in the development plan and repeated in the emerging Local Plan;
Should convert to residential instead;
Too many flats and inadequate room sizes leading to cramped living conditions;
The proposal is too high and would not be compatible with the height of Art Deco character of the North Cheam District Centre and surrounding dwellings generally;
No more than 5 – 8 storeys and 75 units appropriate in this location, as shown in Council study done 10 years ago;
Contrary to Tall Building guidance in Core Strategy indicates 4-6 storey height being appropriate;
Height exacerbated by location on a hill – will be seen for miles;
The height of the building would result in harm to the amenity of nearby residents by way of overlooking and loss of light.
The design of the building is unattractive, 1970s and inappropriate in this location being wholly out of character;
Indicative artists’ impressions are not accurate scale;
Should not regard Tolworth Tower as a precedent as this is to come down soon;
Proposal lacks any design flair;
Undesirable precedent for height will be set;
● The Council refused similar height scheme at Lavender Avenue;
● Better design example at Beverly Pub in Morden, Brabham House, Worcester Park or The Printworks at St Anthony’s Hospital;
● This is not Croydon;
● Should replace the first floor amenity deck with accommodation and reduce height;
● If the McDonald’s ‘M’ sign was deemed too big, how can this be acceptable?
● There should be a lift in the proposed affordable housing block for elderly, disabled or family occupancy;

**Neighbouring Amenities**

● Significant overlooking to neighbours, exacerbated by balconies
● Loss of light to neighbours
● Existing resident quality of life will be compromised;

**Environment**

● Health and safety harmed by extra cars, including risks to children;
● Extra car pollution in low emission zone;
● The level of mud, dust and noise that would be generated by the proposed building works would be excessive.
● Construction and operational traffic/deliveries will cause amenity disturbance through noise, dust and vibration;
● Cheam Heritage must be protected
● Loss of sunlight will mean frozen pavements for longer in the winter months and darker public realm generally;
● Strong winds will be created;
● A bat survey should be undertaken;

**Infrastructure**

● Inadequate provision for supporting infrastructure, such as health, schooling and other community facilities;
● Sewage and water infrastructure too old to cope;
● The Hamptons is a good example of planning for housing and infrastructure.

**Land Use and Dwelling Mix**

● Should be more affordable housing;
● Should be more 3-bed+ units;
● The retail units should be replaced with more housing;
● The retail units will just become food outlets, cafes and there are too many already
● Site should be used as a secondary school, leisure complex, park, or old people’s home as elderly would not be harmed by noise or pollution.

**Other**

● No change since the withdrawn application;
● Previous objections have been ignored;
● Public realm area will become a magnet for crime or anti-social behaviour;
● Insufficient notice period given to residents to comment, especially over Christmas period, which is underhand;
● Inadequate public consultation;
● Insufficient details about the future running of the property;
● The Council should buy the site and develop it for local residents;