

PLANNING COMMITTEE - Date:13 December 2017

Report of the Assistant Director of Environment, Housing and Regeneration Directorate

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| Ref: B2017/77476/FUL | WARD: B07 / SUTTON CENTRAL | Time Taken: 21 weeks, 2 days |
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Site: 24-34 Sutton Court Road, Sutton SM1 4SY
 Proposal: Erection of a residential development comprising of 165 flats in a part 10, 11, 20 and 21 storey building comprising ten studio, seventy seven 1- bedroomed, sixty eight 2- bedroomed and ten 3- bedroomed 'build to rent' residential units with 11 car parking spaces at lower ground level, new vehicle access from Sutton Court Road and internal cycle stores, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping.
 Applicant: Sutton Court Road Limited
 Agent: Mr Richard Robeson

Recommendation:**GRANT PLANNING PERMISSION**subject to the

1. Completion of a s.106 legal agreement to be completed by midday on 26th January 2018, or such longer period as may be agreed in writing by the Assistant Director of Housing, Planning and Regeneration, after which time the resolution to grant will be rescinded. Should a completed S106 legal agreement not be forthcoming by the date and time specified above the Planning Committee also agree to give delegated authority to officers, should they wish, to refuse permission on the basis that the proposal would fail to provide a series of infrastructure and environmental improvements.

and

2. Referral to the Greater London Authority (GLA). The application is referable to the Greater London Authority under Categories 1A and 1C of the Schedule of the Town and Country Planning (Mayor of London) Order 2008: "Development which comprises or includes the provision of more than 150 units (houses, flats, or houses and flats)" and "Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London." If the Committee resolves to grant permission, the application is referred to The Greater London Authority which has 14 days to decide whether or not to review the planning permission (under article 5.(1) of the Town and Country Planning (Mayor of London) Order 2008).

and

3. Subject to no further letters being received by the 15th December 2017 raising new material considerations that have not previously been considered within the report to Planning Committee. This relates to the further neighbour notification period in relation to the submission of amended drawings for the provision of additional balconies

Reason for Report to Committee: The application relates to a major application which has received more than 10 letters of objection.

Summary of why application proposals are acceptable:

- The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of Sutton Town Centre and provides high quality housing with a number of affordable units. The proposed development is being built for the rental market. This type of tenure is also known as Private Rented Sector (PRS) and has recently been supported by the Mayor in making a contribution to increasing housing supply and providing a range of housing products for the market.
- It is considered that this is a well-designed scheme which has a modern approach to design in this prominent location within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.
- The proposal would not result in an unacceptable loss of outlook or light, there would be nominal overlooking from windows and no significant harm would be caused through noise, vibration or disturbance. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.
- The site is located within a highly sustainable location, access to public transport is excellent and the mix of units is mostly 1 and 2 bed. As such, car parking at a level below the maximum standard can be accepted and the Councils Highways Engineer and Transport for London raise no objection to the level of parking proposed noting that a significant number of cycle spaces are to be provided. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network. The access provided is acceptable and would not cause harm to highway and pedestrian safety.
- The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016, the Councils Local Development Framework and the Draft Local Plan. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.

1.0 BACKGROUND

1.1 Site and Surroundings:

1.2 The application site measures 0.16 hectares and is located towards the southern end of Sutton Town Centre with Sutton railway station to the south-west of the site. The main High Street within Sutton Town Centre is located just to the west. The site is accessed from Sutton Court Road to the north and is located adjacent to the junction with Chalk Pit Way.

1.3 The site was given approval in January 2017 for demolition of one pair of semidetached buildings converted into flats and one half of a pair of semi-detached buildings which were located in the western part of the site. The site is currently vacant.

- 1.4 The whole site was formerly occupied by three pairs of two storey dwellings dating from the latter half of the nineteenth century. A group of dwellings originally ran the length of the south side of Sutton Court Road before office redevelopment occurred in the 1960's-1980s.
- 1.5 The surrounding area to the west has been subject to significant redevelopment and particularly just to the west on either side of Sutton Court Road.
- 1.6 To the north of the site on the opposite side of Sutton Court Road is Sutton Police Station located on the corner of Sutton Court Road and Clay Pit Lane. This building is five storeys in height with a large hipped roof.
- 1.7 The site to the west of the Police Station, 17 Sutton Court Road comprises a fourteen storey building comprising of kiosks for A1/A2/A3 uses at ground floor level and 96 residential properties above. A large B&Q superstore is located to the north east of the site.
- 1.8 The site is bound by the railway line to the south and to the east by the former UCB House office building, now converted to residential use. This building ranges from 4 to 5 storeys in height. Further to the south and east beyond Nouvelle House/Leben Court and B and Q, the character changes to residential with a mixture of flatted blocks and lower scale terraced, semi-detached and detached residential properties.
- 1.9 The site to the west formally comprised three buildings built during the 1960's known as Rafferty House, Sentinel House and South Point. Permission was granted in March 2016 for the erection of an eleven storey building, a twenty storey building and a twenty two storey building all to provide A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), B1 (Offices) and D1 (Health and Fitness); A 80 bed hotel and 59 bed apart-hotel (Class C1) together with car parking at ground basement levels. The site is now in an advanced stage of construction.
- 1.10 Quadrant House lies to the south of the site and railway line and rises to twenty one storeys.
- 1.11 **Site Specific Designation:**
- 1.12 The application site is designated as being within an Archaeological Priority Area, within the Area of Taller Buildings Potential (Very Tall) for Sutton Town Centre, Limit of Sustainable Residential Development (Central Setting), Decentralised Energy Opportunity Area, within the Station Quarter in Sutton Town Centre, Sutton Town Centre Boundary and Site Allocation STCS2 (south of Sutton Court Road). The application site is adjacent to the boundaries of the Sutton Town Centre Secondary shopping Frontage, a Transport Improvement Corridor and Transport Interchange (Tramlink) and a Green Corridor is located to the rear of the site.
- 1.13 The site, along with the land to the west comprising the partially completed Sutton Point development, is allocated within the Site Development Policies DPD March 2012 for a mixed use redevelopment of office, residential, retail and leisure uses. The allocation continues that any development scheme should pay particular regard to the following:
- Providing active shopping frontages at ground floor along Sutton Court Road.
 - Providing buildings of between 4 and 11 storeys in height, stepping down to the east.
 - Providing a public transport interchange on Sutton Court Road.
 - Protecting land for Tramlink along the Sutton Court Road frontage.

- Securing pedestrian connections from Sutton Court Road through to Sutton Railway Station and The Quadrant.
- Providing high quality public realm improvements including greening and traffic calming measures on Sutton Court Road, the pedestrian connection through to Sutton Station and the creation of a new public space outside Sutton Station.
- The guidance in the Development Framework for Sutton Station and Adjacent Land Supplementary Planning Document and associated guidance in the Gillespie's Sutton Urban Design Framework.

1.14 The wider site is also allocated in the draft Local Plan 2016 (STC13) for a mixed use development of residential, hotel, health and fitness and other town centre uses. The proposed allocation continues that any development scheme should pay particular regard to the following:

- The guidance in the Development Framework for Sutton Station and Adjacent Land SPD (2005) and the Sutton Town Centre Masterplan (2016)
- Providing active shopping frontages at ground floor along Sutton Court Road
- Providing a landmark buildings up to 22 storeys in height
- Providing smaller buildings up to 11 storeys in height, stepping down to the east
- Providing a mix of housing types, including family-sized units
- Providing a public transport interchange on Sutton Court Road
- Protecting land for Tramlink along the Sutton Court Road frontage
- Securing pedestrian connections from Sutton Court Road through to Sutton Railway Station and The
- Quadrant
- Providing high quality public realm improvements on Sutton Court Road, the pedestrian connection
- through to Sutton Station and the creation of a new public space outside Sutton Station.
- Providing other uses, including a mix of leisure and community uses, a hotel and small business
- Enabling connection to any planned decentralised energy network serving the town centre
- Minimising surface water flood risk to the site by appropriate Sustainable Urban Drainage System measures if required.

1.15 **Relevant Planning History:**

1.16 24 Sutton Court Road:

1.17 76/15718 'Construction of new roadway and pavement on roof of multi-storey car park to link Sutton Court Road and Carshalton Road and the re-alignment of Sutton Court Road with the High Street to align with Grove Road, Sutton (No's 24-30 Sutton Court Road, 16-24 High Street and 38 Carshalton Road)' granted 19.10.1977.

1.18 90/34398/FUL 'erection of a four storey office building and provision of three levels of basement car parking (This includes No's 24 & 26 Sutton Court Road)' Refused 7.1.1991.

1.19 03/50563/FUL 'Conversion of premises into one 2-bedroomed and three 1-bedroomed self-contained flats involving extension to basement and ground floor levels (viewed as two storey extension from rear elevation) together with car parking facilities' granted 5.6.2003.

1.20 08/59416/FUL 'Demolition of existing building and erection of a part sixteen, part twenty storey building with side wings of five and seven storeys comprising: 650 sq

metres of commercial floor space on the ground floor purposes falling within Class A1 (shops) and/or A2 (professional services) and/or Class A3 (restaurants and cafes) and/or Class A4 (drinking establishments) and/or A5 (hot food take away) and 118 dwellings on the upper floors (46 affordable housing units) comprising thirty three 1-bedroomed, seventy 2-bedroomed and fifteen 3-bedroomed self-contained flats. Together with refuse store, children's play area, cycle parking and thirteen residential car parking spaces at basement level and provision of a separate vehicular access and loading bay for commercial units' refused 21.7.2008.

- 1.21 15/72308/FUL 'Demolition of existing buildings and erection of a new residential development comprising of a total of 132 flats in a nine storey and an eighteen storey connecting building comprising forty four 1- bedroomed, sixty nine 2- bedroomed and six 3- bedroomed self-contained flats for general sale and seven 1- bedroomed and six 2- bedroomed affordable self-contained flats together with 15 car parking at basement level accessed from existing car park under Leben Court together with residents gym and indoor children's play space, internal cycle stores, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping' granted 30.10.2015.
- 1.22 16/76114/DEM 'Prior notification for the demolition of dwellings at nos. 24, 26 and 28 Sutton Court Road' granted 25.1.2017.
- 1.23 26 Sutton Court Road:
- 1.24 76/15718 (as listed above).
- 1.25 86/29436 'Use of premises comprising 225 sq metres for office purposes' granted 13.11.1986.
- 1.26 90/34398/FUL 'Erection of a four-storey office building and provision of three levels of basement car parking' refused 7.1.1991.
- 1.27 00/46456/FUL 'Conversion of premises into four 1-bedroomed self-contained flats incorporating a first floor rear extension together with four car parking spaces' granted 7.9.2000.
- 1.28 08/59416/FUL (as listed above).
- 1.29 16/76114/DEM (as listed above).
- 1.30 28 Sutton Court Road:
- 1.31 SUT.18684 'Continued use of building of the building at rear of 28 Sutton Court Road for the storage of furniture within Class X of the Town & country (Use Classes) Order 1950' granted 21.7.1954.
- 1.32 76/15718 (as listed above).
- 1.33 86/28861 'Conversion of premises into two 1-bedroomed and one 2-bedroomed self-contained flats, one studio unit, enlargement of existing dormers and provision of four car parking spaces at rear' granted 14.10.1986.
- 1.34 08/59416 (as listed above).
- 1.35 16/76114/DEM (as listed above).

- 1.36 **Relevant Planning History in the vicinity of the site:**
- 1.37 Land at South Point:
- 1.38 13/67182/FUL 'Redevelopment of the site involving the conversion and extension of existing South Point tower up to 22 storeys in height. Erection of an 11 storey building and a 20 storey building incorporating a link to South Point, all to provide 332 residential units in a mix of 1,2 & 3 bedroomed self-contained flats (36 affordable units) and 1,978.01m² of floor space falling with Classes A1(shops), A2 (financial & professional services) A3(restaurants & cafes), A4(drinking establishments), 2,450.53 m² falling within Class B1 (offices), 886.89 m² falling within Class D (health & fitness) and a 139 bedroomed Hotel (Class C1) together with a total of 226 Car Parking spaces at basement and ground floor levels (including 3 car club spaces), 458 cycle spaces, service road, pedestrian routes, landscaping and new access onto Sutton Court Road' granted 25.7.2013.
- 1.39 15/72126/FUL 'Mixed redevelopment of site involving the demolition of South Point to provide an eleven storey building, a twenty storey building and a twenty two storey building all to provide A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), B1 (Offices) and D1 (Health and Fitness); A 80 bed hotel and 59 bed apart-hotel (Class C1) together with car parking at ground basement levels (including car club spaces), cycle, refuse and recycling facilities, service road, pedestrian routes, landscaping and new access onto Sutton Court Road. (Amendment to Condition 2 (Drawing Numbers) of previously approved application No. 13/67182/FUL which was to retain, convert and extend existing South Point Tower and retain amendments agreed as part of non-material amendment application No. 15/71271/NMA)' granted 31.3.2016.
- 1.40 17 Sutton Court Road:
- 1.41 11/63901/FUL 'Redevelopment of site to provide a fourteen storey building comprising kiosk for A1/A2/A3 use on ground floor, a gymnasium and wellness centre on ground, first and second floors (Class D1) with fifty four 1 - bedroomed, twenty two 2 - bedroomed and six 3 - bedroomed self-contained flats on upper floors (includes fourteen affordable flats) together with vehicle access, two car parking spaces, 106 cycle spaces, enclosed refuse storage and associated landscaping' 28.3.2012.
- 1.42 15/72658/FUL 'Formation of 14 additional self-contained flats; eight 1-bedroomed and six 2-bedroomed at first and second floors; amendments to gymnasium previously approved under application reference B2011/63901/FUL' granted 23.12.2015.
- 1.43 UCB House and Group House 36 and 52 Sutton Court Road:
- 1.44 13/67063FUL 'Retention of Group House as B1 office use with retained car and cycle spaces at basement and ground floor levels; Conversion of UCB House into fifty two 1 - bedroomed, twenty 2 - bedroomed and three 3 - bedroomed self-contained flats involving infilling of first floor rear, new entrance lobby at first floor front, use of existing balcony/terrace areas as private amenity space and provision of 30 photovoltaic panels to roof together with car, cycle and motor cycle parking at basement and ground floor levels and new external refuse store' granted 24.10.2013.
- 1.45 13/67645/O2R 'Change of use under Class J from Class B1 (a) (offices) to Class C3 (dwellinghouses)' granted 14.8.2013. (USB Court)

- 1.46 13/68066/O2R 'Change of use under class J from class B1 (a) (offices) to Class C3 (dwellinghouses)' granted 30.9.2013. (Leban Court).
- 1.47 14/69277/O2R 'Prior Approval to convert existing B1 (a) (Office) use to C3 (Residential) involving the creation of one new dwelling on the sixth floor' granted 28.5.2014. (Leban Court Sixth Floor).

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 Planning permission is sought for the erection of a building comprising a tower of 20/21 storeys with an eastern wing of the building stepping down to 10/11 storeys. The building spans the majority of the width of the site. 165 flats would be provided comprising ten studio, seventy seven 1- bedroomed, sixty eight 2- bedroomed and ten 3- bedroomed 'build to rent' residential units, with 11 car parking spaces at lower ground level, new vehicle access from Sutton Court Road and internal cycle stores for 274 bicycles, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping.
- 2.3 The proposal is a Build to Rent development as defined by the Mayors SPG 'Affordable Housing and Viability'. This type of tenure is also known as Private Rented Sector (PRS) and has recently been supported by the Mayor in making a contribution to increasing housing supply and providing a range of housing products in the market.
- 2.4 The equivalent of 10% affordable housing is provided which represents 8 London Living Rent (LLR) units with a commuted sum towards affordable housing of £545,930 to be secured prior to commencement. The mix of affordable housing units is 3 x 1 bedroomed, 4 x 2 bedroomed and 1 x 3 bedroomed units.
- 2.5 The building involves the erection of a 10 (34.6 metres) and 11 storey (36 metres) element at the eastern part of the site, which rises to 20 storeys (63.6 metres), 21 storeys (65.7 metres) and then reduces to 20 storeys (62.8 metres) in height on its far western section. It is noted that the land level slope downwards from west to east.
- 2.6 The proposal is split into two distinct elements. The main 21 storey tower fronting Sutton Court, which is flanked by two 20 storey towers towards the west and east of the site. To the east of the site adjoining the main tower is the 10 and 11 storey towers.
- 2.7 The northern and southern elevations of the main 20/21 storey tower is split into three well defined vertical bays and this is achieved through alterations in the external materials and balcony/fenestration arrangements along with a stepping of the mass of the building. The westerly 20 storey bay is set back by 3.1 metres from the main 21 storey tower and the easterly 20 storey bay is also set back by 3.1 metres. Both 20 storey towers are also set back at the south of the site by 3.1 metres.
- 2.8 The 11/10 storey tower are set back from the 20 storey tower by 8.6 metres from the northern elevation and 1.2 metres from the southern elevation.
- 2.9 Each tower is also defined by varying materials. The 20/21 storey tower will be clad in a light coloured and warm tone brick finish. The vertical emphasis will be maintained by deep fins either side of the central bay also clad in a light colour earth toned material.

- 2.10 In comparison, the previously approved scheme involved the erection of a 9 storey (28 metres in height) element at the eastern part of the site which would rise to 18 storeys (59 metres in height) at the western part of the site. The 18 storey tower would have a maximum depth of 30 metres at ground floor level and would reduce to a depth of 22.7 metres at the 17th storey and 28.7 metres including balconies to the front and rear elevations. The 9 storey tower would have a maximum depth of 17.5 metres and 20.5 metres including balconies.
- 2.11 The western flank elevation would be set approximately 18.5 metres from the proposed eastern flank elevation of the South Point development and approximately 7-9 metres from this site's boundary. The proposed rear elevations would be set a minimum of 1 metre from the boundary and the front building line would be set a minimum of 2.3 metres from the pavement noting that the proposal has a varied front building line.
- 2.12 The 11 / 10 storey tower, adjacent to Leben Court will be more recessive and clad in brick of similar tone to Leben Court. Interest is added to the elevation by using balconies positioned to model the elevation on the main approach from the station and with the central vertical feature. Windows are grouped and aluminium panels between are clad in a beige / grey finish to relate to the brick and to add an additional layer of scale and interest. The combined level of detail adds a finer grain of architectural articulation to the scheme.
- 2.13 A level approach will be provided from Sutton Court Road to the main entrance, which is positioned within the north western corner of the site. The entrance will provide a double height glazed frontage along part of the northern and western elevations.
- 2.14 The ground floor accommodates a lobby, business lounge, private meeting space, parcel storage, office and staff suite, a communal laundry room, gym and internal and external amenity space. In addition, there is access to the external terrace along the western and south elevations from the main lobby with provision for child play space and the provision of soft and hard landscaping areas.
- 2.15 The ground floor accommodates four flats, with three fronting onto the southern boundary and each having access to private terraces. The first floor level will accommodate 9 units, levels two to nine 80 units, level ten 7 units and communal internal and external terrace areas, levels eleven to nineteen 63 units and level twenty two units and a private external terrace.
- 2.16 Residential units are arranged either side of a central corridor. Each floor is served by a core with three lifts and an escape stair. Most accommodation has eastern, western or southern light and the majority benefit from views over the surrounding area.
- 2.17 Residential units which are a minimum of 7.2 metres deep are set either side of the corridors which are lit with full height windows. All corridors are served by lifts and stairs.
- 2.18 The residential units vary in width, depending on the area requirements and have a floor to ceiling height of 2.5 metres. All units are designed to meet London Housing Design Guide space standards. All flats have a living room, kitchen and dining area and bedrooms, most with an en-suite. Living rooms are lit by full height windows.
- 2.19 The building will be managed by dedicated staff with concierge, support and office spaces, plant and service areas. The key front of house management areas are located on the ground floor, from where access to the lift cores and the stairs will be

controlled. This management area interfaces with the central resident amenity space at the heart of the development.

- 2.20 Vehicular access into the site will be from a secure access point at lower ground at the east end of the site. This will be used for cars as well as service vehicles such as refuse. Residents and visitors arriving by vehicles will access the building through a controlled entrance gate. A delivery van parking-up area is provided for ease of access for move in / out, with link to the main lobby / concierge.
- 2.21 Car parking for the development will be located within the site at lower ground, providing 11 spaces. These spaces are located in the west end of the lower ground; they are all disabled accessible and within easy reach of the lifts. Secure cycle storage for 274 bicycles has been provided for the ground floor of the block mostly within the body of the building.
- 2.22 The application proposes soft and hard landscaping along the front of the site, which comprises of terrace planting/ trees. Cycle parking and seating areas are proposed adjacent to the main entrance at the north western corner.
- 2.23 **Significant amendments to application since submitted:**
- 2.24 The northern elevation of the building have been amended to include a series of balconies on the 10 storey part of the eastern tower.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

- 3.3 602 neighbour notification letters were delivered to adjoining residents on 28th July 2017 and a site notice was displayed on the same day within the vicinity of the site. Letters were delivered to addresses along:

- Alfred Road
- Brighton Road
- Carshalton Road
- Cedar Road
- Chalk Pit Way
- Cumnor Road
- High Street
- Langley Park Road
- Morland Road
- Reading Road
- Sutton Court Road
- The Quadrant
- Wellesley Road

- 3.4 Following the submission of revised drawings including the balconies, as discussed above, a further round of neighbour notification took place on the 24th November 2017 asking for any additional comments by the 15th December 2017. Any further letters of notification received will be summarised within an addendum report to the Planning Committee.

3.5 Number of Letters Received:

3.6 Eleven.

3.7 Address of Representations:

- 2 Morland Road
- 26 Morland Road
- 39 Leben Court, 36 Sutton Court Road
- 71 Leben Court, 36 Sutton Court Road
- Flat 129, 1 Throwley Way
- 3 Cumnor Road
- 25 Cumnor Road
- 27 Cumnor Road
- 21 Langley Park Road
- Flat 7, Blenheim Court
- 6 Reading Road

3.8 Summary of Material Responses Objecting to the Proposal:

- The proposal when combined with the other buildings will create a wind tunnel,
- Loss of light,
- Increase in traffic,
- The level of car parking on site is not enough,
- Loss of daylight, sunlight and overshadowing,
- There is not enough infrastructure to support the amount of flats,
- The increase in height is not appropriate and should comply with the recommendations of the site allocation,
- The provision of 10% affordable housing is very low,
- The application should provide more landscaping and trees,
- Consideration should be given to the local transport impacts,
- The building will impact on the landscape,
- Impact from continuous building works will have an impact on health and right to peace,
- The proposal is out of keeping with the local character,
- Existing residents will not benefit from the proposal,
- The proposal should transition between the low rise dwellings and South Point,
- The proposal will have a significant impact on flooding in the local area.
- Sutton is unrecognisable and a different place to live with all the changes though development,

3.9 Summary of Non Material Responses Objecting to the Proposal:

- The statement of community involvement submitted by the applicant lacks critical information,
- The proposal will impact on property prices

3.10 Official Consultation**3.11 External:**

3.12 Greater London Authority (GLA): The GLA state that London Plan policies on affordable housing, housing, urban design and tall buildings, inclusive design, transport and climate change are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of the Development:** London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in London, and Table 3.1 gives Sutton an annual monitoring target of 363 units per year between 2015 and 2025. The site is located within Sutton Town Centre, and Policy 2.15 'Town Centres' supports housing growth through intensification and selective expansion in appropriate locations such as this. Sutton's Site Development Policies (2012) and draft Local Plan (2016) also identify the site, together with the neighbouring Sutton Point site, for mixed uses, including office, residential, retail and leisure use. It is recognised that Sutton Point is a larger site in closer proximity to the town centre, and the development now under construction will provide office, retail, residential and leisure uses. Consequently, the principle of residential use on this vacant site is strongly supported.
- **Affordable Housing:** The application proposes a 10% affordable housing offer (by habitable room), in the form of intermediate discount market rent. This offer, on a high-density scheme on a cleared site within a Housing Zone, is wholly unacceptable and should be significantly increased.
- **Housing:** All Build to Rent units must be secured as such, including management standards, in the section 106 agreement.
- **Urban Design and Tall Buildings:** Whilst the overall provision and quality of communal amenity space is good, the proportion of units without private amenity or compensatory internal space is high. Further review is therefore required to ensure that this high-density scheme responds positively to Mayoral priorities and the requirements of the Affordable Housing & Viability SPG.
- **Inclusive Design:** The applicant should provide typical flat layouts of the wheelchair homes to illustrate the relevant features, and identify their location. The Council should secure M4(2) and M4(3) requirements by condition.
- **Transport:** A number of detailed conditions/obligations are required regarding car parking management, travel planning, delivery and servicing and construction logistics. The applicant will be advised of any required contributions at the earliest opportunity.
- **Climate Change:** Further information is required on overheating, energy efficiency, the site heat network, and combined heat and power before the proposals can be considered acceptable and the carbon dioxide savings verified. Domestic buildings are required to meet the zero-carbon target and any remaining regulated CO2 emission reductions must be met through a contribution to the Borough's offset fund. Photovoltaic panels should be incorporated to maximise carbon savings.

3.13 Please note that the comments from the GLA have been carefully considered and through further discussion with the applicant and amendments, officers consider that all outstanding issues have been addressed as outlined further below in the relevant sections of the report.

3.14 **Transport for London (TfL):**

3.15 TfL considers that subject to conditions and securing planning obligations through a S106 agreement including a Construction Management Plan and Service and Delivery Plan, the application could be considered acceptable in the context of the London Plan.

3.16 **Environmental Agency:**

3.17 No objection is raised subject to recommended conditions for a remediation strategy detailing how this unsuspected contamination will be dealt with, no drainage systems for the infiltration of surface water drainage into the ground are permitted and Piling

or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent.

3.18 **Thames Water:**

3.19 No objection raised.

3.20 **English Heritage:**

3.21 No objection raised.

3.22 **London Fire and Emergency Planning Authority:**

3.23 No comments received.

3.24 **Metropolitan Police:**

3.25 Objects to the proposal as height of the buildings may cause interference in respect of the reception and transmission of communications using the Metropolitan Police's Airwave network.

3.26 **Network Rail:**

3.27 No objection subject to conditions.

3.28 **Surrey and East Surrey Water:**

3.29 Any comments received will be reported verbally to committee members.

3.30 **Internal:**

3.31 **Senior Highways Engineer:**

3.32 No objection to the proposal subject to conditions and the provision of a construction logistic plan and prohibiting residents from applying for parking permits.

3.33 **Principal Tree Officer:**

3.34 No objection subject to condition.

3.35 **Biodiversity Officer:**

3.36 No objection subject to conditions requiring biodiversity improvements.

3.37 **Waste Operations Manager:**

3.38 No objection, subject to further comments from agent.

3.39 **Environmental Health: Air Quality Officer:**

3.40 No objections raised.

3.41 **Environmental Health: Environmental Protection Officer (Noise and Vibration):**

3.42 No objection subject to conditions.

3.43 **Housing Enabling Officer:**

3.44 No objection given the revised affordable housing mix provided.

3.45 **Sustainability Officer:**

3.46 No objection subject to condition.

3.47 **Lead Local Flood Authority:**

3.48 No objection subject to conditions (awaiting further comments from LLFR)

3.49 **Councillor Representation:**

3.50 None

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 36(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan (as amended) 2016
- The Core Planning Strategy DPD 2009
- The Site Development Policies DPD 2012
- The South London Waste Plan 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Sutton Draft Local Plan December 2016
- Draft London Plan 2017
- Human Rights Act 1998
- Equality Act 2010

4.3 **The London Plan 2016:**

- 2.5 - Sub-regions
- 2.6 - Outer London: vision and strategy
- 2.7 - Outer London: economy
- 2.8 - Outer London: transport
- 2.14 – Areas for regeneration
- 2.15 - Town Centres
- 3.1 - Ensuring Equal Life Chances for All
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.7 - Large residential 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 Thresholds
- 4.1 - Developing London's Economy
- 4.5 - London's Visitor Infrastructure
- 4.7 - Retail and town centre Development
- 4.12 – Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.7 - Renewable energy
- 5.8 – Innovative energy technologies
- 5.9 - Overheating and Cooling
- 5.10 - Urban Greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficient
- 5.17 - Waste capacity
- 5.18 - Construction, excavation and demolition waste
- 5.21 – Contaminated land
- 6.2 - Providing public transport capacity and safeguarding land for transport
- 6.3 - Assessing effects of development on transport capacity
- 6.4 - Enhancing London's transport connectivity
- 6.5 - Funding Crossrail and other strategically important transport infrastructure.
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and Archaeology
- 7.14 - Improving Air Quality
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscape
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodlands
- 8.2 - Planning obligations
- 8.3 - Community infrastructure Levy

The Core Planning Strategy:

- PMP1 - Housing Provision
- PMP6 - Sutton Town Centre
- BP1 - Housing Density
- BP2 - Affordable Housing

- BP6 - One Planet Living
- BP7 - Flood Risk and Climate Change Adaptation
- BP8 - Waste Reduction and Management
- BP9 - Enabling Smarter Travel Choices – An Area Based Approach.
- BP10 - Transport: Strategic and Borough Wide Proposals.
- BP12 - Good Urban Design and Heritage.
- BP13 - Taller Buildings
- DP2 - Planning Obligations
- DP3 - Infrastructure Requirements and Delivery

Site Development Policies DPD:

- DM1 - Character and design
- DM2 - Protecting Amenity
- DM3 - Enhancing the Street Scene and Public Realm
- DM5 - Sustainable Design and Construction
- DM12 - Noise and Vibration
- DM19 - Promoting Sustainable Transport and Accessibility
- DM20 - Assessing the transport impact of new development
- DM21 - New development and the Highway Network
- DM22 - Parking
- DM26 - Housing Mix
- DM29 - Housing Standards
- DM6 - Climate Change Mitigation
- DM7 - Flood Risk
- DM8 - Climate Change Adaptation
- DM9 - Water Supply, Water Quality and Sewerage Infrastructure
- DM12 - Noise and Vibration
- DM13 - Light Pollution
- DM17 - Biodiversity, Habitats and Species
- DM18 - Agricultural Land and Diversity
- 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
- DM26 - Housing Mix
- DM29 - Housing Standards
- DM35 - Development in Town and Local Centres
- DM36 - Office Provision through Mixed Use Conversions or Redevelopment
- DM37 - Shopping Frontages in Town Centres
- DM41 - Site Allocations

Draft Local Plan:

- Policy 1 Sustainable Growth
- Policy 3 Sutton Town Centre
- Policy 4 Tramlink and Major Transport Proposals
- Policy 7 Housing Density
- Policy 8 Affordable Housing
- Policy 9 Housing Size and Standards
- Policy 13 Housing and Garden Land
- Policy 17 Town and Local Centre Development
- Policy 17 Shopping Frontages and Town Centre Uses

- Policy 26 Biodiversity
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 30 Heritage
- Policy 31 Carbon and Energy
- Policy 32 Flood Risk and Sustainable Drainage
- Policy 33 Climate Change Adaptation
- Policy 34 Environmental Protection
- Policy 35 Transport Proposals
- Policy 36 Transport Impact
- Policy 37 Parking
- Policy 38 Infrastructure Delivery
- Policy 41 Site Allocations

Supplementary Planning Guidance/Documents:

- SPD 5 - Planning Obligations
- SPD 14 - Creating Locally Distinctive Places
- GLA Homes for Londoners Affordable Housing and Viability SPG 2017
- GLA London Housing Design Guide

5.0 PLANNING CONSIDERATIONS

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

- **Principle**
 - Housing
 - Viability and Affordable Housing
 - Planning Obligations and CIL
 - Future Redevelopment of Adjoining Sites
 - Summary
- **Design Quality**
- **Affect on Residential Amenity**
- **Layout, Amenity Space and the Impact on Future Occupiers**
- **Traffic, Access and Parking**
- **Sustainability**
- **Public Realm, Landscaping and Biodiversity**
- **Archaeology**
- **Flood risk**
- **Air quality**
- **Land Contamination**
- **Wind Microclimate**

5.2 **Principle:**

5.3 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. 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 Government's objectives

include promoting the vitality and viability of town centres. The National Planning Policy Framework (NPPF) also requires the Council to make the most efficient use of land by maximising the re-use of previously developed land and the conversion of existing buildings.

- 5.4 With reference to the vitality of town centres, the NPPF states at paragraph 23 that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres. The NPPF continues that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of the town centre. In addition, the NPPF states that residential development can play an important role in ensuring the vitality of centres and Councils should set out policies to encourage residential development on appropriate sites.
- 5.5 Policy PMP6 of the Core Planning Strategy states that the Council will promote Sutton town centre as a Metropolitan Centre and will support proposals for new shopping, office, housing, accessible community and leisure facilities, and cultural development, which will contribute to the regeneration and growth of the town centre and the creation of a 'Low Carbon Zone', including an expansion of the main retail and leisure area, increases in the range and quality of the retail offer and the creation and protection of a range of employment opportunities including enhanced office provision. Policy DM35 of the Site Development Policies DPD confirms that within town centres the Council will grant planning permission for new development that makes the optimum use of the site providing a mix of town centre uses appropriate to the scale of the development and its location within the centre, unless it can be demonstrated this is not practical or viable.
- 5.6 Policy 3 of the Draft Local Plan seeks to work with residents, community groups, businesses, landowners and developers to deliver compressive redevelopment of Sutton Town Centre.
- 5.7 The site is allocated within the Site Development Policies DPD and Draft Local Plan and, in terms of the principle of use, the allocation states that redevelopment proposals for the site should include a mix of office, residential, retail and leisure use and should pay particular regard to providing active shopping frontages at ground floor along Sutton Court Road. However it should be noted that the allocation is for the wider development site including the adjacent South Point (now Sutton Point) site.
- 5.8 Whilst this specific proposal does not provide any office, retail or leisure uses in the allocation, the proposal does provide a landmark building up to 22 storeys in height (Site allocation STC13) and provides a mix of housing types, which is considered acceptable. It is relevant to note that the objectives of the site allocations have been met through the proposed development on the adjacent South Point site which contains office, retail and leisure uses. As such, this scheme, when taken together with the South Point proposal, is fully compliant with the site allocation and is not considered to be a departure from policy.
- 5.9 In addition, whilst the application site falls within the Station Quarter, the site forms a natural break between the High Street and retail elements to the west and residential elements to the east and south. As such, the principle of this proposal, for a residential led development, is considered to be compliant with the aims and objectives of the Councils development plan policy.

5.10 Housing:

- 5.11 The provision of new housing on previously developed land is encouraged by relevant Central Government Policy, and adopted policies of the Local Development Framework. The National Planning Policy Framework (NPPF) states that to boost significantly the supply of housing, Local Planning Authorities (LPAs) should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Paragraph 49 of the NPPF confirms that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 5.12 The NPPF, at paragraph 50, states that to deliver a wide choice of high quality homes, widen opportunities for home ownership 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.
- 5.13 Policy 3.3 of the London Plan states that the Mayor will seek to ensure the identified housing need is met through an annual provision of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners. Policy PMP1 'Housing Provision' of the Core Planning Strategy states that the Council will make provision for 3,450 new residential units a year although it should be noted that this target figure has been increased by the London Plan 2016 which now proposes a minimum target of 3,262 dwellings for the minimum ten year target period 2015-2025 and an annual monitoring target of 363 new dwellings. These housing targets are likely to be further increased within the Draft London Plan which is likely to be published shortly.
- 5.14 The site is identified as being within the 'Limit of Sustainable Residential Development' around Sutton Town Centre. Policy BP1 of the Core Planning Strategy confirms that the Council will support proposals for higher density development within and around town centres provided that it is of exemplary design and relates satisfactorily to its surroundings.
- 5.15 The London Plan Policy 3.4 'Optimising Housing Potential' states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The site is within a central location where the density matrix sets a guideline of 650-1100 habitable rooms, or 140-405 units, per hectare with a PTAL of 4-6, although the London Plan notes that these ranges should not be applied mechanistically.
- 5.16 The proposed density of the scheme is 1,031 units per hectare, or 3,518 habitable rooms per hectare. The density ranges contained in the London Plan are not applied mechanistically and a density above the stated range can be considered acceptable; however the London Plan continues that any application above the stated density ranges is required to be exemplary in all other respects and provide a high quality living environment for occupiers, including amenity and play space, affordable housing, a mix of unit sizes, and high quality design.

- 5.17 It is noted that the application site is located centrally within Sutton Town Centre, within a Limit of Sustainable Residential Development area, it has excellent transport links, is within a site suitable for taller and denser developments around a high building cluster and subject to other considerations, which include achieving high quality design, the proposed density of the development is considered to be acceptable in this location particularly given the need for the Council to meet housing targets.
- 5.18 The site has historically included residential use and this current proposal provides a total of 165 residential units comprising a mix of 10 x studio units, 76 x 1 bedroomed units, 69 x 2 bedroomed units and 10 x 3 bedroomed units. The proposal is a Build to Rent development as defined by the Mayors SPG 'Affordable Housing and Viability'.
- 5.19 Policy DM26 of the Site Development Policies DPD 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 is heavily skewed towards one and two bed units, the inclusion of a number of family sized units is acceptable particularly given the sites Town Centre location. It should also be noted that whilst two bed units are not technically classed as family sized units, it is apparent that they are capable of providing accommodation for small young families. The proposal would comply with policy DM26 of the Site Development Policies DPD.
- 5.20 This proposal is a Build to Rent development as defined by the Mayors "Affordable Housing and Viability SPG 2017". The London Plan Policy 3.8 'Housing Choice' recognises the contribution of Build to Rent in addressing housing needs and increasing delivery. The Mayor's Affordable Housing and Viability SPG (Homes for Londoners) sets out the requirements for this tenure as below, which must be secured in the Section 106 agreement:
- the homes to be held as Build to Rent under a covenant for at least 15 years (apart from affordable units, which must be secured in perpetuity);
 - all units to be self-contained and let separately;
 - unified ownership and unified management of the development;
 - longer tenancies (three years or more) should be available to all tenants, with break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months;
 - formula-linked rent increases, and although the LPA should not stipulate the level of rent increases on market rate tenancies, these should be made clear to the tenant when the property is let and LPAs should ensure they are not set to discourage tenants from taking longer tenancies;
 - on-site management, although this does not necessarily mean full time dedicated on-site staff;
 - providers must have a complaints procedure, be a member of a recognised ombudsman scheme, and have membership of a designated professional body, such as the British Property Federation or Royal Institute of Chartered Surveyors; and
 - providers must not charge up-front fees of any kind to tenants or prospective tenants, other than deposits and rent-in-advance.
- 5.21 To ensure new private rented homes are secured for the rental market for a minimum period, and to enable the distinct economics to be taken into account in planning decisions, Build to Rent homes must be secured through a covenant of at least 15 years in a Section 106 agreement. During this period the private rented homes must be retained in single ownership and overall ownership of the scheme can only change if the scheme stays as Build to Rent. Individual homes cannot be sold or the

covenant would be broken. This would trigger a 'clawback' review that may result in a payment owed to the LPA.

- 5.22 The build to rent sector is at an early stage but is rapidly evolving. There are several different business models already present in the market and more are likely to appear as growth continues. It is therefore difficult for any definition of build to rent to reflect the diversity of the sector. However, as the Mayor's Affordable Housing and Viability SPG highlights, single ownership and single management are crucial principles in defining what constitutes build to rent development.
- 5.23 Build to rent is different from the existing private rented sector offer; it provides high quality, purpose-built homes with professional management and longer tenancies. Build to rent schemes are based on a different financial model to conventional for-sale housing.
- 5.24 The principle of providing a build to rent product is considered to be a positive step in providing variety of housing products in Sutton, will increase housing supply and should be encouraged in this sustainable location.
- 5.25 Viability and Affordable Housing:
- 5.26 In terms of viability and affordable housing, London Plan Policy 3.9 'Mixed and Balanced Communities' seeks to promote mixed and balanced communities by tenure and household income. Policy 3.12 'Negotiating Affordable Housing' seeks to secure the maximum reasonable amount of affordable housing. To encourage the development of Build to Rent housing, the London Plan recognises the distinct economics of the sector relative to the mainstream 'build for sale' market housing, which should be taken into account when considering planning applications for Build to Rent schemes.
- 5.27 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 and Policy 8 of the Draft Local Plan state the Council will seek to meet an overall borough-wide target that 50% of all new housing from all sources is affordable, of which 75% should be for social/affordable rent and 25% intermediate.
- 5.28 Policy 38 'Infrastructure Delivery' of the Draft Local Plan states that in considering planning obligations, the council will take into account economic viability, the full range of benefits provided by a development, the extent to which it contributes towards delivering Local Plan objectives, other planning policies and whether a development is publicly funded.
- 5.29 The Mayor's Affordable Housing and Viability Supplementary Planning Guidance 2017 introduces a 'threshold approach', whereby schemes meeting or exceeding 35% affordable housing without public subsidy can follow a fast track route. This means applicants are not required to submit viability information at the application stage, and applications are subject to review mechanisms only if an agreed level of progression on implementation has not been achieved within two years of consent being granted. As the Mayor's SPG is the most up-to-date guidance, the threshold for requiring affordable housing is now reduced to 35%.
- 5.30 The application provides an offer of the equivalent of 10% affordable housing, which is below the 35% target. However, the applicant has submitted a viability

assessment, discussed in more detail below, to demonstrate that achieving 35% affordable housing on this site is not viable.

- 5.31 The viability assessment submitted by the applicants and verified by the Council's own independent advisors, states that the scheme is on the margins of viability with 10% of the units being affordable but this should be weighed up against the overall benefits of the scheme including the delivery of a high quality residential development making good of a vacant site.
- 5.32 Aspinall Verdi report to the Council states that the applicant's report does not necessarily represent the current market conditions, in particular, profit costs, build costs, CIL assumptions and threshold land value. In each assessment undertaken, the Aspinall Verdi results have shown greater levels of viability than calculated by the applicant but still shows the scheme only being marginally viable with the offer of 10% affordable units.
- 5.33 Concern was raised by the GLA regarding the original offer of 10% affordable housing, in the form of intermediate Discount Market Rent (DMR). DMR units are often provided at 80% of market rate and, in most cases, are not considered truly affordable for residents of Sutton. The GLA considered this offer to be wholly unacceptable and should be significantly increased, given that the site is on a high-density scheme on a cleared site within a Housing Zone. The Council's Housing Enabling Officer also initially raised objection to the current proposal based on the DMR product being provided. Through negotiations, the applicant increased the level of affordable housing percentage to 14% incorporating DMR units. However, the LPA had a strong preference that another product be provided rather than DMR units as such units would not be affordable for Sutton residents. As such, it was requested that London Living Rent (LLR) units should be provided which is calculated based on one third of median gross household income for the local ward and would be truly affordable for local Sutton residents.
- 5.34 The final agreed offer from the applicant equates to 10% affordable housing which represents 8 LLR units with a commuted sum towards affordable housing of £545,930 to be secured prior to commencement. The mix of affordable housing units is 1 x 3 bedrooomed, 4 x 2 bedrooomed and 3 x 1 bedrooomed units. On this basis, the Council's Housing Enabling Officer has raised no objection to the proposal.
- 5.35 Whilst the proposal does not provide the full extent of affordable housing, it is considered that this is acceptable given the findings in relation to the viability of the scheme and the requirement to provide £2,065,426.05 in CIL to be shared by the Major and Sutton Council. It is considered that the viability evidence submitted by the applicant presents a persuasive argument that the scheme should be accepted. The scheme has been tested to show that viability is only marginal and having more intermediate affordable units within the scheme would further reduce viability and mean that the development is not deliverable.
- 5.36 Planning Obligations and CIL:
- 5.37 Policy DP2 of the Core Planning Strategy and the NPPG states that, where necessary, the Council can seek planning obligations from developers to provide the necessary infrastructure and improvements to facilitate implementation of an acceptable development scheme.
- 5.38 The following planning obligations would be sought as part of the proposal and are considered in light of the viability discussed above:

- 8 London LLR units with a commuted sum towards affordable housing of £545,930.
- Travel Plan for all proposed uses including a monitoring fee.
- Restriction on residents obtaining parking permits.
- Enter into a S278 Agreement for off-site highways works associated with the development;
- Introduction of construction training and employment program.
- Enter into an agreement that all units cannot be sold for 15 years from the date that all units are available for occupation.
- Clawback review for any units sold during the 15 years.
- Viability review mechanism.
- A cascade mechanism whereby parties from the Council's housing list will be given first offer on the affordable units.
- Reasonable endeavours to connect to any future wider network should one become available over the lifetime of the development.

5.39 In addition, it should be noted that the application will be subject to the Community Infrastructure Levy (CIL) which is a tax on development and introduced as the mechanism that Local Authorities can seek financial contributions towards a range of environmental and infrastructure improvements within their boroughs.

5.40 The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. Any new build, that is a new building or an extension, is only liable for the levy if it has 100 square metres, or more, of gross internal floor space or creates an additional residential unit and is charged at a rate of £100 per sqm. This is in addition to the Mayor's CIL charged at £20 per sqm. CIL is charged on the total net additional floorspace created (measured as Gross Internal Area).

5.41 All Local Authorities are required to index the CIL charges to take account of price increases between the time when charging schedules setting out an authority's rate come into force, and the time at which planning permission is granted. In this instance the London Borough of Sutton's CIL has been indexed from its adoption in April 2014 and the Mayoral CIL indexed from its adoption in April 2012.

5.42 Future Redevelopment of Adjoining Sites:

5.43 Planning permission has already been approved for the adjacent site 'South Point' to the west. The proposed access to that development is located to the west of the proposal site and the closest elevation to the application site is 19 metres from flank to flank. As will be discussed further below, the proposed scheme ensures that the redevelopment of adjoining sites will not be hindered by way of overlooking or loss of light.

5.44 As such, it is considered that the proposed application would not cause harm to the future redevelopment of any adjoining sites and no concern is raised in this respect.

5.45 Summary:

5.46 The current proposal provides an acceptable mix of residential units on this key Town Centre site.

5.47 The submitted financial viability assessment, which has been independently verified, has demonstrated that the scheme is only marginally viable with the amount of affordable housing units, on this basis; the proposal is acceptable in principle in land use terms.

- 5.48 It is envisaged that the proposal would make a significant impact on the regeneration of this part of the Town Centre whilst providing a balanced mix of residential properties for the local area. The proposal is considered to be in accordance with the NPPF, the London Plan 2016, the Councils Local Development Framework and the Draft Local Plan. Taken together with the adjoining site, it is considered that the proposal is fully compliant with the allocation in the Council's Site Development Policies. The acceptability of the development in land use terms is, however, subject to the consideration of all other relevant policy guidance and material considerations which are considered below.
- 5.49 **Design Quality:**
- 5.50 The National Planning Policy Framework (NPPF) states at paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.
- 5.51 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.
- 5.52 Policy 28 of the Draft Local Plan seeks to achieve the highest design and environmental standards possible and to future proof buildings in terms of a changing climate. To ensure growth is respectful of the suburban character and historic assets and places within the borough, promoting or reinforcing local distinctiveness and to improve the public realm in the borough's centres.
- 5.53 It is considered that the redevelopment of this site will mark a positive change in the appearance of this key town centre site which would enhance the image of Sutton and the town centre by creating a landmark development that will improve the orientation and recognition of the Town Centre as a place to live for those arriving by rail, bus, car, foot or bicycle. Given the very prominent position of the site in relation to Sutton Station and open views from various locations within the Town Centre, the scheme represents a real opportunity for Sutton.
- 5.54 The application site is vacant and was previously occupied by three residential properties, which were considered to have a negative impact on the street scene due to the fact that the existing buildings were in a poor condition. As such, it is considered that the site currently fails to contribute to the appearance of Sutton Town Centre. It is considered that although the scale and height of the proposed development is considerably greater than the existing buildings on site the quality of the design of this scheme is exemplary and will redefine the appearance of this part of the Town Centre creating a new and exciting built environment that will assist to stimulate growth in Sutton Town Centre in particular by boosting confidence in the Centre as a place, creating a new landmark and bold vistas in short, medium and longer views of the site.

- 5.55 The scheme has addressed a number of design challenges arising from the constraints adjoining the site such as the residential scheme (Leben Court) to the east and the 2013 permitted 'South Point' scheme to the west. It is considered that the final designs manage to successfully balance these competing constraints with a scheme that would work in the context of the adjoining proposal at South Point and also as a standalone building.
- 5.56 The proposed building would occupy the majority of the application site. The eastern flank elevation would be set approximately 10.1 metres from the flank elevation of Leben Court. The western flank elevation would be set approximately 17.3 metres from the eastern elevation of the South Point development. The proposed rear elevations would be set a minimum of 0.5 metres from the boundary and the front building line would be set a minimum of 0.5 metres from the pavement noting that the proposal has a varied front building line.
- 5.57 The design and layout of this scheme is based on a number of defining factors such as the varying land levels within the site as Sutton Court Road falls away to the east. Due to the falling site levels, the pavement at the eastern end of the site is about one storey lower than at the western end, however, the proposal manages to successfully accommodate this change in land levels by setting the 10 and 11 storey towers back from the site boundary to accommodate a ramped access to the basement car park. As the site moves to the west, the land levels rise, the building responds to the increase in land levels by increasing the depth of the building's frontage towards Sutton Court Road. The front elevation provides a double height glazed entrance and glazing to the ground floor elevations to the business lounge, private meeting room, coms room and office, which allows for active frontages to be provided along the majority of the site.
- 5.58 The main entrance is in the north western corner and directed towards Sutton Town Centre. This entrance is well designed with a two storey glazed entrance which is wrapped around the building towards the western flank elevation and is framed by public space to its frontage and complimented by balconies above which project forward of the building line. This ensures that the proposal does not appear overly dominant at street level and forms a welcoming and positive street frontage.
- 5.59 The scale of the building is considered appropriate within its setting. The proposal provides a series of steps to its frontage, balconies and a varied palette of materials ensuring that the building is well articulated. The height of the building, which steps down to the east, is considered appropriate and provides an acceptable transition with the scale of development within the town centre. The use of bays and varying materials creates a sense of more slender elements to the front and rear elevations which assist in reducing the perceived bulk and scale of the building. The building would complement the height of the South Point proposals to the west. In addition, the 10 and 11 storey tower contributes in breaking up the massing of the building when viewed from the east.
- 5.60 At 20 and 21 storeys in height the central tower would adopt significant prominence in surrounding views, however, the combination of the stepped bay lines along with the variety and choice of high quality materials would provide considerable architectural interest in the streetscene and a sense of identity to this part of the town centre, which will appear particularly striking at pavement level and wider views towards the site. The well framed staggered balcony arrangement located centrally within the tower is a particular positive feature to the design. The proposal would form part of a cluster of tall buildings at this end of the high street with South Point, Quadrant House and the 14 storey building at 17 Sutton Court Road on the opposite side of Sutton Court Road.

- 5.61 The previously approved scheme was a maximum height of 59 metres at the western tower and 28 metres in height at the eastern tower. This proposal would be 6.7 metres higher at the western tower and 6.6 metres higher than the eastern tower.
- 5.62 The proposed scheme would be positioned 10.1 metres from the flank elevation of Leban Court, an approximate increase of 1.1 metres and slight increase in distance of 1.2 metres of the proposed western flank elevation to the eastern flank elevation of South Point.
- 5.63 The proposed landscaping strategy for the application site has taken the aspirations of the adjoining South Point scheme by enhancing and strengthening the existing streetscene by using high quality materials, with the aim to complement the adjacent scheme.
- 5.64 The application site is separated from The Sutton High Street Crossroads Conservation Area by the approved development at 'South Point' and is approximately 120 metres from the proposal. There are two Areas of Special Local Character which lie to the east, the Victoria Road area beyond Langley Park Road and the Newtown area to the north east. This application site is within the vicinity of six Grade II listed buildings:
- Sutton Police Station, Carshalton Road to the north of the site.
 - Trinity Methodist Church.
 - Sutton Baptist Church, Cheam Road.
 - Church of St Nicholas.
 - Gibson Mausoleum situated in the yard of the Church of St Nicholas.
 - Listed wall sets against the party wall of numbers 101 - 103 High Street which is to the west of the site and the closest listed structure to the site.
- 5.65 The closest listed building to the application site is the old Sutton Police Station which is approximately 129 metres; however, views to the building are mainly obscured to those from the application site due to a number of developments to the south and south east of the Police Station. It is considered that the proposal would not result in material harm by adversely affecting views of this listed building. English Heritage have not objected to this proposal and for the above reasons, it is considered that the proposed development would not harm the setting of the old Sutton Police Station or any other listed buildings or structures.
- 5.66 The GLA raises no concern over the design of the scheme and welcomes the massing and appearance. The amendments during pre-application to the massing of the building, which would step down from the taller development to the west, to the lower rise Leban Court to the east, is supported. In particular, the improved vertical articulation to the building is successful in addressing the mediation in scale between neighbouring sites. The GLA also welcomes the use of varying tones of brick and ceramic, which responds positively to the established character of the area, is supported. Overall, the proposal represents an improvement on the design quality of the previously permitted scheme.
- 5.67 As such, it is considered that this is a well-designed scheme comprising a modern design approach to breathe new life into this prominent site within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.

5.68 Affect on Residential Amenity:

5.69 Policy DM2 of the Site Development Policies DPD 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. Policy DM12 of the Site Development Policies DPD refers to noise and vibration and states that new noise-sensitive developments should be separated from major noise-generating activities where practicable and such planning applications should be accompanied by a noise and vibration assessment.

5.70 Policy 29 of the Draft Local Plan states that the Council will grant planning permission for development unless it adversely affects the amenities of future occupiers or those currently adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area.

5.71 Daylight / Sunlight Assessment:

5.72 The impact of the proposed development on daylight and sunlight to adjacent properties was considered through the submission of a Daylight, Sunlight and Overshadowing Assessment dated June 2017. The report considered that the proposed development would not have an adverse impact upon the adjacent residential properties in respect of loss of daylight and/or sunlight and overshadowing.

5.73 The report refers to five of the closest properties which include Leben Court, Patrick Dunn House (Police station), South Point development and residential properties in Wellesley Road to the south of the application site. The report states that the daylight and sunlight impact from the proposed scheme on the surrounding properties and amenity spaces will be within acceptable limits given the dense urban setting of the site.

5.74 A total number of 293 windows were assessed for daylight access. The results are as follows:

- 111 of 293 windows passed the 25 degree line test,
- 107 windows achieved Vertical Sky Components (VSC)s greater than 27%,
- 13 windows achieved relative VSCs over 0.8 of their former values,
- 42 of the remaining 162 windows were found to meet the no skyline test, and
- An additional 41 windows were found to achieve VSCs greater than 20%.

5.75 A total of 44 windows from the surrounding developments were assessed. Sunlight assessment results are as follows:

- 22 of the 44 windows satisfied the BRE criteria for annual probable sunlight hours and winter probable sunlight hours,
- Of the remaining 22 windows not meeting the above criteria, 8 were found to achieve annual sunlight hours exceeding the BRE requirement, whilst a further 12 windows were shown to achieve winter sunlight hours exceeding these criteria's.

5.76 It should be noted that the overarching guidance in relation to Daylight and Sunlight contained within the BRE guidance 2011 recognises that the values for achieving good daylight and sunlight conditions can be applied more flexibly in Town Centre locations as the values in the guidance are designed to ensure optimum lighting conditions in a predominantly suburban setting. On this basis and given the results above, it would be unreasonable to resist this development in terms of its impact on light and overshadowing of adjacent properties in this Town Centre setting.

- 5.77 In terms of privacy and outlook, it is considered that there would not be a significant adverse impact to the occupiers of Leben Court as the closest 10/11 storey element would be positioned 10.1 metres from the flank elevation of Leben Court and the windows to this elevation are dual aspect to living rooms and the windows within the roof space are to bedrooms and are afforded light through roof lights. The windows located within the eastern elevation of the proposed building serve as secondary windows and windows to corridors. In addition, a condition is included to ensure that any windows to habitable rooms, with the potential for direct overlooking, are obscure glazed and fixed shut to a height 1.7m above floor level within the eastern flank of the 10 storey element proposed. As such, the proposal would not result in loss of outlook or privacy to Leben Court as the majority of windows facing the application site from this neighbouring building are secondary and adequate separation is provided noting that the part of the scheme closest to this boundary is the lower 10 storey element.
- 5.78 The taller 20 / 21 storey tower is set approximately 25 metres from Leben Court which would provide an adequate separation distance given this town centre location. As such, it is considered that there would not be any significant adverse impact on Leben Court given the separation distances to the larger tower noting that this is a town centre location which is allocated in the Site Development Policies DPD for redevelopment with high buildings.
- 5.79 The proposal is separated by 17.3 metres from the flank of the permitted building at 'South Point'. Given the separation distance provided, which is similar to that provided within the South Point scheme between towers, it is considered that no harm would be caused to the residential properties within the 'South Point' development by way of loss of privacy/overlooking again given the site allocation and the town centre location.
- 5.80 In terms of noise and distance created during the course of construction it is noted that the applicant has confirmed proposed works would be for a relatively limited amount of time. To ensure there is no significant disturbance to surrounding properties and the surrounding road network within the vicinity of the site, a condition is included that will require the submission and approval of a construction management strategy, and a restriction upon hours of building operations to week days and Saturday mornings. In addition, conditions are recommended to ensure that noise emissions from plant within the development would not significantly impact on nearby residential occupiers.
- 5.81 Policy DM2 of the Site Development Policies DPD seeks to ensure that there is no undue adverse impact from increased levels of light pollution on the environment or on the amenities of neighbouring occupiers. It should be noted that the proposed site is located within an existing town centre, where a certain amount light spillage between sites is common place. However, to ensure that there are no adverse effects to the adjacent properties and to ensure there is uniformity of the lighting in the main areas, an external lighting scheme will be required by condition.
- 5.82 Whilst it is acknowledged that a proposal of this size will inevitably cause some impact to the adjoining properties, it is considered that the design of the building has been carefully considered as to ensure that there is no unacceptable loss of outlook, privacy, and light from habitable windows. Whilst the proposed building is taller than some of the existing properties and there will be some impact on adjoining occupiers, this is considered not to be to a level that a reason for refusal could be justified, given the benefits of the development.

- 5.83 The proposal would not result in an unacceptable loss of light or outlook, there would be minimal overlooking from windows and no significant harm would be caused by increased noise, vibration or disturbance. No significant concern is raised regarding the impact on neighbouring occupiers.
- 5.84 **Layout, Amenity Space and the Impact on Future Occupiers**
- 5.85 London Plan Policy 3.5 states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The guidance sets out a minimum floor area of 39 sq metres for a one bedroom 1 person flat, 50 sq metres for a one bedroomed 2 person flat, 70 sq metres for a two bedroomed 4 person flat and 95 sq metres for a three bedroomed 6 person flat.
- 5.86 The residential accommodation is compliant with the minimum size standards set out in policy 3.5 of the London Plan and the Councils standards contained within SPD14 'Creating Locally Distinctive Places'. Therefore, it is considered that the proposed room sizes are acceptable.
- 5.87 Supplementary Planning Document 14 requires adequate provision of private amenity space advising that each flat should have 25 sq metres of amenity space. The London Plan 2016 states that a minimum of 5 sq metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq metre should be provided for each additional occupant.
- 5.88 Four flats at ground floor level will each have access to private amenity space, twelve flats from levels 2 – 19 would each have access to private amenity space, with both units on level 20 each having access to private amenity space, including one unit having 46 sq metres of private amenity space. This equates to 83 units having direct access to private amenity space ranging between 3.45 sq metres and 46 sq metres.
- 5.89 Whilst there are 82 units without direct access to private amenity space, the application proposes 199 sq metres of external community space at ground floor level, including 71 sq metres allocated for child play space and 90 sq metres of internal and 66 sq metres of communal space at level 10. The application site is also within close walking distance of Manor Park to the north of the site.
- 5.90 As such, it is considered that the level of amenity space proposed for the application is considered acceptable.
- 5.91 An Ambient Noise and Vibration Assessment was submitted with the application. A survey was undertaken during daytime and night time period to determine the variation on noise levels at different times. The report notes that the dominant noise source to the proposed development is traffic from Sutton Court Road to the north of the site and the railway line to the south of the site. The report concludes that, with the window and ventilation specification recommended within the report, the internal ambient noise levels would comply with the design criteria. In addition, the report concludes that the vibration levels were considered to have a low adverse impact.
- 5.92 The Councils Environmental Health Officer has advised that the addendum to the Ambient Noise and Vibrations Assessment is acceptable with the recommendation for conditions to be included for acoustic barriers to be installed within the ground floor terraces, details for the acoustic insulation/isolation of the gym and associated equipment to protect the occupiers of the first floor flats located above airborne and

structure borne noise and all plant and machinery shall be enclosed and soundproofed.

- 5.93 As such, no objection is raised with regards to noise, vibration and fumes subject to conditions.
- 5.94 The application incorporates approximately 14% single aspect north facing units. These units have generously sized windows and balconies. All residential units which are a minimum of 7.2 metres in depth have full height windows which allows for sufficient light to penetrate the rear of the room. The corridors are served by lifts and stairs. Units vary in width, depending on the area requirements and have a floor to ceiling height of 2.5 metres.
- 5.95 The proposal does not include windows that directly overlook or face other properties within the development, although there are potential oblique views from some of the units.
- 5.96 London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10 sq metres of useable child play space to be provided per child, with under-5 child play space provided on-site as a minimum. Policy PMP9 of the Core Planning Strategy seeks provision for safe and stimulating children's play and informal recreation areas.
- 5.97 The GLA confirm that based on the unit breakdown, the child yield is expected to be eleven children, with seven under the age of 5, which would require a minimum of 70 sq metres of play space. 71 sq metres of play space has been proposed for under-fives at ground floor level. It is recognised that the site provides restricted opportunities for play space but facilities within Manor Park are in close proximity to the site. Considering the low child yield and the inclusion of other shared and private external amenity spaces, the proposed play space is therefore acceptable.
- 5.98 Policy DM1 of the Site Development Policies DPD aims to ensure that all new developments cater for the accessibility needs of disabled people. London Plan Policy 3.8 'Housing Choice' requires that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 5.99 The application has amended internal layouts of residential units to ensure that 19 units (11.5%) will be 'wheelchair user dwellings' and the remaining units will be 'accessible and adaptable' units. Planning conditions will secure inclusive access enhancing building regulation requirements.
- 5.100 The Councils Waste Operations Manager has not objected to the proposal subject to conditions. Full details of the management strategy for refuse and recycling storage and collection is reserved by condition.
- 5.101 For these reasons it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers in accordance with development plan policy.

5.102 Traffic, Access and Parking:

- 5.103 Policy BP10 of the Core Planning Strategy states that developments should seek to reduce the need to travel, advocate the use of sustainable modes of transport and reduce the impact of traffic on residential areas. Policy DM22 of the Site Development Policies DPD and Policy 37 of the Draft Local Plan seek to ensure that provision is made for off-street parking for new proposals in line with the Council's maximum car parking standards taking into account public transport accessibility levels, existing publicly available parking provision and usage within the vicinity of the site.
- 5.104 Given the close proximity of the site to the town centre and the railway station, the site has a PTAL rating of 6a where 0 is the lowest and 6b the highest rating. The application site is within one of the most sustainable locations within the borough.
- 5.105 The application proposes a new vehicular access from Sutton Court Road adjacent to Leben Court, which provides a ramp to the basement level car park, cycle store and bin store. The basement would accommodate 11 car parking spaces which would be exclusively for blue badge parking. In line with Policy 6.13 'Parking' and Table 6.2 of the London Plan 2016, all wheelchair units are expected to have access to a blue badge parking space, which would require 16 spaces. Whilst the proposal would not meet this expectation, given the location and constrained nature of this site, it is considered that the level of blue badge parking spaces provided is sufficient.
- 5.106 A Transport Assessment (TA) was produced by Transport Planning and Highway Solutions dated June 2017 in support of the application. The report states that the proposed development identified 127 person movements two-way during the a.m. peak hour and 97 person movements two-way during the p.m. peak hour, compared with 101 person movements during the a.m. peak hour and 78 person movements two-way during the p.m. peak hour associated with the extant residential scheme. The report considers that on a mode-by-mode basis the trips associated with the proposed residential development scheme would not have any material impact upon any of the travel networks.
- 5.107 As such, no objection is raised by the proposed development, as it is considered that it is unlikely to have a negative impact on the operation of the existing public transport network and this is confirmed by the Councils Senior Highways Engineer and Transport for London.
- 5.108 The proposed access to the site would be from Sutton Court Road. Vehicular access is via the existing access ramp located between the adjacent car park at Leben Court and the development site. The proposal would not involve any alterations to existing access points within Sutton Court Road.
- 5.109 The proposal also provides 270 long stay cycle spaces within the lower basement and a further 4 short term spaces are to be provided within the public realm on Sutton Court Road. The Councils Highway Officer and the GLA agree that the cycle parking provisions accord with the London Plan 2016 and local policies. A condition is required for prior to occupation, details of the layouts and the type of cycle parking mechanism used shall be submitted in writing and approved.
- 5.110 This level of parking provision is considered acceptable by the Councils Senior Highways Engineer, Transport for London and GLA noting the mix of proposed units and the sites highly sustainable location.
- 5.111 Conditions are recommended for electrical charging points at a rate of 20% of spaces with active provision, and a further 20% with passive provision. A Car Park

Management Plan (CPMP) and full Construction Logistics Plan (CLP) should be submitted in writing and approved prior to construction along with a Delivery and Servicing Plan (DSP) prior to first occupation and details of the proposed ramp to adequately demonstrate that it is DDA compliant.

- 5.112 The application site would not conflict with the tram route currently proposed within the Development Plan and, as such, no harm would be caused by the proposal on the future delivery of the tram route.
- 5.113 Whilst a draft residential Travel Plan (TP) has been provided, the final TP will be secured, enforced, funded and monitored as part of the Section 106 agreement. A Car Park Management Plan and a mechanism whereby future residents will be prevented from applying for parking permits in the adjoining Controlled Parking Zone (CPZ) will also be provided.
- 5.114 For the reasons given above, the proposal is considered acceptable in terms of traffic, access and parking and would not cause harm to highway and pedestrian safety.
- 5.115 **Sustainability:**
- 5.116 The aims and objectives of Policy 31 of the Draft Local Plan states are to achieve the highest design and environmental standards possible and to future proof buildings in terms of a changing climate. In addition, it also seeks to cut pollution and address the causes and impacts of climate change by promoting low carbon and environmentally sustainable developments.
- 5.117 The energy strategy for the proposed development targets an on-site CO₂ saving of 35% for the entire development relative to Part L of Building Regulations 2013. This will be delivered through a range of demand reduction measures (be lean) and a site wide heat network served by CHP to provide the majority of the space and hot water heating (be clean), however, no renewables have been proposed (be green).
- 5.118 The GLA have advised that based on the energy assessment submitted, an on-site reduction of 54 tonnes of CO₂ per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development, equivalent to an overall saving of 37%. Following receipt of further information on overheating, energy efficiency, the site heat network, and combined heat and power, the Councils Sustainability Officer considers that the proposal is acceptable subject to conditions and a carbon offset contribution as discussed further below. Any further comments received from the GLA will be reported to the Planning Committee.
- 5.119 Domestic buildings are required to meet the zero-carbon target and any remaining regulated CO₂ emission reductions must be met through a contribution to the Borough's offset fund. The Council's recommended methodology for calculating the carbon shortfall and the carbon pricing, at £60 per tonne over 30 years, and is aligned with the Mayor's 'Guidance on Preparing Energy Assessments' (March 2016).
- 5.120 Taking the estimates in the Energy Strategy, there is an emissions reduction shortfall of approximately 108.1 tonnes per annum (i.e. the 35% reduction in baseline emissions is calculated to save a total of 95 tonnes). This means that the size of the payment, based on the current energy strategy for the site, would come to a one-off carbon off set contribution in the region of £194,580.
- 5.121 In the careful balance of considerations into this application, it was considered that this carbon off set contribution should not be provided on this scheme. As discussed

above, viability is marginal with the equivalent of 10% affordable housing provision and asking that the applicant provide this contribution would have further reduced the level of affordable housing achieved on this scheme. As such, affordable housing was given priority on this occasion.

- 5.122 An amended energy strategy for the proposed development has now been prepared in consultation with the GLA in order to address a number of issues which were highlighted in the GLA's initial Stage 1 comments prepared in June 2017 and in subsequent communications between the applicant, the GLA and LBS.
- 5.123 The amended energy strategy continues to targets an on-site CO2 saving of $\geq 35\%$ for the development relative to Part L 2013. In line with the Mayor's energy hierarchy, this will be delivered through a range of demand reduction measures, a site wide heat network served by CHP to provide the majority of the space and hot water heating and a small solar PV array (5kWp) on the available roof space.
- 5.124 The Councils Sustainability Officer has raised no objection to the proposal.
- 5.125 **Public Realm, Landscaping and Biodiversity:**
- 5.126 Policy DM1 of the Site Development Policies DPD states that development shall make suitable provision for high quality hard and soft landscape treatments around buildings. Landscape proposals will need to ensure that new development is integrated and positively contributes to or enhances the streetscene. Policy 28 of the Draft Local Plan states that the Council will grant planning permission for developments which make a positive contribution to the street frontage, streetscene and or public realm, such as using railings and low walls where appropriate and responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.
- 5.127 In addition the policy seeks all new development, where appropriate, should make provision for suitable new planting, trees and boundary treatments, taking into account the future effects of climate change and incorporates well-designed soft and hard landscaping.
- 5.128 PolicyDM17 seeks to create, conserve or enhance biodiversity and improve access to nature by sustaining and, where possible improving the quality and extent of natural habitat enhancing biodiversity in green spaces and among developments. Policy 26 of the Draft Local Plan states that the council will grant permission for developments that create, conserve or enhance biodiversity and improve access to nature.
- 5.129 The application proposes an external amenity area at floor level 10. The planting for the terrace amenity roof is based on a diverse mix herbaceous, ground covers and shrub planting providing interesting textures and colours throughout the seasons. Multi-stem trees will frame views over London Sky line and help to create a sense of enclosure in the roof terrace.
- 5.130 The application proposes soft and hard landscaping along the front of the site, which comprises of a feature trees, terrace planting/ trees and trees at street level. Along the western boundary the application proposes a child play space with planters and additional planters and trees within the ground floor external amenity terrace.
- 5.131 The entrance of the development and the space around the vehicular access is defined by soft and hard landscape. The boundary to the edge of the site is stepped and soft landscaped along its length in a manner similar to the adjacent Leben Court.

- 5.132 Further pavement details are required which blend and complement the paving on the public highway and complement the adjoining site 'South Point'. Clarification on materials to proposed steps, tree pits and raised beds and suitable alterations to proposed trees/shrubs and planting are requested by way of suitable conditions. It should also be noted that there are no significant trees within the application site or adjoining sites.
- 5.133 Subject to condition, it is considered that the new public realm would provide an attractive landscaped area for both the public and residents of the development which would focus on connecting the development into the wider area.
- 5.134 The submitted Design and Access Statement (Callisonrtrl, 2017) makes no reference to biodiversity and ecology. The Sustainability Statement (Ensphere Group, 2017) states that the ecological value of the site is considered to be low and that there will be 'biodiversity enhancement'. The Preliminary Ecological Assessment (Arbtech, 2017) provides information on the extant site, suggesting that it is of low ecological value. Based on the report and knowledge of the area and surrounding landscape, the Councils Biodiversity Officer has advised that there is no reason to doubt the veracity of the PEA's conclusion on site worth for biodiversity.
- 5.135 The Councils Biodiversity Officer confirms that the submitted application and proposed site plans to be adequate in its regards to the protection of extant biodiversity but inadequate in regard to the opportunities to make substantial enhancements for local nature. The Councils Biodiversity Officer confirms that the site and existing building is unlikely to contain any protected species and/or breeding birds.
- 5.136 The Biodiversity Officer continues that the scheme should offer enhancements in accordance with the National Planning Policy Framework which states that schemes should achieve net gains for nature. The Biodiversity Officer has recommended that the scheme is acceptable subject to conditions relating to biodiversity enhancements and details for a green roof, including construction, species and future maintenance, Install appropriate structures (such as the Schwegler 17A triple swift nests) to aid swift and hirundine (swallows and martins) nesting, biodiverse roofs.
- 5.137 In addition, a Construction Environmental Management Plan (CEMP) is recommended which should include; considerations on timing of construction to minimise potential disturbance when the nest is being constructed or in use, training and awareness on peregrine falcons on the nearby Quadrant House and contact details for groups who are in a position to affect rescues of newly fledged birds.
- 5.138 Subject to conditions, no concern is raised regarding the ecological or biodiversity impact of the proposal and the hard and soft landscaping.
- 5.139 **Archaeology:**
- 5.140 The site lies within the southern boundary of a designated Archaeological Priority Area (APA) where policy DM4 of the Site Development Policies DPD and Policy 30 of the Draft Local Plan is applicable.
- 5.141 Historic England have assessed the application and concluded that no designated archaeological assets lie within the site. Whilst the site lies within an archaeological priority area, it is considered to have a low potential for remains of archaeological interest dating from the prehistoric to the post-medieval periods. Due to the site's low archaeological potential and the extent of past ground disturbance, the proposed development is considered unlikely to impact any significant archaeological assets.

- 5.142 English Heritage has raised no objection and, as such, no concern is raised to this planning application in this regard.
- 5.143 **Flood Risk:**
- 5.144 Policy DM7 of the Site Development Policies DPD and Policy 32 of the Draft Local Plan aims to ensure the risk of flooding is not increased by new development and seeks to avoid, manage and reduce all sources of potential flood risk to and from new development and adapt to the future impacts of climate change.
- 5.145 The site is located within flood risk 1 and thus there is a risk if surface water run off which has been identified in the submitted Flood Risk Assessment (FRA). The FRA confirms that parts of the application site is at risk of surface water flooding, although the surface water flood risk is still rated as low to very low. This potential risk will be managed as part of the development process by the proposed drainage strategy, which is set out within the FRA and will reduce risks from surface water flooding by intercepting run-off and attenuating it prior to discharge.
- 5.146 This will also act to minimise the risk of flooding elsewhere by intercepting surface water flows on site prior to their flowing off site. The application proposes a new site drainage which will be designed with adequate capacity not to flood during a 1 in 30 year storm event and to contain flood water generated from a 1 in 100 year plus climate change storm event (+30%) within the site. The risk of off-site flooding would not increase as a result of the development and safe access and egress will be maintained.
- 5.147 Reduction in surface water discharge into the mains sewer will be via a combination of an off line storage tank and a hydrobrake located within the site which will connect to a demarcation chamber prior to connecting to the mains sewer. It is proposed to restrict flows to a discharge rate of 4.5 l/s which approximates to a 1 in 1yr event for the original site use.
- 5.148 The Environment Agency and the Councils Flood Risk Officer has raised no objection to the proposal subject to recommended conditions and, on this basis, the proposal would not result in increased flood risk.
- 5.149 **Air Quality:**
- 5.150 Policy DM10 of the Site Development Policies DPD and Policy 34 of the Draft Local Plan state 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.
- 5.151 The applicants submitted an Air Quality Chapter within their Environmental Statement and an Air Quality Technical Note by Entran. The quantitative assessment of air quality within the Environmental Statement (ES) assesses the impact of both construction and operational emissions to air on sensitive receptors in the surrounding area and considers the suitability of the site for its proposed end use with regards to the potential exposure of future occupants to air pollution.
- 5.152 The technical note has established that the proposed development is an "Air Quality Neutral" under the London Plan (GLA, 2016a) 2.11 and to the Mayor's Air Quality Strategy. 2.13 Policy 7.14B(c).

- 5.153 The Technical Note states that the proposed development will achieve the air quality neutral, and it does not require the implementation of the specific mitigation measures in term of air quality neutral.
- 5.154 The Councils Environmental Protection Officer has raised no objection to the proposal and considers that as the proposal would achieve the air quality neutral, no conditions are required as the proposal would not cause harm to air quality.
- 5.155 **Land Contamination:**
- 5.156 Land contamination is considered under Policy DM11 of the Site Development Policies DPD and Policy 34 of the Draft Local Plan states that the Council will permit development proposals located on or near potentially contaminated sites should be accompanied by a full risk assessment, which takes account existing site conditions, the groundwater regime and pollution pathways.
- 5.157 The applicant has submitted a Phase 1 Geo-Environmental Desk Study Report dated 28 June 2017 and a Phase I & Phase II Site Investigation dated January 2015 and completed by Risk Management Limited. The Environment Agency (EA) have confirmed that the site has been in residential use for over 100 years and although some elevated concentrations of lead and PAHs were identified in the made ground, the EA do not consider these to require remedial measures for the protection of Controlled Waters.
- 5.158 As such, the proposal is considered acceptable with suitable conditions recommended. In addition, the Council Contaminated Land Officer also raises no concern subject to recommended conditions. As such, no concern is raised regarding contamination.
- 5.159 **Wind Microclimate:**
- 5.160 Policy 7.7 of the London Plan 2016 confirm that tall and large buildings should not affect their surroundings adversely in terms of microclimate or wind turbulence.
- 5.161 A Wind Microclimate Study dated 30th June 2017 was undertaken on behalf of the applicants. The study combines measured pedestrian level speeds at key areas in and around the site with long term wind frequency statistics to determine the probability of local wind speeds exceeding comfort and safety thresholds for a range of common pedestrian activities.
- 5.162 The study concluded that the wind conditions in and around the existing site are suitable, in terms of both pedestrian comfort and safety, for intended users and with the erection of the proposed building the wind conditions in and around the existing site are also suitable, in terms of both pedestrian comfort and safety.
- 5.163 It is considered that the surrounding wind microclimate would not be significantly impacted by the proposed development.
- 5.164 **Public Sector Equality Duty (PSED) and Human Rights:**
- 5.165 Under the Equalities Act 2010, 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. This planning application has been processed and assessed with due regard to the PSED. The application proposals are not considered to conflict with the Duty.

5.166 The application has also 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.

6.0 **CONCLUSION AND RECOMMENDATION:**

6.1 The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of Sutton Town Centre and provides high quality housing with a number of affordable units. The proposed development is being built for the rental market. This type of tenure is also known as Private Rented Sector (PRS) and has recently been supported by the Mayor in making a contribution to increasing housing supply and providing a range of housing products for the market.

6.2 It is considered that this is a well-designed scheme which has a modern approach to design in this prominent location within Sutton Town Centre. The proposal is of an excellent architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond.

6.3 The proposal would not result in an unacceptable loss of outlook or light, there would be nominal overlooking from windows and no significant harm would be caused through noise, vibration or disturbance. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.

6.4 The site is located within a highly sustainable location, access to public transport is excellent and the mix of units is mostly 1 and 2 bed. As such, car parking at a level below the maximum standard can be accepted and the Councils Highways Engineer and Transport for London raise no objection to the level of parking proposed noting that a significant number of cycle spaces are to be provided. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network. The access provided is acceptable and would not cause harm to highway and pedestrian safety.

6.5 The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016, the Councils Local Development Framework and the Draft Local Plan. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.

Background Papers: B2017/77476/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: **B2017/77476**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



Mr Richard Robeson
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B2017/77476/FUL

DRAFT

WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

24-34 Sutton Court Road, Sutton, SM1 4SY

Erection of a residential development comprising of 165 flats in a part 10, 11, 20 and 21 storey building comprising ten studio, seventy seven 1- bedroomed, sixty eight 2- bedroomed and ten 3- bedroomed 'build to rent' residential units with 11 car parking spaces at lower ground level, new vehicle access from Sutton Court Road and internal cycle stores for 274 bicycles, refuse and recycling facilities, plant accommodation and associated hard and soft landscaping.

SECOND SCHEDULE

- 1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plan - Lower Ground Floor Plan (Proposed) (A-12099)(Rev A), Floor Plan- Ground Floor Plan (Proposed) (A-12000) (Rev), Floor Plan - Level 1 (Proposed) (A-12001) (Rev D), Floor Plan - Level 02 (Proposed) (Typical Levels 2 to 8 Even Floors) (A-12002) (Rev C), Floor Plan - Level 03 (Proposed) (Typical Levels 3 to 9 Odd Floors) (A-12003) (Rev D), Floor Plan - Level 10 (Proposed) (A-12010) (Rev C), Floor Plan - Level 17 (Typical levels 11 to 19 -

Odd Floors) (Proposed) (A-12017) (Rev C), Floor Plan - Level 18 (Typical levels 12 to 18 - Even Floors) (Proposed) (A-12018) (Rev C), Floor Plan - Level 20 (Proposed) (A-12020) (Rev C), North and East Elevations (Proposed) (A-20000) (Rev B), South and West Elevations (Proposed) (A-20001) (Rev A), North Elevation in Context (Proposed) (A-20002) (Rev A), South Elevation in Context (Proposed) (A-20003) (Rev A), Building Section (Proposed) (A-30000), Building Section 2 (Proposed) (A-30001), Typical Unit Layout (As proposed) (A-50000), Site Plan 1_200 (A-10002), Site Plan 1_1250 (A-10001), Site Plan - OS Mao (EXA_1726_P_002 Rev A, Site Location - Aerial Photo (EXA_1726_P_001 Rev A, Existing TOPT Survey (EXA_1726_) P_003 Rev A, Floor Plan - Roof Plan (A-12022), Floor Plan - Level 21 (A-12021), Landscape - General Arrangement Ground Floor (ExA_1726_P_101 Rev F), Landscape - General Arrangement Level 10 (ExA_1726_P_102 Rev D), Landscape - General Arrangement Level 20 (ExA_1726_P_103 Rev C), Tree Root Cell System Arrangement Plan (ExA_1726_P_104), Landscape Sections (ExA_1726_P_200 Rev C, Landscape Elevations (ExA_1726_P_201 Rev D), Planting Plan - Ground Floor (ExA_1726_P_300 Rev C, Planting Plan - Level 10 (ExA_1726_P_301 Rev C), Typical Decking Details (ExA_1726_P_400 Rev C), Typical West Boundary Wall Section (ExA_1726_P_401), Typical Tree Pit in Hard Landscape (ExA_1726_P_402 Rev A) and Typical Tree Pit in Hard and Soft Landscape (ExA_1726_P_403).

In addition to the drawings listed above, the following documents have been taken into account in the consideration of the application: Design and Access Statement (Callison RTKL), Environmental Statement (GL Hearn), Planning Statement (GL Hearn), Townscape, Heritage & Visual Impact Assessment (KM Heritage), Transport Assessment and Travel Plan (TPHS Ltd), Wind Microclimate Study (BMT Fluid Mechanics), Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment (6 Alpha), Historic Environment Desk Based Assessment (AB Heritage Ltd), Daylight, Sunlight & Overshadowing (XCO2), Preliminary Ecological Appraisal Survey (Arbtech Consulting Ltd), Flood Risk Assessment Report (Westlakes Environmental), Phase 1 Geo-Environmental Desk Study Report (Westlakes Engineering), Energy Statement (Ensphere), Sustainability Statement (Ensphere), Ambient Noise & Vibration Assessment (Philip Dunbavin Acoustics Ltd), Construction Management Plan (Watkins Jones & Son Ltd), Site Specific Waste Management Plan (Watkins Jones & Son Ltd), Micro Drainage (1yr 30min, 2yr 30min, 5yr 45min, 10yr 60min, 20yr 60min, 30yr 60 min, 50yr 60min, 100yr+30% 75min, 17-E008-008 GLA Letter v3, 1091_Sutton Court Road Gas Monitoring Letter Report 19 October 2017_ISSUE, 1091-004-001-Draft_FRA, 1091-005-001_SI Report Sutton_23.08, 8894_Sutton Court Road_Overheating Addendum_17112, 8894_Sutton Court Road_Overheating Design Note_170608, A-20000-North and East Elevations Rev A (Mark-Up), Brownfield 1yr storm, Brownfield 2yr storm, Brownfield 5yr storm, Brownfield 10yr storm, Brownfield 20yr storm, Brownfield 30yr storm, Brownfield 50yr storm, Brownfield 100yr storm +30%, Drainage Assessment Form, Greenfield Rates, Greenfield rates 1 in 100yr+CC 6hr duration storm, Proposed-1 in 1yr + CC 45min(worst case), Proposed-1 in 2yr + CC 60min(worst case), Proposed-1 in 30yr+ CC 120min(worst case), Proposed-1 in 100yr+ CC 150min(worst case)+network details, SK-001-MEP Roof Vent Markup, Surface water and foul water drainage system - maintenance plan, Sutton Court - PDA response to environmental protection 08-09-2017, Sutton Court Road - Air Quality Technical Note v1 (2), Table of proposed peak SW run off flows Pre and Post Development, WL_1091_002_P2_Drainage Strategy and WL_1091_003_P1_Existing Drainage.

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

- 3) Prior to the commencement of above ground works, full details and samples where applicable showing the type and treatment of the materials to be used on the exterior of the buildings, including details of the balconies and railings, doors, windows and external amenity areas shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials and completed prior to its occupation/use and retained thereafter.

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.

- 4) No development shall take place until there has been submitted to and approved by the Local Planning Authority details of all finished levels. There shall be no change in levels unless specifically shown on the approved plans.

Reason: To ensure a satisfactory standard of development is provided.

- 5) The windows in the eastern flank elevation of the 10 storey element shall be obscure glazed (level 5) and fixed shut up to 1.7 metres in height above floor level and therefore maintained.

Reason: To protect the privacy of the adjoining neighbours.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the communal and public realm areas have been provided and a management plan for the communal areas has been submitted and approved by the Local Planning Authority. Such communal provision shall thereafter be kept for the use of all the residential occupants of the development hereby approved.

Reason: To ensure a satisfactory standard of development is provided.

- 7) The development hereby permitted shall not be occupied until 11 car parking spaces and 274 cycle parking have been provided. Such parking provision shall thereafter be kept for the use of the occupants of the development hereby approved.

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

- 8) The development shall not be occupied until details of the management and use of the parking have been submitted to and agreed in writing by the Local Planning Authority. This should include details on the electric vehicle charging and allocation of parking. Only the approved details shall be implemented and thereafter be permanently maintained.

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

- 9) No development above ground works should take place until a final layout of parking and the new access ramp is submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: In the interest of highway safety.

- 10) No development above ground works shall take place until, full details of secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority, and the approved details shall be implemented on site prior to the first occupation of the development and thereafter permanently retained.

Reason: To encourage sustainable modes of transport in accordance with Policy DM22 of the Site Development Policies DPD.

- 11) No development above ground works shall take place until, full details of all vehicle visibility splays and entranceways, including the vehicular access 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 retained thereafter.

Reason: To ensure that at the commencement of development acceptable means of vehicular accesses are provided to avoid danger and inconvenience to highway users and pedestrians.

- 12) The development shall not be occupied until any redundant accesses have been permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority; and only the approved details shall be implemented and thereafter retained.

Reason: To restrict access onto the public highway where it is necessary in the interest of highway safety.

- 13) The development shall not be occupied until the proposed access to Sutton Court Road has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and thereafter be permanently retained.

Reason: In the interest of road safety.

- 14) Prior to first occupation a full Delivery and Service Plan (DSP) shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: In the interest of road safety and to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance. In preparing the Construction Method Plan, the applicant should refer to the GLA's Supplementary Planning Guidance on The Control of Dust and Emissions During Construction and Demolition to identify best practice.

- 15) No development above ground works shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for all external lighting showing details of all private and public areas, parking areas and road surfaces. The

approved scheme shall be installed in accordance with the approval and carried out prior to the occupation of any part of the development hereby permitted and thereafter retained.

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.

- 16) No demolition or construction works, including site excavation or any external site works, the operation of plant and machinery, the erection of scaffolding, the delivery of materials, the removal of materials and spoil from the site and the use of any sound amplification equipment, shall take place outside 0800hours to 1800hours Mondays to Fridays and 0800hours to 1300hours on Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 17) No development shall take place until a Construction Logistics Plan (CLP and Construction Management Plan (CMP) which sets out details of how the construction of the development hereby permitted will be managed, have been submitted to, and approved in writing by, the Local Planning Authority.

The CLP and CMP should 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
- g) means to minimise dust pollution, air pollution and suppress noise and vibration in order to protect surrounding residential properties from any disturbance
- h) means to prevent deposition of mud on the highway
- i) means to manage and control construction traffic
- j) Signing system for works traffic
- k) Compliance with Sutton Council's Code of Practice for the Control of Pollution and noise from Demolition and Construction Sites, May 2008
- l) means to minimise potential disturbance to nearby Peregrine falcons, taking account of breeding times
- m) Hours of construction.

Construction works shall take place solely in accordance with the approved details.

In preparing the Construction Method Plan, the applicant should refer to the GLA's Supplementary Planning Guidance on The Control of Dust and Emissions During Construction and Demolition to identify best practice.

Reason: To avoid hazard and obstruction being caused to users of the public highway and in the interest of highway safety and to safeguard the amenity of the

neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- 18) No above ground works shall take place until a scheme for biodiversity protection (including Schedule 1 species) and enhancements has been submitted to and approved in writing by the Local Planning Authority. Enhancement will include a substrate based biodiverse roof and other habitat creation. Full details of aftercare, management and monitoring of enhancements will be included in the plan. Work shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity value of the land in accordance with policy DM17 of the Site Development Policies DPD and Policy 26 of the Draft Local Plan 2016 - 2031, which seeks to create, conserve or enhance biodiversity.

- 19) 88.5% of the hereby approved units shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence from an approved building control inspector demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation. The development shall be retained in accordance with these approved details thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of Draft Policy 9 of Sutton Local Plan 2016-2031.

- 20) 11.5% of the hereby approved units shall be designed and constructed in accordance with Building Regulations Part M4 (3). Evidence from an approved building control inspector demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation. The development shall be retained in accordance with these approved details thereafter.

Reason: To ensure that the wheelchair units would be capable of providing adequate amenity in accordance with Policy 3.8 of the London Plan 2016 and Draft Policy 9 of Sutton Local Plan 2016-2031.

- 21) Prior to building work starting on site, an amended Energy Statement incorporating 'as-designed' Building Regulations Part L1A outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing which:
- i. demonstrates how the development will apply the Mayor's energy hierarchy to secure at least a 35% on-site reduction in CO2 emissions below the target emission rate (TER) based on Part L1A 2013; exceed the TER through energy demand reduction measures alone; and maximise on-site renewable energy generation;
 - ii. describes how the building's energy performance will be monitored post construction to ensure that it performs as expected over its lifetime;
 - iii. Includes calculations to demonstrate the emissions reduction shortfall and the size of the proposed financial contribution to the Council's carbon offset fund based on a price of £60 per tonne over 30 years.

The approved details shall be implemented and retained thereafter.

Reason: To comply with London Plan Policy 5.2, Policy DM6 of Sutton's Site Development Policies DPD and Policy 31 of the Draft Local Plan.

- 22) A site-wide Combined Heat and Power (CHP) network will be the preferred energy strategy to provide heating and hot water to all of the units on site unless otherwise approved by the Local Planning Authority in writing. The following RIBA Stage 4 (Technical Design) details should be submitted to the Local Planning Authority in support of the amended Energy Statement and approved in writing prior to building work starting on site:
- i. the results of the full feasibility and technical analysis;
 - ii. the detailed design and capacity of the proposed CHP system;
 - iii. the location and sizing of the proposed energy centre and details of network connections;
 - iv. the size of the proposed thermal store;
 - v. estimated outputs of heat and electricity (kWe/kWth) from the proposed CHP system in relation to predicted heat load profiles for the proposed development;
 - vi. the size of the thermal store;
 - vii. evidence to show that the size of the CHP system has been optimised on the basis of the predicted heat load profile for the proposed development;
 - viii. evidence to show that the proposed CHP plant will be 'future-proofed' to enable future connection to any wider district heating network serving Sutton Town Centre having regard to technical interface specifications in the GLA's District Heating Manual and any Energy Masterplan for the town centre which may have been prepared by the Council.

The approved details shall be implemented and retained thereafter.

Reason: To comply with Policy DM6 of Sutton's Site Development Policies DPD and Policy 31 of the Draft Local Plan.

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

Reason: To comply with London Plan Policy 5.2, Policy DM6 of Sutton's Site Development Policies DPD and 32 of the Draft Local Plan.

- 24) Prior to building work starting on site, an amended overheating strategy for the development incorporating the results of dynamic overheating modelling in line with the latest CIBSE guidance, a completed copy of the GLA's overheating checklist and details of all proposed measures for minimising the development's contribution to the urban heat island (UHI) effect and for avoiding overheating and excessive heat generation arising from future climate change must be submitted to the Local Planning Authority and approved in writing. The design, layout and ventilation strategy for the development should demonstrate compliance with the Mayor's cooling hierarchy as set out in Policy 5.9 of the London Plan.

The approved details shall be implemented and retained thereafter.

Reason: To comply with London Plan Policy 5.9, Policy DM8 of Sutton's Site Development Policies DPD and Policy 31 of the Draft Local Plan.

- 25) Prior to first occupation of the dwellings, documentary evidence must be submitted to the Local Planning Authority and approved in writing which demonstrates that all proposed cooling measures have been implemented as part of the design and layout of the development as built in accordance with the approved overheating strategy unless otherwise approved by the Local Planning Authority in writing.

Reason: To comply with London Plan Policy 5.9, Policy DM8 of Sutton's Site Development Policies DPD and Policy 31 of the Draft Local Plan.

- 26) Prior to first occupation of the development, 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 for each of the dwellings will be limited to 110 litres per person per day (l/p/d) 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 shall 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 and Policy 32 of the Draft Local Plan.

- 27) No piling shall take place until a piling method statement (detailing the depth and 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 the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 28) Prior to commencement of development works, a contaminated land assessment shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

- 29) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation

strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located above a Principal Aquifer and within SPZ1).

- 30) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 31) Prior to commencement of above ground works, an airwaves assessment report shall be submitted to and agreed in writing by the Local Planning Authority, demonstrating the impacts of the development on the airwaves to Sutton Police Station and details of mitigation measures and recommendations on potential mitigation measures required. Should the airwaves assessment report identify that mitigation works be required, the agreed mitigation strategy shall implemented prior to occupation of the approved development and evidence shall be submitted to and agreed in writing by the Local Planning Authority to evidence that the agreed works have been completed and thereafter retained.

Reason: To prevent harm on the Police airwaves through the development.

- 32) Prior to first occupation a scheme shall be submitted to and approved in writing by the Local Planning Authority for the acoustic insulation/isolation of the gym and associated equipment to protect the occupiers of the first floor flats located above against airborne and structure borne noise and thereafter permanently retained.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- 33) All plant and machinery shall be enclosed and/or soundproofed (or any such appropriate alternative measure) in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. Such a scheme shall be provided before the plant and machinery is brought into use and thereafter permanently retained.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- 34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying

that Order), no part of the building shall be used as a house in multiple occupation without planning permission from the Local Planning Authority.

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

- 35) The layout and surface material of the access road, parking areas and any other hardsurfaced areas shall be the subject of a detailed scheme to be agreed in writing by the Local Planning Authority prior to the occupation of the development. A different surface material or differentiation between parking spaces and shared surfaces where there is pedestrian priority should be denoted. Prior to occupation a sample pallet of hard landscaping materials shall be submitted to and approved in writing by the Local Planning Authority. Materials for submission shall include paving materials and samples of any render/cladding for planters. The applicant shall also provide product details of street furniture, tree grills, play equipment and lighting. The approved scheme shall be carried out prior to the occupation of any part of the development hereby permitted and thereafter retained.

Reason: Reason: To ensure compliance with policy DM1 of the Site Development Policies DPD and emerging local plan Policy 28: Character and Design, seeking to provide a satisfactory townscape incorporating hard and soft landscaping and play provision where appropriate.

- 36) Prior to occupation of the site, the applicant shall submit photographic evidence demonstrating installation of the RootSpace underground soil systems in accordance with the details hereby approved. The applicant (or his/her successors in title) shall demonstrate installation of these systems are in line with manufacturer recommendations, and the submissions shall also include details on the type of soil infill used.

Reason: To ensure compliance with the approved details and in accordance with the recommendations in best practice guidance BS 8545:2014.

- 37) Prior to occupation of the site, a landscape maintenance plan for soft landscaped areas including public realm and roof garden/terrace spaces shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall include full details and a timetable of watering for planters and the shrubs and trees in the public realm and details of perennial plant maintenance including watering in the establishment period directly after planting. All landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority, and any plants or trees that (within a period of five years after planting) are removed, die, or become in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority consent to any variation.

Reason: To ensure the establishment of soft landscaped areas and replacement trees in accordance with the approved details and in line with current best practice BS 8545:2012 and to ensure provision of amenity afforded by appropriate landscape design and in accordance with emerging local policy 28: Character and Design.

38) No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a detailed waste management scheme to show how refuse and recycling facilities will be stored and collected on/from the site. The development shall thereafter be carried out in accordance with the approved waste management scheme which shall be provided prior to the occupation of the development and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling materials from all parts of this development in a manner that does not adversely affect the amenities of adjoining properties.

INFORMATIVES.

- 1) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 5000 before proceeding with the work.
- 2) The applicant was provided with pre application advice. As the submitted application accorded with that advice and complied with the relevant policies Sutton Council has accordingly granted planning permission.
- 3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.
- 4) Attention is drawn to the need to comply with the Equality Act 2010. The implementation of this planning permission does not over-ride the need to achieve full compliance with the Equality Act.
- 5) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section at 24 Denmark Road, Carshalton, Surrey SM5 2JG, telephone 020 8770 6369 or e-mail street.naming@sutton.gov.uk.
- 6) 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 development related to the S278 Highways Act 1980 highway improvement works, the S278 Agreement must be concluded before works can start on the public highway.

- 7) The applicant is advised of the need to inform their appointed building Control Inspector of conditions 19 and 20.
- 8) Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 9) There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover.
- 10) Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 11) Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 12) The piling method statement should detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration and a plan showing where the piles are to be installed. There are a number of different piling methods suitable for different circumstances. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration and the Council positively encourages the use of hydraulic, auger and diaphragm wall piling methods. Where complaints of noise and vibration are received it is expected that the contractor will undertake noise and vibration monitoring, with data reported back to the Environmental Health Service.
- 13) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 14) With regard to water supply, this comes within the area of the Sutton & East Surrey Water Company. For your information the address to write to is -Sutton & East

Surrey Water Company, London Road, Redhill, Surrey, RH1 1LJ Tel - (01737) 772000

- 15) The surface water drainage strategy for this development should follow policy 5.13 of the London Plan. Typically greenfield run off rates of 5l/s/ha should be aimed for using the drainage hierarchy. The hierarchy lists the preference for surface water disposal as follows; Store Rainwater for later use > Use infiltration techniques, such as porous surfaces in non-clay areas > Attenuate rainwater in ponds or open water features for gradual release > Discharge rainwater direct to a watercourse > Discharge rainwater direct to a surface water sewer/drain > Discharge rainwater to the combined sewer.
- 16) Discharges shall be attenuated to reduce the likelihood of flooding downstream of the point of connection. As a guide a discharge rate of 5 litres/second/Hectare will be used in most instances, however more onerous constraints may be imposed to fit local circumstances. The system shall not show signs of flooding above ground for the worst 1 in 30 year storm, and shall be tested for exceedance in a 1 in 100 year storm to demonstrate any flooding that may occur will not flood properties.
- 17) The contaminated land assessment shall include: -
- a) a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - b) a site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy.
 - c) All work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DETR documents Contaminated Land Research Reports, CLR Series, 1994.
- 18) The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

The closure report shall include details of the proposed remedial works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary 'Duty of Care' documentation detailing what waste material have been removed from the site.

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

- 19) A Detailed UXO Threat and Risk Assessment (reference P5808) completed by Alpha Associates concluded that the risk across the site be medium. Alpha Associates made recommendations to minimise this risk during construction. The applicant/developer should adhere to these recommendations.

- 20) The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.
- 21) No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.
- 22) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
- 23) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

- 24) Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- 25) In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.
- 26) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
- 27) The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.
- 28) Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

- 29) Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
- 30) As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Sussex AssetProtectionSussex@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.
- 31) The Council consider that this permission is liable for a contribution under the Community Infrastructure Levy (CIL).

Before work commences you must complete an Assumption of Liability Notice (Form 1) and return this to developmentmanagement@sutton.gov.uk. This form can be found online at - https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

Further details of what to submit and timescales in relation to the Community Infrastructure Levy can be found online at - <https://www.gov.uk/guidance/community-infrastructure-levy>.

Please note that penalty surcharges will be added to any contributions should the above guidance not be followed.