

PLANNING COMMITTEE - Date: 21 March 2018

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

Ref: B2017/78097/NMA	Ward: B09/BELMONT	Expiry Date: 3 November 2017
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Site: Former Sutton Hospital site, Chiltern Road, Belmont, Sutton, SM2 5QP
 Proposal: Non Material Amendment application to amend approved Planning Application B2016/76164/3FR.
 Applicant: The Mayor and Burgesses of the London Borough of Sutton
 Agent: Ms Wendy Bishop

Recommendation:

The amendments to the proposed school building, boundary treatments and landscaping are agreed as non-material amendments to planning application B2016/76164/3FR.

Reason for Report to Committee: At the discretion of the Head of Development Management and Strategic Planning as the Council has an interest in the land.

Summary of Reasons why proposal is acceptable:

The revisions shown on drawings numbered 435_050 Rev. G, 435_105 Rev. G, 435_110 Rev. G, 435_201 Rev. E, 435_202 Rev. F, 435_203 Rev. D, 435_204 Rev. D, 435_205 Rev. E, 435_206 Rev. E, 435_210 Rev. F, 435_301 Rev. H, 435_302 Rev. H, 435_501 Rev. I, 435_502 Rev. I, 435_903 Rev. I, 435_912 Rev. E, 435_919 Rev. F, 8645-PL100 Rev. P6, 8645-PL101 Rev. P5, 8645-PL130 Rev. P5, 8645-PL131 Rev. P4, 8645-PL132 Rev. P4, 8645-PL133 Rev. P4, 8645-PL134 Rev. P4, 8645-PL660 Rev. P4, 8645-PL661 Rev. P4, 8645-PL662 Rev. P4, 8645-PL850 Rev. P4, 8645-PL851 Rev. P4, 8645-PL852 Rev. P4 are considered not to be material amendments to planning permission B2016/76164/FUL granted on 31 August 2017. As such, the alterations can be implemented without the need for further planning permission.

1.0 **BACKGROUND**

1.1 **Site and Surroundings:**

1.2 The application site is the new secondary school development located in Belmont. This is bounded to the north by Chiltern Road, to the west by Cotswold Road, to the south by the Sutton Hospital Site, and to the east by 12 Chiltern Road. The construction of the new secondary school commenced in November 2017.

1.3 The surrounding area is predominantly residential in nature, exhibiting a mixture of dwelling types, with large detached dwellings fronting Chiltern Road, more dense

semi-detached, terraced and flatted developments found along Cotswold Road, and Brighton Road to the west.

1.4 Site Specific Designation:

1.5 The wider site is allocated as LCH1 within the Sutton Local Plan 2018 for a mixed use development including health medical research and development and secondary school, together with associated ancillary development including retail, community uses, patient hotel/accommodation, open space and new transport infrastructure including underground car park.

1.6 Relevant Planning History:

1.7 The following is the most recent and relevant planning history:

1.8 B2015/71927 – Application for prior approval for the means of demolition of hospital buildings. Prior Approval granted 30 September 2015. This application included land to the south of the current application site.

1.9 B2016/75417 – Proposed Secondary School Development - Environmental Impact Assessment (EIA) Screening Decision. Issued on 19 August 2016.

1.10 B2016/76164 – Application for the erection of a new six form entry secondary school, (Class D1), creation of a new access off Chiltern Road, modification of existing egress to Chiltern Road, construction of a hard surfaced games court above an undercroft car park, provision of other areas of hard playing space, car parking, cycle parking hard and soft landscaping works, and other associated works was granted on 31 August 2017.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

2.2 The proposal is for alterations and amendments to the approved planning application B2016/76164/3FR. These alterations and amendments involve changes to the proposed buildings and associated development as well as some approved details being omitted from the proposal.

2.3 The proposal comprises the following alterations or amendments to the approved details:

2.4 Alterations to the footprint of the assembly and drama hall to the west of the site. The alterations involve stepping in the hall from the western boundary of the site by 2 metres and stepping out on the southern elevation by 2 metres to square off this element of the build, so that the elevation would no longer be stepped. This would result in a small reduction in the footprint of the hall. A door to the western elevation of the school hall has been omitted (as shown on the submitted drawings annotated 1a and 1b).

- 2.5 The water and sprinkler tanks which were to be located within the undercroft car park to the southeast of the site are to be relocated to the south of the main building. This would involve further excavation to the south of the main building to accommodate the basement room proposed to house the water and sprinkler tanks. The layout of the car park is proposed to be amended following the removal of the water and sprinkler tanks, though the number of parking spaces within the undercroft car parking would remain the same as approved (52 spaces). Due to the removal of the water and sprinkler tanks the finished floor level of the undercroft would be raised by approximately 2 metres. The 1.5 metre high fencing to the east of the MUGA and undercroft, which would have been set-in from the eastern boundary by 6 metres is also proposed to be omitted (as shown on the submitted drawings annotated 12a, 12b and 12c). No changes to the boundary treatments adjacent with 12 Chiltern Road are proposed.
- 2.6 To the north and east of the approved MUGA, the ramps and steps leading to the MUGA would be simplified. The steps to the east of the MUGA would be reduced in number and would not lead all the way up to the MUGA but instead a small sitting area would be created to the north side of the MUGA. The approved timber stage to the east of these steps would be omitted. The steps and ramps to the north of the MUGA would be rearranged with no changes proposed to the final land levels (as shown on the submitted drawings annotated 9).
- 2.7 The first floor footprint of the main building would be reduced to the southern elevation. A reduction in the space required for changing rooms would result in the stepping in of southern elevation of the changing rooms by 2.6 metres, to the west of the sports hall (as shown on the submitted drawings annotated 13).
- 2.8 Changes are proposed to the fenestration of the main building, with windows omitted to north, east and west elevations as well as roof lights within the flat roof, due to further analysis of the heating and cooling requirements of the building. Minor alterations are also proposed to the design of windows on all elevations. The proposed changes to the design of the windows would result in the increase in the width of the windows at ground floor level, but a reduction in the width of the windows at first and second floor levels to the north elevation. A reduction in width of the windows which serve stairwells to the west and east elevations. The reorientation of the windows at second and third floor levels to the southern elevation so the fenestration is symmetrical, and the removal of a single door at first floor level to the southern elevation, which would be replaced by a window and the replacement of a single door with double doors at first floor level. Alterations to the layout and design of the roof lights are proposed with two roof lights being raised to accommodate ventilation in the lightwell (as shown on the submitted drawings annotated 2a and 2b and 17).
- 2.9 Two doors are proposed to be omitted following the finalisation of the fire strategy. These doors were found to be surplus to requirements and are located on the southern elevation of the main building, within the hall courtyard, leading to the

library and one to the northern elevation leading to the activity studio, south of the playground (as shown on the submitted drawings annotated 3)

- 2.10 Perforated metal cladding is proposed to be replaced with metal cladding to the northern elevation of the sports hall, following the refining and finalisation of the ventilation strategy (as shown on the submitted drawings annotated 4).
- 2.11 Two access hatches to the flat roof of the building are proposed to be omitted, and replaced with access ladders to the northern elevation of the building (as shown on the submitted drawings annotated 5a and 5b).
- 2.12 Approved screening to the northern, eastern and western elevations of the terraces at second floor level has been omitted as the Harris Academy will not be making these areas accessible to staff or pupils and access will be for maintenance only. In addition to the removal of the screen, there is a reduction in the size of the planters on these terraces and the paving to the roofs are proposed (as shown on the submitted drawings annotated 6).
- 2.13 The playing surface of the MUGA's included coloured patterns which are to be replaced in black macadam with court markings (as shown on the submitted drawings annotated 10).
- 2.14 Timber cladding to the single storey changing room element would be removed and replaced with a brick finish to match adjoining brick base walls (as shown on the submitted drawings annotated 15).
- 2.15 The landscaping and levels along the southwestern boundary would be altered to reduce the height of the retaining wall and increasing the degree of fencing above the wall. In some parts there would be an increase in the overall height of the fence whilst in others there would be a reduction in the overall height. The proposed changes would result in a more gradual transition in the overall height along the length of the fencing, with the proposed changes in height being no more than 0.3 metres. The soft landscaping along this boundary would be retained (as shown on the submitted drawings annotated 7).
- 2.16 The artificial surroundings of the pond to the north of the site are proposed to be removed (as shown on the submitted drawings annotated 8).
- 2.17 The replacement of some areas of block paving with macadam is proposed to the hall courtyard to the west of the site and the playground area to the east of the site (as shown on the submitted drawings annotated 11).
- 2.18 The removal of some soft landscaping to the west of the hall courtyard area is proposed to widen the pupil approach (as shown on the submitted drawings annotated 16).
- 2.19 To the northern boundary the existing hedge and fencing is proposed to be retained with repairs proposed to the existing fencing. Changes to the design of the

automated vehicle access gate are proposed along with a 1.5 metre length of 1.5 metre high weld mesh fencing to the west of the vehicular access (as shown on the submitted drawings annotated 14).

2.20 The proposed benches located around trees to the south west of the site are to be increased in size. The table tennis tables to the west of the site would be removed.

2.21 Low level plant is proposed to the roof of the main school building.

2.22 **Significant amendments to application since submitted**

2.23 None.

3.0 **PUBLICITY**

3.1 An application for a non-material amendment is not an application for planning permission and therefore the existing publicity arrangements set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015 (DMP Order 2015) are not applicable. The advice in the Planning Policy Practice Guidance is that by definition, because the changes sought are considered to be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

3.2 The Council is the sole owner of the land to which the application relates.

4.0 **PLANNING CONSIDERATIONS**

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, it is not uncommon for new matters to arise after planning permission has been granted which may require changes to the permitted application. Where the modifications are fundamental or substantial, a new planning application will be required, but where the changes are less than substantial it is possible to seek variations either through a minor material amendment application under section 73 of the Planning Act or to apply to the Local Authority for changes which the applicant considers to be non-material amendments. There is no statutory definition of what constitutes 'non-material' and so the changes need to be considered in the context of the scheme as a whole, and so relies on the application of a fact and degree test.

4.2 In deciding whether a change is material S96A (2) of the Town and Country Planning Act 1990 (as amended) states that, 'a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.'

4.3 In making an assessment of the materiality of the changes regard has been given to the relevant Development Plan Policies applicable at the time the decision was

made to grant permission for the original application B2016/76164/3FR as updated by any relevant changes to National Planning Policy, the London Plan and the newly adopted Sutton Local Plan 2018 policies.

- 4.4 S96A of the Town and Country Planning Act 1990 provides for applications for non-material amendments. Such amendments effect a change in the original planning permission but do not result in a second planning permission. If such changes were implemented without planning permission, no enforcement action could be taken in the event the Council decided the changes were non material. The aim of s96A was to provide comfort to both local planning authorities and developers that non material amendments do not require a new permission and all the costs and time delays thereof.
- 4.5 The proposed changes to the Assembly and Drama hall would result in a change to the footprint of the building, however, the changes move the western elevation away from the residential dwellings fronting Maple Walk and reduce the footprint of this element of the building without increasing its scale or bulk. Furthermore the omission of a door to the western elevation would not significantly change the design of the building. In the context of the overall scheme these changes are considered to be non-material.
- 4.6 The proposed location of the water and sprinkler tanks would not result in any visible changes to the design of the building. This proposed element of the main building is in any event located underground and as such would not result in a material change to the building as approved when viewed in the overall context of the original planning permission and is considered to be a non-material.
- 4.7 The arrangement of the car parking layout would be amended, but would not result in any change to the overall car parking provision. The removal of the sprinkler and water tanks would also allow the finished floor level of the car park to be raised. In addition the proposal omits a 1.5 metre fence to the east of the MUGA and car park undercroft. The eastern boundary would still retain a 2 metre wall with a 2 metre acoustic-specification rubber coated wire mesh fence and tree planting within the soft landscaping inside the shared boundary with 12 Chiltern Road. It is considered that these changes would not prejudice the car parking provision as approved, nor would they be visible from the public realm or significantly change the design of the buildings nor would they prejudice the amenity of the neighbouring occupiers at 12 Chiltern Road. In addition condition 20 requires the submission of the details of boundary treatments including the acoustic specification of the fencing to the eastern boundary. As such these amendments are considered to be non-material.
- 4.8 The changes to the approved steps and ramps to the north and east of the MUGA would reduce the number of steps to the east and simplify the layout of the steps to the north with additional steps to the west. These changes would not result in changes to land level of the ramps, steps or MUGA and would not significantly alter the design of the buildings or landscaping. The finished land levels of the MUGA would not change and the finished land level of the top step would be reduced by

- approximately 1.8 metres. These changes would not result in any additional overlooking or loss of privacy to the adjoining neighbouring occupiers and as such are considered to be non-material.
- 4.9 The reduction in the first floor footprint of the changing rooms to the south of the main building would not result in an increase in bulk, massing or scale of the building nor would it significantly change the design or appearance of the building and is considered to be non-material.
- 4.10 The changes to the location of fenestration and omission of windows, doors and access hatches do not significantly change the design or appearance of the building. The school building would retain significant separation distances to the neighbouring occupiers and the raising of the roof lights height would not be significant when viewed in the context of the building as a whole and for these reasons these changes are considered to be non-material.
- 4.11 The proposed change to an area of external finish by the replacement of perforated metal cladding with metal cladding of a similar appearance as well as the change of timber cladding to brickwork similar to the changing room element of the building are considered to be non-material. In addition the access ladder to the flat roof and the removal of the screening on these roofs, reduction in the planter sizes and removal of paving on the flat roofs would not significantly change the appearance of the building. Furthermore the terraces would retain separation distances of more than 40 metres to the dwelling fronting Chiltern Road, and more than 20 metres to the dwellings within Maple Walk, and as such it is considered that the removal of the screening would not result in overlooking or loss of privacy to the detriment of the amenity of the neighbouring occupiers. These changes are therefore considered to be non-material.
- 4.12 The changes to the MUGA coloured patterns do not significantly change the appearance of the scheme or the MUGA. The removal of artificial surroundings to the pond to the north of the site would not significantly change the appearance of the pond or the landscaping. The replacement of block paving with tarmac to the hall courtyard and playground would not significantly change the appearance of the proposal. As such these changes are considered non-material.
- 4.13 The changes to the land levels and fencing to the southwest of the site do not significantly increase the height of the fencing or significantly change the land levels. This amendment would result in additional soft landscaping to this boundary of the site and a more gradual transition in the overall height of the fencing than approved. These changes would not significantly alter the appearance of the scheme nor would it impact result in an adverse impact on the amenities of the neighbouring occupiers in terms of overlooking or loss of privacy and are considered to be non-material.
- 4.14 The proposed widening of the pupil approach to the west of the site would result in the loss of part of the approved soft landscaping, but this would be mitigated by the additional soft landscaping gained by the above amendments to the southwestern

boundary. The changes would not significantly alter the appearance of the landscaping scheme and are considered to be non-material, in the overall context of the scheme.

- 4.15 The proposed low level plant would be sited on the roof of the main school building. It would not be visible and would be located next to other plant such as air handling units. Due to the separation distances to the neighbouring occupiers and that it would not be visible this change is considered to be non-material.
- 4.16 The proposed increase in size of the benches around trees located to the southwest of the site and removal of the table tennis tables do not significantly change the appearance of the proposed scheme and would not harm the amenity of the neighbouring occupiers. These changes are considered to be non-material.
- 4.17 Whilst it is noted that the planting scheme on the landscaping master plan has been altered, the original planning permission includes conditions 14 and 17 which require a landscaping management plan and an updated planting schedule to be submitted and approved by the Local Planning Authority. This application would not supersede these conditions and as such these changes are considered to be non-material.

5.0 **CONCLUSION AND RECOMMENDATION**

- 5.1 Officers consider the revisions shown on the submitted plans to be non-material amendments to planning permission B2016/76164/3FR granted on the 31 August 2017. As such, it is recommended that the non-material amendment application is approved as further planning permission is not required to implement the alterations proposed.

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Ms W Bishop
Architype
Unity Wharf
13 Mill Street
London
SE1 2BH

B2017/78097/NMA

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

Sutton Hospital Cotswold Road, Sutton, SM2 5NF

Non Material Amendment application to amend approved Planning Application
B2016/76164/3FR

SECOND SCHEDULE

(1) Pursuant to The Town and Country Planning (General Development Procedure)(amendment No 3)(England) Order 2009, the revisions as shown on the plan nos. 435_050 Rev. G, 435_105 Rev. G, 435_110 Rev. G, 435_201 Rev. E, 435_202 Rev. F, 435_203 Rev. D, 435_204 Rev. D, 435_205 Rev. E, 435_206 Rev. E, 435_210 Rev. F, 435_301 Rev. H, 435_302 Rev. H, 435_501 Rev. I, 435_502 Rev. I, 435_903 Rev. I, 435_912 Rev. E, 435_919 Rev. F, 8645-PL100 Rev. P6, 8645-PL101 Rev. P5, 8645-PL130 Rev. P5, 8645-PL131 Rev. P4, 8645-PL132 Rev. P4, 8645-PL133 Rev. P4, 8645-PL134 Rev. P4, 8645-PL660 Rev. P4, 8645-PL661 Rev. P4, 8645-PL662 Rev. P4, 8645-PL850 Rev. P4, 8645-PL851 Rev. P4, 8645-PL852 Rev. P4 and attached schedule are not considered to be materially different from the approved plans and may therefore be implemented without the need for further planning permission.

INFORMATIVES.

(1) 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.

(2) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.

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