

PLANNING COMMITTEE - Date: 21 March 2018

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

Ref: C2017/78477/FUL	WARD: C13 / CARSHALTON CENTRAL	Time Taken: 13 weeks, 2 days
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Site: Land rear of 35-39 Park Hill (would be known as 1-3 Hale Gardens), Carshalton, SM5 3SD

Proposal: Erection of three 2-bedroom detached dwellings with off street parking for 4 cars and refuse storage area.

Applicant: Mr Joe Hunting

Agent: Mr Brian Madge

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The application is recommended for approval and there are 10 objections to the proposal.

Summary of why the proposal is acceptable:

- The proposed development is acceptable in principle, as the proposed development would not have a significant impact on the character or appearance of the area and the site does not make an important contribution to the ecological functioning of the wider street block. Moreover, having regard to local context and the suburban setting of the application site, it is considered that the development is of an appropriate density and would make efficient use of the land.
- In addition, it is considered that the development would not have a significant impact on nearby residential amenity, due to its siting, modest scale and bulk and the retention of long separation distances between facing windows
- Furthermore, the proposal would provide an appropriate level of parking, and would be of an acceptable standard in terms of its internal and external amenity space provision.
- For these reasons the proposal is considered acceptable and it is recommended that planning permission is granted.

1.0 **BACKGROUND**

1.1 **Site and Surroundings**

- 1.2 The application site comprises an area of back garden land, partially laid out as hardstanding and partially laid out with grass. A number of single-storey outbuildings and garages are present within the application site, although some of these are in a state of disrepair or have been partially removed. The site is accessed by way of an existing access road, sited between Nos. 7 and 9 Hill Road to the south, which provides access to the rear gardens of properties on Park Hill and to the row of garages south of the application site.
- 1.3 The surrounding area is predominantly residential, with a mix of house styles and sizes present in the locality, including large detached houses on Park Hill to the east, large semi-detached properties on Hill Road and Banstead Road to the south and north respectively, and small narrow detached houses to the west on Banstead Road. In addition, there have been a number of more recent developments with contemporary appearances to the north, near to the junction of Park Hill and Banstead Close, and Hill Road to the south has a very high level of variance, including examples of 1 and 1.5 storey developments.
- 1.4 **Site Specific LDF Designations**
- 1.5 The application site does not lie within any specially designated areas.
- 1.6 **Relevant Planning History**
- 1.7 The relevant planning history is detailed below:
- C2013/68638 – Erection of a detached 4 bedroomed bungalow with roof accommodation, together with refuse and cycle stores, two car parking spaces and access onto Hill Road was **GRANTED** on 18 June 2014.
 - C2017/76900 – Erection of a single storey 4-bedroomed detached bungalow with roof accommodation and provision of two car parking spaces with access via Hill Road was **GRANTED** on 07 June 2017.

2.0 **APPLICATION PROPOSAL**

- 2.1 The proposal is for the demolition of the existing outbuildings and garages on site, and the erection of three, two-bedroom detached dwellings. The two southernmost dwellings would be 'chalet bungalows', designed to appear single-storey with built-in roof accommodation, and have been designed to appear identical to each other. The northernmost bungalow would be single-storey, with no roof accommodation, and would be laid out in an 'L' shape.
- 2.2 Four parking spaces are proposed, with one to be allocated to each of the new dwellings and one proposed as 'visitor parking', and a turning area is proposed adjacent to the waste and recycling area, against the eastern boundary of the application site. The site would be accessed by way of the existing access road which runs between Nos. 7 and 9 Hill Road to the south.

3.0 **PUBLICITY**

3.1 35 adjoining neighbours were notified by way of letter dated the 22 December 2017, and again by way of letters dated the 7 February 2018. In addition, a site notice was displayed on the 19 January at the entrance point to the access road between Nos. 7 and 9 Hill Road.

3.2 **Letters Received**

3.3 Letters of objection were received from 10 properties as a result of public consultation.

3.4 **Summary of Material Representations:**

- No affordable housing would be provided
- The principle of back garden development should be refused
- Harm to trees
- Issues with waste collection
- Loss of privacy
- Insufficient parking provision
- Overdevelopment of the site
- Inadequate means of access
- Increase in pollution
- Increase in noise and disturbance once in use
- Increase in light pollution
- Harm to the character of the area

3.5 **Internal Consultations**

3.6 Principal Highways Engineer: No objection, subject to conditions.

3.7 Principal Tree Officer: No objection, subject to conditions.

3.8 Environmental Protection Officer: No objection, subject to conditions.

3.9 Waste Management: No objection.

3.10 Sustainability Officer: No objection, subject to conditions.

3.11 **External Consultation**

3.12 None.

3.13 **Councillor Representations**

3.14 None.

4.0 MATERIAL PLANNING POLICIES

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

- The London Plan (as amended) 2016
- Sutton's Local Plan 2018

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The London Housing SPG
- Human Rights Act 1998
- Equalities Act 2010

4.3 London Plan

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 6.9 Cycling
- 6.12 Road network capacity
- 6.13 Parking
- 7.5 Public realm
- 7.6 Architecture
- 8.3 Community infrastructure levy

4.4 Sutton's Local Plan 2018

- 1 Sustainable Growth
- 7 Housing Density
- 9 Housing Sizes
- 13 Housing and Garden Land
- 28 Character and Design
- 29 Protecting Amenity
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking

- 38 Infrastructure Delivery

4.5 Supplementary Planning Documents

- SPD4 The Design of Residential Extensions
- SPD14 Sutton's Urban Design Guide

5.0 **PLANNING CONSIDERATIONS**

5.1 The principal planning considerations (including whether any material planning objections have been reasonably addressed) for this application are

- **Principle of Development**
- **Design Quality**
- **Trees and Landscaping**
- **Density**
- **Impact on Neighbours**
- **Internal and External Amenity Space**
- **Parking and Highway Safety**
- **Waste and Refuse Provision**
- **Sustainability**
- **Flood Risk**
- **Public Sector Equality Duty (PSED) and Human Rights**
- **Financial Contributions**

5.2 **Principle of Development**

5.3 The National Planning Policy Framework (NPPF) is a set of national guidelines from which the principles of modern planning are cascaded into local planning policy, and it 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, with the presumption in favour of sustainable residential development at its heart.

5.4 In addition, it is considered that the NPPF did not introduce a presumption against the development of 'private residential gardens' as a matter of principle, but, by excluding private residential gardens from the definition of 'previously developed land' it elevates the protection of private residential gardens from potential developers.

5.5 Policy 3.3 of the London Plan sets out that the Mayor will seek to ensure that identified housing need is met, particularly through provision consistent with at least an annual average 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 3.3 further sets out that boroughs should seek to enable additional development capacity to be brought forward to supplement the borough's housing target, and this additional capacity

can come from a range of sources including intensification, redevelopment and the sensitive renewal of existing residential areas.

- 5.6 Policy 1 of Sutton's Local Plan 2018 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF and further states that the council will make provision for new homes to meet London's housing needs and local housing needs by aiming to deliver at least 6, 045 new homes over the plan period (2016-2031).
- 5.7 Policy 13 of Sutton's Local Plan 2018 states that the council will not grant planning permission for development that individually, or cumulatively with other back gardens, makes an important contribution to the character and appearance of the surrounding area, is considered to be of local ecological value, significantly helps to reduce flood risk for the surrounding area, or if the development would have a significant adverse impact on the amenity of nearby residential properties.
- 5.8 The application site is partly comprised of a grassy residential garden, with some of the site laid out with hardstanding, and a number of ancillary outbuildings and garages are present. The site has been partially separated from the rear gardens of the properties on Park Hill, and no longer functions as a rear garden in any meaningful way. Moreover, it is recognised that a significant proportion of the site has previously been developed, albeit with ancillary and single-storey structures.
- 5.9 As such, it is considered that the site has little to no biodiversity value independently or cumulatively with the surrounding rear gardens, which would remain unaltered in any case, and the site is not considered to significantly contribute to alleviating local flood risk. Furthermore, it is noted that the surrounded area is predominantly used for residential purposes, and, due to the application site's location, it is considered that the proposal would not have a significant impact on the predominantly residential character of the area.
- 5.10 Moreover, significant regard is had to the two previous permissions relating to the application site (References: C2013/68638 and C2017/76900), the most recent of which remains extant and could be implemented on site, which relates to the erection of a four-bedroom detached bungalow.
- 5.11 Recognising that the principle of development was discussed as part of both of the previous permissions for a residential use of the site, and being mindful that the most recent permission remains extant, it is considered that the principle of development has largely been established for the site. Notwithstanding this however, being mindful that each application must be considered on its own merits, it is considered that the application site does not make an important contribution to the ecological value of the area, the character of the area or the ability of the area to cope with flooding. In addition, it is considered that the proposed residential use, in a predominantly residential area, is an appropriate use for the site. As such, it is considered that the proposed development is acceptable in principle, subject to the matters discussed below.

5.12 Design Quality

- 5.13 Policy 28 of the Sutton's Local Plan 2018 states that planning permission will be granted for new development, provided it is attractive and designed to the highest standard, respects the local context and responds to local character, is of a suitable scale, massing and height, makes a positive contribution to the public realm, and responds to natural features of the site.
- 5.14 In addition, Sutton's Urban Design Guide 'Creating Locally Distinctive Places' SPD (SPD14) seeks to ensure that development respects the positive features that contribute to the character and appearance of an area, which includes, among other features, boundary treatments and materials. As such, development will be expected to respect the local character, by ensuring that the scale of development is appropriate and having regard to the existing characteristics of an area.
- 5.15 The proposed development is for the demolition of the existing structures on the site and the erection of three detached bungalows. The southernmost two dwellings would be of the same size and bulk, and would have the same appearance when viewed from the street, appearing as 'chalet bungalows'. The chalet bungalows would have a ridgeline height of 6.9 metres and a height at the eaves of 2.4 metres, with two traditional hipped dormers sited on the front and rear roofslopes, with gable ends on the northern and southern elevations. The two chalet bungalows would be rectangular in shape, and would be sited 1.0 metre away from their side boundaries, with a small verge to the front, separating the front elevation from the hardstanding area.
- 5.16 The proposed northernmost bungalow would have a reduced height, when compared to the chalet bungalows, with a hipped roof ridgeline height of 5.2 metres and a height at the eaves of 2.6 metres. It would be 'L' shaped, projecting forward of the building line of the two other dwellings, partially wrapping round the proposed hardstanding area to the south.
- 5.17 The proposed scheme would not replicate the dominant existing built form in the area, being 1 to 1.5 storeys in height, when compared to the large detached and semi-detached houses which are typical of the area. Moreover, it is recognised that 'chalet style' bungalows with front facing dormers are not common, although Nos. 19a and 21 Hill Road, to the south-east, are both single-storey and broadly similar to the appearance of the proposed scheme.
- 5.18 Notwithstanding this however, the application site is accessed by way of a long access road from Hill Road, and is, as a consequence, not readily visible from the public realm. In addition, the application site comprises a small section of garden space and a number of single-storey outbuildings, and is dominated by hardstanding, which contributes little to the suburban character of the area. Furthermore, recognising that the two previous permissions relating to the application site allowed for a single-storey detached bungalow to be erected, it is considered that the principle of single-storey or reduced-height buildings has largely been established. Based on the above, it is considered that the proposed

scheme is acceptable in terms of the general scale and bulk of the proposed dwellings. It should be noted that the approved scheme, which remains extant, allowed for a dwelling with a width of 16.4 metres, and a height of 6.0 metres to be erected, which is considered to be of a similar scale to the proposal for the two chalet bungalows, which would have a combined width of 22.0 metres and would have matching heights of 6.9 metres.

- 5.19 The proposed 'chalet bungalows', whilst not common in the area, are considered to be of a good quality design, which would improve the appearance of this backland site. The general scale and bulk would have little impact on the character of the area, and a very limited effect on the appearance of the streetscene. Moreover, it is considered that the proposed cul-de-sac would be read in relative isolation from the surrounding built form, and, due to the strong frontages of the proposed units, and the proposed landscaping scheme including the soft verges to the front of the units, that the development would create an area with clearly defined public and private spaces and would be of a high quality appearance. Furthermore, by reason of the spaces between units, and the low building heights, it is considered that the scheme would retain the relatively spacious and open character of the area, whilst creating its own sense of identity.
- 5.20 It is further considered that the overall appearance of the proposed units is acceptable, recognising that the proposed dormers to the front and rear help to break up the roofslope, providing visual relief which lessens the impact of the increase in built form in the area. Limited details have been provided on the use of materials, and these details would be secured by way of a condition requiring the submission of details prior to the commencement of works.
- 5.21 Taking all of the above into account, it is considered that the proposed scheme is acceptable in terms of its overall bulk, massing and detailed design, and the proposal would generally accord with Policy 28 of the Local Plan 2018 and Sutton's Urban Design Guide SPD, and it is considered that the proposal is therefore acceptable in this regard.
- 5.22 **Trees and Landscaping**
- 5.23 Policy 28 of Sutton's Local Plan 2018 states that new development, where appropriate, should make suitable provision for new planting, trees, and boundary treatments and incorporate well-designed soft and hard landscaping as an intrinsic feature of any proposal. It further sets out that where trees are present on site, a landscaping scheme should be submitted with the application which makes provision for the retention of existing trees, especially those which are significant within the local landscape.
- 5.24 The council's Principal Tree Officer has been consulted on this scheme and has set out that the details submitted in support of the application which relate to the retention of trees on site do not accurately plot this proposed development in relation to retained trees. This is because the information submitted in support is the same as previously submitted for the proposed single unit, and this information

therefore contains information unrelated to the proposal at hand, and as such the protection of trees cannot be guaranteed relying solely on the submitted information.

5.25 However, based on an assessment of the site, it is the judgement of the council's Tree Officer that tree protection within the site is generally feasible, and can be achieved to retain the locally significant natural features of the site. As such, a pre-commencement condition would be included within the decision notice, which requires the submission of a revised tree protection plan to be approved in writing by the Local Planning Authority.

5.26 **Density**

5.27 Policy 7 of Sutton's Local Plan 2018 sets out that within the suburban heartlands, developments should maintain the quality of the borough's environment by respecting the character of the area, and the council will apply the density matrix included within Policy 3.4 of the London Plan. The density matrix sets out, in broad terms, the expected density of a given scheme, taking into account Public Transport Accessibility Levels (PTALs) and the character of the area, and is a good measure of overdevelopment, however, it should not be applied mechanistically.

5.28 The surrounding area lies within the suburban heartlands and has a PTAL of 2 (poor). As such, it would be expected that any development in the area respect local context and be designed to complement the low density, suburban setting. The proposed development proposes three units, within a site area of 0.1 hectares (ha), which equates to a density measure of 30 units per ha. This is below the expected density of a suburban setting set out in Policy 7 of Sutton's Local Plan 2018, which states that the low density developments in areas with PTALs of 2-3 should be providing between 35-55 units per ha. However, being mindful of the application site's location, and the 'infill' nature of the development, it is considered that the proposed density of development is acceptable, and would not be indicative of either underdevelopment or overdevelopment of the plot.

5.29 **Impact on Neighbours**

5.30 Policy 29 of the Sutton's Local Plan 2018 states that the Council will grant permission for development unless it can be shown that the development would adversely affect the amenities of future occupiers, or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the residents of the surrounding area. The loss of amenity can relate to a loss of privacy, a loss of outlook or the creation of a sense of enclosure, a loss of daylight or sunlight, an increase in noise and disturbance, an increase in odours, smokes and fumes, or the effect of traffic movement to, from and within the site and car parking areas.

5.31 The proposed development comprises three detached units located on part of a back garden site and partly replacing redundant outbuildings and garages. The three buildings would be approximately 40-45 metres and 15-20 metres from the rear elevations of the properties on Banstead Road to the west and north

respectively, 35-45 metres from the rear elevations of the properties on Park Hill to the east and 50-55 metres from the properties to the south on Hill Road.

- 5.32 The Design of Residential Extensions SPD (SPD4) sets out that separation distances between facing windows should be at least 20 metres, and in areas of low density, this can be increased to 35 metres. In addition, SPD4 recommends that separation distances of greater than 14 metres between side elevations and rear elevations should be sought to avoid a loss of outlook or the creation of a sense of enclosure.
- 5.33 The proposed units would be site a significant distance away from the rear elevations of the surrounding properties, with very long distances maintained as a result of the long rear gardens of the properties on Park Hill and Hill Road. Whilst the separation distance between the proposed northernmost dwelling and the rear elevation of No. 15 Banstead Road is approximately 15 metres, this proposed dwelling is single-storey in height only, with no habitable rooms above ground floor level, and it is therefore considered that this dwelling is unlikely to have a significant effect on the amenities of the properties to the north.
- 5.34 Moreover, due to the modest heights of the proposed chalet bungalows, with the dormer window heights not exceeding 4.1 metres above ground floor level, and having regard to some existing natural screening to the east and the very long gardens of the properties on park Hill, it is considered that these dwellings would not result in a significant loss of privacy, light or outlook to any nearby properties.
- 5.35 Whilst it is recognised that there may be some increase in noise and disturbance as a result of the proposed use of the three dwellings, this would be associated with residential uses, which is typically low impact, and the high separation distances between properties would further lessen the impact of any increased noise. There would also be a likely increase in noise and disturbance as a result of the increased use of the existing access from Hill Road, associated with the residential use of the site. However, being mindful that this access route serves as an existing vehicle access route for some of the properties on Park Hill and Hill Road, as well as for seven garages to the south of the application site, it is considered that this increase would be negligible in the context of existing circumstances and would not have a significant impact on the amenities of nearby residential properties.
- 5.36 It is therefore considered that the proposal is acceptable in terms of its impact on nearby residential amenity, and the proposal would generally accord with Policy 29 of Sutton's Local Plan 2018 and The Design of Residential Extensions SPD.
- 5.37 **Internal and External Amenity Space**
- 5.38 Room and unit sizes within proposals for new residential dwellings should conform to the minimum space standards set out in Policy 3.5 of the London Plan (as amended March 2016) and Policy 9 of Sutton's Local Plan 2018. In addition, Standard 26 of the Mayor's London Housing SPG sets out that a minimum of 5

sqm of private outdoor open space should be provided for 1-2 person dwellings and an additional 1 sqm should be provided for each additional occupant.

- 5.39 The proposal is for three two-bedroom units, with the two 'chalet bungalows' split over two levels. However, given that there would be no practical way to prevent the ground floor study being used as third bedroom within the two chalet bungalows, the standard for a two-storey, three-bedroom dwelling has been applied for these units.
- 5.40 These policies cumulatively set out that a two-storey, three-bedroom dwelling and a single-storey, two-bedroom dwelling should have Gross Internal Areas (GIAs) of between 84-102 sqm and between 61-70 sqm respectively. The proposed 'chalet bungalows' would have GIAs of 107.6 sqm, and the proposed single-storey dwelling would have a GIA of 72.4 sqm. As such, recognising that the proposed dwellings would exceed the minimum requirements of the London Plan and Sutton's Local Plan, and having regard to the layout of the dwellings, it is considered that the proposed scheme is acceptable in terms of its internal space provision in both quantity and quality.
- 5.41 Each of the proposed units would have private garden space to the rear of the property, which is considered to be of a practical shape and function to allow for the peaceful enjoyment of this space. In addition, the garden spaces would be 115 sqm, 123 sqm and 154 sqm for the proposed units moving south to north, and it is considered that this would be a suitable provision given the context of the surrounding area, and the suburban character of the area.
- 5.42 **Parking and Highway Safety**
- 5.43 Policy 37 of Sutton's Local Plan 2018 states that new developments will be expected to provide car parking in accordance with the council's restraint-based, maximum car parking standards taking into account public transport accessibility levels, existing publicly available parking provision and usage in the vicinity of the site, and the need to deter unnecessary car use while avoiding overspill parking problems. New developments will also be required to provide cycle parking in accordance with the council's cycle parking standards.
- 5.44 The proposal includes four parking spaces, with one allocated to each of the three proposed units, and one to be allocated as visitor parking, adjacent to the turning area. This 1:1 provision of spaces to units is considered to be an acceptable level of provision, being mindful of the need to deter unnecessary car use, whilst ensuring there are a sufficient number of car parking spaces on site to accommodate any additional demand.
- 5.45 No indication of the provision of cycle spaces has been provided, and this would be secured by way of a condition to ensure the development encourages sustainable modes of transport.

- 5.46 Some concern has been raised regarding the suitability of the access road serving the proposed properties, in terms of the increase use of this road, and regular pedestrian use of this road. Noting that the existing access road provides vehicular access to the garages to the south of the proposed development site, and to parking spaces belonging to properties on Park Hill and Hill Road, and appears to be in regular use, it is considered that its continued use for vehicular access to the proposed dwellings would be acceptable, and would not raise any significant highways concerns over existing conditions. In addition, it is considered that the addition of a new dwelling, with capacity for 3-4 vehicles, would not result in a significant increase in vehicle movements over and above the existing conditions, which would warrant a reason for refusal.
- 5.47 Pedestrian access to the site would be achieved by way of the existing access road, which primarily serves as vehicular access to the aforementioned garages, and it has been raised as a result of public consultation that this access road would be unsafe. In addition, it is recognised that the existing road was not designed for pedestrian use, and would not meet current adoptable standards.
- 5.48 However, it is considered that the use of the access road by pedestrians would not result in unsafe conditions, and would be unlikely to lead to significant pedestrian-vehicle conflict. This is because the access road is relatively long and straight, with a widening of the access road to provide access to the garages. As such, the access road has clear sightlines for both vehicles and pedestrians, and as a result of the limited width and uneven surface of the road, vehicle speeds are highly restricted, and it is considered unlikely that the proposed development would result in unsafe conditions for pedestrians.
- 5.49 It is therefore considered that the proposal accords with Policy 37 of Sutton's Local Plan, would provide an adequate amount of on-site parking and would be accessed in a safe and convenient manner. As such, the proposal is considered acceptable in this regard.
- 5.50 **Waste and Refuse Provision**
- 5.51 The London Housing SPG states that storage facilities for new developments should be provided in accordance with local authority requirements and should meet British standard codes of practice. Communal refuse and recycling areas and enclosures should be easily accessible to all residents including wheelchair users, and located on a hard, level surface.
- 5.52 The council's Waste Management consultants has requested that any future residents place their bins on Hill Road on collection days, as they would be unwilling to collect waste from the allocated bin storage area due to the long pull-out distances. Noting the restricted width of the existing access road and the unsuitability of requesting future residents move their bins 60-70 metres on collection days, the applicants have stated that they will be utilising a private waste collection service. This would be secured in perpetuity by way of a condition

requiring the submission of details prior to the first occupation of any of the proposed units.

5.53 Sustainability

5.54 No details of energy efficiency measures or renewable technologies have been provided to enable the carbon/ energy performance of the proposed development to be evaluated against the requirements of Policy 31 of Sutton's Local Plan 2018 and London Plan Policy 5.2. There is therefore a need for an Energy Statement to be submitted to show how each of the dwellings will: minimise CO₂ emissions through application of the Mayor's energy hierarchy to achieve a minimum 19% reduction in regulated CO₂ emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations; and achieve at least a 10% reduction in total CO₂ emissions (regulated and unregulated) through on-site renewable energy generation. This would be secured by way of a condition.

5.55 Flood Risk

5.56 Policy 32 of Sutton's Local Plan 2018, London Plan Policy 5.13 and the Mayor's Sustainable Design and Construction SPG require all proposed developments to use SuDS unless there are practical reasons for not doing so and aim to achieve greenfield run-off rates by managing run-off as close to source as possible in line with the Mayor's drainage hierarchy to ensure that the runoff rate in the 1 in 100 year rainfall event (plus 30% for climate change) is no more than three times the calculated greenfield rate for the same event.

5.57 Although the site is located within EA Flood Zone 1 and at 'very low risk' of surface water flooding, a site specific Flood Risk Assessment (FRA) is required by part (a) of Policy 32 of the Local Plan, since the site is located within the Carshalton Beeches Critical Drainage Area (CDA 027). This would be secured by way of a condition.

5.58 Public Sector Equality Duty (PSED) and Human Rights

5.59 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.

5.60 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.

5.61 Financial Contributions

5.62 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).

- 5.63 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.
- 5.64 The proposed development scheme would create three additional units, and would involve the creation of 287.6 sqm of residential floorspace, and is therefore CIL liable. No existing floorspace can be subtracted from this figure. As such, the proposed scheme would be liable to pay £41, 354.35, with £34, 054.73 and £7, 299.62 payable as Sutton's CIL and the Mayor's CIL respectively.

6.0 CONCLUSIONS AND RECOMMENDATIONS

- 6.1 The proposal is considered to be acceptable in principle, having regard to local context and the suburban residential character of the area. In addition, it is considered that the design of the proposed units is acceptable, and would create a sense of identity in an area which is not readily visible from the streetscene.
- 6.2 In addition, it is considered that the proposed development would not have a significant impact on nearby residential amenity, by reason the location of the proposed units and the long separation distances which would be maintained.
- 6.3 Furthermore, it is considered that there would be adequate off-street parking provision, and the units would provide a good standard of living for future occupiers.
- 6.4 For these reasons the proposal is considered acceptable and it is recommended that planning permission is granted.

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C2017/78477/FUL

DRAFT

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

FIRST SCHEDULE

Land rear of 35-39 Park Hill (now known as 1-3 Hale Gardens), Carshalton, SM5
3SD

Erection of three 2-bedroom detached dwellings with off street parking for 4 cars and refuse storage area.

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) Prior to commencement of development works, a preliminary contaminated land risk assessment shall be submitted to and agreed in writing by the Local Planning Authority.

Should further assessment be required, then this assessment shall also be submitted to and agreed in writing by the Local Planning Authority. Should remedial works be required, a remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development works and remedial works.

On completion of the agreed remedial works, a closure report and certificate of compliance endorsed by the interested party/parties, shall be submitted to and agreed in writing by the Local Planning Authority, prior to the occupation of the site by end users.

Reason: To prevent harm to human health and pollution of the environment in accordance with Policy 34 of Sutton's Local Plan 2018.

(3) Prior to the commencement of the development (including groundworks and site clearance works), a revised Construction Management Plan, to include details of: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials (d) programme of works (including measures for traffic management) (e) provision of boundary hoarding, behind any visibility zones (f) construction traffic routing. (g) hours of operation (h) means to control dust (i) means to control noise (j) means to prevent deposition of mud on the highway shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: 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.

(4) Prior to the commencement of all works (including groundworks and site clearance works) on site, a revised tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall describe measures whereby tree roots of retained trees shall be protected in accordance with British Standard BS5837:2012. The position of any proposed tree protection measures shall consider adequate working space, construction access and material storage.

Reason: Submissions are required prior to the commencement of works where submitted drawings inaccurately describe the location of the proposed structure and do not offer a realistic prospect of protection for retained trees on and adjacent to the site. Tree protection measures are required to ensure trees, significant in terms of their amenity and wildlife value, are safeguarded and protected in accordance with arboricultural best practice and in accordance with Policy 28 of Sutton's Local Plan 2018.

(5) Prior to building work starting on site (including groundworks and site clearance works), a site specific Flood Risk Assessment (FRA) together with a scheme for the management of surface water run-off must be submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SuDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy in London Plan Policy 5.13. The submitted scheme should:

(i) provide details of the design storm period and intensity, proposed SuDS measures to delay and control the rate of surface water discharged from the site and proposed measures to prevent pollution of the receiving groundwater and/or surface waters;

(ii) include calculations carried out by an appropriately qualified professional to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to the greenfield run-off rate for the same event;

(iii) where greenfield run-off rates cannot be achieved, and methods of drainage include those lower down the Mayor's drainage hierarchy, evidence should be provided to justify the proposed measures and to demonstrate that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be no more than 3 times the calculated greenfield run-off rate for the same event;

(iv) demonstrate that the 1 in 30 year rainfall event (plus 30% for climate change) can be contained without flooding; any flooding occurring between the 1 in 30 and 1 in 100 year event (plus 30% for climate change) will be safely contained on site; and that rainfall in excess of the 1 in 100 year event is managed to minimise risks.

Reason: To comply with Policy 32 of Sutton's Local Plan 2018 and London Plan Policy 5.13.

(6) Prior to the commencement of above ground works, a dedicated and detailed waste management scheme to show how refuse and recycling facilities will be stored and collected from the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved waste management scheme which shall be provided for the future occupants of the development, prior to the first occupation of any part of the development and thereafter permanently 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.

(7) No above ground works shall take place until the type and treatment of the materials, including samples, to be used on the exterior of the building(s) has been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its occupation/use and retained thereafter.

Reason: To safeguard the visual amenities of the area and to ensure compliance with Policy 28 of Sutton's Local Plan 2018.

(8) Prior to above ground works on site, an Energy Statement incorporating 'as-designed' Building Regulations Part L outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing which demonstrates how each of the dwellings will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 19% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and achieve at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.

Reason: To comply with Policy 31 of Sutton's Local Plan 2018.

(9) Prior to the first occupation of any of the dwellings, '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 Policy 31 of Sutton's Local Plan 2018.

(10) Prior to the first occupation of any of the dwellings, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably

practicable to the calculated greenfield run-off rate for the same event and no more than 3 times the calculated greenfield run-off rate for the same event. All the measures implemented shall be retained for as long as the development is in existence.

Reason: To comply with Policy 32 of Sutton's Local Plan 2018.

(11) Prior to the first occupation of any of the dwellings hereby approved, 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 33 of Sutton's Local Plan 2018.

(12) Prior to the first occupation of any of the dwellings hereby approved, full details of the secure cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, and the size and materials of the enclosure. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of cycle parking facilities and to encourage sustainable modes of transport

(13) Prior to the first occupation of the development hereby approved, a scheme of landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall thereafter be permanently retained. The submissions shall include details of all hard and soft landscaping, replacement tree planting and the retained hedging which forms the northern and western boundary of the development site. 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 prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that are removed, die, or (in the opinion of the Local Planning Authority) are 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 gives its consent to any variation.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs in accordance with Policy 28 of Sutton's Local Plan 2018.

(14) Prior to the first occupation of any of the dwellings hereby approved, full details of the waste and refuse storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority which shall show their positioning within the site, and the size and materials of the enclosure. The approved details shall be implemented on site prior to the first occupation of the development hereby approved and thereafter permanently retained in accordance with the approved details.

Reason: To ensure the development provides an adequate level of waste and refuse storage facilities on site in accordance with Policy 5.17 of the London Plan.

(15) The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.

Reason: To protect the amenity of nearby residential properties during the build process.

(16) Prior to the first occupation of the development hereby approved, space for the parking of four cars and space for the turning of vehicles, as shown on Drawing No. A4/17/5225/7D shall be provided, with one space allocated to each of the proposed dwellings, and these space shall be permanently retained for this use only.

Reason: To ensure the proposed development does not lead to an increase in on-street parking and in accordance with Policy 37 of Sutton's Local Plan 2018.

(17) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, Schedule 2, Part 1 (or any Order amending or revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Classes A, B, C, D, E and F to the above Schedule, Part 1, to that Order.

Reason: In order for the Council to maintain a degree of control over future development within the site, and because of the constrained nature of the plots, which do not lend themselves well to extensions without harming the character of the area or the amenity of the future occupiers of the units, or the amenities of nearby residential properties.

(18) 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 and to comply with Policy 28 of Sutton's Local Plan 2018.

(19) The first floor windows in the side elevations of the chalet bungalows hereby approved shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the finished floor level of the room in which the window is installed in a manner that they cannot be opened and so maintained.

Reason: To safeguard the current level of privacy enjoyed by the occupants of adjoining properties in accordance with and to ensure compliance with Policy 29 of Sutton's Local Plan 2018.

(20) No additional windows shall be provided in the side elevations of the chalet bungalows hereby approved, other than those shown on the approved drawings.

Reason: To protect the amenities of adjoining occupiers and to ensure compliance with Policy 29 of the Sutton's Local Plan 2018.

INFORMATIVES

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

(2) This application has been assessed against the relevant policies of the London Plan 2016, Sutton's Local Plan 2018. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(3) The Council 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_infrastructu

[re 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.

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

(5) The permission hereby granted confers no rights on the applicant to encroach upon, extend over or otherwise enter upon property not in his ownership for any purposes connected with the implementation of this planning permission.