

PLANNING COMMITTEE - Date: 12 December 2018

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

Ref: DM2018/01823	WARD: A03 / STONECOT	Time Taken: 9 Weeks 1 Day
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Site: Asda Superstore, 1 Stonecot Hill, Sutton, SM3 9HB
 Proposal: Retention of two car park barriers, one to the entrance from Stonecot Hill and one to the entrance from Sutton Common Road to the existing car park.
 Applicant: Asda Stores Ltd
 Agent: Mr Jonathan Brown

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The application has been de-delegated by Councillors Dwight and Nandha.

Summary of why the proposal is acceptable:

- The use of the Asda car park for the general public has been secured by the car park management plan submitted and approved under condition 8 of planning permission 14/70348/FUL.
- The retention of the barriers has not resulted in harm to the vitality or viability of the Stonecot Hill Local Centre.
- The retention of the barriers would not result in harm to the character of the surrounding area or the Stonecot Hill or Sutton Common Road streetscenes.
- The retention of the barriers would not result in harm to the amenity of the neighbouring occupiers. In addition the proposal would prevent the use of the car park during late night hours which would prevent noise and anti-social behaviour to the surrounding residential occupiers.
- The proposal would not result in an adverse impact on the public highway or result in any change to the parking provision of the Asda site.

1.0 **BACKGROUND**

1.1 **Site and Surroundings**

1.2 The application site is the Asda foodstore at 1 Stonecot Hill, Sutton. The site is located on the south corner of the junction with Stonecot Hill, Sutton Common Road, Tudor Drive, and Epsom Road. The site contains a single storey building accommodating the foodstore and a car park that has access on to both Sutton Common Road and Stonecot Hill.

1.3 The surrounding local centre has a mixed character characterised with commercial units at ground floor along with some residential at first floor level. The roads leading from the junction become residential in nature in a relatively short distance to the east, west and north, with a residential dwelling and gardens directly adjacent to the south eastern and south western boundaries of the site.

1.4 **Site Specific LDF Designations**

- Archaeological Priority Area
- Stonecot Hill Local Centre

1.5 **Relevant Planning History**

1.6 The site has had an extensive planning history, with the below being the most recent and relevant:

- 14/70348/FUL - Demolition of existing buildings and erection of a Class A1 foodstore together with plant and service areas, car and cycle facilities, hard and soft landscaping and vehicle entrance/exit onto Stonecot Hill and Sutton Common Road was granted planning permission on the 22 January 2015.
- 17/77429 - Retrospective application for the installation of two barriers, one to the entrance from Stonecot Hill and one to the entrance from Sutton Common Road to the existing car park was granted on the 15 September 2017 for the temporary period of 1 year.

2.0 **APPLICATION PROPOSAL**

2.1 Planning permission is sought for the retention of two car park barriers to the car park following the expiry of a temporary planning permission granted on the 15 September 2017.

2.2 The barriers have been installed and are located to both entrances to the car park, from Stonecot Hill and from Sutton Common Road.

2.3 The reasons the applicant has given for the installation of the car park barriers is to prevent 'rat running' from Sutton Common Road to Stonecot Hill and also to prevent unauthorised use of the car park after the store is shut to prevent anti-social behaviour.

2.4 The barriers are counter weighted levers, which are to be finished in red and white. They would span the width of the entrance to prevent the access of motor vehicles to the car park.

3.0 **PUBLICITY**

3.1 49 adjoining neighbours were notified by way of letter dated 15 October 2018 and a site notice posted in the vicinity of the site dated 15 October 2018.

3.2 **Letters Received**

3.3 One letter has been received from the occupiers of 30a Stonecot Hill.

3.4 **Material Objections**

- The installation of the barriers would prevent use of the car park outside of the opening hours of the Asda store for non-Asda customers contrary to condition 8 of planning permission re: 14/70348/FUL.
- The barriers harm the visual amenity of the area.
- The barriers would reduce linked trips to the Stonecot Hill Local Centre harming the centres vitality and viability.
- Lack of appropriate signage advertising the public nature of the car park.
- Retention of only the Sutton Common Road barrier would prevent "rat running".
- The installation of the barriers would impede pedestrian flows.

3.5 **Non Material Objections**

- The car parking provision is more than the Council's maximum standard.

3.6 **Internal Consultations**

3.7 **The Senior Highways Engineer:** No objection to the proposal.

3.8 **Secure by Design Officer:** No objection. The Secure by Design officer supported the proposal noting that the barriers help mitigate criminal opportunity by denying vehicle access to the vulnerable rear of the site during hours of closure. An additional benefit is that the barrier strategy then prohibits vehicle entry onto the site for any other purpose during hours of closure.

3.9 **Safer Neighbourhoods Team:** No objection. Whilst there have been no complaints regarding anti-social behaviour to the police both prior to the installation of the barriers or subsequently, provision of the barriers is supported as they would prevent unauthorised access to the car park after Asda's trading hours.

3.10 **External Consultation**

3.11 **Transport for London:** No objection to the proposal subject to a condition securing the opening times of the barriers as per condition 3 of the previously approved application ref: 17/77429.

3.12 **Councillor Representations**

3.13 Councillors Dwight and Nandha requested that the application be de-delegated on the 1 November 2018 as the retention of the barriers would prevent the use of the car park for the general public for the benefit of the wider local centre as per condition 8 of the planning permission ref: 14/70348.

4.0 **MATERIAL PLANNING POLICES**

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 2016
- Sutton Local Plan 2018

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework 2018
- National Planning Policy Guidance
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- Human Rights Act 1998
- Equality Act 2010
- Draft London Plan 2017

4.3 Material Planning Policies in the Determination of this Application

4.4 London Plan Spatial Development Strategy for Greater London

- 4.7 Retail and town centre development
- 6.11 Smoothing traffic flow and tackling congestion

- 6.12 Road network capacity
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

4.5 Sutton Local Plan 2018

- Policy 17 District and Local Centre Development
- Policy 18 Local Centres and Isolated Shops
- Policy 28 Character and Design
- Policy 29 Amenity
- Policy 36 Transport Impact
- Policy 37 Parking

5.0 **PLANNING CONSIDERATIONS**

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

- **Principle**
- **Design**
- **Impact on Neighbours**
- **Highways and Parking**
- **Other Issues**
- **CIL**

5.2 **Principle**

5.3 The proposal relates to the retention of the car parking barriers that have been installed at the vehicle entrances to the site and the site will still retain its established lawful A1 retail use. As such the principle of the proposed development is considered to be acceptable in land use terms.

5.4 **Design**

5.5 Policy 28 of the Sutton Local Plan states The council will grant planning permission for new development, including new buildings, alterations and extensions, provided the new development:

- a) Is attractive, designed to the highest standard, especially with regard to architectural detailing, and uses high-quality materials.
- b) Respects the local context and responds to local character and heritage assets.

- c) Is of a suitable scale, massing and height to the setting of the site and/or townscape.
- d) Seeks to improve an area of poor character.
- e) Makes a positive contribution to the street frontage, streetscene and / or public realm, such as using railings and low walls where practicable.
- f) Is inclusive and accessible for all and improves movement through areas with direct, accessible and easily recognisable routes.
- g) Is secure and designed to minimise crime and anti-social behaviour.
- h) Is robust and flexible in use.
- i) Responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.
- j) Is not dominated by car and cycle parking.
- k) Creates attractive, functional and clearly defined public and private space.
- l) Protects any important local views and creates new ones wherever possible.

5.6 The car park barriers are not of a significant mass or bulk. Barriers such as those installed are a regular feature at car parks to prevent unauthorised access. Whilst an objection has been received in respect to the barriers being an eyesore, it is considered that due to the insignificant mass and bulk of the barriers they would not result in harm to the character of the area or streetscene, noting they are by their nature deployed for a functional purpose and necessary to announce their presence in the streetscene to warn car users that entry is denied when they are in the closed position.

5.7 **Impact on Neighbours**

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

5.9 The barriers are not located in close proximity to the neighbouring occupiers' windows and their bulk and mass are not significant. The barriers would not produce any discernible noise, and are not illuminated. As such it is considered that the barriers do not result in harm to the neighbouring occupiers' amenity in terms of loss of outlook, overlooking or loss of privacy, loss of sunlight/daylight, noise and disturbance or light pollution.

5.10 The reason for the installation of the barriers given by the applicant is that before their installation, the rat running and use of the car park past Asda's hours of operation would result in noise and disturbance to the neighbouring residential occupiers as well as anti-social behaviour. These complaints were received by the manager of the store. To address these issues the installation of the barriers prevent the use of the

car park at noise sensitive hours there by securing the amenity of the neighbouring occupiers in terms of noise and disturbance and anti-social behaviour.

5.11 Highways and Parking

- 5.12 Policies 36 and 37 of the Sutton Local Plan seek to ensure that planning permission will not be granted for development likely to result in an increase in on-street parking, where it would adversely affect traffic flows, bus movement, road safety, the amenities of local residents or the local environment.
- 5.13 Transport for London and the Senior Highways Engineer have not raised objection to the retention of the car park barriers. The proposal would not result in any loss of parking provision, however the barriers would prevent unauthorised access to the car park outside of the hours of operation of the Asda supermarket and prevent drivers cutting through the site to avoid the signalised junction at Stonecot Hill and Sutton Common Road.
- 5.14 The Council's Highways service has not had any complaints since the installation and retention of the barriers since last September, in terms of the rat running which illustrate the fact that the barriers are an effective deterrent to rat-running.
- 5.15 The previously approved application ref: 17/77429 was determined in association with application A2017/1160/CLC which was to approve the car park management plan as required by condition 8 of planning permission ref: 14/70438. Transport for London and the Senior Highways Engineer assessed the Car Park Management scheme raising no objection to the approval of the scheme.
- 5.16 Amendments were sought by officers so that information regarding the operation of the barriers to the car park was included. The approved scheme also secures the use of the car park for the general public for minimum of 2 hours or longer on request. This was considered a reasonable amount of time for shoppers to use the local services within the centre and complete a shop at the Asda supermarket. It also requires signage which stipulates the conditions of use of the car park.
- 5.17 The car park management plan states that the car park will be open between 07:00 to 23:00 hours Monday to Saturday, 11:00 to 17:00 hours on Sundays. It is acknowledged that some other commercial uses within the centre are open past 23:00 hours during the week, and past 17:00 hours on Sundays. Whilst this is the case the centre benefits from a number of on-street parking bays along Stonecot Hill and also part of Tudor Drive. At the times the barriers are closed during the week and on Sundays, the on-street car parking bays would not be restricted in their use. Therefore free car parking for visitors to the local centre is provided for on-street when the barriers to the site are closed.

- 5.18 As such it is considered that the retention of the barriers would not result in demonstrable harm to the highway network or car parking within the local area.
- 5.19 **Other Issues**
- 5.20 Application ref: 17/77429 was granted on 15 September 2017 to assess the barriers impact on linked trips to the centre to ensure the vitality and viability of the local centre. The application contained a retail survey on 28 September 2018 of the local centre. Their survey showed that 2 of the 69 units within the local centre were vacant. This is approximately 3% of the total units within the local centre.
- 5.21 The Local Planning Authority a Monitoring Report to determine the success and impact of the Local Plan policies. The last Monitoring Report for 2016-2017 showed that Stonecot Hill Local Centre had 3 vacant units, which approximates to 5% of the total number of units within the centre and shows the centre has one less vacant unit than before the granting of the temporary permission for the barriers.
- 5.22 The objection received mentioned the closure of the Co-op store adjacent to the site as evidence that the installation of the car park barriers have demonstrably harmed the vitality and viability of the local centre. It should be noted that the Co-op would have been in direct competition with the Asda store as both are A1 convenience retailers and no evidence has been produced that this was a factor of material weight in the decision by Co-op to close that store. Competition is not a material consideration in the determination of planning applications, and there is no evidence to show that the closure of the car park on Sundays past 17:00 hours resulted in fewer trips to the Co-op store. However as mentioned above, there is significant on-street car parking within the local centre as evidenced by officers on Sundays outside of Asda's trading hours. There is no evidence to suggest that the barriers are having a detrimental impact on local trade and no objections on this ground have been received from local businesses. As such it is considered that the retention of barriers would not be contrary to the aims and objectives of condition 8 of planning permission ref: 14/70438 which required the car park be open to public use to encourage linked trips to the local centre.
- 5.23 **CIL**
- 5.24 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 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).

5.25 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.

5.26 The proposal would not result in any increase in floor space. As such the proposal would not be liable for CIL.

6.0 **Conclusions and Recommendations**

6.1 The retention of the barriers do not result in harm to the character of the area or the streetscene, and do not result in harm to the amenity of the neighbouring occupiers. The barriers do no result in any demonstrable harm to the highway network or car parking within the local area.

6.2 For these reasons the application is considered acceptable and is recommended that planning permission is granted with the recommended conditions.

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Background Papers: DM2018/01865

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DM2018/01865

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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

Asda Superstore 1 STONECOT HILL SUTTON SM3 9HB

Retention of two car park barriers, one to the entrance from Stonecot Hill and one to the entrance from Sutton Common Road to the existing car park.

SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: LP01 Rev. A, BP01 Rev. A, H103 Rev. C.

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

(2) The car park barriers shall be open between the following times:

07:00 hours to 11:00 hours Monday to Saturday,
11:00 hours to 17:00 hours on Sunday and Bank Holidays.

Reason: To encourage link trips to the local centre in accordance with condition 8 of planning permission ref: A2014/70348/FUL.

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 Core Planning Strategy 2009 and the Site Development Policies DPD 2012. The

proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

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

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