

PLANNING COMMITTEE - Date: 14 November 2018

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

Ref: DM2018/00264	WARD: A02 / Nonsuch	Time Taken: 22 weeks, 2 days
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Site: Land Rear Of 241 And 243 Church Hill Road, North Cheam
 Proposal: Variation of condition 1 (approved drawings) of previously approved application A2017/77279/FUL to amend siting, finished ground level and drainage details.
 Applicant: Mr James Hannah
 Agent: Mr Robin Harper

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The application has been de-delegated by Councillor McDermott-Hill.

Summary of why the proposal is acceptable:

- The principle of the proposal has been previously established and is acceptable in land use terms.
- The proposed alterations to the approved scheme would not result in harm to the character of the area or streetscene.
- The proposed alterations would not result in significant harm to the amenity of the neighbouring occupiers.
- The proposed alterations would not result in any changes to the layout or quality of accommodation, the car parking provision or means of access to the site.
- The proposed drainage scheme is an improvement on the previously approved drainage scheme and will help prevent surface water flooding of the site and adjoining properties.

1.0 BACKGROUND

1.1 Site and Surroundings

1.2 The site comprises a broadly rectangular shaped plot which is bounded to the north and east by the rear gardens of dwellings located on Church Hill Road, to the south by rear gardens of dwellings fronting D'Arcy Road, and to the west by rear gardens of dwellings fronting Malden Road. The site is accessed by a long access road where access on the public highway is located between two residential dwellings at 241 and 243 Church Hill Road.

1.3 The topography of the site is such that the site falls away from the north of the site to the south of the site. At the time of the site visit the dwellings had been substantially completed with the roofing and glazing installed. The surrounding

land had not been landscaped and was still had the appearance of an active building site.

1.4 The prevailing character of the area is residential in nature comprising mainly two storey 1930's semi-detached, dwellings set in long plots.

1.5 **Site Specific Designation**

- The site is located in the Area of Potential Intensification for North Cheam District Centre.

1.6 **Relevant Planning History**

1.7 SUT/22898 – Erection of nursery stores for housing horticultural machines at rear of 241-243 Church Hill Road, North Cheam was granted planning permission on 17 December 1958.

1.8 72/8693/'O' – Erection of a detached 3-bed bungalow and car-port was refused planning permission on 27 March 1972.

1.9 14/70692 – Erection of two, two storey detached 4 bed houses each with garage and parking space together with cycle and refuse facilities and hard and soft landscaping was granted planning permission on the 28 January 2015.

1.10 15/72990 – Erection of four, two storey semi-detached 3 bed houses each with two parking spaces each, together with cycle and refuse facilities and hard and soft landscaping was allowed on appeal on the 10 June 2016.

1.11 16/75562 – Non Material Amendment application to amend approved Planning Application A2015/72990/FUL was granted on the 20 October 2016.

1.12 17/76954 - Non Material Amendment application to amend approved Planning Application A2015/72990 was refused on the 19 May 2017.

1.13 17/77279 – Variation of condition 2 (drawings) of approved application A2015/72990 (to increase the ridge height of dwellings by 440mm) was granted planning permission on the 1 August 2017.

2.0 **APPLICATION PROPOSALS**

2.1 **Details of Proposal**

2.2 Planning permission is sought for the variation of condition 1 (approved drawings) of previously approved application A2017/77279/FUL to amend the siting, finished ground level and drainage details.

2.3 Since the approval of the original application (ref: 15/72990) a non-material amendment (ref: 16/75562) has been approved which moved the location of the ground doors to the side elevation and also lowered the sill height of the windows on the front elevations of the proposed dwellings. In addition to the above a section 73 planning application (ref: 17/77279) to vary the drawing numbers of the original planning permission (ref: 15/72990) was approved which raised the ridge height of the proposed dwellings by 0.4 metres.

- 2.4 The application has been submitted to regularise the development which was granted planning permission under application ref: 15/72990 and has been subsequently amended by the above applications. The application is in response to an enforcement complaint that the buildings are not built according to the approved drawings.
- 2.5 The original planning application was allowed under appeal under the premise that the site was level. This is not the case and the topography of the land results in the land falling away from the north of the site to the south. As such during the construction of the dwellings the southernmost dwelling appears taller than approved. Measurements taken by the enforcement officer showed that the eaves of the proposed dwellings were 0.4 metres taller above the adjacent ground level.
- 2.6 The planning application has been submitted to address the difference in land level so of the site amongst other things. The proposal would involve some regrading of the land levels to the north side of "plot 1" by approximately 0.3 metres and levelling off the land levels for plots 1 and 2, which will require some building up of the land level to the south side of "plot 2" by approximately 0.3 metres. There would be a small step of approximately 0.2 metres between plots 2 and 3. The land levels around plots 3 and 4 would need to be built up at most by approximately 0.4 metres, with a small step down to the boundary of the site of approximately 0.2 metres. The land levels for plots 3 and 4 would therefore be level.
- 2.7 In addition the siting of the dwellings is not in accordance with the approved plans. As consented (under application ref 15/72990 and subsequent approvals) the rear corner of "plot 4" would have been sited approximately 1.43 metres from the boundary of 4 D'Arcy Road and the front corner of approximately 1.63 metres from the boundary of 6 D'Arcy Road. "Plot 1" as consented would have been sited approximately 2.15 metres from the boundaries of the gardens of 353 Malden Road and 247 Church Hill Road.
- 2.8 As built "plot 4" sited approximately 1.30 metres from the boundary of 4 D'Arcy Road and approximately 1.58 metres from the boundary of 6 D'Arcy Road. "Plot 1" is located approximately 2.11 metres front the boundaries with 353 Malden Road and 247 Church Hill Road. This is a shift slightly south of the built form by approximately 0.1 metres. These separation distances have been confirmed by the case officer on site.
- 2.9 In addition to the siting and land levels of the site, it has become apparent to officers through objection to the application and through the enforcement process that the dwellings to the south of the site have suffered from flooding during the course of development. As such the applicant has submitted a revised surface water drainage scheme, and also undertaken ground water investigations.
- 2.10 **Significant amendments to application since submitted**
- 2.11 A revised site specific flood risk assessment and surface water drainage scheme has been submitted on the 22 October 2018, with the ground water investigations evidence submitted on the 23 October 2018.
- 3.0 **PUBLICITY**
- 3.1 **Adjoining Occupiers Notified**

3.2 Method of Notification

3.3 Letters were sent to 29 adjoining occupiers dated 25 June 2018 and a site notice was posted in the vicinity of the site dated 4 July 2018.

3.4 Number of Letters Received

3.5 9 letters of representation have been received from 7 addresses.

3.6 Letters were received from the occupiers of 2, 4, 6, 8, 10 and 12 D'Arcy Road, 354 Malden Road, 180 and 235 Church Hill Road.

3.7 Summary of Material Responses

- Possible ground water issues.
- Drainage scheme and maintenances management not sufficient.
- Ground levels not correct
- Siting of dwellings is inaccurate.
- No details of refuse collection.
- No details of traffic and pedestrian controls for access track.
- Overlooking and loss of privacy.
- Litter.
- Odours.
- Overbearing development.
- Overdevelopment.
- Not in keeping with the character of the area.
- Increase in traffic and parking demand.
- The access road is not sufficient and would result in accidents.

3.8 Non-material Responses

- Health and Safety Issues.
- Foundations not dug deep enough.
- The proposed development would likely be converted to flats.
- The developer intends to install dormers.

3.9 Official Consultation**3.10 Internal****3.11 Environmental Health Officer**

3.12 No objections.

3.13 Sustainability Officer:

3.14 No objections.

3.15 Lead Local Flood Authority (LLFA)

3.16 Raised objection to the original drainage scheme. In response the revised drainage scheme submitted by the applicant, the LLFA has no objection as the scheme would provide a policy compliant drainage scheme. The applicant has also dug trial pits to establish whether ground waters were present and submitted

sufficient evidence of the test trenches. These have been assessed and no ground waters have been established.

3.17 **Principal Tree Officer**

3.18 Requested that a more detailed landscaping plan is submitted by the applicant. This can be dealt with by condition.

3.19 **External**

3.20 **Thames Water**

3.21 Thames Water originally suggested a condition requiring an improvement in the drainage scheme for the proposed development as the original was not acceptable. In response to the revised drainage scheme Thames Water have removed the request for a condition as the drainage scheme is now considered acceptable. They commented "We have reviewed the supporting documentation provided as part of the proposed surface water strategy for this development, provided the sequential approach for the disposal of surface water is followed as outlined and foul and surface water flows are kept separate we have no objections."

3.22 **Councillor Representation**

3.23 The application was de-delegated by Councillor McDermott-Hill on the 28 June 2018 on the following grounds. The buildings are out of character with the surrounding area, neighbour amenity, drainage issues with the site and access and egress issues.

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 2016
- The Core Planning Strategy 2009
- The Site Development Policies DPD 2012

4.2 Also a material consideration in determining planning applications are:

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

4.3 **Public Sector Equality Duty (PSED) and Human Rights**

4.4 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.

4.5 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.

4.6 **Material Planning Policies Considered in Determining this Application:**

4.7 The London Plan:

- 3.3 - Increasing Housing Supply
- 3.4 - Optimising Housing Potential
- 3.5 - Quality and Design of Housing Developments
- 3.8 - Housing Choice
- 3.9 - Mixed and Balanced Communities
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.7 - Renewable energy
- 5.13 - Sustainable drainage
- 6.2 - Providing public transport capacity and safeguarding land for transport
- 6.3 - Assessing effects of development on transport capacity.
- 6.7 - Better streets and surface transport.
- 6.9 - Cycling
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 7.1 – Lifetime Neighbourhoods
- 7.2 - An inclusive environment
- 7.3 – Designing Out Crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 - Biodiversity and Access to Nature

4.8 Sutton Local Plan

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

4.9 Supplementary Planning Guidance/Documents:

- SPD14 – Creating Locally Distinctive Places (Urban Design Guide)

5.0 **PLANNING CONSIDERATIONS**

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

- **Principle**
- **Design Quality and Impact on Street Scene**
- **Impact on Neighbours**
- **Layout and Amenity of Future Occupiers**
- **Traffic & Parking**
- **Sustainability**
- **Biodiversity**
- **Other Issues**
- **Conditions**
- **CIL**

5.2 **Principle:**

5.3 The NPPF requires the planning decisions make the most efficient use of land and to seek development on previously developed land and brownfield sites.

5.4 The London Plan outlines the need for residential development within London through Policy 3.3 Increasing Housing Supply.

5.5 Policies 1 and 7 of the Sutton Local Plan 2018 acknowledge the NPPF's presumption in favour of sustainable development, but expect that the majority of housing to be provided within Sutton Town Centre and the other district centres and their surrounding Areas of Potential Intensification.

5.6 Paragraph b of policy 1 of the Sutton Local Plan 2018 states "The council will enable the delivery of at least 6,405 new homes over the plan period 2016-2031 (427 homes per annum), subject to any subsequent borough target approved by the Mayor of London." Paragraph d sets out where the plan expects these homes to be delivered with 10% (635 new homes) are to be located within the other district centres and their surrounding Areas of Potential Intensification (API).

5.7 Paragraph e of policy 7 of the Sutton Local Plan 2018 states "Developments should maintain and seek to enhance the quality of the borough's environment ensuring all new development respects the positive features of Sutton's character, reinforcing local distinctiveness and a sense of identity. The council will apply the Suburban Setting of the London Plan Density Matrix to these areas."

5.8 The application is a section 73 application to vary the drawing numbers of the original planning permission to allow for changes in the land levels of the site and the siting of the dwellings as built. This type of application allows for minor material amendments to the original planning application. The NPPG gives guidance, that whilst the current policy positions can be re-considered the principle of the

development has been established by the granting of the original planning permission (ref: 15/72990).

- 5.9 The proposal does not change the amount of development or the residential density of the proposal, and as such considering the previously approved schemes the proposal is not considered an overdevelopment of the site.
- 5.10 As such the proposed development would provide additional housing in accordance with national, regional and local policy, and with the principle of four semi-detached dwellings being previously established under the original planning application (ref: 15/72990), the proposal is considered acceptable in principle.
- 5.11 **Design Quality and Impact on Street Scene:**
- 5.12 The NPPF states that planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies 7.4 and 7.6 of The London Plan (2016) state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design. Policies 3.4 and 3.5 require new housing to respect local context and character.
- 5.13 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.
- 5.14 The design of the proposed dwellings would not be altered by the approval of this application. The design and architectural detailing have been previously approved under the original planning application (ref: 15/72990). The subsequent non-material amendment (ref: 16/75562) altered the location of the side facing window and doors and also altered the sill heights of the front ground floor windows. The subsequent section 73 application (ref: 17/77279) to vary drawing numbers allowed for the ridge height of the roof to the proposed dwellings to be increased by 0.4 metres.
- 5.15 Whilst this is the case the proposal would result in changes of the ground levels of

the site. There would be some regrading of the land levels to the north of the site, with the building up of some of the land to the south of the site. These changes would not significantly change the appearance of the proposed buildings or the surrounding land. Whilst the proposed land level changes may result in a perceived increase in height of the dwellings these changes would not be readily visible from the public realm.

- 5.16 The changes in the siting of the proposed dwellings are relatively modest. In design terms the changes are not readily perceptible when viewing the site from the adjoining properties and would not increase the width or depth of the approved units. Again the dwellings are not readily visible from the public realm.
- 5.17 Consequently, it is considered that the proposal is of an acceptable design which respects and compliments the surrounding area and would not result in harm to the character of the area or streetscene.
- 5.18 **Impact on Neighbours:**
- 5.19 Policy 29 of the Sutton Local Plan states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, with regard to considerations of overlooking, outlook, light, noise and vibration, traffic movement amongst other things.
- 5.20 The proposed alterations would not result in any change in the alignment or footprint of the dwellings approved under ref: A2015/72990. The proposed alterations would result in changes to the siting and ground levels of the site.
- 5.21 The site adjoins residential rear gardens of the surrounding properties at all boundaries. The minimum distance between the boundaries of the site and the rear elevation of the nearest neighbouring property is in excess of 30.00 metres and further to the elevations of the proposed dwellings.
- 5.22 Due to these large separation distances the previously approved schemes, at the site, were considered to be acceptable and would not result in harm to the amenity of the neighbouring occupiers in terms of loss of outlook, overlooking or loss of privacy, or loss of sunlight/daylight.
- 5.23 Due to these large separation distances to the neighbouring properties, the changes in the siting of the dwellings are insignificant enough not to change the previous assessments of the approved schemes. Whilst objections have been raised in terms of the loss or privacy and overlooking, the first floor side facing windows can be reasonable conditioned to be obscure glazed and non-opening above 1.7 metres above the finished floor level of the room in which they are installed. It is proposed that the southern boundary is demarcated by a 2.1 metre high close panel fence. This would prevent an overlooking or loss of privacy from the ground floor side facing windows and the plans denote the southern flank window and door to "plot 4" would be obscure glazed. As such a condition to secure the obscure glazing to these windows has been included to protect the amenity of the adjoining occupiers.
- 5.24 Whilst the siting of the dwellings would move them closer to the dwellings along D'Arcy Road, and the changes in the land levels as well as the natural topography of the area would make the buildings appear taller, the proposed changes are

considered to be modest. The changes are not significant enough to establish demonstrable harm to the neighbouring occupiers over and above what was previously approved. As such the proposal is considered to be acceptable and would not result in an overbearing development which would harm neighbouring occupier's amenity.

- 5.25 Other objections have been raised in respect to litter and odours. The proposal is for dwellings and there is unlikely to be create significant litter or odours to the detriment of the neighbouring occupier's amenity. The conditions in relation to refuse storage and collection have been approved in respect to the previously approved application (ref: 17/77279). The refuse will be brought to the pavement side by the Maintenance Company and bins returned to the dwellings after collection. A small area within the access road will be demarked for the collection day storage area. The implementation of this strategy is recommended to be secured by condition.
- 5.26 Therefore, it is considered that the proposal in regards to the siting and land levels would not adversely affect the amenities of the occupants of the neighbouring properties to an unacceptable level through any loss of light, outlook, noise and disturbance or privacy.
- 5.27 The impact on surface water on neighbouring occupiers is discussed further below.
- 5.28 **Layout and Amenity of Future Occupiers**
- 5.29 The proposed alterations would not result in any changes to the footprint, the layout of the dwellings, the provision of amenity space, the location of the refuse storage, or the access to the site as previously approved applications ref: 15/72990 and ref: 17/77279.
- 5.30 Conditions securing the approved refuse storage and refuse collection arrangement is recommended.
- 5.31 These elements of the scheme have been previously considered to be acceptable, and therefore, subject to the conditions, the proposal would be acceptable in terms of its layout and amenity of future occupiers.
- 5.32 **Traffic and Parking**
- 5.33 The proposed alterations would not result in any changes to the access to the site or the car parking layout as allowed under application ref: A2015/72990. The car parking layout would be policy compliant providing 8 car parking spaces for the four dwellings. These elements of the proposal were previously considered to the acceptable by the Inspector at appeal and therefore are considered acceptable in this instance, subject to a condition securing the approved surfacing of the access road and the approved traffic controls.
- 5.34 **Sustainability**
- 5.35 The applicant has submitted details of the proposed dwellings compliance with ENE1 level 4 of the Code for Sustainable Homes, which was an condition of the original planning permission (ref: 15/72990). As such it is considered that the application is acceptable in terms of it energy efficiency.

- 5.36 Sustainable Urban Drainage Systems and flood risk are discussed later in the report.
- 5.37 **Biodiversity**
- 5.38 Under Policy DM17 of the Site Development Policies DPD the Council will not grant planning permission for development within SINC's or green corridor where there would be a significant damaging impact on the nature conservation value or integrity of the site.
- 5.39 The site is not designated as a Site of Importance for Nature Conservation (SINC) or green corridor.
- 5.40 An ecology enhancement scheme has been approved under the original planning permission (ref: 15/72990) which includes amongst other things a planting schedule. Whilst the planting schedule is primarily to improve the biodiversity of the site, the suggest tree species have been picked for their ability to help reduce moisture within the soil. A condition securing the approved ecological enhancements is recommended.
- 5.41 **Landscaping**
- 5.42 The original planning permission (ref: 15/72990) had a landscaping scheme approved at appeal. The details of the landscaping scheme do not match the suggested planting scheme proposed within ecological enhancements scheme, and also does not include additional hard standing (patio areas to the rear of the dwellings and the side accesses between the dwellings) which has been included within the drainage scheme.
- 5.43 As such it is recommended that a revised landscaping scheme is secured by condition to incorporate the changes mentioned above, for the benefit of regularising the development and also helping to reduce surface water run-off through the planting of suitable plants and trees to help reduce soil moisture.
- 5.44 **Flood Risk and Site Drainage**
- 5.45 Policy 32 of the Sutton Local Plan states in paragraph a that "Proposed developments should avoid or minimise all sources of flood risk to people and property, taking account of climate change, without increasing flood risk elsewhere by:
- Preparing site-specific flood risk assessments (FRAs) in support of all proposals in Flood Zones 2 or 3, all major proposals in Flood Zone 1 over 1 ha and any proposal in a critical drainage area. FRAs should assess all sources of flood risk to and from the development and show how these risks will be managed, taking climate change into account, in line with minimum requirements set out in national planning policy,
- 5.46 The site is located in flood risk zone 1, is not over 1 ha in area, and is not in a critical drainage area. As such a FRA is not required as part of the proposal, however the applicant has submitted a FRA with the drainage strategy which highlights the low likelihood of flooding of the site.
- 5.47 This being the case objections have been received regarding the possibilities of ground waters which have been disturbed by the development and resulting in

flooding of the neighbouring gardens during the course of the development. At the request of officers, the applicant has undertaken trial trenches within the site to establish whether ground waters are present. Photographic evidence has been submitted which show the trial trenches and foundational trenches that were dug.

- 5.48 The depth of the foundational trenches were dug to a depth of between 2.5 metres and 1 metre, and showed no ground waters. The trial trenches were three in total and were dug along the southern boundary of the site, with one within what would be the rear garden of plot 4 and two within the shared area to the southeast corner of the site in front of plot 4. All the trenches were dug to 1.5 metres in depth and showed no signs of ground waters being present.
- 5.49 As such it is considered that the applicant has demonstrated on the balance or probabilities that the site does not have significant ground water or a spring and that the proposal by way of the foundations installed would not result in significant flooding to the site itself or neighbouring properties by reason of diverted ground waters.
- 5.50 Whilst the evidence submitted shows that the site and surrounding properties are not likely to be affected by ground waters, the previously imposed condition at appeal and subsequently approved SUDS scheme for surface water drainage did not meet the policy requirements of Policy 32 of the Sutton Local Plan. Since the adoption of the Local Plan and in collaboration with the developer, an improved surface water scheme has been submitted as part of the application to address the issues on site. The scheme has been assessed by both the Lead Local Flood Authority and Thames Water who have no objections to the proposed surface water drainage of the site.
- 5.51 The scheme is an improvement on the previously approved scheme and is compliant with the aims and objectives of Policy 32 of the Sutton Local Plan. The scheme includes a surface water drainage channel along the southern boundary of the site adjacent to "plot 4" to prevent surface water from travelling south to the gardens of 4 and 6 D'Arcy Road, and another drainage channel along the eastern boundary of the site to prevent surface water from travelling east in to the garden of 12 D'Arcy Road.
- 5.52 These drainage measures along with the adequate landscaping of the site is considered to acceptable to preventing surface water run-off from flooding the site and the adjoining properties.
- 5.53 For the reasons above it is considered that the proposal would be acceptable in terms of flood risk and site drainage of the site and the neighbouring residential properties.
- 5.54 **Conditions**
- 5.55 Conditions have been approved which relate to the original planning permission (ref: 15/72990 and application CLC2018/00109). These relate to the surfacing of the access road, traffic control of the road, refuse storage, external lighting, biodiversity and energy efficiency measures. As these details have been approved, but not implemented on site, positively worded conditions are recommended to secure the implementation and retention of the approved details.
- 5.56 **CIL:**

5.57 The development has commenced and the proposed alterations have not resulted in any increase in the floor space over what has been previously approved and the CIL for the extant planning permission A2015/72990 has been paid. As such it is considered that the proposed alterations would not result in any further liability.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 The principle of the development has already been established under previously approved applications ref: 1/72990 and 17/77297 and is considered acceptable in land use terms.

6.2 The proposed alterations to the siting and land levels of the site would not result in any harm to the character of the area or the streetscene and would not lead to any significant harm to the amenity of the neighbouring occupiers.

6.3 The proposed alterations would not result in any changes to the layout of the development which would still provide adequate levels of accommodation and private amenity space.

6.4 The proposed alterations would not result in any changes to the biodiversity of the site or the parking provision or the efficient operation of the public highway.

6.5 The proposal would provide an improved and policy compliant surface water drainage scheme and it has been demonstrated that the proposal would not result in any significant disturbance to ground waters.

6.6 Subject to the recommended conditions it is recommended that planning permission is granted.



Mr Robin Harper
The Boathouse Design Studio
27 Ferry Road
Teddington
TW11 9NN

DM2018/00264

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 241 And 243, Church Hill Road, North Cheam

Variation of condition 1 (approved drawings) of previously approved application A2017/77279/FUL to amend siting, finished ground level and drainage details.

SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1503/01, 1779/02, 1779/03 Rev. B, 1503/04, 1503/05 Rev. A, 1779/04, 1779/05, 1779/06, 1779/06, 1779/07, 1503/10, and Materials Schedule.

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

(2) All trees and hedgerows within and adjacent to the site shall be protected using a system of protective hoarding/fencing & ground protection in accordance with the recommendations in British Standard BS 5837:2012. All protective hoarding, fencing, and ground protection measures shall remain in place during the entire course of the construction phase and shall not be removed. All trenching and ground works within the root protection areas (RPAs) of retained trees shall be in accordance with the recommendations in Arboricultural Practice Note (APN) 12 & BS 5837:2012.

Reason: To ensure that significant trees on site and the adjacent land are protected and retained in accordance with Policy 28 of the Sutton Local Plan.

(3) Development shall be carried out in accordance with the details in the approved construction method statement ref: 135/ST/19719.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway.

(4) None of the dwellings hereby approved shall be occupied until the approved SUDS and drainage scheme has been implemented in accordance with the approved details (drawing nos. L16_130_09_005, L16_130_09_001 and Flood Risk Assessment & Drainage Report ref: L16_130_09 dated October 2018)). Thereafter, the surface water drainage and flood risk management measures shall be retained and maintained in accordance with the approved scheme for as long as the development is in existence.

Reason: To comply with policy 32 of the Sutton Local Plan.

(5) None of the dwellings hereby permitted shall be occupied until the approved scheme in respect of measures to prevent vehicles and pedestrians meeting within the access track have been implemented in full in accordance with the approved details (drawing no. Automate Systems letter dated 21 September 2018 ref: 809-32CF, drawing no 15.82-001 with annotation and e-mail received from James Hannah on the 28 September 2018). The approved measures shall be retained thereafter.

Reason: In the interest of highway and pedestrian safety.

(6) None of the dwellings hereby permitted shall be occupied until the approved scheme for refuse storage and means of transporting and storing of refuse when presented for collection, has been implemented in accordance with the approved details (drawing no. 1779/03 Rev. C and covering letter dated 14 June 2018). The approved scheme shall thereafter be retained in accordance with the approved details.

Reason: To ensure the ancillary buildings harmonise with the permitted development.

(7) None of the dwellings hereby permitted shall be occupied until the approved scheme for external lighting within the site has been installed in accordance with the approved details (drawing no. 1779/03 Rev. A). Thereafter, the external lighting shall be maintained in accordance with the approved lighting details.

Reason: To ensure that the proposed lighting does not harm the amenity of the neighbouring occupiers.

(8) None of the dwellings hereby permitted shall be occupied until the widening at the end of the access track shown on drawing number 1779/03 Rev. B has been completed. The access track shall be permanently maintained as widened.

Reason: In the interest of highway and pedestrian safety.

(9) None of the dwellings hereby permitted shall be occupied until the approved parking layout shown on plan 1779/03 Rev. B has been provided. The parking area shall be retained thereafter in accordance with the approved details.

Reason: To ensure that the proposal provided on-site parking in accordance policy 37 of the Sutton Local Plan.

(10) None of the dwellings hereby permitted shall be occupied until secure storage for eight cycles has been provided within the site in accordance with drawing number 1779/03 Rev. B. The approved cycle storage shall be retained thereafter.

Reason: To encourage non-car modes of transport.

(11) None of the dwellings hereby permitted shall be occupied until the proposed 1.8 and 2.1 metres high close boarded fences to the site boundaries have been erected in accordance with the approved plans. The fencing shall thereafter be retained in accordance with the approved details.

Reason: To protect the amenity of the neighbouring and future occupiers of the site.

(12) None of the dwellings hereby permitted shall be occupied until the approved scheme for biodiversity improvements within the site has been implemented on site. The approved details are CherryField Ecology Report dated 22 May 2018.

Reason: To ensure the proposal is in accordance with policy 26 of the Sutton Local Plan.

(13) Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft 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 (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape, Recommendations (2014) or other recognised codes of good practice). The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any tree(s) or plants that (within a period of five years after planting) 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 the Sutton Local Plan 2018.

(14) None of the dwellings hereby permitted shall be occupied until the access track serving the site has been consolidated, surfaced and drained in accordance with the approved scheme (drawing nos. L_16_130_09_100 Rev. D, L16_130_09_005 and L_16_130_09_002 Rev. B).

Reason: In the interest of highway and pedestrian safety.

(15) The first floor windows on the flank walls of the dwellings hereby permitted, the ground floor window on the southern elevation to "plot 4" and the glazing to the ground floor door to southern elevation of "plot 4" shall be fitted with obscured glazing that shall be fixed shut up to a height of 1.7 metres above the finished floor level of the room that those windows serve.

Reason: To protect the amenity of the neighbouring occupiers.

(16) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music or speech shall only take place

between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays, Public and Bank Holidays.

Reason: To protect the amenity of the neighbouring occupiers.

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) NAMING AND NUMBERING. This permission creates one or more new units which will require a correct postal address. Contact the Street Naming & Numbering Section by e-mail street.naming@sutton.gov.uk.

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