

PLANNING COMMITTEE - Date: 24 April 2019

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

Ref: DM2019/01121	WARD: C14 – Carshalton South & Clockhouse	Time Taken: 31 Weeks
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Site: Drapers Centre Monkey Puzzle Way Carshalton SM5 4NR
 Proposal: Construct a new pedestrian footpath and install lighting.
 Applicant: Mr Peter Goodright
 Agent: Mr Dan Whistler

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The application relates to a Council owned school and is a departure from Council's policies.

Summary of why the application is acceptable:

- The proposal would have a limited impact upon the Green Belt and is of an acceptable design.
- The proposal would not adversely affect the amenities of adjoining residential properties by reason of loss of light or outlook, nor would the proposal have a negative impact upon the local highway network.
- Furthermore, the development would not have any impact upon existing trees and other landscaped features.

1.0 BACKGROUND

1.1 Site and surroundings:

1.2 The application site comprises of the Drapers Centre which is a medical referral unit for students and also provides facilities for students with special educational needs.

1.3 The application site is located in an area that is predominantly surrounded by open green space, although some of this has been developed by way of the erection of nearby sporting facilities.

1.4 Relevant Planning History:

1.5 C2009/61290: Erection of a temporary single storey building unit to be used as an extra curriculum space at the existing adjacent school. Granted 14th August 2009.

1.6 C2014/69511: Permanent use of single storey building as an extra classroom for adjacent school. Granted 5 September 2014.

1.7 C2014/69805: Formation of new front entrance lobby to the school. Granted 3 September 2014.

1.8 C2016/75201: Formation of gates and fencing up to a maximum height of 2.4m. Granted 23 December 2016.

- 1.9 DM2018/01298: Erection of a single storey rear extension. Granted 12 October 2018.
- 1.10 C2017/76465: Formation of a multi-use games area with erection of 3m high weldmesh fencing around perimeter. Extension and reconfiguration of car park. Pending Consideration.

1.11 **Site specific designation:**

- 1.12 The site is located within the following site specific designations:
- Archaeological Priority Area
 - Metropolitan Green Belt

2.0 **APPLICATION PROPOSALS**

- 2.1 The application proposes the construction of a new pedestrian footpath measuring 150m alongside the road at Monkey Puzzle Way to replace the existing grass verge. The pathway would be lit by 4m high lighting columns and an LED security light would be installed on the building at the end of the pathway.

2.2 **Significant amendments to application since submitted:**

- 2.3 None.

3.0 **PUBLICITY**

3.1 **Adjoining Occupiers Notified**

3.2 **Method of Notification:**

- 3.3 Letters were sent to 31 neighbouring addresses dated 18 October 2018 and a site notice was posted in the vicinity of the site on 16 November 2018. The application was also advertised by way of a press notice on 24 October 2018.

3.4 **Number of Letters Received:**

- 3.5 None.

3.6 **Official Consultation:**

- 3.7 Highways: No comments received.

- 3.8 Historic England: No objection.

3.9 **Councillor Representation:**

- 3.10 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 2016
- The Sutton Local Plan 2018

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2019
- 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 **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 **London Plan 2016:**

- Policy 3.9 Mixed and Balanced Communities
- Policy 4.12 Improving Opportunities for All
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.4 Local Character

4.8 **Sutton Local Plan 2018:**

- 1 Sustainable Growth
- 20 Education and Skills
- 24 Green Belt and Metropolitan Urban Land
- 28 Character and Design
- 29 Protecting Amenity
- 30 Heritage
- 36 Transport Impact
- 37 Parking

4.9 **Supplementary Planning Documents:**

- SPD14 Creating Locally Distinctive Places

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 of Development**
- **Impact on Scheduled Ancient Monument**
- **Design Quality**
- **Impact on Neighbouring Amenity**
- **Trees and Landscaping**
- **Highway and Parking**

5.2 **Principle of Development:**

5.3 Policy 24 of the Sutton Local Plan 2018 states that the Council will not grant planning permission for inappropriate development in the Green Belt or Metropolitan Open Land unless other material considerations clearly outweigh the harm to the Green Belt or Metropolitan Open Land and constitute very special circumstances. The construction of new buildings and structures or the re-use of buildings and structures in the Green Belt and Metropolitan Open Land will be inappropriate unless it is for the following purposes:

- (i) Agriculture, horticulture or animal-related businesses.
- (ii) Appropriate facilities for outdoor sport and recreation and cemeteries.

5.4 Any new buildings or structures or the re-use of buildings and structures should preserve the openness of the Green Belt or Metropolitan Open Land.

5.5 Paragraph 145 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limit affordable housing for local community needs under policies set out in the development plan; and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development,

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified housing need within the area of the local planning authority.
- 5.6 In this case planning permission is sought for the formation of a footpath with lighting to improve pedestrian accessibility at the site.
- 5.7 The applicant has advised that Sutton Tuition & Reintegration Service (STARS) is a Pupil Referral unit, funded through the London Borough of Sutton, which caters for pupils who cannot attend a mainstream provision due to their significant medical needs. All pupils who attend the Drapers Centre live in the London Borough of Sutton and are referred by their school with supporting evidence from appropriate medical professionals.
- 5.8 It is considered that the proposal would have a negligible impact on the openness of the Green Belt. Furthermore, the proposal is small in scale and would not involve the erection of additional buildings or the extension of existing buildings at the site and is located where it would not be readily visible from certain vantage points within the Green Belt.
- 5.9 As such, it is considered that the proposed footpath and lighting would be acceptable in land use terms subject to the consideration of all other policy guidance and material considerations.
- 5.10 **Impact on Scheduled Ancient Monument:**
- 5.11 Policy 30 of the Sutton Local Plan part (f) 'Scheduled Ancient Monuments' states that the Ancient Monuments and Archaeology Areas Act (1979) does not allow:
- (iii) The disturbance of or addition to a Schedule Ancient Monument by carrying out works without consent.
 - (iv) The reckless or deliberate damage to a Scheduled Ancient Monument.
 - (v) The removal of an object without a licence from Historic England.
- 5.12 The application site lies within close proximity of the Late Bronze Age Enclosure at Queen Mary's Hospital which is a Schedule Ancient Monument.
- 5.13 The Inspector of Ancient Monuments from Historic England has advised that the proposal is outside the boundary of the Scheduled Monument, and as such, no consent is required and no concerns are raised regarding the impact of the proposal on the setting of the monument.
- 5.14 **Design Quality:**
- 5.15 Policy 28 of Sutton's Local Plan 2018 states that council will grant planning permission for new development provided that it is attractive, designed to the highest standard and uses high quality materials. In addition, new development should respect the local context and respond to local character, make a positive contribution to the streetscene, and responds to any natural and landscape features of the site.
- 5.16 The proposed footpath and lighting would not appear as an incongruous addition to the streetscene along Monkey Puzzle Way. Furthermore, there would be limited views of

the proposed footpath and lighting from the surrounding area. As such, it is considered that the design of the proposal is acceptable and would not cause harm to the character of the area or the streetscene.

5.17 Impact on Neighbouring Amenity:

5.18 Policy 29 of Sutton's Local Plan states that the council will not grant planning permission for development if it adversely affects 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. As such, in assessing the impact of a proposed development, the council will take into consideration a loss of privacy, a loss of sunlight or daylight, and increase in noise and disturbance, the creation of a sense of enclosure or the loss of outlook, effects on microclimate, and odours, smoke fumes and dust.

5.19 Given the nature and scale of the proposal it is considered that the footpath and lighting would not result in harm to the amenity of neighbouring occupiers in terms of increased noise and disturbance or loss of outlook, privacy and light.

5.20 Trees and Landscaping:

5.21 In accordance with policy 28 of the Sutton Local Plan 2018, new developments will be expected to respect and retain existing landforms and natural features of application sites, including trees of amenity value, hedges and other landscape features, and make suitable provision for high quality additional landscaping.

5.22 It is considered that the application would not result in harm to any remaining nearby trees of amenity value.

5.23 Highways and Parking:

5.24 Policy 37 of the Sutton Local Plan 2018 requires development proposals to provide the appropriate amount of car parking and secure cycle storage in accordance with the council's restraint-based maximum car and cycle parking standards and to ensure the safe and efficient operation of the transport network.

5.25 No comments have been received from the Senior Highways Engineer. Any forthcoming comments shall be reported to the planning committee by way of an addendum.

5.26 Parking provision would not be adversely affected by the proposal and the proposal would not cause harm in terms of highway and pedestrian safety.

6.0 CONCLUSION AND RECOMMENDATION

6.1 The proposal would have a limited impact upon the Green Belt and would be acceptable in design terms. The proposal would not adversely affect the amenities of adjoining residential properties by reason of loss of light or outlook, nor would the proposal have a negative impact upon the local highway network. Furthermore, the development would not have any impact upon existing trees and other landscaped features.

- 6.2 It is recommended that planning permission be granted for the reasons set out above as the proposal is in accordance with the relevant planning policies.



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DM2018/01121

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

DRAPERS CENTRE MONKEY PUZZLE WAY CARSHALTON SM5 4NR

Construct a new pedestrian footpath and install lighting.

SECOND SCHEDULE

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: BRM/3920/1-P1, BRM/3920/1-OS, Design Statement, TRT Lighting Specifications.

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

(2) 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.

INFORMATIVES.

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

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

(3) Should you require details of the consideration of the application that has led to this decision, the file may be inspected under the provisions of the Local Government (Access to Information) Act 1985. An appointment can be made for this purpose by telephoning 020 8770-5070.

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