

PLANNING COMMITTEE - Date: 24 April 2019

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

Ref: DM2018/01687	WARD: C11-Wandle Valley	Time Taken: 30 weeks 0 days
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Site: Wandle Trading Estate Riverside, Budge Lane, Mitcham Junction

Proposal: Variation of condition 29 relating to the approved plans and 6 (flood risk) of the extant permission C2016/74653/FUL (Variation of conditions 2, 3, 9, 10, 12, 14, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32 and 33 of planning permission C2013/68191/FUL to enable a phased development and to incorporate minor material amendments to the southern site layout (proposed Phase 1) including substitution of 3 No. 2-bedroomed houses for 3No. 3-bedroomed houses, amendment to house types and flats design, associated alterations to parking and landscaping; together with removal of conditions 4, 5, 13 and 21 and submission of information to discharge conditions (as amended) 2 (materials), 3 (means of enclosure), 12 (contamination), 18 (Construction Method Statement), 22 (Archaeology), 24 (Hard landscaping), 25 (soft landscaping), 27 (Energy), 28 (Ecology buffer zone) and 30 (Piling Risk Assessment)).

Applicant: Redrow Homes (London)

Agent: Planning Potential

**Recommendation:**

**GRANT PLANNING PERMISSION SUBJECT TO THE COMPLETION OF THE DEED OF VARIATION TO THE SECTION 106 AGREEMENT**

Completion of a s.106 legal agreement to be completed by midday on 1<sup>st</sup> May 2019, or such longer period as may be agreed in writing by the Strategic Director of Housing, Planning and Regeneration, after which time the resolution to grant will be rescinded. Should a completed S106 legal agreement not be forthcoming by the date and time specified above the Planning Committee also agree to give delegated authority to officers, should they wish, to refuse permission on the basis that the proposal would fail to provide a series of infrastructure and environmental improvements.

**Reason for Report to Committee:** The application is reported to the Planning Committee at the discretion of officers.

**Summary of why the proposal is acceptable:**

- The application has made some minor material changes to the extant planning permission ref:C2016/74653/FUL. Following the assessment of these changes the application is considered to be acceptable on the following grounds below:
- The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of the borough and provides high quality housing with a number of affordable units.
- It is considered that the proposed amendments represent good design that would be in keeping with this prominent location adjacent to the River Wandle and the wider Wandle Trail.
- The proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.
- The site is located within a sustainable location with a mix of unit sizes including a number of family sized dwellings. As such, car parking at a level below the maximum standard can be accepted and the Councils Highways Engineer raises no objection to the level of parking proposed. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network.
- The access provided is acceptable and would not cause harm to highway and pedestrian safety and the introduction of a dedicated footpath which links the Wandle Trail from the north to the South.
- The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016, and Sutton Local Plan. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.

**1.0 BACKGROUND****1.1 Site and Surroundings:**

1.2 The application site lies either side of the River Wandle and consists of two plots that are collectively known as the Wandle Valley Trading Estate. The overall site, which comprises 3 phases, covers an area of 3.17ha. To the west of the river lies the Wandle Innovation Centre plot, which has a river frontage along its entire eastern side and is connected to Middleton Road and Budge Lane via a bridge link. This site is currently occupied by small industrial sheds and a Grade II listed building (“Riverside”) that is in occupation as offices. This site has previously been described as the ‘island site’.

1.3 Land to the east of the river (known as Wandle Riverside) is currently undergoing site construction works associated with the current planning application. The Wandle Riverside site comprises a northern and southern section (divided by the Mill stream and pond) and formerly comprised large industrial units, a number of outbuildings and

a scrap motor vehicle yard. The northern part of the site has a frontage to Middleton Road, Goat Road and Mill Green Road.

- 1.4 The southern part of the site has a vehicular means of access connection to Mill Green Road whilst also fronting Wood Street to the south and adjoining the Spencer Road Wetlands nature reserve to the west and allotment gardens to the east. The southern boundary also runs along the rear of the existing back gardens of Nos.41-63 Wood Street, in part separated by a strip of unregistered land. The Phase 1 site is in an advanced stage of construction and properties have been sold and occupied.
- 1.5 To the north of the site, on the opposite side of Goat Road is the Willow Lane Trading Estate which accommodates over 150 businesses and Poulter Park (within London Borough of Merton).
- 1.6 Immediately to the north and east of the site are three Grade II listed buildings at 40, 44 and 48 Mill Green Road (currently in business use), Mill Green Business Park and Mill Green common land.
- 1.7 This application concerns the development of the Phase 2 land, which lies north of the Mill Stream, fronting Goat Road.
- 1.8 The application site has a PTAL rating 1b which is classified as 'very poor' for public transport accessibility.
- 1.9 **Site Specific Designations:**
- 1.10 The site is identified as falling within the following policy designations of the Council's Local Development Framework.
- 1.11 Site Allocation
- 1.12 Site Allocation S56 'Wandle Valley Trading Estate' identifies the site as being suitable for a residential-led mixed-use development scheme that includes employment and open space provision.
- 1.13 The application falls within Archaeological Priority Area, Areas of Risk of Flooding, Decentralised Energy Opportunity Areas, Established Industrial Location, Industrial Areas with Sites Suitable for Waste Facilities, Listed Buildings, Public Open Space, Site of Importance for Nature Conservation and Wandle Valley Regional Park.
- 1.14 The application site is adjacent to Allotments, Area of Special Local Character, Green Corridor, Metropolitan Green Chain and Metropolitan Open Land.

1.15 Other Relevant Designations

- Area Prone to Surface Flooding;
- Groundwater Source Protection Zone 2;
- The Wandle Valley Corridor;
- The Wandle Trail;
- An Area of Local Equipped Area of Play Deficiency;
- Blue Ribbon Network;
- Hackbridge Neighbourhood Plan Area;
- Housing Zone.

1.16 **Relevant Planning History:**

1.17 The site has a lengthy planning history mostly relating to minor alterations and changes of use to previously existing buildings. The most recent and relevant application is the existing and extant permission for redevelopment of the site, as described below:

1.18 C2013/68191/FUL: Phased demolition of existing buildings (Apart from Riverside) and provision of a mixed redevelopment comprising a total of twenty eight 2 - bedroomed, forty five 3 - bedroomed and twenty one 4 - bedroomed two, three and four story terraced and semi-detached houses and four 2 - bedroomed self-contained flats over garages all for general sale and a four storey building comprising nine 1 - bedroomed and seventeen 2 - bedroomed self-contained flats for social housing; provision of 4,125 square metres of public open space; provision of a mix of five two and three storey buildings comprising a total of 1,152 square metres of Class B1 (Business) floorspace and retention and renovation of 'Riverside' together with a total of 218 car parking spaces (including garages, covered and surface car parking) and 280 cycles spaces to serve the residential and commercial buildings, refuse and recycling facilities, new footbridge, children's play area, soft and hard landscaping, new access roads and vehicular, cycle and pedestrian access from Goat Road, Budge Lane and Mill Green Road and pedestrian/cycle access from Wood Street. Granted September 2014.

1.19 C2013/68192/LBC: Listed Building application to demolish outbuildings, fences and gates and restoration and improvements incorporating painting, joinery work to window frames and soffit boards and replacement of damaged roof tiles and flashings. Granted September 2014.

1.20 C2016/74653 /FUL: Variation of conditions 2, 3, 9, 10, 12, 14, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32 and 33 of planning permission C2013/68191/FUL to enable a phased development and to incorporate minor material amendments to the southern site layout (proposed Phase 1) including substitution of 3 No.2- bedroomed houses for 3 No 3-bedroomed houses, amendment to house types and flats design, associated alterations to parking and landscaping; together with removal of conditions

4, 5, 13 and 21 and submission of information to discharge conditions (as amended) 2 (materials), 3 (means of enclosure), 12 (contamination), 18 (construction method statement), 22 (archaeology), 25 (hard landscaping), 25 (soft landscaping), 27 (energy), 28 (ecology buffer zone) and 30 (piling risk assessment). Granted December 2016.

- 1.21 C2016/75736/FUL: Erection of a modular building for a temporary period. Granted 23.12.2016 (marketing suite)
- 1.22 C2017/76616/NMA: Non-material amendment to C2016/74653. Granted 07.04.2017 (amendments to Plots 1-4).
- 1.23 C2017/77482/FUL: Variation of condition 29 (drawings) of planning permission C2016/74653 to amend Phase 2 layout, dwelling mix (from 9 x 1-bed and 17 x 2-bed flats plus 26 x 3-bed and 21 x 4-bed houses (73 units) to 16 x 1-bed and 12 x 2-bed flats plus 45 x 3-bed houses (73 units), design, scale and landscaping, together with Phase 2 details pursuant to conditions 1 (materials), 3 (energy statement), 4 (water efficiency), 20 (landscaping), 21 (soft landscaping), 23 (decentralised energy), 24 (ecology). Refused September 2017 for the following reasons:
- The proposed development as amended would result in a poor quality street scene by reason of prominent and poorly designed flank walls fronting principal public rights of way through the site and alongside the River Wandle.
  - The proposed development as amended, by reason of the loss of shared amenity areas from the original approved development, would result in an unsatisfactory provision of amenity space for the occupiers of the affordable flatted block.
  - The landscaping details as shown on drawing MCA 1317/01 and submitted pursuant to conditions 20 and 21 of planning permission 2013/68191 (as amended by 2016/74653) are unacceptable by reason of the proximity of proposed tree planting to proposed buildings and the selection of species adjacent to proposed public walkways which would, when established, be likely to discourage public use of these spaces through safety concerns. In addition, the submitted drawing does not show a clear link between the proposed equipped play areas which are separated by parking spaces. This, in conjunction with the loss of informal play space within the removed communal amenity spaces west of the main access road, results in a poorly conceived amenity strategy for the site.

- The proposed development, as amended, would result in an unsatisfactory allocation of car parking space across the site, notably in respect of terraced units 27-45, giving rise to likely uncontrolled and unsightly on-street car parking, causing highway obstruction and a poor quality street scene.
- The details submitted pursuant to planning conditions 23 (decentralised energy) and 24 (ecology) of planning permission C2013/68191 as amended by planning permission C2016/74653 are not acceptable. Further information is required to demonstrate the potential for the development to connect to a decentralised energy network pursuant to condition 23. Amended details are required in respect of optimising species rich wetland grassland planting and river bank re-profiling measures to optimise water vole habitat alongside the River Wandle.
- The proposed refuse strategy for the houses, comprising communal bin stores, is considered to be unacceptable giving rise to potential mis-management of household waste. Houses should be supplied with individual bin stores.
- In the absence of a S106 agreement, the proposal would fail to provide adequate contributions towards affordable housing.

1.24 C2017/78639/NMA: Non-material amendment to C2016/74653. Granted 30 January 2018.

1.25 C2017/78472/FUL: Variation of condition 29 (Approved drawings) and 6 (Flood Risk Assessment) of planning permission C2016/74653 to allow for amendment to Phase 2 layout, elevation design, incorporation of private amenity space, modifications to refuse storage, alterations to road design and layout, dwelling mix (from 9 x 1-bed and 17 x 2-bed flats plus 26 x 3-bed and 21 x 4-bed houses (73 units in total) to 16 x 1-bed and 12 x 2-bed flats plus 45 x 3-bed houses (73 units in total), revisions to Phase 2 parking layout and provision together with revised hard and soft landscaping and updated Flood Risk Assessment. Refused March 2018 for the following reasons:

- The proposed houses, by reason of their prominent and poorly designed flank walls along with the introduction of new boundary enclosures fronting principal public rights of way and the River Wandle, would result in significant harm to the street scene, character of the area and would provide an inferior design when compared to the approved scheme. The development would therefore be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2016), policy 5, 25 and 28 of the Sutton Local Plan.

- The proposed development, as amended, by reason of the loss of shared amenity areas from the original approved development, would result in an unsatisfactory provision of amenity space for the occupiers of the flatted block. The development would therefore be contrary to policy 29 of the Sutton Local Plan.
- The proposed development, as amended, would result in an unsatisfactory provision of car parking spaces across the site, giving rise to uncontrolled and unsightly on-street car parking, causing highway obstruction and a poor quality street scene. The development would therefore be contrary to policies 3.5, 7.4 and 7.5 of the London Plan (2016) and policies 28 and 37 of the Sutton Local Plan.
- The details submitted pursuant to planning condition 6 (Flood Risk Assessment) of planning permission C2013/68191/FUL as amended by planning permission C2016/74653/FUL are not acceptable. Without evidence to the contrary the details submitted have failed to demonstrate that there would not be an unacceptable impact on flood risk and sustainable drainage. The development would be contrary to policies 5.12 and 5.13 of the London Plan (2016) and policies 32, 33 and 34 of the Sutton Local Plan.
- Without evidence to the contrary, the proposal does not provide a sufficient quantum of affordable housing and fails to deliver on family sized affordable units. As such, the proposal would cause significant harm to the promotion of mixed and balanced communities contrary to policies 3.9, 3.10, 3.11, 3.12 and 3.13 of the London Plan (2016), the Mayors 'Homes for Londoners Affordable Housing and Viability SPG 2017' and Policies 8 and 9 of the Sutton Local Plan.
- For the above reasons, the proposed amended development is not considered to qualify as a minor material amendment to the original planning permission C2013/68191/FUL (as varied by planning permission C2016/74653/FUL) and a full planning application would be required for these amendments.

- 1.26 An appeal was lodged against this decision which was heard at a Public Inquiry in July 2018. During the inquiry process the Council withdraw the refusal reasons in respect of car parking, flood risk assessment, affordable housing and the application not being considered to qualify as a minor amendment as the appellant provided information during the appeal process which the Council considered to be acceptable. The first two refusal reasons listed above were still contested at the inquiry.
- 1.27 The Inspector decided to dismiss the appeal but concluded that the amount of shared amenity space was acceptable refusal reason 2 (loss of shared amenity space) should

be allowed as the site is in close proximity to at least three existing public open spaces noting that a new area of new open space is to be delivered in Phases 2 and 3.

- 1.28 In respect of the first reason for refusal the Inspector agreed that the riverside area within Phase 2 is likely to be a focal point for the development as a whole, in both visual and functional terms. The Inspector continues to advise that the elevations that were proposed for the riverside walkway would appear anonymous and rather lifeless.
- 1.29 In addition to the above, the proposed scheme would position 23 storage cupboards for household refuse bins, in five groups, alongside the riverside walk. As a result, the Inspector concluded that the proposed scheme would damage the setting of the River Wandle, and fail to secure a high quality development or public realm. In these respects it would conflict with the requirements of Local Plan allocation S56 and Policy 5. It would also fail to achieve the aims of Local Plan Policy 28 or London Plan Policies 3.5, 7.4, 7.5 and 7.6 with regard to place-making, the street scene, the public realm and the quality of new development.
- 1.30 The scheme would also fail to take the opportunity to enhance the area and the way it functions, and would thus diminish the quality of development compared to the previously approved scheme, contrary to NPPF paragraph 130. In all these respects, the appeal scheme would cause unacceptable harm to the character and appearance of the local area.

## 2.0 **APPLICATION PROPOSALS**

### 2.1 **Details of Proposal:**

2.2 This application is for minor material amendments to the planning permission reference C2013/68191, as amended by permission C2016/74653, under Section 73 of the Town and Country Planning Act 1990 (as amended), by amending the drawings referenced within Condition 29 of C2016/74653. The details of the amendments are set out below. The application also includes details in connection with 6 (flood risk).

2.3 It should be noted that the 2016 variation of the original planning permission allowed the development of this scheme in 3 phases which was set out in condition 30 of the 2016 permission. The 2016 permission authorised design and layout amendments specific to the Phase 1 of the site, south of the Mill Pond whilst also including play space and buffer zone landscaping proposals to the immediate north of the Mill Pond and stream as well as agreeing the details of pre-commencement conditions applicable to Phase 1.

2.4 The Phase 3 commercial development is on land currently owned by a third party (City and Provincial Properties) and the public open space proposals that form part of Phase

3 and as secured in the original 2014 permission, are required to be delivered no later than the occupation of the 75<sup>th</sup> dwelling or 1 October 2018, whichever the sooner. This was updated by the 2016 s.73 permission (by way of Deed of Variation to the original s.106 Agreement) to ensure the public open space was delivered no later than the occupation of the 75<sup>th</sup> dwelling or 1 December 2018, whichever the sooner.

2.5 The application also seeks to amend the Section 106 in respect of delivering the public open space within Phase 3. The public open space would now be available by December 2020. The reason for this change is set out in paragraphs 5.99 - 5.100 of the report. The reason that the s73 application is being reported to Planning Committee is not because of any constitutional reason but to ensure that the amendment to the legal agreement is made public and considered by members in the public interest as the reasons for the current delay in delivering Phase 3 are considered necessary for members to consider in the public interest.

2.6 The developer Redrow Homes now wishes to amend the existing approved details for the Phase 2 site as follows:

(a) Amended dwelling mix –

Approved dwelling type	2016 Approved mix	2017 Refused application mix	Proposed Mix	Change
<b>Private</b>				
3bed house	22	43	41	+19
4bed house	21	0	0	-21
<b>Affordable</b>				
1bed flat	9	16	9	Same
2bed flat	17	12	17	Same
3bed house	4	2	4	Same
<b>TOTAL:</b>	73	73	71	-2

(b) Amended parking space quantum and distribution – the parking spaces to be provided reduced from 115 in the approved scheme to 101 in the current submission, in response to the changed dwelling mix above, in particular the loss of 4-bedroomed houses. This is provided in a similar mix of integral parking and courtyard resident and visitor parking spaces.

(c) Amendments to condition 29, involving:

- The relocation of internal refuse stores to communal refuse stores,
- Minor amendments to the internal road layout,
- Minor realignment of parking spaces,

- Provision of a dedicated footpath along the western boundary of the site providing a continuous link to the Wandle Trail,
- Minor realignment of building footprints,
- The terraced housing blocks are generally reduced in width and depth relative to the approved scheme. The four back-to-back facing terrace blocks formerly overlooking communal amenity and informal play areas leading from the site access road to the river, are re-aligned to achieve parallel footprints and rear gardens;
- The previously semi-public communal garden and informal play areas between the aforementioned terraced blocks is replaced with private enclosed gardens of similar dimensions;
- addition of vehicular turning heads at the end of the southern and northern access roads;
- breaking up the southern terraced block of 12 houses into 3 separate, smaller terraced blocks of 4 houses each;
- Terraced dwellings set back from the carriageway edge;
- Additional hardstanding to the front of units 86-89;
- Amended house design - to align house types closer to the Redrow Homes 'Regent' style, including revised elevations and materials.

(d) .Amendments to condition 6, involving:

- alterations to the original flood risk assessment due to the reduction in building footprint, resulting in a gain in floodplain storage;
- Surface water discharge rates to be restricted to 10 litres per second, which provides a 98% benefit up to the 1 in 100 year rainfall event with climate change allowance over the pre-development situation, prior to discharge into the River Wandle and contributes to the overall site achieving the 95% reduction required by the condition.

### 3.0 **PUBLICITY**

#### 3.1 **Method of Notification:**

3.2 Consultation letters were delivered to 238 neighbouring residents in Maynooth Gardens, Mill Green Road, Wood Street, Goat Road, Budge Lane, Spencer Road, York Street, Wolseley Road, Oakdale Way, Percy Road, Senga Road, The Green, Violet Close, Dunster Way, Sandmartin Way, London Road, Lyle Close, Miller Close, McRae Lan , Chasemore Close, Batley Close and Middleton Road on 5<sup>th</sup> October 2018 and a public notice was posted close to the site on the same day. The application was also advertised in the Sutton Guardian on the 11 October 2017.

3.3 **Number of Letters Received:**

3.4 2 objections have been received from the Hackbridge and Beddington Corner Neighbourhood Development Group (HBCNDG) and the Wandle Valley Forum.

3.5 **Summary of Material Considerations:**

3.6 The application received in total 2 objections and the responses to these comments are outlined in the table below:

<b>Objection</b>	<b>Officer Response</b>
The location of bin stores are still visually prominent.	The Inspector in deciding the appeal in 2018 was concerned about was the detrimental impact of the positioning the bins along the River Wandle. All bins have been moved away from the River Wandle and are now located in between the proposed dwellings and along the flank elevations which front the internal road network.
No details have been provided as to the proposed boundary treatment.	The details of the boundary treatments are to be secured by condition.
The proposed elevations to the River Wandle have not addressed the previous application concerns.	In light of the Council's previous concerns and the Inspectors comments in the appeal decision the Council consider that the application has addressed the previous refusal reason by introducing varying size bay windows, additional windows and varying materials to the elevation.
There is a lack of clarity about the access through the site and link to the Wandle Trail is unacceptable.	The application provides a link from Goat Road through the application site 'Phase 2' and also provides a link into Phase 1 and Phase 3. As such the proposal would improve link through to the Wandle Trail in this regard.

3.7 **Summary of Non-Material Considerations:**

3.8 None

3.9 **Official Consultation:**

## 3.10 Internal:

<b>Tree Officer</b>	No objection to the approval of condition 24, subject to a condition for hard and soft landscaping as per the approved application.
<b>Senior Highways Engineer</b>	No objection.
<b>Environmental Health</b>	No objection.
<b>Sustainability Officer</b>	No objection.
<b>Lead Local Flood Risk Officer</b>	No objection.
<b>Biodiversity</b>	No objection.
<b>Waste Management</b>	No objection.
<b>Urban Design</b>	No objection subject to conditions for samples of materials to be submitted, details of hard and soft landscaping and boundary treatments.
<b>Housing Regeneration</b>	No objection.

## 3.11 External

<b>Thames Water</b>	No objection subject to the applicant subsequently seeking a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.
<b>Sutton and East Surrey Water</b>	Any comments received will be reported orally at committee.
<b>Environment Agency</b>	No objection to the flood mitigation strategy, floodplain compensation and drainage strategy.

<b>Crime Prevention</b>	No objection.
<b>Historic England (GLAAS)</b>	No objection.
<b>Fire Brigade</b>	No objection.

3.12 **Councillor Representation:**

3.13 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:

- London Plan 2016
- Draft London Plan 2017
- Sutton Local Plan 2018
- The South London Waste Plan 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents
- Human Rights Act 1998
- Equality Act 2010

4.3 Material Planning Policies Considered in Determining this Application:

4.4 **London Plan 2016:**

- Policy 2.17 Strategic Industrial Locations
- Policy 3.3 Increasing Housing Supply
- Policy 3.5 Quality and Design of Housing
- Policy 3.6 Play and Recreation Facilities
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing

- Policy 3.11 Affordable Housing Targets
- Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 Affordable Housing Threshold
- Policy 4.1 Developing London's Economy
- Policy 4.4 Managing Industrial Land and Premises
- Policy 4.12 Improving Opportunities for All
- Policy 5.1 Climate Change Mitigation
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.7 Renewable Energy
- Policy 5.12 Flood Risk Management
- Policy 5.13 Sustainable Drainage
- Policy 5.14 Water Quality and Infrastructure
- Policy 5.15 Water Use and Supplies
- Policy 5.18 Construction, Excavation and Demolition Waste
- Policy 5.21 Contaminated Land
- Policy 6.3 Assessing Effects of Development on Transport Capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing Traffic Flow and Tackling Congestion
- Policy 6.12 Road Network Capacity
- Policy 6.13 Parking
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving Air Quality
- Policy 7.15 Reducing and Managing Noise
- Policy 7.19 Biodiversity and Access to Nature
- Policy 7.24 Blue Ribbon
- Policy 7.28 Restoration of the Blue Ribbon Network
- Policy 7.30 London's Canals, Other Rivers and Waterspaces
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy
- Policy 8.4 Monitoring and Review

#### 4.5 **Sutton Local Plan 2018:**

- Policy 1 Sustainable Growth
- Policy 5 Wandle Valley Renewal

- Policy 7 Housing Density
- Policy 8 Affordable Housing
- Policy 9 Housing Sizes and Standards
- Policy 13 Housing and Garden Land
- Policy 14 Industrial Land and Waste Management
- Policy 24 Green Belt and Metropolitan Open Lane
- Policy 25 Open Spaces
- Policy 26 Biodiversity
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 30 Heritage
- Policy 31 Carbon and Energy
- Policy 32 Flood Risk and Sustainable Drainage
- Policy 33 Climate Change Adaption
- Policy 34 Environmental Protection
- Policy 36 Transport Impact
- Policy 37 Parking
- Policy 38 Infrastructure Delivery
- Policy 40 Site Allocations

#### 4.6 **Supplementary Planning Guidance/Document**

- SPD1 Designing Out Crime
- SPD 5 Planning Obligations
- 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

5.2 The planning policy and legislative context has changed since the approved application C2016/74653/FUL. On the 26th February 2018 the London Borough of Sutton adopted its local plan 'Sutton Local Plan' 2016-2031, which superseded the Core Planning Strategy DPD (December 2009) and the Site Development Policies DPD (March 2012).

- **Principle of Development**
- **Proposed minor material amendments pursuant to s.73:**
  - Design, Scale and Living Accommodation
  - Site Layout and Amenity Space
  - Dwelling Mix
  - Affordable Housing
  - Parking and Highways

- Landscaping and Biodiversity
- Listed Building setting
- Impact on Adjoining Occupiers
- Impact on Future Occupiers
- Sustainability
- **Details Pursuant to Condition 6 (Flood Risk)**
- **Section 106 Agreement pursuant to 2013/68191 and 2016/74653**
- **Community Infrastructure Levy**

5.3 **Principle of Development:**

5.4 The planning policy and legislative context has changed since the approved application C2016/74653/FUL. On the 26th February 2018 the London Borough of Sutton adopted its local plan 'Sutton Local Plan' 2016-2031, which superseded the Core Planning Strategy DPD (December 2009) and the Site Development Policies DPD (March 2012).

5.5 In addition, in August 2017 the Mayor of London - Homes for Londoners 'Affordable Housing and Viability Supplementary Planning Guidance 2017' was adopted. This introduced a requirement to provide a minimum of 35% affordable housing provision for a 'Fast Track' route, if a scheme does not provide 35% then developers are required to submit a detailed viability assessment.

5.6 The previous application ref: C2016/74653/FUL established the acceptability of the application site being used for residential purposes and the development is substantially complete and remains as 24% affordable housing.

5.7 The proposal is considered to be in accordance with the NPPF, the London Plan 2016 and the Council's Sutton Local Plan. The development is acceptable in land use terms, however, this is subject to the consideration of all other relevant policy guidance and material considerations which are considered below.

5.8 **Proposed minor material amendments pursuant to s.73**

5.9 ***Design, Scale and Living Accommodation***

5.10 Policy 28 of the Sutton Local Plan states that the Council will only grant planning permission for development providing it maintains and enhances local character and the appearance of the surrounding area. The policy also requires proposals to be attractive, designed to the highest standard, especially with regard to architectural detailing, and uses high quality materials. Proposals should also make a positive contribution to the street frontage, streetscene and / or public realm, such as using railings and low walls where practicable. Developments are required to be inclusive

and accessible for all and improve movement through areas with, direct, accessible and easily recognisable routes.

- 5.11 Policy 5 'Wandle Valley Renewal' states that the Council will expect new developments to be of high-quality design and respect the River Wandle and its setting.
- 5.12 The originally approved scheme C2013/68191/FUL was varied by application C2016/74653/FUL but did not change the design of Phase 2, provided a scheme which focused on opening up and maximising views to the River Wandle whilst retaining green links throughout the site. The buildings on the northern part of the site were centred on west-facing raised landscaped gardens for the residents shared amenity space. Houses around these gardens were designed as 'wharf like' in style, being close to the water and all units have generous private terraces with open views to the river. The buildings stepped down in height from the entrance to the site which was marked by a contemporary building with south and west facing roof terraces/balconies containing 26 apartments servicing the affordable units.
- 5.13 The buildings on Wandle Riverside development were designed using sustainable materials such as timber and brick. Where possible roofs were proposed to have photovoltaic panels to supply renewable energy and timber solar shading is proposed to south-facing elevations. It was considered that overall, the proposed layout in the earlier permissions referred to above would provide a high quality environment as the scale and massing was appropriate, creating a visually interesting scheme that would significantly improve the appearance of the site.
- 5.14 Specifically within Phase 2 of application C2013/68191/FUL, and to add variety to the elevations, the flank elevations of the houses included large bay style windows three storeys in height, with hipped roofs and large windows. The flank elevations of properties which fronted onto the River Wandle did not have windows at ground level, however, they did incorporate two and three windows at first and second floor and some included windows within the roof space, which gave broader views towards the River Wandle.
- 5.15 The flank elevations of properties which fronted onto the streets also included large bays incorporated windows and doors at ground floor level. All properties with the exception of the flatted block, would have a storey height brick base with timber cladding to the upper floors which would project beyond the lower brickwork adding definition and character to these elevations.
- 5.16 The previous application C2017/77482/FUL sought to make amendments to the approved scheme, this included amendments in respect of the design, scale and living accommodation included;

- The terraced housing blocks were generally reduced in width relative to the approved scheme;
- The previously semi-public communal garden and informal play areas between the terraced blocks were replaced with private enclosed gardens;
- breaking up the southern terraced block of 12 houses into 3 separate, smaller terraced blocks of 4 houses each;
- Amended house design - to align house types closer to the Redrow Homes 'Regency' style as already being established on the Phase 1 site; and
- External materials for the apartment block to match those for the proposed Redrow house-types, with the addition of white painted render.

5.17 The previous refused scheme ref: C2017/75472/FUL removed all of the large bays to the flank elevations and a number of windows. The previous refused scheme removed all of the large bays to the flanks elevations and all windows. In addition, the proposed elevations were to be finished in brick which was flush to the building. As such, it was considered that the proposal would result in a poor quality street scene by reason of prominent and poorly designed flank walls fronting principal public rights of way through the site and alongside the River Wandle, which was upheld by the Planning Inspectorate in determining the appeal.

5.18 In response to the previous refusal and the Inspector appeal decision, the current application has made significant amendments to the design of the flank elevations fronting the River Wandle and the central spine road and fronting the River Wandle. The proposal includes full height or raised projecting bays, revised materials and additional larger windows.

5.19 The three house types on the previous application A01, B01 and C01 have been amended in the prominent locations. The following amendments have been made:

- House types A01 and B01 have been amended on the end elevations to incorporate a projecting bay made from Eternit clad timber and six windows. In total one window at ground floor which is to be obscure glazed, two double height windows at first floor level and three windows at second floor level are now proposed. The windows are all predominantly full height to ensure the views of the River Wandle are maximised.
- House type C01 has been amended on the end elevations to incorporate a part bay window (first floor and above) made from Eternit clad timber and eight windows. One at ground floor level, three at first floor level and four at second floor level.

5.20 As referred to above in paragraphs 1.28 to 1.30 the Inspector advised that the *'elevations that are now proposed for the riverside walkway would appear anonymous and rather lifeless. As such, they would not complement the setting, or contribute to the*

*creation of an attractive public (or semi-public) space'. The Inspector continued to advise that 'the proposed scheme would position 23 storage cupboards for household refuse bins, in five groups, alongside the riverside walk. The design of these structures could be controlled by condition, and it might be possible for them to be attractively designed; but no such details had been submitted, and it seems more likely that they would be fairly basic and utilitarian and without any evidence to the contrary, it would seem that to me that the presence of such a large number of bin stores would be an unduly dominant feature in this sensitive location, and would harmfully detract from the ambience of the walkway and riverside area, as a place for relaxation and enjoyment'.*

- 5.21 The proposed bin stores have also been redesigned and relocated between terraces and along the flank elevations of dwellings fronting the internal road. The front elevations of the bin stores include 'hit and miss' gate style timber doors with individual locks, matching the proposed materials to the bay windows on the main dwellings (Eternit clad timber). The bins have been designed in a manner that they will integrate with the ground floor elevations of the proposed dwellings.
- 5.22 The proposal has made significant amendments to the flank elevations of the dwelling by introducing full and part bay windows to the flank elevations of the proposed dwellings. An increase in the number and size of windows within the prominent elevations along with the flank elevations, including cream brick work, grey timber cladding, which are considered to be more sympathetic to the setting of the application site along the River Wandle. As such the proposed amendments more closely reflect the design aspirations of the original application.
- 5.23 The design and location of the bin stores, which would either be positioned within the proposed garages or along flank elevations of the terraces is now considered to be in a more appropriate location and would satisfactorily integrate into the design of the proposed dwellings.
- 5.24 As such, it is considered that the application has successfully overcome the previous reasons for refusal. Furthermore, the Inspectors appeal decision in respect of the design of the flank elevations of the proposed dwellings along the River Wandle and the design and location of the bin stores has been taken into consideration in accordance with policy 28 of the Sutton Local Plan.
- 5.25 As referred to above, the application includes the introduction of private, defensible curtilages rather than the previously approved communal amenity walkways. The public communal gardens which were provided as part of the approved application were designed to focus on opening up and maximising views to the River Wandle whilst retaining green links throughout the site.

- 5.26 The Council refused the previous application ref:C2017/78472/FUL as it was considered that the enclosing of the public communal gardens would reduce the open nature of the site, reducing the communal amenity space for the residents but also blocking views of the River Wandle from the east of the site. The openness of the site was a fundamental positive feature of the originally approved scheme and the currently requirement in the site allocation (S56) is to create a publicly accessible green open space which will form part of the wider Wandle Trail and Wandle Valley Regional Park and improve access throughout the site.
- 5.27 The Council considered that whilst the public communal gardens would not theoretically form part of the Wandle Trail and Wandle Valley Regional Park, the removal of the communal gardens would significantly detach the development from the river frontage and wider Wandle Trail and Wandle Valley Regional Park. The development would be viewed from the Wandle Trail as being enclosed and the boundary treatments would unacceptably add to the bulk of the development from these views.
- 5.28 The Inspector in making his decision concluded that *'the new scheme would also make some changes to the previously approved boundary treatments alongside the walkway. However, to my mind the effects of these changes would be broadly neutral. They would therefore not significantly offset the harm resulting from the design of the flank elevations and the siting of the bin stores'*.
- 5.29 As such, it is considered that in light of the Inspectors decision the introduction of new boundary enclosures fronting principal public rights of way and the River Wandle, would not result in significant harm to the streetscene and character of the area.
- 5.30 As such, it is considered that the proposal is a well-designed scheme comprising a design approach which relates to this prominent site along the River Wandle. The proposal is of a good architectural and urban design quality that will offer a significant improvement to the streetscene, townscape and wider views beyond. It is considered to address the reasons for refusal as upheld by the Inspector when dismissing the appeal in 2018.
- 5.31 The application is considered to meet the aims and objectives of policies 5 and 28 of the Sutton Local Plan 2018 and the site allocation S56.
- 5.32 ***Site Layout and Amenity Space:***
- 5.33 Policy 28 of the Sutton Local Plan states that new developments where appropriate should make provision for suitable new planting, trees and boundary treatments, taking into account the future effects of climate change, incorporate well-designed soft and hard landscaping. Furthermore, the policy states that developments should be

inclusive and accessible for all and improve movements through areas with direct, accessible and easily recognisable routes.

- 5.34 Policy 9 of the Sutton Local Plan states that The Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016 sets a standard of 5m<sup>2</sup> of private outdoor space for 1 to 2-person dwellings and an extra 1m<sup>2</sup> for each additional person. It is considered that in a suburban setting, typical of large parts of the borough, this minimum private outdoor space standard is inappropriate. The Council's Urban Design Guide SPD has minimum standards of 25m<sup>2</sup> for flats or one-bedroom units, 40m<sup>2</sup> for two-bedroom units and 70m<sup>2</sup> for three bedroom units. In some cases, particularly in Areas of Potential Intensification, this minimum standard may be considered too onerous. Therefore it is considered more appropriate to use the council's Urban Design Guide SPD or any successor document as a guide, rather than minimum standards, taking into account surrounding local character.
- 5.35 Policy 9 of the Sutton Local Plan continues to states that the council will not grant planning permission for new residential development, including conversions, which does not meet the internal space standards set out in the London Plan.
- 5.36 The previous application ref:C2017/78472/FUL was refused as it was considered that the proposed development, as amended, by reason of the loss of shared amenity areas from the original approved development, would result in an unsatisfactory provision of amenity space for the occupiers of the flatted block.
- 5.37 The Inspector in making his decision stated that the appeal site is close to at least three existing public open spaces, at Mill Green, Poulter Park and Watercress Park. Within the development itself, as well as the riverside area, there will also be a sizeable area of new open space to be created within Phase 3, and an equipped play area for varying age groups, within Phase 2 itself, adjacent to the apartment block. Although none of these would serve quite the same purpose as the previously proposed communal gardens. The Inspector was satisfied that the occupiers of the flats would have ready access to a variety of outdoor spaces within a short distance from their homes.
- 5.38 The Inspector noted that appeal scheme failed to meet the SPD standard and would not fully accord with Policy 9 of the Local Plan, saying "But that policy allows for decisions to be made on a case-by-case basis, and in the present case, I am satisfied that the circumstances justify departing from those standards to some degree". As such the Inspector concluded that the appeal scheme would have provided adequate private amenity space had it been considered acceptable in all other respects.
- 5.39 The application is therefore considered to provide a suitable amount of private amenity space for the occupiers of the dwellinghouses and the occupiers of the flats will have

access to private balconies, shared amenity space within the development and parks within close proximity to the application site.

- 5.40 The previous applications have provided a pathway along the eastern side of the River Wandle. This path would provide a connection to Phase 1 and Phase 3 and beyond. The previous applications proposed to end the footpath at the northern end of the site where the site abuts Goat Road. This application proposes to open up a section at the northern end of the site to provide direct access from the application site onto Goat Road.
- 5.41 Further to the north of the application site, is the Wandle Trail, which ends at Watermead Lane and then continues from Budge Lane through to Phase 3 of the wider site. The proposed opening of the north wall along Goat Road would allow direct access for the users of the Wandle Trail to continue their walk along the River Wandle, enhancing their experience and provides further permeability through the site, which the refused application did not provide.
- 5.42 There are a number of improvements in the amended site layout relative to the existing approved scheme, specifically by reason of the provision of dedicated vehicle turning heads, increased separation between the front of terraced houses and the access road carriageways.
- 5.43 As such, it is considered that the proposal provides a suitable site layout and provides satisfactory levels of private and shared amenity spaces for all residents in accordance with policy 9 of the Local Plan.
- 5.44 ***Dwelling Mix:***
- 5.45 The NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. Policy 9 'Housing Size and Standards' of the Sutton Local Plan states that all developments should seek to provide 25% of all dwellings on site as having three-bedrooms or more, unless it can be demonstrated that this would be unviable or the particular site circumstances are not suitable for family housing.
- 5.46 The application has removed all 21x4 bedroomed dwellings from the originally approved application, with all single family dwelling houses now being 3 bedroomed.
- 5.47 The amended private dwelling mix is considered acceptable as the majority of dwellings will comprising three bedrooms or more and the distribution of land uses across all three phases of the development remains unchanged to that originally approved. As such the development would be in accordance with policy 9 of the Local Plan.

5.48 ***Affordable Housing:***

5.49 The NPPF highlights the Strategic Housing Market Assessment (SHMA) as a key piece of evidence in determining housing needs. Paragraph 122 in the Framework outlines that planning policies and decisions should support development that makes efficient use of land, taking into account:

- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- Local market conditions and viability;
- The availability and capacity of infrastructure and service – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future case use;
- The desirability of maintain an areas prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- The importance of securing well-designed, attractive and healthy places.

5.50 In regard to housing mix, the NPPF sets out that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Planning authorities should identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

5.51 In terms of affordable housing, the London Plan requires Boroughs to seek the maximum reasonable amount of affordable housing when negotiating on individual development schemes. Policy 8 of the Sutton Local Plan states that the Council will seek a minimum of 35% of all housing to be affordable on a site when negotiated on individual residential and mixed use scheme, the Council will have regard to individual site costs, economic viability, the availability of public subsidy and any other scheme requirements.

5.52 Paragraph P9.3 (page 49 of the Sutton Local Plan) states that there is a pressing need for larger market homes, principally 2 and 3-bedroom homes and smaller affordable units, principally 1 bedroom homes. However, the rate of loss of 2 to 3-bedroom affordable housing through recent right-to-buy means the supply of these homes is now under threat and is reducing the ability of providers to house homeless families in need.

5.53 Policy 9 'Housing Sizes and Standards' states that the Council will grant planning permission for new residential development, provided that it includes a mix of dwelling sizes which is proportionate across tenures. The policy continues to state that on sites particularly suited to larger-sized family houses such as sites over 0.5ha or in an area

with a low public transport accessibility level, the Council will expect the proportion of units having three bedrooms or more to exceed 50%.

- 5.54 The financial viability statement in the original permission demonstrated that 26 affordable units (21%) was the maximum that could be provided on the site without the development becoming financially unviable to proceed. This statement was independently assessed by the Council's independent experts on who concurred with the applicant's findings. The subsequent application C2016/74653/FUL submitted a further viability assessment which proposed an increased amount of affordable housing (24%) including 4 x three bedroom houses, all on the Phase 2 land. An assessment concluded that the proposed level of 24% affordable housing would result in the scheme being marginally unviable. However, the applicant's stated that they were willing to maintain this offer whilst accepting a reduced profit margin. This was considered to be reasonable and was accepted by the Housing enabling team.
- 5.55 The previous application that was dismissed on appeal ref:C2017/78472/FUL was refused as it was considered that without evidence to the contrary, the proposal did not provide a sufficient quantum of affordable housing and failed to deliver on family sized affordable units. As such, the proposal would have caused significant harm to the promotion of mixed and balanced communities. Although the appeal scheme proposed the same total number of units (30) and percentage at 24%, the Housing Enabling Team objected to the loss of two of the 3 bedroomed houses and to the overall loss of family sized units.
- 5.56 This current application now proposes nine 1 bedroomed flats, seventeen 2 bedroomed flats and forty-five 3 bedroomed single family dwelling houses with a total of 71 units. This would be a total reduction of two units from the extant permission, however, this loss would be from the market units and the level of affordable units would be retained (30 units). The Council Housing Enabling Officer welcomes the number of affordable unit and family sized dwellings.
- 5.57 A viability assessment submitted by the applicants and verified by the Council's own independent advisors confirms that the scheme would not be able to provide any further affordable housing units without becoming financially unviable. As such, the provision of nine 1 bedroomed, seventeen 2 bedroomed self-contained flats and four 3 bedroomed single family dwelling houses is acceptable and would comply with policies 3.11 and 3.12 of the London Plan 2016 and policies 8 and 9 of the Sutton Local Plan.
- 5.58 ***Parking and Highways:***
- 5.59 Policy 36 of the Sutton Local Plan states that developments will be assessed for their impact on the highway and public transport network as well as the local environment and should be located so as to minimise any adverse impact on the highway network

and maximise the use of sustainable mode of transport. Policy 28 of the Sutton Local Plan (j) states that developments should not be dominated by car and cycle parking.

- 5.60 The application site falls within PTAL rating 1B which is classified as 'very poor'. The Council's car parking schedule states that 1-2 bed dwellings within the rest of the borough are required to provide 1 car parking space and 3 and 4 + bed dwellings are required to provide 2 car parking spaces.
- 5.61 In addition, the Local Plan advises that in areas with PTAL levels 0-1 the Council will normally require developments to provide the maximum standards in full.
- 5.62 The previous application ref:C2017/78472/FUL was refused as it was considered that the proposal would result in an insufficient provision of car parking spaces across the site, giving rise to uncontrolled and unsightly on-street car parking, causing highway obstruction and a poor quality street scene.
- 5.63 The extant permission for Phase 2 provided 115 car parking spaces which were predominantly provided within integral garages and a number of on-street car parking spaces. This current application proposes 101 car parking spaces.
- 5.64 The previously approved application was considered acceptable with 186 car parking spaces across the whole site which is a 91% provision compared with the Council's maximum parking standard of 205 spaces. The Phase 2 land had 115 car parking spaces and 101 spaces are now being provided for the 71 units.
- 5.65 During the course of the appeal, additional information was submitted by the developer to support the provision of 101 car parking spaces. The Council's Principal Highway's Officer assessed the information and confirmed that the proposed level of car parking was acceptable. The number of car parking spaces currently proposes is the same that was considered acceptable during the course of the appeal in which the Council did not contest, as it is considered that the revised parking spaces and provision of a car club within Phase 1 provides adequate mitigation for the reduction in car parking spaces.
- 5.66 The application does propose minor realignment of four car parking spaces within the south-eastern corner of the site which enables the relocation of bin stores. Vehicular swept path analysis have been undertaken which demonstrate that these spaces can be accessed by larger vehicles.
- 5.67 The Council's Senior Highway's Officer has assessed the information submitted and advised that the proposal is acceptable and would not give rise to on-street parking. As such, the application meets the requirements of policies 3.5, 7.4, 7.5 of the London Plan and Policies 28 and 37 of the Sutton Local Plan.

5.68 ***Landscaping and Biodiversity:***

5.69 Policy 28 (Character and Design) of the Sutton Local Plan states that new developments, where appropriate should:

- Make provision for suitable new planting, trees and boundary treatments, taking into account the future effects of climate change, and
- Incorporate well-designed soft and hard landscaping.

5.70 Policy 5 'Wandle Valley Renewal' of the Sutton Local Plan seeks to enhance the quality of the River Wandle, increase its benefits for people and wildlife and to protect and enhance the borough's biodiversity.

5.71 In addition, Policy 26 'Biodiversity' states that the council will protect and enhance Sites of Importance for Nature Conservation, Green Corridors and biodiversity. Major new development should result in no net loss in biodiversity value, as assessed against the DEFRA biodiversity offsetting metric, the Environment Bank Biodiversity Impact Calculator or any metric which the council subsequently adopts formally. New development should incorporate opportunities to enhance biodiversity, wherever possible.

5.72 The acceptability of any potential impact on biodiversity and landscaping provisions was established under the extant application C2016/74653/FUL, as it was considered that there would be no impact on biodiversity and hard and soft landscaping details can be secured by condition.

5.73 The Council's Principal Tree Officer and Biodiversity Officer have both raised no objections to the current application subject to these conditions being approved.

5.74 ***Listed Building Setting:***

5.75 The acceptability of any potential impact on adjoining Listed Buildings at 40-48 Mill Green Road and the 'Riverside' buildings within Phase 3 of the wider application site was established under the extant permission C2016/74653/FUL, as it was considered that due to the separation distance and the design of the buildings there would be no adverse impact on the settings on the Listed Buildings.

5.76 ***Impact on Adjoining Occupiers:***

5.77 Policy 29 'Protecting Amenity' 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 residents of the surrounding area.

- 5.78 The acceptability of any potential impact on adjoining neighbours was established under the extant application C2016/74653/FUL, as it was considered that due to the separation distance and the orientation of the dwellings there would be no undue amenity impacts on neighbouring residents.
- 5.79 Having regard to the similar siting of built footprint, access road and open spaces, reduced number of dwellings, reduction in building heights and widths across the site, it is considered that there is no material change in terms of previously assessed neighbouring amenity impact.
- 5.80 ***Impact on Future Occupiers:***
- 5.81 Policy 29 'Protecting Amenity' 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 residents of the surrounding area.
- 5.82 The acceptability of any potential impact on future occupiers was established under the extant permission C2016/74653/FUL, as it was considered that due to the separation distance and the orientation of the dwellings there would be no undue amenity impacts on neighbouring residents.
- 5.83 As such the amended proposal would be in accordance with policy 29 of the Local Plan.
- 5.84 ***Sustainability:***
- 5.85 Policy 31 (Carbon and Energy) of the Sutton Local Plan seeks to minimise CO2 emissions on site, developers should prioritise the following range of energy efficiency measures from the earliest stages of project planning and design in line with the first step of the Mayor's energy hierarchy (be lean: use less energy):
- High standards of insulation (U-values)
  - Air tightness and reduced thermal bridging,
  - Use of thermal mass,
  - Optimising orientation and solar gain,
  - Appropriate solar shading,
  - Natural ventilation and lighting,
  - Energy efficient lighting,
  - Mechanical ventilation with heat recovery.

- 5.86 Energy statements submitted in support of planning applications should provide details of all proposed energy efficient measures and the CO2 savings to be achieved.
- 5.87 Policy 33 (Climate Change Adaptation) to the Sutton local Plan seeks that developments should minimise vulnerability of people and property and be fully adapted and resilient to the future impacts of climate change. Policy 34 (Environmental Protection) of the Sutton Local Plan seeks to protect water quality and the River Wandle, air quality, land contamination, noise and vibration, light pollution, construction impacts and hazardous substances and installations.
- 5.88 The acceptability of sustainability measures was established under the extant application C2016/74653/FUL. The Council's Sustainability Officer has advised that the proposed amendments to the approved application do not materially change the details found acceptable in previous applications and it is considered that the proposal would accord with the intentions of Policies 31, 33 and 34 of the Sutton Local Plan.
- 5.89 **Details Pursuant to Condition 6 (Flood Risk):**
- 5.90 Policy 32 of the Sutton Local Plan seeks to reduce flood risk to and from new development and to cut pollution and address the cause and impacts of climate change by promoting low carbon and environmentally sustainability development.
- 5.91 The policy continues to state 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.
- 5.92 Policy 5 'Wandle Valley Renewal' of the Sutton Local Plan seeks to enhance the quality of the River Wandle, increase its benefits for people and wildlife and to protect and enhance the borough's biodiversity.
- 5.93 Policy 34 'Environmental Protection' of the Sutton Local Plan states that development proposals should maintain and improve water quality and minimise pollution of adjacent water bodies or groundwater resulting from surface water run-off by applying the principles of 'water sensitive urban design' as part of the proposed SuDS strategy.
- 5.94 The Councils Biodiversity Officer, Lead Local Flood Risk Officer and the Environment Agency have all confirmed that the details submitted with the application would not have any significant impact on the potential impact to flood risk and sustainable drainage. As such, the application is considered acceptable in terms of meeting the intentions of policies 5, 32 and 34 of the Sutton Local Plan.

5.95 **Section 106 Agreement pursuant to 2013/68191 and 2016/74653:**

5.96 As part of the original Section 106 agreement pursuant to planning permission C2013/68191/FUL, schedule 6 (Public Open Space) paragraph 1.2 stated that 'Unless otherwise agreed in writing by the Council, no later than the earlier of six (6) months after the date upon which the Owner has obtained vacant position of the Public Open Space and 1 October 2018 the Owner shall:

*'Clear the Public Open Space of all buildings and carry out and complete the planting of the Public Open Space in accordance with the specification approved by the Council'.*

5.97 The subsequent planning application C2016/74653/FUL and deed of variation amended the date the owner should clear the public open space from the 1 October 2018 to the 1 December 2018 and in addition to this date a clause was added that the land should be cleared either by the 1 December 2018 or when the 75<sup>th</sup> dwelling has been occupied.

5.98 The land which is referenced within the above deed of variation is known as Phase 3 of the wider application site. During the latter part of 2018, the owners of 'phase 3' made the Council aware that they would be unable to meet the requirements of the agreement as they were in the process of legal action to try and remove tenants from the land.

5.99 The Council have been in discussions with the owners of phase 3 and the applicant of this application who is a signatory to any deed of variation, to agree a realistic date that the Public Open Space can be delivered. The deed of variation to this application seeks to remove the clause of the 75<sup>th</sup> dwelling being occupied and replace the 1 December 2018 with December 2020. Whilst the Council acknowledges that the proposed date will mean that the public will not have access to this part of the site for a further 20 months, officers are confident that due to the potential lengthy court process which could arise on the site, should there be an appeal of any eviction notices, the completion date of December 2020 is realistic for the public space to be delivered.

5.100 The deed of variation will also need to be amended to secure the necessary alterations to the affordable housing mix, inclusion of early and late stage review mechanisms in line with the Mayors SPG, Travel Plan monitoring fee, nomination rights, car club and London wetlands trust requirements for fences and gates.

5.101 As stated above in para 5.99-5.100, officers are using their discretion under the scheme of delegation is they consider it is in the interests of open and transparent governance that the delay to the implementation of Phase 3 is drawn to members attention and for officers to advise as to the realistic prospects of completion of the open space.

5.102 **Public Sector Equality Duty (PSED) and Human Rights:**

5.103 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.

5.104 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.

5.105 **Community Infrastructure Levy (CIL):**

5.106 Payment of CIL has already been received for the Phase 1 development, totalling £573,915.54. There is no CIL liability for Phase 3 (commercial).

5.107 The proposed development would be liable for the London Borough of Sutton's Community Infrastructure Levy (CIL) as well as the Mayor of London's CIL indexed from its adoption in April 2012.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 It is recommended that planning permission is granted for the reasons set out below:

6.2 The application has made some minor material changes to the extant planning permission ref:C2016/74653/FUL. Following the assessment of these changes the application is considered to be acceptable on the following grounds below:

6.3 The proposal represents a high quality redevelopment scheme which would make a considerable contribution towards the regeneration of this part of the borough and provides high quality housing with a number of affordable units.

6.4 It is considered that the proposed amendments represent good design that would be in keeping with this prominent location adjacent to the River Wandle and the wider Wandle Trail.

6.5 The proposal would result in an acceptable standard of amenity for the future occupiers of the development in accordance with development plan policy.

6.6 The site is located within a sustainable location with a mix of unit sizes including a number of family sized dwellings. As such, car parking at a level below the maximum

standard can be accepted and the Council's Highways Engineer raises no objection to the level of parking proposed. The proposed traffic generation is unlikely to cause any significant impact on the performance of the local road network.

- 6.7 The access provided is acceptable and would not cause harm to highway and pedestrian safety and the introduction of a dedicated footpath which links the Wandle Trail from the north to the South.
- 6.8 The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan 2016, and Sutton Local Plan. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to conditions and the completion of a legal agreement.
- 6.9 The proposal is considered to be in accordance with the NPPF, the London Plan 2016 and the Council's Sutton Local Plan.

Background Papers: DM2018/01687

**G**

Planning Potential  
Magdalen House  
148 Tooley Street  
London  
SE1 2TU

DM2018/01687

# 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

Wandle Trading Estate, Goat Road, Mitcham Junction, CR4 4HW

Variation of condition 29 relating to the approved plans and 6 (flood risk) of the extant permission C2016/74653/FUL (Variation of conditions 2, 3, 9, 10, 12, 14, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32 and 33 of planning permission C2013/68191/FUL to enable a phased development and to incorporate minor material amendments to the southern site layout (proposed Phase 1) including substitution of 3 No. 2-bedroomed houses for 3No. 3-bedroomed houses, amendment to house types and flats design, associated alterations to parking and landscaping; together with removal of conditions 5, 13 and 21 and submission of information to discharge conditions (as amended) 2 (materials), 3 (means of enclosure), 12 (contamination), 18 (Construction Method Statement), 22 (Archaeology), 24 (Hard landscaping), 25 (soft landscaping), 27 (Energy), 28 (Ecology buffer zone) and 30 (Piling Risk Assessment)).

## SECOND SCHEDULE

(1) The type and treatment of the materials, including samples, to be used on the exterior of the building(s) shall be approved in writing by the Local Planning Authority prior to each phase of the development as approved being carried out. The approved materials shall be used in the construction of the development hereby approved and completed prior to its occupation/use.

Phase 1 of the development shall be implemented in accordance with the details contained in the amended Design and Access Statement (October 2016) and samples received on 14.11.2016 being specifically:

- Ibstock Leicester Multi-Cream Stock Brick
- Ibstock Milburn Ashen Brown Blend Brick
- Forticrete interlocking tile (smooth grey slate)

Such details being hereby approved.

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

(2) The positioning and type of means of enclosure for each phase of the development shall be the subject of a detailed scheme to be submitted in writing to the Local Planning Authority for approval. The approved scheme shall be provided prior to the occupation of any part of the development hereby permitted and shall be retained thereafter.

Phase 1 of the development shall be implemented in accordance with drawing referenced 1690-502H (Phase 1 boundary treatment key plan) as hereby approved.

Reason: To safeguard, where applicable, the visual amenity and privacy of occupiers of adjoining properties and to ensure compliance with Policy 28 of the Sutton Local Plan 2018.

(3) Within 3 months of building work starting on site, an Energy Statement incorporating 'as-designed' BRUKL outputs prepared under the Standard Assessment Procedure (SAP) must be submitted to the Local Planning Authority and approved in writing which demonstrates how 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 seek to achieve a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The Energy Statement should address how any shortfall in CO2 reduction will be addressed, such amended measures to

be firstly agreed in writing by the local planning authority.

Phase 1 of the development shall be implemented in accordance with the Phase 1 Energy Assessment (SILCOCK DAWSON & PARTNERS V.4.1) as hereby approved.

Reason: To comply with Policy 31 of the Sutton Local Plan 2018

(4) Prior to first occupation of each respective phase of the development as 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.

Phase 1 of the development shall be implemented in accordance with the Phase 1 Water Calculation Sheets (Silcock Dawson & Partners v.1.0) as hereby approved.

Reason: To comply with Policy 33 of the Sutton Local Plan 2018

(5) Prior to first occupation of the commercial buildings, a BREEAM New Construction 2011 Final (Post-Construction) Certificate, issued by the BRE or equivalent authorising body, must be submitted to the Local Planning Authority and approved in writing to demonstrate that an 'Excellent' rating has been achieved for each of the employment units. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Policy 33 of the Sutton Local Plan 2018.

(6) The development will be constructed in accordance with the approved site specific Flood Risk Assessment (FRA) and detailed drainage strategy for the management of surface water run-off prepared by Glanville Consultants (report ref CV8110583/SH/DW/017 Issue 4, dated February 2014) and the supplementary Flood Risk Assessment for Phase 2 (ref: 160280-05E) prepared by Ardent Consulting Engineers (Dated September 2018). The development will provide appropriate site drainage and flood risk management measures, based on sustainable urban drainage principles (SUDS), the Mayor's drainage hierarchy, the 'SUDS train' and the principles of Water Sensitive Urban Design. The detailed drainage strategy and proposed SUDS measures must:

- (i) as a minimum, reduce peak surface water flow rates for the 1 in 100 year (plus 30% climate change event) compared to existing conditions on site by at

least 95% for the Wandle Riverside Development and by at least 90% for the Innovation Centre Development;

- (ii) ensure that the volume of runoff for the 1 in 100 year, six hour rainfall event is no greater than that prior to the proposed development; and
- (iii) identify proposed flood resilient construction measures as part of the detailed design of all buildings on site in order to mitigate against any residual risk of flooding.
- (iv) include details of how the drainage scheme shall be maintained and managed after completion.

Reason: To comply with Policies 32, 33 and 34 of the Sutton Local Plan 2018 and London Plan Policies 5.12 and 5.13.

(7) Prior to first occupation of each phase of the development as approved, written confirmation that the approved site drainage strategy for the management of surface water run-off, including sustainable urban drainage (SUDS) and water sensitive urban design measures, have been implemented as part of the development. As built plans must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence should be provided to show that peak surface water flow rates for the 1 in 100 year (plus 30% climate change event) compared to existing conditions on site will be reduced by at least 95% for the Wandle Riverside Development and by at least 90% for the Innovation Centre Development. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Policy 33 of the Sutton Local Plan 2018 and London Plan Policies 5.12 and 5.13

(8) Within 3 months of work starting on each phase of the development as approved completed Building Research Establishment (BRE) Calculator Tools (or agreed equivalent) relating to the following sustainable construction specifications, must be submitted to the Local Planning Authority and first approved in writing to demonstrate how

- (i) each of the following elements are specified to achieve an 'A' rating for reduced lifecycle impact, where possible according to the BRE 'Green Guide to Specification' -
  - (i) roof (ii) external walls (iii) internal walls (including party walls and partitions)(iv) floors (upper and ground); and (v) windows. At least 3 of these elements must achieve at least a 'B' rating; and
  - (ii) at least 50% of materials are to be locally sourced by weight (where available) and
    - (a) at least 95% of timber and timber products are Forest Stewardship Council (FSC) accredited with the remainder being compliant with the UK Government's Timber Procurement Policy; and (b) at least 25% of the total value of construction materials or products used are sourced from re-used or recycled construction materials where feasible.

Phase 1 of the development shall be implemented in accordance with the Phase 1 Sustainable Construction Specifications (17.02.2017).

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

(9) Within 3 months of work starting on the commercial development, completed Building Research Establishment (BRE) Calculator Tools relating to BREEAM criteria Mat01 (Life Cycle Impacts) and Mat 03 (Responsible Sourcing of materials) together with any relevant design or specification documentation, must be submitted to the Local Planning Authority and approved in writing to demonstrate that the following minimum standards are met for both the proposed dwellings and employment units:

- i. each of the following elements are specified to achieve an 'A' rating for reduced lifecycle impact, where possible according to the BRE 'Green Guide to Specification' (i) roof (ii) external walls (iii) internal walls (including party walls and partitions) (iv) floors (upper and ground); and (v) windows. As a minimum at least 3 of these elements must achieve at least a 'B' rating;
- ii. at least 50% locally sourced materials by weight (where available);
- iii. at least 95% of timber and timber products are Forest Stewardship Council (FSC) accredited with the remainder being compliant with the UK Government's Timber Procurement Policy and;
- iv. at least 25% of the total value of construction materials or products used are sourced from re-used or recycled construction materials where feasible.

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

(10) Each phase of the development as approved shall not be implemented until a contaminated land assessment and associated remedial strategy relevant to that phase (or phases), has been submitted to, and agreed in writing by the local Planning Authority.

Phase 1 of the development shall be implemented in full accordance with the remedial measures set out in the RSK Remedial Strategy Report September 2016 (ref: 28423-R02(05)) and accompanying RSK supplementary geo-environmental site assessment May 2016 (ref: 28423-R01(01)) as hereby approved.

Phase 2 of the development shall be completed in accordance with details approved in respect of this condition (contaminated land) as described within the letter dated 1 February 2019 relevant to planning application ref. C2017/1219/CLC.

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

(11) If during implementation of each phase of the approved development contamination is encountered which has not previously been identified, the additional contamination shall be

fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

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

(12) On completion of the agreed remediation works, a closure report and certificate of compliance in respect of the relevant phase of the approved development shall be submitted to and agreed in writing by the Local Planning Authority.

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

(13) 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 8.00 am and 1.00pm on Saturdays and not at all on Sundays, Public and Bank Holidays.

Reason: To safeguard the amenity of the occupiers of adjacent premises and the area generally during the building construction process

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Class(es) A to E of Part 1 of Schedule 2 to that Order.

Reason: To protect the amenity of adjoining occupiers and character and appearance of the surrounding area.

(15) The construction of each phase of the approved development shall not begin until a Construction Method Statement specific to that phase (or phases) has been submitted to the local planning authority for approval and shall 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 (h) means to control dust (k) means to prevent deposition of mud on the highway; and (l) details of the means of demolition of boundary walls adjacent to the Spencer Road Wetlands Site of Importance for Nature Conservation (including measures to minimize risk of damage from falling debris). The development shall be constructed in accordance with

the approved statement(s).

Phase 1 of the development shall be implemented in accordance with the Phase 1 Construction Environmental Management Plan (v.5) and Construction Plan (rev.A) as hereby approved.

Phase 2 of the development shall be completed in accordance with details approved in respect of this condition (Construction Method Statement) as described within the letter dated 8 November 2017 relevant to planning application ref. C2017/1263/CLC.

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

(16) The construction of Phase 3 of the development (as shown on drawing 1690- 1305B as hereby approved) shall not begin until details specifying the arrangements for deliveries to and removals from the site, including: - (a) The specification of types of vehicles and hours of operation (b) the design of delivery areas (c ) the specifications for lorry parking and turning areas, and (d) records of HGV movement to and from the site, maintained for up to 5 year/s and to be made available to the Local Planning Authority on request, have been submitted to and approved in writing by the Local Planning Authority; such approved details to be implemented and permanently maintained thereafter.

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

(17) Each phase of the development as approved shall not be occupied until all means of access, parking and turning spaces relevant to that phase have been laid out within the site in accordance with the drawings hereby approved. The approved access junctions, roads, parking and turning areas shall be kept clear of obstruction and remain available for use for the lifetime of the development.

Reason: To prevent obstruction and inconvenience to other highway users (especially pedestrians, cyclists and those with disabilities), and also in the interest of highway safety.

(18) No development shall take place within each phase (or phases) of the approved development until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by Local Planning Authority.

The following Phase 1 development written schemes of investigation and evaluation reports are approved for the purposes of this condition, subject to the applicant granting all necessary site access for the purposes of an archaeological watching brief during site

preparation works and for subsequent post-excavation assessment and reporting to be submitted to the local planning authority and Greater London Archaeological Advisory Service within three months of completion of the watching brief for recording and publication purposes: Written Scheme of Investigation for Geo archaeological Investigation (March 2016); Written Scheme of Investigation for Archaeological Monitoring of Site Investigation Works (March 2016); Report on Archaeological Monitoring of Site Investigation Works (April 2016); Report on Geoarchaeological Investigations (April 2016); Written Scheme of Investigation for Archaeological Evaluation (July 2016); Written Scheme of Investigation for Geoarchaeological Monitoring of Archaeological Evaluation (July 2016); Report on Archaeological Evaluation (Sept 2016).

Phase 2 of the development shall be completed in accordance with details approved in respect of this condition (Written Scheme of Investigation) as described within the letter dated 9 August 2018 relevant to planning application ref. CLC2018/00133.

Reason: To ensure compliance with Policy 30 of the Sutton Local Plan 2018.

(19) No Development shall take place within Phase 3 of the development hereby approved until the developer has secured the implementation of a programme of archaeological recording of the standing historic buildings in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure compliance with Policy 30 of the Sutton Local Plan 2018

(20) No phase of the approved development shall commence until there has been submitted to and approved by the Local Planning Authority a detailed scheme showing the design and scale of the hard landscaped works. These details shall include (for example): i. proposed finished floor levels ii. means of enclosure iii. car parking iv. other vehicle/pedestrian access and circulation areas v. hard surfacing materials vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting). The scheme should clearly indicate how the boundary to the Spencer Road Wetlands Nature reserve is to be designed to avoid any disturbance to the wetland habitat. The development shall then be carried out in accordance with the approved details.

Phase 1 shall be implemented in accordance with drawings MCA0716/01Rev.P, W1376-960-C02 & /-961-C02, 1690-501H & 502H, 160280-S-1300/C5, as hereby approved.

Reason: To ensure compliance with Policy 28 of the Sutton Local Plan 2018.

(21) Prior to commencement of construction of each phase of the development, a detailed

scheme showing the design of the soft landscape works and biodiversity enhancements for that particular phase shall be submitted to and approved in writing by the Local Planning Authority and, where watercourses are affected, by the Environment Agency. These details shall include (for example): i. planting and seeding plans ii. written specifications iii. schedules of plants, noting species, sizes and proposed numbers/densities where appropriate iv. existing trees to be retained and measures for their protection in accordance with BS:58372012. v. landscape management plan (communal areas) vi. biodiversity enhancement measures vii. design of green roofs The information listed above shall take account of the approved plans, the Design and Access Statement and the Biodiversity Strategy 2014. The development shall then be carried out in accordance with the approved details.

Phase 1 of the development shall be implemented in full accordance with the above documents, SES Ecological Mitigation and Management Strategy (May 2016), drawing MCA0716/01/P, tree protection plan MCA0716/06B, MCA Landscape Management Plan (October 2016), Ardent Millstream and Millpond Refurbishment Technical Note (2.11.2016), MCA Mill Pond Pedestrian Board-walk link drawing, Mill Pond Layout (160280-SK09A) and sections -/SK07A and -/SK08A as hereby approved.

Reason: To ensure compliance with Policies 26 and 28 of the Sutton Local Plan 2018.

(22) All planting, seeding or turfing shown in the approved details of landscaping for each phase of the approved development shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of that phase of development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure compliance with Policy28 of the Sutton Local Plan 2018.

(23) An amended Energy Statement shall be submitted to the local planning authority prior to building work of each approved phase of development starting on site, such amended statement to include a commitment to connect the development to any future decentralised energy (DE) network serving the wider Hackbridge area and demonstrate that sufficient space will be provided within the apartment block plant room or elsewhere to accommodate additional future heat generation capacity to supply DE connection equipment such as heat exchangers, pipes and pumps, having regard to technical interface specifications included in the Greater London Authority's District Heating Manual as amended. The developer shall use reasonable endeavours to connect provided that: (i) the wider DE network is within feasible and viable range of the development (500m); (ii) the reliability of the wider DE network has been proven by its successful operation over a period

of at least 6 months; and (iii) the cost in sourcing heating services by the end users will not materially increase or cause disruption to service. Any revised energy strategy not enabling future connection to any future DE network serving the wider Hackbridge area should be agreed with the local planning authority in writing prior to works commencing on the site.

Phase 1 of the development shall be implemented in accordance with the Phase 1 Energy Assessment (Silcock Dawson & Partners v.2.2) as hereby approved.

Reason: To comply with Policy 31 of the Sutton Local Plan 2018 and London Plan Policy 5.2

(24) No development shall take place, within any approved phase of development abutting an 8m buffer strip (as shown on approved planning drawing Masterplan Drawing A2426 100 R18) until a scheme for the provision, ecological enhancement and management of such buffer strip(s) has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The 8m buffer strips shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include: -plans showing the extent and layout of the buffer zone. - detailed designs for the re-profiled river banks to the north of the weir. - details of the buffer zone planting scheme (to be made up of locally native species of UK genetic provenance). -production of detailed management plan demonstrating how the buffer zone will be -protected during development and managed/maintained over the longer term -including adequate financial provision and named body responsible for management. -details of any proposed footpaths, fencing and lighting within the buffer zone; to -include realignment of the footpath in the southern open green space to allow space -for potential future river bank restoration. -assessment of compliance of the scheme with the requirements of the Water Framework Directive.

The Phase 1 buffer zone scheme shall be implemented as shown in the SES Ecological Mitigation and Management Strategy (October 2016), Ardent Millstream and Millpond Refurbishment Technical Note (2.11.2016), MCA Mill Pond Pedestrian Board-walk link drawing, Mill Pond Layout (160280-SK09A), sections -/SK07A and -/SK08A and landscaping drawing MCA0716/01/P as hereby approved.

Phase 2 of the development shall be completed in accordance with details approved in respect of this condition (Buffer Strip) as described within the letter dated 20 June 2018 relevant to planning application ref. C2017/1217/CLC.

Reason: To ensure compliance with Policies 5, 26 and 34 of the Sutton Local Plan 2018

(25) Prior to occupation of each phase of the permitted development, a verification report shall be provided, relevant to the phase (with supporting addendum information as required), demonstrating completion of works set out in the approved remediation strategy and the

effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority and the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect waters including groundwater and surface water.

(26) The use of piled foundations for each approved development phase (or phases) shall firstly be approved in writing by the local planning authority, with details of pile numbers and methodology to be submitted as part of a Piling Works Risk Assessment for that phase. This shall demonstrate that piling will not adversely impact upon groundwater quality. The development shall be carried out in accordance with the approved details.

The Phase 1 piling works shall be implemented in accordance with the Keller Piling Works Risk Assessment (rev.3), Gravity Hazard Identification and Risk Assessment (ref:W376-HS001A) and construction drawings ref: W1376/950-C02, -/960-C02, -/961- C02, -/950-P2, -/900-P2, -/1100-P1, -/1101-P1, -/1102-P1 and -/1103-P1 hereby approved.

Phase 2 of the development shall be completed in accordance with details approved in respect of this condition (Piled Foundations) as described within the letter dated 9 April 2018 relevant to planning application ref. CLC2018/00036.

Reason: To protect controlled waters including groundwater and surface water.

(27) Before the commencement of the development of Phase 3 (as shown on approved drawing ref: 1690 1305B) a method statement shall be submitted to and agreed in writing by the Local Planning Authority that details procedures put in place for the protection of legally protected species during demolition and construction of that phase of the development. A further ecological survey shall be carried out and a report, outlining the findings, be submitted to and agreed in writing by the Local Planning Authority should the development commence more than 2 years after planning permission has been granted. If the ecological survey reveals that the site has ecological value or contains protected species then appropriate mitigation measures should be included within the report. No development of Phase 3 shall take place until the means of mitigation have been carried out to the satisfaction of the Council.

Reason: To protect the biodiversity value of the site and surrounding environment

(28) The commercial development hereby permitted on the Phase 3 site shall not be

commenced until details demonstrating suitable access to Goat Bridge Weir and Goat Bridge Penstock by maintenance vehicles has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To allow access for essential maintenance work.

(29) The development hereby permitted shall be carried out in accordance with the following approved plans:

A2426 A201 Rev R3, A2426 A200 R3, 9019-5PA-P-148, 616-P-001 Rev P01, 6131-P-S5-900 Rev A, 6131-P-S5-100 Rev F, 6131-P-S5-116 Rev B, 6131-P-S5-A01 Rev A, 6131-P-S5-A02 Rev A, 6131-P-S2-011 Rev B, 6131-P-S5-B02 Rev A, 6131-P-S5-B01 Rev B, 6131-P-S5-C01 Rev A, 6131-P-S5-A02 Rev B, 6131-P-S5-C02 Rev A, 6131-P-S5-103 Rev B, 6131-P-S5-111 Rev B, 6131-P-S5-400 Rev B, 6131-P-S2-011 Rev B, 6131-P-S5-010 Rev B, 6131-P-S5-500 Rev B, 6131-P-S5-112 Rev B, 6131-P-S2-012 Rev B, 6131-P-S2-013 Rev B, 6131-P-S5-102 Rev B, 6131-P-S5-101 Rev B, MCA 1317/04 (M), MCA 1518/01, MCA 1518/01 (A), Letter from CGMS Heritage dated 10<sup>th</sup> September 2018 (ref:JCH00219), Letter from Planning Potential dated 18<sup>th</sup> September 2018 (ref:15/2751), Letter from Redrow dated 18<sup>th</sup> September 2018 (Refuse Management Strategy), Planning Statement (ref:15/2751), Design and Access Statement Rev B dated 12.9.2018, Letters from Bidwells (ref:AJH/dfr), Flood Risk Assessment by Ardent Consulting Engineers dated September 2018 (ref:160280-05E), Landscape Management Plan by MCA dated 28.3.2018, Ecological Mitigation and Management Strategy by Southern Ecological Solutions dated 17<sup>th</sup> September 2018, River Bank, Mill Stream, Mill Pond Landscaping Plan by MCA dated 24<sup>th</sup> June 2018, Landscape Specification by MCA dated 5<sup>th</sup> April 2017 and Transport Statement Addendum by Royal HaskoningDHV Rev 0.1/Final dated 17<sup>th</sup> September 2018.

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

(30) The development hereby approved shall be delivered in phases in accordance with the approved phasing plan ref: 1690-1305B.

Reason: To facilitate early delivery of the development in accordance with the National Planning Policy Framework, The London Plan and Policy 1 of the Sutton Local Plan 2018

(31) Phase 2 of the development hereby approved shall not be occupied until details of the downstream defender and means of protecting against infiltration into the attenuation tanks, have been submitted to, and approved in writing by, the Local Planning Authority, as referenced in the approved Ardent Flood Risk Assessment (November 2017).

Reason: To protect valuable aquatic habitat in the River Wandle SINC from surface water runoff and pollutants, in line with Policy 26 of the Sutton Local Plan 2018.

32) Prior to the first occupation of any dwelling within Phase 2 of the Development hereby approved details of a foot and bicycle public access route from Goat Road to the Wandle Trail through Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not be limited to the following details:

- The location of the proposed public access route;
- Section and elevation drawings detailing the works;
- A description of the materials used in the creation of the access;
- Details of the opening hours of the public access route (including provision for closure for, inter alia, the purposes of maintenance, building work, or emergency);
- Details of the maintenance of the public access route;
- Details of signage to be erected pursuant to the Highways Act 1980 which shall confirm that no rights of way are to arise in respect of the public access route.
- Measures for annual review of the scheme to ensure the footpath remains safe for the public and well maintained.

Subject to securing all necessary consent the public access route shall be implemented in accordance with the approved details.

Reason: To facilitate early delivery of the Wandle Trail, in line with Policy 5 of the Sutton Local Plan.

33) 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 the Sutton Local Plan.