

Planning Committee - Date: 2 December 2020

Report of the Interim Strategic Director, Environment, Housing and Regeneration Directorate

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| Ref: DM2020/00781 | WARD: D16 Beddington South | Time Taken: 24 weeks, 2 days |
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Site: Waddon House 283 Stafford Road Wallington CR0 4FA

Proposal: Demolition of existing bin and cycle storage and erection of a three storey building comprising 8 dwellings, parking, cycle store, bin store and landscaping.

Applicant: Mr J Curtis

Agent: Mr Kieran Rafferty

Recommendation:

GRANT PLANNING PERMISSION
subject to the recommended conditions.

Reason for Report to Committee: The application has received more than 10 letters of objection contrary to the officer recommendation.

Summary of why application proposals are acceptable:

- The principle of residential development of the site has been established through the implementation of the prior approval ref: D2015/72715, the site allocation S63 and the previously refused applications ref: DM2018/00281, DM2018/01088 and DM2019/02056.
- The proposed design and layout has addressed the previous reasons for refusal under applications ref: ref: DM2018/00281, DM2018/01088 and DM2019/02056 and would provide a good level of landscaping to soften the appearance and massing of the building within the streetscene. As such, the development would not result in harm to the character or appearance of the area and would be in accordance with policy 28 of the Sutton Local Plan.
- The proposal would not result in harm to the amenity of neighbouring residential occupiers and would provide accommodation for the future occupiers in accordance with policies 9, 29 and 34 of the Sutton Local Plan.

- The level of car parking would be acceptable and would be in accordance with policy 36 and 37 of the Sutton Local Plan.
- The proposal would not result in adverse air quality impacts, would result in a reduction of carbon dioxide emissions and would provide a SUDS scheme in accordance with policies 31, 32, 33 and 34 of the Sutton Local Plan.

1. **BACKGROUND**

1.1 **Site and Surroundings:**

1.2 The application site is located on the south west side of the junction with Stafford Road and Kings Way, and comprises an existing eight storey block of flats (Waddon House), which were converted from offices to residential under prior approval application ref: D2015/72715. The existing block is sited on the eastern boundary of the site and fronts onto Kings Way, with the entrance to the building located on the corner of Kings Way and Stafford Road. The rest of the site includes an ancillary building on the southern boundary of the site providing cycle and refuse storage together with a hardstanding providing 66 parking spaces for the 87 residential units within Waddon House. The vehicular access located to the south of the building provides access to the car park via Kings Way. An electricity substation is located towards the western boundary of the site.

1.3 The surrounding area is of a mixed character with two-storey semi-detached dwellings and terraced buildings to the north, north-east and west. The terraced buildings immediately opposite on Stafford Road from The Chase Local Centre and contain residential flats above the commercial units at ground floor level. Immediately to the south and southwest is the Imperial Way Strategic Industrial Location. The industrial nature and character is continued to the south-east and east into the London Borough of Croydon. The boundary with the London Borough of Croydon runs along Kings Way to the east.

1.4 **Site Specific Designations:**

1.5 The site is designated as an Archaeological Priority Area, and a Strategic Industrial Area.

1.6 The site also forms Site Allocation S63. The site is allocated for Residential Use and states that particular regard should be paid to the following;

- Achieving a high-quality redevelopment in design terms on a prominent corner site.
- Undertaking significant public realm improvements on and around the site.
- Providing flatted accommodation with sufficient amenity space for residents.
- Ensuring safe access to the site from Stafford Road.
- Ensuring traffic flow on Stafford Road is not unduly affected by any increase in vehicular movements.

- Ensuring the new facade of the building creates an attractive environment that enhances the appearance of the area.
- Designing the residential units to minimise the effect on traffic noise on residents
- The need to provide flood risk assessment and appropriate Sustainable Drainage Systems Measures.

1.7 **Relevant Planning History:**

- 1.8 D2013/68107 - Change of use of existing B1(a) office building to residential use (C3) was granted prior approval on 21 October 2013.
- 1.9 D2013/68110 - Material change of appearance to the external elevations of the building to include re-cladding and insertion of new windows, together with the remodelling of the site layout parking, landscaping and amenity space was granted planning permission on 31 October 2013.
- 1.10 D2013/68471 - Extension to three apartments on 7th floor level (east elevation) with associated fenestration changes was granted planning permission on the 16 January 2014.
- 1.11 D2015/71283 - Change of use from an office to a residential use providing 87 residential units was granted prior approval on 10 April 2015.
- 1.12 D2015/72054 - Alterations to existing elevations and replacement of windows with UPVC windows was granted on 27 July 2015.
- 1.13 D2015/72057 - Alterations to elevations involving terrace areas on east and west elevations, provision of refuse and cycle stores, generator and store and access gates up to a maximum height of 1.8 metres was granted planning permission on 25 August 2015.
- 1.14 D2015/72715 - Change of use from an office to a residential use providing 87 residential units along with 66 car parking spaces was granted planning permission on 27 November 2015.
- 1.15 D2015/73248 - Provision of decking, railings and planters at rear was granted planning permission on 8 February 2016.
- 1.16 DM2018/00281 - Erection of a three storey building comprising 9 self contained flats (1 x 3 bed and 8 x 2 beds), 9 off-street car parking spaces and cycle and bin stores was refused planning permission on 3 May 2018. The reasons for refusal are as follows;

(1) The proposed development, by reason of its size, bulk and functional appearance, would have a dominating effect on the streetscene and would fail to

appear as a positive residential development within the context of its setting. The proposal would therefore be contrary to Policy 28 of Sutton's Local Plan 2018 and Sutton's Urban Design Guide 'Creating Locally Distinctive Places' SPD 14.

(2) The proposed development, by reason of the loss of 27 existing parking spaces for use by Waddon House comprised of 87 residential units, would result in a significant increase in parking on street as a result of overspill parking, to the significant detriment of the continued safe functioning of the local highway network. The proposal would therefore be contrary to Policies 36 and 37 of Sutton's Local Plan 2018.

(3) The proposed development would result in unacceptable living conditions for the occupiers of Units 1, 2, 3, 4 and 5, as there would be unrestricted views into the main habitable rooms and the ground floor private amenity space of these units from the public footway and the bus shelter, where pedestrians are likely to congregate. The affected windows at ground floor level provide the only source of light to these main habitable rooms, and the pressure to secure privacy to these rooms would result in a significant loss of natural light to these units if blocked regularly. The proposal would therefore be contrary to Policy 29 of Sutton's Local Plan 2018.

(4) The application site is located immediately (sic) adjacent to a busy road which experiences high levels of traffic, notably HGV vehicles accessing the nearby trading/industrial estate, and as such, the site may be subject to high levels of airborne (sic) pollutants. No information has been submitted in respect of air quality, and the proposed development may result in unsafe living conditions for its future occupiers, and as such, the proposal is contrary to Policies 29 and 34 of Sutton's Local Plan 2018.

(5) No information has been submitted setting out how nearby trees will be protected to ensure that nearby trees would not be harmed during the course of construction. These trees provide a significant public benefit, have visual amenity value and, without evidence to the contrary, would result in significant harm to the character of the area contrary to Policy 28 of Sutton's Local Plan 2018.

- 1.17 DM2018/00284 - Variation to condition 1 (car parking spaces) of approved application D2015/72715 to reduce the number of car parking spaces from 66 to 39 was refused on the 13 April 2018. The reasons for refusal are as follows;

(1) The proposed development, by reason of the loss of 27 existing parking spaces for use by a development with 88 residential units, would result in a significant (sic) increase in parking on street as a result of overspill parking, to the significant detriment of the continued safe functioning of the local highway network. The proposal would therefore be contrary to Policies 36 and 37 of Sutton's Local Plan 2018.

- 1.18 DM2018/01088 - Erection of a three storey building comprising 9 self contained flats (8 x2 beds, 1x3 beds), 9 off-street car parking spaces and cycle and bin stores was refused planning permission on 24 August 2018, and was the subject of an appeal which was dismissed on 11 February 2019. The original reasons for refusal are as follows;

(1) The proposed development, by reason of its size, bulk, and poor design including the undercroft, would dominate the streetscene and result in a contrived form of development failing to respect the character and appearance of the surrounding area. The proposal would therefore be contrary to Policy 28 of Sutton's Local Plan 2018 and Sutton's Urban Design Guide 'Creating Locally Distinctive Places' SPD.

(2) The application site is located immediately adjacent to a busy road which sees high levels of traffic, notably HGV traffic accessing the nearby trading/industrial estate, and as such, the site may be subject to high levels of airborne pollutants. No information has been submitted in respect of air quality, and the proposed development may result in unsafe living conditions for its future occupiers and, as such, the proposal is contrary to Policies 29 and 34 of Sutton's Local Plan 2018.

(3) The proposed development, due to its under provision of vehicle parking spaces for both the host residential building at Waddon House and the current proposal for 9 flats, would result in a significant increase in on-street vehicle parking to the detriment of the continued safe functioning of the local highway network and highway and public safety. The proposal would therefore be contrary to Policies 36 and 37 of Sutton's Local Plan 2018.

- 1.19 At appeal the Inspector upheld the Council's reasons for refusal in respect to design and future occupiers amenity in terms of air quality. The Inspector commented as follows in respect to the design and layout of the proposal;

"The appeal proposal would introduce a building in block form and of a design that contrasts with surrounding properties. The front elevation would be broken up by the wide balconies and large stairwell, but these elements would create a bulky appearance that is out of character with the prevailing built form. Due to the proximity of the building to the front boundary of the site and the undercroft parking area, it would result in a bulky and dominant appearance that would not integrate with the character and appearance of the surrounding area. There is a lack of sufficient space around the building for any softening of its setting through landscape planting and as a result the building would sit awkwardly on this open part of the street scene. Consequently it would appear incongruous with the character of this part of Stafford Road. I therefore find that the proposal would fail to respect the character and appearance of the area."

- 1.20 In respect to air quality and future occupiers amenity the Inspector commented as follows;

“I understand from the evidence that the appeal site is in an area where there is a large amount of traffic at busy periods of the day and this is supported by my observations on site. The building would be located close to Stafford Road with doors and windows serving habitable rooms on the front elevation. The appeal proposal indicates that to mitigate air pollution issues, filtration would be fitted on the fresh air intake to the proposed flats. However, no detailed evidence has been put forward to indicate that this would be suitable mitigation in order to achieve adequate living conditions for future occupiers of the flats. As a result I am not satisfied that this matter could be dealt with through a planning condition, if the appeal were to be allowed. The proposed development would therefore fail to provide adequate living conditions for future occupiers with regard to air quality.”

- 1.21 However the Inspector did not uphold the Council's reason for refusal in respect to the car parking provision commenting as follows;

“In view of the proposed provision of parking below the maximum set by the local parking standards for the site as a whole, and the moderate Public Transport Accessibility Level (PTAL 3) rating, it appears likely that some overspill parking would occur on local roads as a result of the development. However, the appellant has provided a parking survey that demonstrates there is some capacity on local roads to accommodate some overspill without resulting in illegitimate parking, taking the worst case scenario of 9 additional cars. The Council has provided no detailed evidence to demonstrate that the parking survey is flawed or that there is insufficient capacity on local roads for overspill parking. Furthermore, the Council has not indicated how overspill parking by 9 cars would be harmful to highway safety, public safety or the safe functioning of the local highway network, given that the parking survey indicates that there is adequate capacity for additional on street parking on nearby roads in a safe manner.

I have had regard to representations from local residents regarding the cost and availability of spaces to buy or lease within the car park and the suppressing (sic) effect on the take up of spaces. However, I have considered the proposal on its planning merits based on the total number of parking spaces as indicated on the submitted drawings, irrespective of the control of individual spaces. The take up of parking spaces by existing residents has not therefore had any bearing on my decision.

I therefore conclude that the proposal would not be harmful to public or highway safety and the safe functioning of the local highway network with regard to parking provision. As a result the proposal would not be contrary to Policy 36 of the Local Plan which seeks amongst other matters, to ensure that development proposals are assessed in terms of their impact on the highway, or Policy 37 of the Local Plan insofar as it sets out car parking standards.”

- 1.22 DM2019/02056 - Demolition of existing bin and cycle storage and erection of a three storey building comprising 8 self-contained flats, 2 off-street car parking spaces and cycle and bin stores was refused on the 30 January 2020, which the application has submitted an appeal, which is yet to start. The reasons for refusal are as follows;

(1) The proposed development by reason of the scale and bulk of the building coupled with the lack of set-back from Stafford Road, and the provision of any meaningful landscaping to soften the appearance of the building would result in a dominant form of development which would appear incongruous within the Stafford Road streetscene. In addition the proposal would present a large blank elevation at ground floor level to Stafford Road, which would not be characteristic of the area and would not improve or respect the character of surrounding area or the Stafford Road streetscene and would be contrary to policies 7.4 and 7.6 of the London Plan, Policy 28 of the Sutton Local Plan and SPD14 'Creating Locally Distinctive Places'.

(2) The proposed development, by reason of the lack of defensible space at ground floor level to the front and rear of the proposed building would result in inadequate levels of privacy to the main habitable room at ground floor level of the duplex dwelling (unit 4) for the future occupiers and as such the proposal would be contrary to Policy 29 of the Sutton Local Plan 2018.

- 1.23 Following the most recent refusal the applicant pursued pre-application advice with the Council ref: PRE2020/00033. Given the materiality of the Inspector's decision the advice and the previous decisions, the advice given required the applicant to provide a greater set-back of the building from Stafford Road to provide landscaping to soften the appearance of the building and site, and also to provide some 'defensible space' for the future occupiers of the development to prevent any loss of privacy from the car parking area. The advice also required the provision of a more active frontage to the building at ground floor level and justification for the provision of car parking.

2 APPLICATION PROPOSAL

- 2.1 Planning permission is sought for the demolition of existing bin and cycle storage and erection of a three storey building comprising 8 dwellings, parking, cycle store, bin store and landscaping.
- 2.2 The proposal would result in the erection of a two storey building with roof accommodation which would provide 8 residential dwellings. The proposed building would have a rectangular footprint which would measure approximately 30.5 metres in width and 10.3 metres in depth. The proposed building would have a dual pitched roof with gable end features to the front elevation and would measure 10 metres in height to the ridge and 6.8 metres to the eaves.

- 2.3 The building would be set back from the Stafford Road frontage by approximately 5 metres and would provide a landscaped frontage with a pedestrian entrance from Stafford Road. The proposal would also provide landscaping around the building as well as to other parts of the wider site along the Stafford Road frontage. The erection of the building and the increase in landscaping would result in the loss of 14 car parking spaces which formed part of the prior approval application ref: B2015/72715.
- 2.4 The proposal would provide 8 residential dwellings which would be in a mix of one 3-bedroomed duplex unit, five 2-bedroomed units and two 1-bedroomed dwellings. The duplex dwelling would be provided with a ground floor terrace to the west of the building as private amenity space which would be approximately 21m² in area. The other dwellings which would be located on the first and second floors would be provided with balconies to the rear of the building which would be 6m² in area.
- 2.5 The proposal would also result in the consolidation of the refuse and bicycle storage on the site, the removal of the existing bicycle/refuse storage building and the provision of a combined refuse and bicycle store at the ground floor level of the building for both the proposed development and Waddon House. Access to the refuse storage would be to the front of the building and collected from Stafford Road.
- 2.6 The proposal would also result in an overall loss of car parking for both the existing development at Waddon House and the proposed dwellings and would provide a total of 52 car parking spaces, of which 8 would be accessible spaces, for a total of 95 dwellings. Vehicular access to the site would be gained via the existing access to Kings Way to the south of the existing building.
- 2.7 **Amendments:**
- 2.8 A revised parking layout was submitted on 22 July 2020 following comments from the Senior Highways Engineer.
- 2.9 A revised Arboricultural Report was submitted on 5 August 2020 following comments from the Principal Tree Officer.
- 2.10 A desktop Archaeological Study was submitted on 1 September 2020 following comments from the Greater London Archaeological Advisory Service.
- 2.11 A revised site location plan was submitted on the 8 October 2020.
- 2.12 A revised Energy Statement and details of SUDS and Water Efficiency measures were submitted on the 22 October 2020.

3 PUBLICITY

3.1 Consultation:

3.2 A total of 126 letters were originally sent on the 6 June 2020 to the owner/occupiers of adjoining addresses including Waddon House, Stafford Road and Kingsway.

3.3 A further neighbour notification was sent to all the original neighbours and any further correspondents following the submission of the above documents on the 8 October 2020.

3.4 Number of Letters Received in Response to the Proposal:

3.5 A total of 40 letters were received from the existing occupiers of Waddon House.

3.6 Representations Received:

| Objection Letters Received | Officer Response |
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| Design and Layout | |
| The proposal provides an inadequate means of enclosure, providing additional pedestrian entrances onto Stafford Road. | The proposal would provide additional landscaping and defensible space to the front of the site, whilst also providing additional natural surveillance of the car park and these accesses. It is considered that the proposal would provide sufficient enclosure of the site. |
| The proposed building would be out of character with the surrounding area. | The scale and massing of the proposed building would be similar to the terrace buildings opposite the site on Stafford Road. The design has taken cues from these buildings and the semi-detached dwellings along Stafford Road, by providing gable end features to the front elevation. As such it is considered that the proposal is of an acceptable design and would not result in harm to the character and appearance of the surrounding area, or streetscene. |
| The materials proposed are not in keeping with the surrounding area. | It should be noted that the dwellings and terraces opposite the site have differing external finishes with some rendered and some still exhibiting a red brick finish. The proposal would be viewed in the context of Waddon House and the contemporary nature of the material is considered to be acceptable and would not be out of character with the surrounding area. The proposed materials will be secured by condition. |

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| The proposal would be an overbearing form of development. | The proposed development would be of a similar scale and massing as the terraced buildings found along Stafford Road. With the increased set-back from Stafford Road it would not result in an overbearing development. |
| Overdevelopment / unacceptable residential density of the site. | The proposal would result in a residential density of 279 units per hectare. This is over the recommended range of 170 units per hectare. However the majority of dwellings have been delivered through a permitted office to residential change through a prior approval process and would have a residential density of 255 units per hectare. As such it is considered that the additional 8 dwellings proposed would not result in such an increase in density over that previously approved so as to represent an overdevelopment of the site. |
| Highways: | |
| The existing development results in overspill car parking. | The Senior Highways engineer has assessed the submitted Transport Statement which includes a on-street car parking survey. No objection has been raised in relation to the parking provision with the survey showing there is sufficient on-street provision to accommodate any overspill car parking. It should be noted that the loss of car parking and the resultant potential overspill car parking was a reason for refusal of application ref: DM2019/01088, which was not upheld by the Inspector at appeal. |
| The location of the bus stop would prohibit refuse collection. | Transport for London has no objection to the proposal in terms of its potential impact on the public transport network. A construction logistics plan (CLP) is recommended and, as the Highway Authority, TfL would be consulted on the CLP allowing consideration of the implementation of the development and its impacts on the adjacent bus stop (adjacent to the northwest corner of the site) and the public transport network. |
| The proposal would result in additional congestion. | Whilst it is acknowledged that the proposal could result in additional trips to and from the site, TfL and the Senior Highways Engineer have not raised any objection in terms of traffic generation or potential for congestion, and do not consider that the proposal would result in a significant cumulative impact on the public highway network. |

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| The proposal would result in additional traffic accidents. | TfL and the Senior Highways Engineer have assessed the submitted Transport Statement and have raised no objections on highway safety. As such, it is considered that the proposal would not lead to any additional highway safety concerns. |
| Lack of pedestrian routes from the main building to the car park. | The Senior Highways Engineer has assessed the car parking layout and has raised no objection to the layout of the car parking or raised any concerns in respect of pedestrian safety whilst using the car park. |
| Lack of visibility splays on the existing access. | The proposed access is existing and has been assessed by the Senior Highways Engineer who has raised no objection to its use to serve this development. |
| The reduction in car parking was previously refused under application ref: DM2018/00284. | Whilst the reduction in car parking was previously refused, a similar development under application ref: DM2018/01088 was taken to appeal which included a reduction in car parking to 66 car parking spaces for a total of 96 dwellings. The Inspector at appeal did not uphold the Council's reason for refusal in relation to the reduction in car parking noting there would be sufficient on-street car parking to accommodate any overspill car parking. The Senior Highways Engineer and TfL have not objected to the reduction in car parking and as such it is considered that the level of car parking is sufficient for the development proposed. |
| Impact on Residential Amenity: | |
| Noise and Disturbance | The proposal would result in an intensification of the residential use, however this is not considered to result in noise and disturbance to the detriment of the neighbouring occupiers. In terms of construction, Environmental Health has assessed the proposal and has recommended a construction management plan (CMP) to ensure that good construction practices are undertaken on site to ensure that neighbouring residential occupiers are not adversely affected by noise during the course of construction. |
| Dust and air pollution. | The applicant has submitted an air quality assessment which demonstrates that the proposal would not result in further air pollution above the AQA thresholds. In terms of dust during construction, a CMP is recommended to ensure that good construction practices are undertaken on |

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| | site to ensure that neighbouring residential occupiers are not adversely affected by dust during the course of construction. |
| Loss of Sunlight/Daylight | The proposed building would be located to the west of the existing building on site and would retain a separation distance of 24 metres. Given the modest scale and massing of the proposal and the separation distance to both Waddon House and dwellings on the opposite the site on Stafford Road, it is considered that the proposal would not result in a loss of sunlight/daylight to the detriment of the neighbouring residential occupiers. |
| Overlooking and loss of privacy. | The separation distance of 24 metres between the side elevation of the proposal and the rear elevation of Waddon House together with the distance of separation to the dwellings on the north side of Stafford Road are considered to be sufficient to prevent significant overlooking or loss of privacy to the detriment of the neighbouring residential occupiers. |
| Refuse Storage | |
| The proposed refuse storage would be contrary to British Standard BS5906:2005 | This standard requires that refuse and recycling storage should be sited no more than 30 metres from the entrance of dwellings excluding vertical distances from each dwelling. The refuse storage would be sited approximately 31 metres from the rear entrance to Waddon House and would form part of the proposed building and is considered to be an acceptable location. |
| Inadequate refuse storage. | The cumulative number of flats within the site would be 95. Guidance in respect to refuse storage requires 10,060 litres of recycling and refuse storage for a total of 95 flats and the proposal would provide a total of 10,670 litres which more than meets the guidance for the proposed number of flats within the wider site. |
| The site would be subject to further littering. | The proposal itself would not generate litter being a residential development with the future occupiers being provided with adequate refuse storage. The issue of littering from the public within the site is a civil issue and cannot be enforced through the planning system. |
| Trees and Landscaping | |

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| The submitted Arboricultural Impact Assessment is out of date. | A revised arboricultural statement has been submitted and assessed by the Principal Tree Officer who has raised no objection to the proposed development subject to conditions securing a landscaping plan, and tree protection measures. |
| Inadequate landscaping. | The proposed building would be set back from Stafford Road allowing substantial landscaping to the front of the site. In addition, further landscaping is proposed around the building to provide separation between the building and the car parking. The landscaping is now considered to be acceptable and would address the previous reason for refusal under application ref: DM2019/02056. |
| Future Occupiers Amenity | |
| Lack of privacy due to the proximity of the car park. | The ground floor flat would have adequate landscaping around the dwelling to provide a sufficient level of privacy. The private balconies proposed as amenity space for the flats on the first and second floor levels would overlook the car park, and the proposed landscaping around the block will provide sufficient privacy for the future occupiers of the development. |
| Overlooking and loss of privacy from Waddon House. | The proposed building is orientated perpendicularly to Waddon House and would have only side facing windows facing towards Waddon House. In addition the separation distance between the side elevation of the proposed building and Waddon House would be 24 metres which is considered sufficient to maintain an adequate level of privacy for the future occupiers of the development. |
| Inadequate sunlight/daylight | The proposed building would be orientated so the front and rear elevations face north and south respectively. All the units would be dual aspect with the main living area facing south. As such it is considered that the proposal would receive sufficient daylighting. |
| Other Considerations: | |
| Poor security arrangements | A condition is recommended to ensure the development achieves Secure by Design accreditation. |
| The previous appeal decision only took a | The Inspector previously considered the parking survey to be acceptable and the previous decision |

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| snapshot of the traffic and parking situation on Kings Way and Stafford Road. | has been given significant weight in this recommendation. The Senior Highways Engineer has also considered the survey to be acceptable. |
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3.7 Summary of Non Material Representation:

| Non-material Objection | Officer Response |
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| The rental charges for the existing car parking spaces are excessive. | Charges for car parking on site are a private issue and not a material planning consideration. |
| The construction of the proposal could result in Health and Safety issues for the existing residents. | Health and Safety issues during construction are enforced by the Health and Safety Executive and are not a planning consideration. |
| Social distancing during construction. | The implementation of the Government's guidance on social distancing is to be implemented by the construction company and does not form a material consideration of this planning application. |
| The proposal would result in fly tipping. | Fly tipping is illegal and is enforced by the Council's Environmental Health team. |
| Indemnity for residents during construction. | Financial loss of neighbouring occupiers is not a planning consideration and is a civil issue which would be enforced by the court system or through the Party Wall Act 1996. |

3.8 Internal and External Consultations:

3.9 The following internal consultees were consulted and the comments are listed in the table below:

| Internal Consultation | Comments Received |
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| Sustainability | No objection subject to conditions securing the SAP calculations, details of SUDS scheme and water efficiency measures. |
| Biodiversity | No comments received. |
| Highways | No objection subject to conditions securing the final details of the proposed cycle storage and a Construction Logistics Plan. |
| Waste Management | No comments received. |

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| Tree Officer | No objection subject to a condition securing the final landscaping details and tree protection measures. |
| Environmental Health | No objection subject to conditions securing sound insulation details, contaminated land survey and remedial strategy, details of the communal boiler system, a construction management plan and the compliance of Non-Road Mobile Machinery with air quality emission requirements. |

- 3.10 The following external consultees were consulted and the comments are listed in the table below:

| External Consultation | Comments Received |
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| Transport for London | No objection. |
| London Borough of Croydon | No objection. |

- 3.11 **Councillor Representations:**

- 3.12 Councillor Matthey has objected to the proposal on the following grounds.

| Material Objection | Officer Comments |
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| The proposal has not addressed the previous reason (ref: DM2019/02056) for refusal in respect to the siting and landscaping of the site. | The proposed siting and landscaping provides an improvement over the previously refused scheme ref: DM2019/02056 and is now considered acceptable and has addressed this reason for refusal. |
| The parking survey submitted is inadequate. | The Senior Highways Engineer considered the parking survey to be adequate, and also has commented that the site benefits from good bus connections and is in relatively close proximity to Waddon station which encourages more sustainable modes of transport. |
| Lack of car parking provision and an inadequate car parking layout. | The layout of the car parking has been assessed by the Senior Highways Engineer who recommends it is acceptable. |
| The Air Quality Assessment is inadequate and the previous | The Environmental Health Officer has assessed the submitted Air Quality |

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| <p>appeal decision in respect to air quality still stands.</p> | <p>Assessment and is satisfied that the development would not result in harm to the amenity of future occupiers through air pollution associated with Stafford Road.</p> |
| <p>The Energy and Sustainability report predates the design of the proposal.</p> | <p>The applicant has submitted an amended Energy Statement, SUDS and Water Efficiency measures, which have been considered by the Sustainability Officer who has raised no objection subject to a condition securing the final details of the Energy Statement and conditions securing the SUDS and Water Efficiency measures.</p> |
| <p>The Design and Access Statement and Arboricultural Statement refer to the site as 238 and 368 Stafford Road.</p> | <p>These are typographical errors and do not materially alter what is being applied for. The application site is identified by the Site Location Plan.</p> |

4 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
- Sutton Local Plan 2018

4.2 **Also a material consideration in determining planning applications are:**

- National Planning Policy Framework (NPPF) 2019.
- National Planning Policy Guidance (NPPG).
- Adopted London Borough of Sutton Supplementary Planning Guidance Documents.
- Human Rights Act 1998
- Equality Act 2010
- Draft London Plan 2017

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

4.4 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under s149 of the Equality Act (2010). This means the Council must have due regard to the need (in discharging its functions) to: Eliminate unlawful

discrimination, harassment and victimisation and other conduct prohibited by the Act. · Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of (paragraphs 5.22-5.51) those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s). · Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 4.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 4.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s149 as all the factors that need to be considered may be balanced against other relevant factors.
- 4.7 The proposal would provide additional housing and would not result in any prejudicial outcomes for the relevant protected characteristics.
- 4.8 Accordingly, it is considered that the recommendation to grant planning permission in this case will not have a disproportionately adverse impact on a protected characteristic. It is also considered that the decision takes into account issues arising from the Human Rights Act (1998).
- 4.9 **Material Planning Policies in the Determination of this Application:**
- 4.10 **London Plan 2016 Policies:**
- 2.17 Strategic Industrial Locations
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.7 Renewable energy
 - 5.12 Flood risk management
 - 5.13 Sustainable drainage
 - 5.15 Water use and supplies
 - 5.21 Contaminated Land
 - 6.3 Assessing effects of development on transport capacity

- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 8.3 Community infrastructure levy

4.11 **Sutton Local Plan 2018 Policies**

- 1 Sustainable Growth
- 7 Housing Density
- 9 Housing Sizes
- 14 Industrial Land and Waste Management
- 26 Biodiversity
- 28 Character and Design
- 29 Protecting Amenity
- 31 Carbon and Energy
- 32 Flood Risk and Sustainable Drainage
- 33 Climate Change Adaptation
- 34 Environmental Protection
- 36 Transport Impact
- 37 Parking
- 38 Infrastructure Delivery
- 40 Site Allocations

4.12 **Supplementary Planning Documents**

- SPD1 Designing Out Crime
- SPD13 Travel Assessments and Travel Plans
- SPD14 Creating Locally Distinctive Places
- The Mayor's Housing SPG 2016

5 **PLANNING CONSIDERATIONS**

5.1 The main issues addressed within this report relate to the following (including whether any material planning objections have been reasonably addressed) as being most relevant to this application are:

- A) The Principle of the Development**
- B) The Design of the Development**
- C) The Impact on Residential Amenity**
- D) Quality of Accommodation and Future Occupiers Amenity**
- E) Transport and Highways**
- F) Sustainable Design and Energy Efficiency**
- G) Trees and Landscaping**
- H) Air Quality and Noise Impact**
- I) Planning Contributions**
- J) Conclusion**

5.2 **A) The Principle of the Development:**

5.3 Policy 2.17 of the London Plan refers to Strategic Industrial Locations (SILs) and states that development proposals within SILs should be refused unless:

- a.** they fall within the broad industrial type of activities
- b.** they are part of a strategically co-ordinated process of SIL consolidation through an opportunity area planning framework or borough development plan document
- c.** the proposal is for employment workspace to meet identified needs for small and medium sized enterprises (SMEs) or new emerging industrial sectors; or
- d.** the proposal is for small services for industrial occupiers such as workplace crèches or cafes.

5.4 The site is allocated for residential development under site allocation S63, however the site is located within a Strategic Industrial Location (SIL). Given the grant of prior approval and its implementation, the current use of the site is for residential use, and it is considered that the site allocation holds more weight than the designation of the site within the SIL.

5.5 Policy 3.3 of the London Plan sets out that the Mayor will seek to ensure that identified housing need is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners. Policy 3.3 further sets out that boroughs should seek to enable additional development capacity to be brought forward to supplement the borough's housing target, and this additional capacity can come from a range of sources including intensification, redevelopment and conversion of existing commercial and non-commercial properties.

- 5.6 Policy 1 of Sutton's Local Plan 2018 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF and further states that the council will make provision for new homes to meet London's housing needs and local housing needs by aiming to deliver at least 6,045 new homes over the plan period (2016-2031), which equates to 427 additional homes per year.
- 5.7 However, Policy 1 further sets out that new housing will mainly be delivered within District Centres and their surrounding Areas of Potential Intensification (APIs), with an anticipated delivery of approximately 635 homes (equating to 10% of overall delivery) in areas outside Town and District Centres and APIs.
- 5.8 The proposed development would result in the intensification of the existing residential use of the site, which is supported by national, regional and local policy subject to other policy and material considerations. It is also noted that the principle of residential development has been previously established in the previously refused applications notably ref: DM2018/01088, DM2018/00281 and DM2020/02056.
- 5.9 In terms of the proposed residential density, the proposed development takes into account the existing dwellings within Waddon House which would result in a residential density of 279 units per hectare. This is above the recommended range of 70-170 units per hectare contained in table 3.2 of the London Plan for a site in an Urban Location with a Public Transport Accessibility Level of 3. The resultant residential density is high due to the conversion of Waddon House under prior approval permitted development rights, which contains the majority of the dwellings on the site, and would otherwise not normally have been an appropriate form of development outside an Area of Taller Building Potential.
- 5.10 Given that the allocation of the site in the Local Plan for residential use, previous planning applications and appeal decisions have established the principle of a development of this scale and density, it is considered that the proposal is acceptable in principle in land use terms, subject to all relevant policy guidance, particularly the requirements of Site Allocation S63 and all other material planning considerations.
- 5.11 **B) The Design of Development:**
- 5.12 The NPPF states that planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies 7.4 and 7.6 of The London Plan (2016) state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design. These Policies are linked to policy 3.4 of the London Plan, which requires consideration of the local character and context when assessing the residential density of the development.

- 5.13 Policy 28 of the Sutton Local Plan states that the council will grant planning permission for new development, including new buildings, alterations and extensions, provided the new development:
- a** Is attractive, designed to the highest standard, especially with regard to architectural detailing, and uses high-quality materials.
 - b** Respects the local context and responds to local character and heritage assets.
 - c** Is of a suitable scale, massing and height to the setting of the site and/or townscape.
 - d** Seeks to improve an area of poor character.
 - e** Makes a positive contribution to the street frontage, streetscene and / or public realm, such as using railings and low walls where practicable.
 - f** Is inclusive and accessible for all and improves movement through areas with direct, accessible and easily recognisable routes.
 - g** Is secure and designed to minimise crime and anti-social behaviour.
 - h** Is robust and flexible in use.
 - i** Responds to natural features and retains trees, hedges and other landscape features and spaces of amenity value, where possible.
 - j** Is not dominated by car and cycle parking.
 - k** Creates attractive, functional and clearly defined public and private space.
 - l** Protects any important local views and creates new ones wherever possible.
 - m** Carefully integrates building services equipment and, in industrial areas, operating equipment.
 - n** Maintains the setting and visual amenity of the Green Belt, Metropolitan Open Land, Public Open Space and Urban Green Space.

Opportunities for the removal of poor townscape and its replacement by development of an improved quality and scale will be pursued.

- 5.14 There have been previous applications which have been refused planning permission because of poor design, scale and massing, lack of setback from Stafford Road and inadequate landscaping. This application seeks to address those concerns.
- 5.15 The proposed building would be 3 storeys in height, with a dual pitched roof, with dormers to the rear elevation. The front elevation would include gable end features which would mimic the terraced buildings opposite the site within the Chase Local Centre and would be of a similar scale and massing. It is therefore considered that the design of the proposed building would be acceptable and would not result in harm to the character of the area or the Stafford Road streetscene.
- 5.16 This application addresses the objection to previous schemes on grounds of its scale, massing and detailed design. The previous application ref: DM2020/02056 was refused due to its lack of set-back from Stafford Road, lack of any meaningful

landscaping and its poor design which showed a blank ground floor to the front elevation.

- 5.17 In response to these reasons for refusal, the applicant has set the proposed building back from Stafford Road by approximately 5 metres, an increase of 2.8 metres compared to the previously refused application DM2020/02056. This would allow for the inclusion of good quality landscaping to the front of the site which would soften the appearance of the building within the Stafford Road street scene and would improve the appearance of the site.
- 5.18 The layout of the ground floor of the building has also been changed to provide a corridor to the front of the ground floor, with windows to the front elevation serving this corridor. This has addressed the previous reason for refusal in respect to the blank ground floor elevation. The windows and entrance doors would add sufficient interest at ground floor level to the front elevation to be acceptable.
- 5.19 For the reasons above it is considered that the proposed development has addressed the previous reasons for refusal and would be in accordance with policy 28 of the Sutton Local Plan.
- 5.20 **C) The Impact on Residential Amenity:**
- 5.21 Policy 29 of the Sutton Local Plan states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, with regard to considerations of overlooking, outlook, light, noise and vibration, traffic movement amongst other things.
- 5.22 The nearest residential occupiers to the development are those within Waddon House and those within the first floor flats in the terraces opposite the site on Stafford Road.
- 5.23 The proposed building would retain separation distances of 23 metres to the rear elevation of Waddon House and is separated to the dwellings opposite the site by Stafford Road. Given these separation distances it is considered that the proposed building would not result in unacceptable overlooking or loss of privacy, loss of sunlight/daylight, or loss of outlook to the occupiers of either Waddon House or the first floor flats above the commercial units along Stafford Road and would not result in harm to the amenity of these neighbouring occupiers.
- 5.24 The proposal would result in an intensification of the residential use on the site but this is not considered to result in a significant increase in noise and disturbance to the detriment of the neighbouring residential occupiers amenity, particularly in the context of the amount of homes provided over the wider site.

5.25 Objections regarding the management of the construction were received specifically relating to the use of the car park during construction and impact on the existing residential occupiers. A condition securing a construction management plan has been recommended to ensure the construction does not significantly impact on the amenity of neighbouring occupiers during the course of construction.

5.26 For the reasons above it is considered that the proposal would not result in harm to the amenity of the neighbouring residential occupiers and would be in accordance with policy 29 of the Sutton Local Plan.

5.27 **D) Quality of Accommodation and Future Occupiers Amenity**

5.28 Policy 9 of the Sutton Local Plan states

a The council will grant planning permission for new residential development, provided that it includes a mix of dwelling sizes which is proportionate across tenures.

b In terms of dwelling sizes:

(i) all developments within Sutton Town Centre should seek to provide a minimum of 25% of all dwellings on the 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.

(ii) all developments outside Sutton Town Centre should seek to provide a minimum of 50% of all dwellings on the site as having three bedrooms or more, unless it can be demonstrated that this would be unsuitable to the location or not viable.

c 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 3 bedrooms or more to exceed 50%.

d 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 (or any successor document).

e The council will expect that 90% of all new dwellings within a scheme containing housing to be accessible and adaptable dwellings (Housing Technical Standard M4 (2)) and 10% of all new dwellings within a scheme containing housing to be wheelchair user dwellings (Housing Technical Standard M4 (3)).

f The council will not grant planning permission for new residential development, including conversions, which does not provide an adequate amount of private amenity space. An adequate amount of amenity space will be considered on a case-by-case basis with reference to the minimum standards (used a guide) set out the council's Urban Design Guide SPD (or any successor document) and taking into account local character.

5.29 The proposal would provide a total of eight dwellings in a mix of one 3-bedroomed duplex dwelling, two 2-bedroomed flats and five 1-bedroomed flats. The proposed flats would meet the London Plan space standards and would be provided with

private balconies to the rear elevation which would provide private amenity space in accordance with The Mayor's Housing SPG 2016. In addition the duplex 3-bedroomed dwelling would have its own ground floor terrace which would provide the private amenity space for this particular unit.

- 5.30 The proposal would also provide landscaping all around the building. The landscaping to the front would provide a suitable soft edge between the building and Stafford Road and will ensure the ground floor duplex unit has sufficient defensible space. In addition the landscaping around the building would ensure that this unit would have sufficient defensible space to ensure that this unit receives acceptable levels of privacy.
- 5.31 The application has been accompanied by an acoustic assessment. This has demonstrated that, with sufficient sound insulation measures to mitigate traffic noise from Stafford Road, the proposed dwellings would not be subject to unacceptable noise and disturbance to the detriment of their amenity. A condition securing the proposed sound insulation measures is recommended by the Environmental Health Officer.
- 5.32 The application has also been accompanied by an Air Quality Report which has demonstrated that the future occupants would not be exposed to adverse levels of air pollution from the Stafford Road and adjoining industrial uses and would not result in adverse impacts to the health or amenity of the future occupiers.
- 5.33 It is also noted that the revised siting moves the footprint of the building to the west, so the external wall of the proposed building forms part of the enclosure to an existing electricity substation located on the western boundary of the site. The previously refused scheme ref: DM2018/01088 had no ground floor units and only a single window on the western elevation of the building at first and second floor levels which served a bedroom for the proposed units. The proposed scheme would have a ground floor habitable room, as well as first floor windows serving bedrooms.
- 5.34 The electricity substation would produce a low frequency hum as well as low frequency electromagnetic fields. Environmental Health were consulted on the proximity of the sub-station and raised no objection to the siting of the development. It should also be noted that this issue was not raised by the Inspector at appeal during the consideration of the dismissed appeal. Given the above whilst the main habitable room of the ground floor dwelling would be located in close proximity to the substation it is considered that the proposal would not result in harm to the amenity of future occupiers in terms of exposure to electromagnetic fields.
- 5.35 In terms of noise, the noise assessment submitted includes all aspects of environmental noise, including any noise associated with the electricity substation.

The noise assessment made recommendations in respect to measures to attenuate noise to provide accommodation in accordance with BS 8233: 2014. As such it is considered in this instance that the proposal would not result in accommodation which would result in harm to the future occupier's amenity.

5.36 For the reasons given above it is considered that the proposal would be in accordance with policies 9, 29 and 34 of the Sutton Local Plan.

5.37 **E) Transport and Highways:**

5.38 Policy 36 of the Sutton Local Plan states that the Council will assess all new development applications for their impact on the existing and proposed transport infrastructure and services, and the local environment. Policy 37 of the Sutton Local Plan states that 'new developments will be expected to provide car parking in accordance with the council's restraint based maximum car parking standards taking into account public transport accessibility levels, existing publicly available parking provision and usage in the vicinity of the site and the need to deter unnecessary car use while avoiding overspill parking problems'.

5.39 The proposal would result in a loss of 14 car parking spaces associated with the existing development on the site. The spaces formed part of the prior approval application ref: D2015/72715 for the conversion of Waddon House to a residential use. The applicant has provided an on-street parking survey with the Transport Statement. This has been assessed and considered acceptable by the Senior Highways Engineer. In respect to car parking provision this was considered at appeal under application ref: DM2018/01088 which was for a similar development. That application was refused by the Council on grounds of an under provision of car parking, however the Inspector at appeal considered there was sufficient on-street car parking to accommodate any overspill car parking and did not uphold this reason for refusal.

5.40 It is noted that objections have been received from residents of Waddon House that the car parking spaces are not sold with the flats and are only available separately on a short term rental basis. The Local Planning Authority cannot insist that the spaces are provided for free and this is outside the remit of planning considerations. In addition these objections were raised under the previously refused application ref: DM2018/01088 and as such were considered by the Inspector at appeal and his comments are given in paragraph 1.21 of this report.

5.41 The Officer report for the previously refused application DM2018/01088 highlighted the presence of the condition applied to the prior approval ref: D2015/72715 and that the proposal would contravene this condition. Again this was considered by the Inspector at the appeal and is a material consideration in respect to the current application.

- 5.42 As such whilst it is acknowledged that the car parking provision is significantly below the council's maximum car parking standards, given the previous appeal decision, which has been given significant weight and that the Senior Highways Engineer has not objected to the proposed car parking provision it is considered that the proposal would be acceptable and would be in accordance with policy 37 of the Sutton Local Plan.
- 5.43 Given the limited number of dwellings proposed, it is considered that the proposal would not result in a significant increase in trips to and from the site to the detriment of the safe and efficient operation of the public highway.
- 5.44 Further objections have been raised in respect to the construction of the proposal in respect to the use of the car park for storage or machinery and materials during construction and how construction would be managed. A condition requiring a Construction Logistics Plan and a Construction Method Statement has been recommended to ensure traffic associated with the proposal would not adversely impact the local highway network and such a condition has been requested by TfL and the Senior Highways Engineer.
- 5.45 As such subject to the recommended conditions it is considered that the proposal would be in accordance with policies 36 and 37 of the Sutton Local Plan.
- 5.46 **D) Sustainable Design and Energy Efficiency:**
- 5.47 The London Plan policies 5.1, 5.2, 5.3, 5.9, 5.12, 5.13 and the Sutton Local plan policies 31, 32, 33 and 34 require new developments to achieve reductions in CO2 emissions, water efficiency and flood risk mitigation measures and the installation of Sustainable Urban Drainage Systems.
- 5.48 The planning application has been accompanied by an Energy Statement which has demonstrated that the proposal would facilitate a 38% reduction in regulated carbon dioxide emissions, through energy efficiency measures, solar panels and a green roof. A condition is recommended for the applicant to submit the final SAP outputs prior to occupation. As such the proposal would be in accordance with Policy 31 of the Sutton Local Plan.
- 5.49 In addition the submitted SUDS scheme would be adequate and a condition securing its implementation and evidence of its implementation is recommended. As such it is considered that the proposal would be in accordance with policy 32 of the Sutton Local Plan.
- 5.50 In addition the applicant has submitted information demonstrating the water efficiency of the proposed residential units would be in accordance with Policy 33 of the Sutton Local Plan and a condition securing these measures is recommended.

5.51 **E) Trees and Landscaping:**

5.52 Policy 28 of the Sutton Local Plan requires that natural features of the site are retained where possible, including trees, and also requires developments to provide a high quality landscaping of the site.

5.53 An updated arboricultural assessment has been submitted and assessed by the Principal Tree Officer who is satisfied that neighbouring trees would not be adversely affected by the proposed development. A condition requiring submission of tree protection measures is recommended to ensure the trees in the neighbouring site to the west of the site would not be adversely affected by the development.

5.54 In addition the proposal would provide significant landscaping around the proposed building and car park of Waddon House. The proposed landscaping would soften the appearance of the building within the streetscene and would improve the utilitarian and oppressive appearance of the car park and site. A condition requiring the submission of the final landscaping proposal is recommended and for the reasons above it is considered that the proposal would be in accordance with policy 28 of the Sutton Local Plan.

5.55 **F) Air Quality and Noise Impact:**

5.56 Policy 34 of the Sutton Local Plan requires that development is Air Quality Neutral and would not result in adverse impacts on existing and future occupiers. In addition Policy 34 also requires that development near noise generating sources such as busy roads, do not result in adverse impacts on the amenity of future occupiers and is provided sufficient mitigation measures to ensure this.

5.57 The previously refused application ref: DM2018/01088 was refused and dismissed at appeal due the absence of an Air Quality Assessment. Given the proximity to the Stafford Road and the potential adverse impacts of air quality on the future occupiers of the development from pollutants from traffic and the neighbouring industrial uses the Inspector agreed with the Council's assertion that the lack of evidence could result in adverse amenity impacts on the future occupiers of the development from potential pollutant levels. Subsequent applications including this current application have been accompanied by an Air Quality Assessment. The submitted Air Quality Assessment has been assessed by the Environmental Health Officer who has raised no objection to the proposal in terms of the air quality impacts on future occupiers, and this was the case for the previously refused application DM2019/02056 and did not form a reason for refusal under this previous application. As such it is considered that the proposal would not result in adverse air quality conditions for the future occupiers and would be in accordance with policy 34 of the Sutton Local Plan.

- 5.58 The Environmental Health Officer has raised no objection in terms of the Air Quality aspects of the proposed development recommending a condition securing the details of the communal heating system prior to occupation of the development. As such, with the recommended condition it is considered that the proposal would be in accordance with policy 34 of the Sutton Plan.
- 5.59 The proposal has also been accompanied by an acoustic assessment which has demonstrated that the future occupiers would not be exposed to excessive noise or disturbance from the traffic on Stafford Road or the neighbouring industrial uses and would not prejudice the neighbouring uses. As such it is considered that the proposal would be in accordance with Policy 34 of the Sutton Local Plan in terms of noise and disturbance.
- 5.60 **G) Archaeology**
- 5.61 Policy 30 of the Sutton Local Plan requires development to preserve and enhance heritage assets and this includes any archaeological items found during the course of construction.
- 5.62 Historic England's Greater London Archaeological Advisory Service (GLAAS) were consulted in respect to the application. Due to the location of the application site a Desk Top Archaeological Study was requested by GLAAS and was submitted by the applicant. This demonstrated that the site may be subject to some archaeological remains and a 2 stage written scheme of investigation condition has been recommended to ensure any archaeological remains are identified and reported during the ground preparations. As such with the recommended condition the proposal is considered to be in accordance with policy 30 of the Sutton Local Plan.
- 5.63 **L) Planning Contributions:**
- 5.64 No obligations are sought through S106 legal agreements.
- 5.65 The London Borough of Sutton introduced its Community Infrastructure Levy (CIL) charging schedule in April 2014. Any new build, that is a new building or an extension, is only liable for the levy if it has 100 square metres, or more, of gross internal floor space or creates an additional residential unit.
- 5.66 All Local Authorities are required to index the CIL charges to take account of price increases between the time when charging schedules setting out an authority's rate come into force, and the time at which planning permission is granted. In this instance the London Borough of Sutton's CIL has been indexed from its adoption in April 2014 and the Mayoral CIL indexed from its adoption in April 2012. However, this proposal would not be liable for CIL.

5.67 **M) Conclusions and Recommendations:**

- 5.68 The principle of residential use of the site has been established through the site allocation S63, the implementation of the prior approval ref: D2015/72715 and the previously refused applications ref: DM2018/00281, DM2018/01088 and DM2019/02056, where there was no objection to the principle of those applications in land use terms. As such the proposal is considered to be acceptable in land use terms and in principle.
- 5.69 The proposed design and layout has addressed the previous reasons for refusal under applications ref: ref: DM2018/00281, DM2018/01088 and DM2019/02056, and would provide a good level of landscaping to soften the appearance and massing of the building within the streetscene and would not result in harm to the character or appearance of the area and would be in accordance with policy 28 of the Sutton Local Plan.
- 5.70 The proposal would not result in harm to the amenity of neighbouring residential occupiers and would result in a satisfactory level of accommodation for the future occupiers.
- 5.71 In reaching this recommendation, significant weight has been given to the Inspector's appeal decision in respect of the previous application in relation to the parking issues. Given that no objection has been raised by the Senior Highways Engineer, it is considered that the level of car parking would be acceptable and would be in accordance with policy 36 and 37 of the Sutton Local Plan.
- 5.72 The proposal would not result in adverse air quality impacts and would result in a reduction of carbon dioxide emissions and would provide an SUDS scheme in accordance with policies 31, 32, 33 and 34 of the Sutton Local Plan.
- 5.73 For these reasons above it is recommended that planning permission is granted subject to the recommended conditions.

G

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DM2020/00781

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

Waddon House, 283 Stafford Road, Wallington, CR0 4FA

Demolition of existing bin and cycle storage and erection of a three storey building comprising 8 dwellings, parking, cycle store, bin store and landscaping.

SECOND SCHEDULE

1. The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. The approved development shall be carried out in accordance with the following drawings/details: Drawing nos. 001, 002 Rev. A, 020, 021, 022, 023, 030, 101 Rev. A, 110, 111, 112, 113, 120, 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 504.01 (Landscaping Master Plan), 504.02 (Landscape Section), Transport Statement dated May 2020, Arboricultural Impact Assessment & Tree Protection Plan dated 5th August 2020, Design and Access Statement dated May 2020, Air Quality Assessment dated 13th September 2019, Environmental Noise Impact Assessment dated 17 February 2018, Brief Energy & Sustainability Report – v4 dated October 2020, Archaeological Desk Based Assessment dated 1 September 2020, Part G Compliance Report dated 8 March 2018, FRA and SuDS Statement dated 21 October 2020.

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

3. Prior to the commencement of the superstructure of the building, the type and treatment of the materials, including samples, to be used on the exterior of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the construction of the development hereby approved, completed prior to its occupation/use and retained thereafter.

Reason: To safeguard the visual amenities of the area and to ensure compliance with Policy 28 of the Sutton Local Plan 2018. This condition is required to be pre-commencement to ensure that materials are considered at an early stage of the construction process and it is important that details are agreed at this stage as this could potentially impact on construction methods.

4. No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of operation; (f) and means to prevent deposition of mud on the highway have been submitted, to and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with policies 29, 36 and 37 of the Sutton Local Plan.

5. No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP), to include details of: (a) provision of boundary hoarding; (b) hours of operation; (c) means to control dust and emissions to air; (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority. The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality. This condition is required to be pre-commencement as the Construction Management Plan needs to be in place before any works take place and to mitigate against the impacts of the demolition / construction process in accordance with policies 29 and 34 of the Sutton Local Plan.

6. Prior to the occupation of the development, the car parking provision (including the car club space and accessible spaces) shall be laid out in accordance with the approved drawing nos. 101 Rev. A. A drawing showing the location of the 6 active electric vehicle charging points and 5 passive electrical vehicle charging points for the residential car parking shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to occupation and retained thereafter for the life of the development. The electric vehicle charging points shall be included within the total of number of car parking spaces.

Reason: To ensure sufficient car parking provision is provided in accordance with Policy 37 of the Sutton Local Plan and Policy 6.13 of the London Plan.

7. Prior to the occupation of the development, details of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented prior to the occupation of the development and shall be retained thereafter for the life of the development.

Reason: To ensure sufficient cycle parking provision is provided in accordance with Policy 37 of the Sutton Local Plan.

8. Prior to the occupation of the development, full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping and tree planting shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards (in particular, BS 3882: Specifications for Topsoil, Recommendations (2015) and BS 8545: Trees from Nursery to Independence in the Landscape, Recommendations (2014) or other recognised codes of good practice). The works shall be carried out prior to the occupation of any part or relevant phase of the development or in accordance with the timetable agreed with the Local Planning Authority. Any tree(s) or plants that (within a period of five years after planting) are removed, die, or (in the opinion of the Local Planning Authority) are damaged or defective shall be replaced as soon as is reasonably practicable with others of a similar size/species/number as originally approved, unless the Local Planning Authority gives its consent to any variation.

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

9. Prior to the commencement of development, measures for the protection of all tree(s) shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be in accordance with the British Standard BS5837: Trees in relation to design, demolition and construction. Any works/development on site shall be carried out in strict accordance with the approved details and the protective measures shall only be removed on completion of the development.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the tree (s) to be retained will not be damaged during demolition or construction and to ensure tree(s) significant in terms of their provision of local amenity are protected from construction damage, in accordance with best practice and Policy 28 of the Sutton Local Plan 2018.

10. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. Should remediation be required, no development shall commence until a report is submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for use. The remediation of the site shall be carried out in accordance with the approved remediation strategy prior to commencement of building works.

Reason: To comply with Policy 34 of the Sutton Local Plan 2018. This condition is required to be pre-commencement as any development within the site could result in contamination risks which could be mitigated with an appropriate assessment and remediation.

11. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks in accordance with Policy 34 of the Sutton Local Plan.

12. No development (excluding demolition and site clearance works) shall take place until the site has been registered on the NRMM database (www.nrmm.london) and the details of any non-road mobile machinery to be used on site during the construction of the development with net power between 37kW and 560kW have been provided to demonstrate compliance with the standards of the Low Emission Zone for NRMM.

Reason: In accordance with Policies 29 and 34 of Local Plan and to safeguard the amenity of surrounding occupiers during the construction phase.

13. Any works during the demolition / construction phase that generate noise beyond the site boundary shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and at no time whatsoever on Bank Holidays and Sundays.

Reason: In accordance with Policies 29 and 34 of Local Plan and to safeguard the amenity of surrounding occupiers during the construction phase.

14. Prior to the commencement of the superstructure of the development hereby approved, details of the boilers of the development shall be submitted to and approved in writing by the local planning authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh.

The boilers shall be installed and retained for the lifetime of the development in accordance with the approved details.

Reason: To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan in relation to air quality.

15. The façade and glazing element including any ventilation scheme as set out in the noise report by Sound Advice Acoustics Limited ref: SA-5372-2 dated May 2020 shall be implemented prior to first occupation of the development. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given above are not compromised.

Reason: In order to protect future occupiers against traffic and nearby commercial premises in accordance with Policy 29 and 34 of the Sutton Local Plan.

16. Prior to the commencement of development, a further revised Energy Statement incorporating updated 'as-designed' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority and approved in writing which demonstrates how each of the new dwellings will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to achieve at least a 35% reduction in CO2 emissions below the target emission rate (TER) based on Part L1A of the 2013 Building Regulations and at least a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation. The development must exceed the minimum Part L1A emissions standards through energy efficiency measures alone.

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

17. Prior to first occupation of the development, as-built' Standard Assessment Procedure (SAP) outputs must be submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved Energy Statement. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall shall be made up through the application of further sustainability measures. The approved measures should thereafter be retained.

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

18. The development hereby approved shall be constructed in accordance with the approved FRA and SuDS Statement prepared by P3r Engineers Ltd (21 October 2020).

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

19. Prior to first occupation of the development, written confirmation that the approved site drainage and flood risk management measures, including SuDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further calculations carried out by an appropriately qualified professional must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 40% for climate change) will be as close as reasonably practicable to the calculated greenfield run-off rate for the same event and no more than 3 times the calculated greenfield run-off rate for the same event. The development shall be carried out in accordance with the approved details and thereafter retained.

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

20. In total 8 number of units (90%) hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2). Evidence from an approved building control inspector demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation. The development shall be retained in accordance with these approved details thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of Policy 9 of the Sutton Local Plan 2018.

21. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To ensure that items of archaeological interest are recovered in accordance with policy 7.8 of the London Plan and Policy 30 of the Sutton Local Plan.

22. Prior to occupation of the development hereby approved, the refuse storage shall be provided in accordance drawing no. 110 and shall include the approved refuse and recycling bins.

Reason: To ensure that adequate arrangements are made for the storage and collection of refuse and recycling materials from all parts of this development in a manner that does not adversely affect the amenities of adjoining properties in accordance with policies 28 and 29 of the Sutton Local Plan.

23. Prior to the occupation of the development, details of the boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to occupation and shall be retained thereafter.

Reason: To ensure that the development is completed to a high quality of design and in the interest of neighbouring occupier's amenity, in accordance with policies 28 and 29 of the Sutton Local Plan.

24. Prior to the commencement of development, detailed proposals for accommodating a green roof as part of the design and layout of the development shall be submitted to the Local Planning Authority and approved in writing. This should include design/product specifications, the proposed implementation timescale and arrangements for on-going

maintenance. Where a green roof or green wall is not proposed, the submitted documentary evidence should demonstrate why this would not be feasible or viable having regard to existing site constraints. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To comply with Policy 33 of the Sutton Local Plan 2018. This condition is required to be pre-commencement to ensure that these details are considered at an early stage of the process and the required details are an integral part of the construction.

25. Prior to the commencement of the superstructure of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police SW Designing Out Crime Office, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. The approved details shall be implemented prior to occupation and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the development achieves Secure by Design accreditation in accordance with policy 7.3 of the London Plan and Policy 28 of the Sutton Local Plan.