

DM2020/00590

48 Manor Road, Wallington, SM6 0AB

Committee	Planning Committee
Committee Date	5th May 2021
Committee Chair	Councillor Drew Heffernan
Report From	Simon Latham, Interim Strategic Director of Regeneration, Housing and Planning
Site Reference	DM2020/00590
Site Address	48 Manor Road, Wallington, SM6 0AB
Time taken	47 weeks
Applicant	Matthew Couch
Agent	Joanna Hanslip, Urbanissta
Ward(s) Affected	D15 - Wallington North

1 Summary

- 1.1 The application seeks planning permission for external alterations to the fenestration and elevational finish of a vacant former office space, and the removal of an external staircase.
- 1.2 This application has been referred to the committee because the application has received in excess of 10 letters of objection and has been de-delegated by Councillor Barry Lewis.

2 Recommendation

- 2.1 To **GRANT** planning permission, subject to the conditions outlined at Appendix B.

Summary of reasons for recommendation

- 2.2 The proposed development would be in keeping with the character and appearance of the surrounding area with a sympathetic window design and layout and finished in materials typical of the wider streetscene.
- 2.3 The proposed development would not result in harm to the amenities of any neighbouring properties in terms of increased noise and disturbances or loss of light, privacy and outlook.
- 2.4 The proposed development would not alter or affect highway and pedestrian safety.

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- 2.5 The proposed development would include adequate mitigation measures to ensure that the future occupiers of the development would not be exposed to adverse levels of noise and disturbance from the adjoining commercial use.

3 Background and Key Information

Conditions

- 3.1 The conditions of this application are attached at Appendix B.

Site and surroundings

- 3.2 The application site is a vacant former first floor office located above 'Merityre Specialists' MOT and car servicing garage which has ancillary undercroft parking. The office space is located along the northern boundary of the larger 'Merityre' site. The ground floor level of the site is split between undercroft parking (for 3 cars) for the office space accessed via Lodge Road to the west and the commercial use and forecourt parking associated with Merityre to the east.
- 3.3 The first floor is accessed via a staircase located via the ground floor undercroft parking area and an external staircase from the northern boundary along a fenced access leading from Manor Road. The Gross Internal Area of the first floor is 242m².
- 3.4 The building measures 23.6m in length and 6.6m in height with a flat roof. The existing first floor appears run-down, finished in faded grey concrete cladding panels with windows to the north and south elevations.
- 3.5 Directly adjacent to the site to the north is the boundary of Wallington Green Conservation Area and Listed Buildings 38, 40 and 40a Manor Road.
- 3.6 Wallington Green Conservation Area (CA) (designated 1971) is listed within the Sutton Local Plan Appendix as having 'a long history dating back to Roman times and consists of a mixture of residential, retail and light industrial uses. The listed Dukes Head public house provides a focal point for the area, in addition to the row of cottages on Wrights' Row and Whitehall Place. The area comprises a diversity of architectural styles. The residential terraced houses along Manor Road have a distinctive unity of character. Most of the retail outlets along Manor Road still retain their original timber frontages.'
- 3.7 38, 40 and 40a Manor Road are listed at Grade II, minor alterations have occurred, some of which predate listing in 1974, but most of the original fabric and plan survives. The building's construction is dated from the end of the C18 to the mid-C19. They form a well documented part of the historic core of the village and have a group value with the following Grade II listed buildings: No. 36, No. 32, Nos 8 to 16 (even), and the Duke's Head Public House with stable block (160m to the north).

Site specific designations

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- 3.8 The site is located in the following Sutton Local Plan designations: Archaeological Priority Area; Area of Potential Intensification.

Planning History

- 3.9 DM2019/01612 Prior Approval for change of use from an office to residential use providing 5x one bedroom units with 3 car parking spaces, 8 cycle bays and refuse store was approved on 13th February 2020.
- 3.10 DM2020/01879 Erection of a first floor rear extension, alterations to first floor fenestration and erection of a second floor to provide 5 self contained residential units, parking, cycle and bin storage was refused on 1st April 2021 for the following reasons: overdevelopment; impact on heritage assets; insufficient parking; inadequate mitigation of SuDS.

4 Application Proposals

- 4.1 These alterations are proposed to enable the change of use granted under DM2019/0162 (see above) to be fully completed. The application is not for the consideration of the change of use from office to residential flats, only the external alterations that are necessary for its completion.
- 4.2 The existing north facing elevation has an external staircase and door, and a 19.5m wide high level window. This is to be replaced with the installation of eleven windows (including the removal of the staircase), all of which have restricted opening, are either fully obscure glazed or partially obscure glazed, and two are projecting. The eastern elevation has no existing openings and would have 6 windows installed. The existing southern elevation has thirteen windows to be replaced with 16 windows. The western elevation has no existing openings and none are to be installed.
- 4.3 The first floor elevations are to be re-clad and finished in white render.

Amendments

- 4.4 The application was made invalid on 4th June 2020 as the wrong certificate had been signed and notice had not been served on 'Merityre' as the long leaseholder of the land. Subsequently, Certificate B was signed and 'Merityre' were notified of the application, and the application was re-validated on the 12th June 2020.
- 4.5 Amended drawings were received on the 23rd October 2020 showing changes to the window design to mitigate potential overlooking issues to 40a Manor Road to the north and neighbours were re-notified. The drawings contained an error which was corrected and the final amended drawings were received on the 26th November 2020.

5 Publicity

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Consultation

- 5.1 A total of 44 letters were originally sent on 5th May 2020 to the owner/occupiers of adjoining addresses on Alcester Road; Lodge Road; Maldon Road; Manor Road; and Queens Close.
- 5.2 Subsequent to the re-validation of the application (in accordance with the correct certificate being signed), a total of 61 letters were sent out on 15th June 2020 to all the original neighbours and an additional 17 correspondents who had made representations on the application.
- 5.3 Following amendments to the design of the windows, a total of 61 letters were sent out on 3rd November 2020 to all the original neighbours and an additional 17 correspondents who had made representations on the application.
- 5.4 Following amendments to correct an error on the drawings, a total of 62 letters were sent out on 30th November 2020 to all the original neighbours and an additional 18 correspondents who had made representations on the application.

Number of letters received in response to the proposal

- 5.5 A total of 25 letters of objection were received from 20 addresses. 23 letters were received during the original neighbour consultation period (in response to letters of notification dated 5th May 2020); 2 letters were received during the final neighbour consultation period (in response to letters notification dated 30th November 2020), after the amendments to the design had been made.
- 5.6 The letters of objection were received from the following addresses:
 - 14, 22, 23, 24, 25, 27, 30, 33, 34, 36, 38, 45, 51 and 55 Lodge Road
 - 36, 38 and 40 Manor Road
 - 28 and 32 Mint Road
 - High Meadows, Gooseham

Representations received

- 5.7 Below are the material objections raised, with the officer’s response.

Material Objections	Officer Response
Publicity	
No site notice	Given the minor nature of the application, and it not being for new dwellings or within a Conservation Area, a site notice was not

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<p>Neighbours were not notified</p>	<p>required. The statutory requirements for consultation have been met</p> <p>The adjoining neighbours (excluding highways) were initially consulted by way of letter. The subsequent neighbour re-consultations (as detailed above) also included addresses that had made representations on the application. This is in accordance with statutory requirements.</p>
<p>Design</p>	
<p>Extension and additional floor too large and would cause harm to the Wallington Green Conservation Area and 12 flats is an overdevelopment</p> <p>Recladding would encroach onto Merityre signage located on the eastern elevation</p>	<p>There are no extensions or additional storeys to be added to the existing building as part of this application and it appears that comments made on this application have been conflated with residents concerns in respect of other (unconnected) applications. There have been two separate proposals at the application site, planning references: DM2020/00794 and DM2020/01879, which have been withdrawn and refused respectively.</p> <p>The proposed elevational changes relate to the first floor and will not affect the existing commercial signage. Certificate B has been signed and notice served as 'Merityre' are the landowner.</p>
<p>Neighbouring Amenity</p>	
<p>Loss of privacy to 40a Manor Road</p> <p>Loss of privacy to east and commercial premises</p> <p>Fenestration changes not included in original change of use application (ref: DM2019/01612)</p>	<p>The windows in the northern elevation facing 40a Manor Road have been amended to be obscure glazed up to 1.8m in height (measured from the internal floor level) with a restricted opening so as to ensure there is no direct overlooking.</p> <p>The proposed windows in the eastern elevation would not affect residential amenity but rather they would overlook a commercial forecourt and public highway.</p> <p>The change of use from office to residential accommodation was subject to 'Prior Approval'. The application only allows the local authority to assess a specific set of impacts and risks, these being: transport and highways impacts; contamination and</p>

	flooding risks; and impacts of noise from commercial premises on the intended occupiers of the development. It is not uncommon, such as in this instance, for minor external alterations associated with a change of use to be applied for subsequent to the 'Prior Approval'.
Parking	
<p>Parking will become impossible resulting in overspill on surrounding roads</p> <p>The provision of 3 off street car parking spaces is provided on land outside the control of the applicants</p>	<p>The minor external alterations to the appearance of the building would have no impact on the highway, access and parking.</p> <p>The current application does not involve any changes to the existing parking and highways.</p>
Trees	
Loss of trees as extending the existing building to the north.	The current application does not involve any extensions or an increase to the existing footprint and no trees will be affected.
Noise Impact	
The noise levels would be intolerable for future occupiers	The proposal has been accompanied by a noise impact assessment which has shown that adequate mitigation measures would ensure that the future occupiers of the development would not be exposed to adverse levels of noise and disturbance from the adjoining commercial use and the council's Environmental Health team have raised no objection.

Summary of non-material representation(s)

5.8 Below are the non-material objections raised, with the officer's response.

Non-Material Objections	Officer Response
No details have been provided in respect of removing asbestos	The removal of material containing asbestos is controlled by the Health and Safety Executive.
The change of use should not be granted	This application is not for a change of use as that was decided under the previous 'Prior Approval' application.

Internal and external consultations

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

Internal Consultation	Comments Received
Highways Engineer	No objections subject to a Construction Logistics Plan being submitted to and approved by the council in writing prior to the commencement of any works.
Environmental Health	No objection subject to conditions securing mitigation measures for noise, hours of construction and land contamination.

- 5.10 No external consultees were consulted.

Councillor Representations

- 5.11 Councillor Barry Lewis has de-delegated the application on the grounds of overlooking/loss of privacy; effect on Listed Buildings and Conservation Area.

6 Material Planning Policies

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The London Plan 2021
- The Sutton Local Plan 2018

- 6.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework (NPPF) 2019.
- National Planning Practice Guidance (NPPG)
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- Human Rights Act 1998
- Equality Act 2010
- Publication London Plan 2020
- The Mayor's Housing SPG 2016

*DM2020/00590**48 Manor Road, Wallington, SM6 0AB***6.3 Public Sector Equality Duty (PSED) and Human Rights**

6.4 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.

6.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.6 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.

6.7 It is considered that the recommendation to grant planning permission would not result in any disproportionate adverse impact on a protected characteristic.

6.8 It is also an inherent part of the decision-making process for the department to assess the effects that a proposal will have on individuals and weigh these against the wider public interest and all other material considerations in determining whether development should be granted planning permission or not. As such, it is considered that the recommendation to grant planning in this instance takes into account issues arising from the Human Rights Act (1998).

6.9 Material Planning Policies in the Determination of this Application**6.10 London Plan 2021 Policies:**

- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D8 Public realm
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth
- Policy SI 1 Improving air quality
- Policy SI 3 Energy infrastructure

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6.11 Sutton Local Plan 2018 Policies:

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

6.12 Supplementary Planning Guidance/Documents:

- SPD14 Creating Locally Distinctive Places
- The Mayor's Housing SPG 2016

7 Planning Considerations

7.1 The principal planning considerations are considered to be as follows:

- A. Principle of Development
- B. Design Quality
- C. Neighbour Amenity
 - I. *Sunlight/Daylight, Outlook*
 - II. Overlooking and Loss of Privacy
 - III. Noise and Disturbance
- D. Highways, access and parking
- E. Noise

A. Principle of Development

7.2 The external changes to the appearance of the building would not affect the land use but rather provide a suitable standard of accommodation for future occupiers.

B. Design Quality

7.3 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.

- 7.4 Policy 28 of Sutton's Local Plan states that council will grant planning permission for new development provided that it is attractive, designed to the highest standard and uses high quality materials. In addition, new development should respect the local context and respond to local character, make a positive contribution to the streetscene, and respond to any natural and landscape features of the site.
- 7.5 Policy 30 of the Sutton Local Plan 2018 expects development outside a Conservation Area (CA) but which would affect a CA to conserve and, where practicable, enhance those elements which contribute to the CA's special character or appearance. Similarly, these principles apply to the setting of any nearby Listed Building.
- 7.6 The proposed windows would have a vertical emphasis finished in white uPVC. The proposed window layout and design, given the spacing and window size, would appear proportionate and typical for this type of flatted development. The windows in the north elevation would either be partially or fully glazed. Two of the windows would have a modest projection, however this would not be readily visible from the streetscene and would not cause any significant harm to the appearance of the adjacent heritage assets. The removal of the dilapidated external staircase would improve the appearance of the northern elevation.
- 7.7 The walls would be finished in white render. Both white render and white uPVC are typical of the wider area and it is considered that the proposal would be acceptable in design terms and would not cause harm to the character of the adjacent Wallington Green CA and Listed Buildings to the north.

C. Neighbour Amenity

- 7.8 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 and traffic movement amongst other things.
- I. Sunlight/Daylight, Outlook*
- 7.9 Two of the windows would have a modest projection however given the windows size but it is considered the proposal would not adversely affect the amenities of any adjoining occupiers in terms of loss of light or outlook.
- II. Overlooking and Loss of Privacy*
- 7.10 There would be no extensions to the existing building but the proposal includes 33 new windows in the north, east and south elevations. The windows in the eastern elevation fronting Manor Road would overlook the forecourt and adjacent highway, maintaining over 30m separation to the flatted block on the opposite side of the road, which is typical of the

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existing relationship between buildings along Manor Road.

- 7.11 The windows in the southern elevation would have a similar layout to the existing situation and face onto the blank flank elevation of the adjacent flats. There would be no windows installed in the western elevation.
- 7.12 The windows in the north elevation that face toward 40a Manor Road are either fully obscure glazed or partially obscure glazed. The partially obscure glazed windows would be screened up to a height of 1.8m (measured internally) so as to ensure there is no potential for overlooking to the property to the north. The windows have restricted openings.
- 7.13 It is considered that the proposed windows would not cause any potential overlooking or undue loss of privacy to any adjoining properties.

III. Noise and Disturbance

- 7.14 The installation of windows and changes to the elevational finish would not unduly increase noise and activity.

D. Highways, Access and Parking

- 7.15 The alterations to the appearance of the building would have no impact on the highway, access and parking.

E. Noise and Land Contamination

- 7.16 It is noted that the proposed windows would be located in close proximity to an existing MOT and car servicing garage. A noise impact assessment has been submitted and no objection has been raised by Environmental Health subject to a scheme of sound insulation being secured by condition. The officer has also recommended a condition for land contamination. Given that no ground works would take place other than the removal of the external staircase, whilst the condition may seem too onerous, the condition has been attached as an assessment is only required if contaminated land is encountered during the implementation of the development.

8 Reason(s) for recommendation

- 8.1 The minor alterations to the building would not differ significantly from the existing situation. The materials and finishes, chiefly white uPVC for the windows and white render for the walls, are commonly used within the wider area. Any potential overlooking issues have been mitigated with obscure glazed windows and restricted opening. Future users of the site are protected from nearby commercial noise by sound mitigation measures. It is therefore considered that the proposal is acceptable and it is recommended that planning permission is granted.



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9 Appendices and Background Documents

9.1 Appendices

Appendix Letter	Appendix Title
A	Site Plan
B	Conditions of application