

DM2018/01523

32 The Market , Wrythe Lane, Carshalton, SM5 1AG

<b>Committee</b>	Planning Committee
<b>Committee Date</b>	5 May 2021
<b>Committee Chair</b>	Councillor Drew Heffernan
<b>Report From</b>	Simon Latham, Interim Strategic Director of Regeneration, Housing and Planning
<b>Site Reference</b>	DM2018/01523
<b>Site Address</b>	32 The Market, Wrythe Lane, Carshalton, SM5 1AG
<b>Time taken</b>	127 weeks 6 days
<b>Applicant</b>	Mr Md Alaul Kabir Mazumder
<b>Agent</b>	N/A
<b>Ward(s) Affected</b>	C10 - St Helier

## 1 Summary

- 1.1 Planning permission is sought for the change of use of the ground floor commercial unit from Class A2 (financial and professional services) to Class D2 community centre involving educational and religious/cultural uses.
- 1.2 The proposal would fall under the new flexible use Class F2(b), with the existing use being a Class E use.
- 1.3 This application has been referred to the committee because the application has received over 10 letters of representation contrary to the officer recommendation.

## 2 Recommendation

- 2.1 To **GRANT** planning permission, subject to the conditions outlined at Appendix B and completion of the Section 106 agreement (with the obligations secured outlined at 3.2) by 6th August 2021, or a later date as agreed in writing by the Interim Strategic Director of Regeneration, Housing and Planning.

### Summary of reasons for recommendation

- 2.2 The proposal would not result in the loss of a Class A1 (retail) unit within the Primary Shopping Frontage of the Rose Hill District Centre and would provide a community facility in accordance with the London Plan and Sutton Local Plan.

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- 2.3 The proposal would not result in harm to the character and appearance of the St Helier Estate Area of Special Local Character.
- 2.4 The proposal would not result in harm to the amenity of the neighbouring occupiers.
- 2.5 The proposal would not result in adverse impact on the safe and efficient operation of the public highway.

### **3 Background and Key Information**

#### Conditions

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

#### Section 106 obligations secured

- 3.2 Development Travel Plan.

#### Site and surroundings

- 3.3 The application site is a three storey mid terrace building located on the southwestern side of The Market, Wrythe Lane. The site is located within Rosehill District Centre and set within a commercial parade of shops, with a number of units having residential dwellings at first and second floor levels. The building is accessed from Wrythe Lane and has access to the rear of the shops via Reigate Avenue to the south.
- 3.4 The areas to the north, east and west of the site are predominantly commercial in character with residential dwellings above. Further to the southeast lies St Helier Hospital and the St Helier Playing Fields. The surrounding area is residential in nature.
- 3.5 The building at the time of the site visit was no longer being used by an accountancy firm.
- 3.6 The Public Transport Accessibility Level (PTAL) of the site is 3 moderate.

#### Site specific designations

- 3.7 The site is designated as being within St Helier Area of Special Local Character, Rosehill District Centre, Primary Shopping Frontage, Decentralised Energy Opportunity Area and an Area of Potential Intensification.

#### Planning History

- 3.8 CAR/844 - Erection of office building at rear of No 32 was granted on 4 August 1955.
- 3.9 CAR/985 - Proposed extension to store was granted on 29 October 1956.

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- 3.10 CAR/1808 - Alterations and extensions. (Nos24/24/36) was granted on 10 August 1961.
- 3.11 N1989/33370 - Use of premises comprising 206 sqm as a wine bar involving the erection of a single-storey rear extension, installation of a new shop front and provision of canopy blinds was refused. (No details on the date of the decision could be found.)

#### **4 Application Proposals**

- 4.1 Planning permission is sought for the change of use of the ground floor commercial unit from Class A2 (financial and professional services) to Class D2 community centre involving educational and religious/cultural uses.
- 4.2 The proposal would fall under the new flexible use Class F2(b).
- 4.3 The application has stated the proposed religious/ cultural activities would;
- Comprise of a place of worship where community members may come and pray together and to get to know each other, to foster community cohesion,
  - Provide sufficient indoor prayer space for important days in the Muslim calendar such as Friday and Eid prayers,
  - Have three prayers per day at midday, late afternoon and early evening every day. The timing of the prayers is dictated by the position of the sun.
  - Have daily prayers approximately 20 minutes in length with Friday and Eid prayers lasting approximately 30 minutes,
  - The applicant has confirmed that the prayer sessions would accommodate approximately 7 people however the applicant has agreed to limit the numbers to 15 in total at any one time.
  - Have no on-site cooking and the use of amplified sound systems would be prohibited.
- 4.4 The application also confirms that the educational activities would provide;
- Discussion and debate over differing issues facing the Muslim community in the United Kingdom. These sessions would run up to twice every three months on Sundays at 10am. They would be run to allow members to share their views on different issues.
  - In addition the publication of religious commentary through digital media and books would take place.
  - Meditation meetings would also take place and are essential for religious contemplation and spiritual development. This activity would take place every Sunday immediately after the Maghrib prayer (early evening prayer). This will be a group mediation and will typically last approximately 10 minutes.



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- 4.5 The applicant’s intention is that the space will be used to serve the local community and would not expect people to travel to the site from further afield than the local community in Rose Hill.
- 4.6 It is proposed that the premises will be open from 10:00 until 22:00 Monday to Sundays.
- 4.7 The application confirms that the site will not cater for Ramadan early morning and late prayers, but will accommodate Eid festivals which occur twice a year.
- 4.8 The proposal would provide 5 car parking spaces which would be to the rear of the application site and 52 The Market.

Amendments

- 4.9 An amended site location plan was submitted on 22 November 2019 which included land to the rear of the site (to the rear of 52 The Market) for car parking purposes.
- 4.10 A survey of the likely attendees and how they would travel to the site was submitted on the 26 February 2020.
- 4.11 An emergency procedure, details of CCTV and glazing specifications for the shop front were submitted on 9 March 2021.

**5 Publicity**

Consultation

- 5.1 12 neighbour notification letters were sent to properties on Wrythe Lane and The Market on 17th October 2018 and a site notice was displayed on 8th November 2018.
- 5.2 Following the receipt of the amended site location plan, another set of neighbour notification letters were sent to neighbouring properties and addresses who sent in letters of representation. These letters were dated 3rd December 2018.

Number of letters received in response to the proposal

- 5.3 A total of 241 letters have been received of which 185 object to the proposal with 52 letters in support.
- 5.4 Summary of Material Objections

Objection Letters Received	Response
<b>Land Use</b>	

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<p>Not an appropriate location for the proposal.</p>	<p>The last/current use of the premises is as an accountancy firm under Class A2 (Financial and Professional). Class A2 is not a protected use within District Centres. The Sutton Local Plan defines town centre uses to include community uses such as that proposed. In addition a recent appeal at 15 The Market (ref: C2017/77036) for the change of use from Class A1 (retail) to Class D2 incorporating an educational and religious/cultural use, was allowed with the Inspector noting that the community centre would increase footfall within the District Centre.</p>
<p>There are already sufficient Mosques in the surrounding area.</p>	<p>The applicant has confirmed that as well as providing a place for prayer, the premises would also be used for other activities which would serve the Sufism interpretation of Islam. This is a different sect of Islam from those who attend the approved community centre at 15 The Market.</p>
<p>The proposal would result in a loss to the vitality of the Rose Hill District Centre</p>	<p>The proposal would not result in the loss of an A1 (retail) use. The proposal would provide a community facility which is an acceptable use in a town centre location such as the application site.</p>
<p><b>Design and Character</b></p>	
<p>The proposal would harm the character of the area.</p>	<p>The proposal does not result in any external alterations to the building. As such the character and appearance of the unit would not be altered and the proposal would not result in harm to the character and appearance of the surrounding area.</p>
<p><b>Neighbour Amenity</b></p>	
<p>The proposal would harm residential amenity.</p>	<p>A condition preventing the use of amplified music is recommended to prevent noise and disturbance to the neighbouring occupiers. There are no external alterations to the building so there would be no impact on the amenity of neighbouring occupiers in terms of loss of outlook, loss of sunlight/daylight, overlooking or loss of</p>

	<p>privacy. A condition requiring sound insulation is proposed to reduce any noise and disturbance to the neighbouring occupiers in the flat above the unit. As such it is considered that the proposal would not result in harm to the amenity of neighbouring occupiers. (See conditions 3 and 7 of the daft decision notice)</p>
<p><b>Environmental Protection</b></p>	
<p>Additional air pollution for car trips.</p>	<p>The proposal would serve the local community and it is likely that most attendees would walk to the premises as the use serves a local catchment. As such it is considered that there would not be sufficient trips generated by the proposal to result in an adverse impact on the air quality of the surrounding area.</p>
<p>Additional noise pollution.</p>	<p>A condition preventing the use of amplified music is recommended to prevent noise and disturbance to the neighbouring occupiers. Environmental Health were consulted and raised no objection to the proposal on ground of noise and disturbance. The site would only accommodate a small number of attendees of up to 15 people and would not generate a significant level of noise and disturbance to warrant refusal of the application. A condition limiting the number of attendees to 15 and requiring a register of attendees is recommended. (See conditions 3, 6 and 7 of the draft decision notice)</p>
<p><b>Highways and Car Parking</b></p>	
<p>Not sufficient car parking.</p>	<p>The Senior Highways Engineer has not objected to the proposal and considered the level or parking of five spaces to be sufficient for the proposed use</p>
<p>Would add to traffic congestion.</p>	<p>The Senior Highways Engineer has not raised objection to the proposal, in terms of trip generation. The proposal is to serve Muslims who work or live locally in the Rose Hill area.</p>

5.5 Summary of Material Reasons for Support

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<b>Material Reason for Support</b>	<b>Officer's Response</b>
Local Muslim community would benefit	The proposal would provide a communal facility for the local Muslim community who practice the Sufism interpretation.
The proposal would provide social activities and community education for local residents.	The proposal would provide not only a place for prayer, but also a communal and social establishment for the local Sufist community.
The proposal would provide prayer facilities for those who work in Rose Hill	The proposal would provide a place for prayer, as well as a communal and social establishment for the local Sufist community.
The proposal would provide religious education for children.	The proposal would provide a religious education facility for local children.

#### Internal and external consultations

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

<b>Internal Consultation</b>	<b>Comments Received</b>
Highways	No objection to the proposal subject to a travel plan being secured by S106 legal agreement and a construction logistics plan being secured by condition. (See condition 10 of the draft decision notice)
Waste Management	No objection.
Environmental Health	No objection subject to a condition securing noise insulation and a condition limiting the hours of construction. (See conditions 3 and 4 of the draft decision notice)

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

<b>External Consultation</b>	<b>Comments Received</b>
Transport for London	No objection subject to a S106 legal

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	agreement securing a Travel Plan and conditions securing storage for bicycles. (See conditions 9 and 10)
<b>Secure by Design</b>	No objection.

5.8 **Councillor Representations:**

5.9 None.

**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

6.3 Public Sector Equality Duty (PSED) and Human Rights

6.4 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the PSED. The application proposals are not considered to conflict with the Duty.

6.5 The application has also been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

6.6 **Material Planning Policies in the Determination of this Application:**

6.7 London Plan 2021 Policies:



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- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy
- GG6 Increasing efficiency and resilience
- SD6 Town centres and high streets
- SD7 Town centres: development principles and Development Plan Documents
- D3 Optimising site capacity through the design-led approach
- D5 Inclusive design
- D11 Safety, security and resilience to emergency
- D13 Agent of Change
- D14 Noise
- S1 Developing London's social infrastructure
- E9 Retail, markets and hot food takeaways
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T7 Deliveries, servicing and construction
- DF1 Delivery of the Plan and Planning Obligations

#### 6.8 **Sutton Local Plan 2018 Policies:**

- Policy 6 Distinctive District Centres
- Policy 17 Town and Local Centre Development
- Policy 18 Shopping Frontages and Town Centre Uses
- Policy 22 Social and Community Infrastructure, including Public Houses
- Policy 28 Character and Design
- Policy 29 Protecting Amenity
- Policy 30 Heritage
- Policy 34 Environmental Protection
- Policy 36 Transport Impact
- Policy 37 Parking

#### 6.9 **Supplementary Planning Documents:**

- SPD1 Designing Out Crime
- SPD5 Planning Obligation
- SPD13 Travel Assessments and Travel Plans

### **7 Planning Considerations**

- 7.1 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:

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- A. Principle (Land Use)
- B. Design Quality
- C. Neighbour Amenity
- D. Highways and Parking
- E. Secure by Design
- F. CIL and Planning Obligations

### A. Principle

- 7.2 Policy GG1 of the London Plan requires that development proposals promote the role of town centres have in the social, civic, cultural and economic lives of Londoners providing opportunities for building relationships during daytime, evening and night time as well as support and promote the creation of a London where all Londoner's with protected characteristics can enjoy the opportunities the city provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation.
- 7.3 Policy SD6 of the London Plan requires town centres are promoted and enhanced by providing a diverse range of uses that meet the needs of Londoners including amongst other things community and social uses. It goes further by requiring sustainable access to a competitive range of services and states that "the provision of social infrastructure should be enhanced, particularly where it is necessary to support identified need from town centre and local residents, and facilities should be located in places that maximise footfall to surrounding town centre uses."
- 7.4 Policy 17 of the Sutton Local Plan allows for other town centre uses within District and Local Centres subject to them being of a suitable role and function and policy 18 of the Sutton Local Plan requires that no more than 3 adjoining non-A1 uses within the primary shopping frontage and that the proportion of Class A1 uses should not fall below 55% within the primary shopping frontage.
- 7.5 Policy 22 of the Sutton Local Plan echoes the London Plan policies requiring that Social and Community infrastructure is located where it can be accessed by a range of transport modes, is close to or accessible to the community it is intended to serve and is of a suitable scale to meet that need.
- 7.6 The proposal is for the change of use of the existing ground floor unit from a Class A2 use (accountancy firm) to a Class D1 religious community centre (now Class E to Class F.2). The London Plan and the Sutton Local Plan both expect cultural uses to be located within town centres such as Rose Hill district centre, with the London Plan requiring the proposal to be of a suitable scale and role to the function of the centre. It is the case that there would be no external alterations or operational development and as such the proposals scale, would be appropriate within the district centre.

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- 7.7 The policy expects cultural uses to be located within town centres, and the centre would provide the local Sufi Muslim community a place to congregate and discuss issues facing the community. The community would also produce literature about the religious and social issues faced by the community. Such a use would meet with the Development Plan policy for inclusion with a district centre such as Rose Hill and it is therefore considered that the proposal would be of a suitable match to the role and function for the Rose Hill District Centre.
- 7.8 The proposal would not result in the loss of a Class A1 (retail) use and therefore would not impact on the overall proportion of A1 uses within the Rose Hill District Centre or its primary shopping frontage. In the District Centre Health Check 2018, 54% of the units within the Rose Hill District Centre were Class A1 units and 62% of the units within the primary shopping frontage were retail.
- 7.9 Although the proportion of units remaining within Class A1 (retail) use meets the first part of policy 18c of the Local Plan, the frontage already has more than three adjoining non-A1 uses. The site to the south is occupied by Superdrug which is a Class A1 pharmacy (retail now Class E), and to the north is a Class A2 accountancy firm (now Class E), a Class D1 dental surgery (Now Class E) and a Class A1 butchers (now Class E). Given that the changes to the Use Classes Order mean that the Council has less control over meeting the policy expectations, it is noted that whilst this proposed use would replace one town centre use with another and does not involve a loss of former Class A1 use. As such, it is considered that the effect of the proposed change of use is neutral when considered against both strands of policy 18c.
- 7.10 The site has a moderate PTAL of 3, but is well served by bus routes. In this case the proposal is intended to serve the local Sufi Muslim community within Rose Hill and as such the location of such a centre in the District Centre is supported by regional and local policy.
- 7.11 It should be noted that a similar development was allowed on appeal within The Market. The application ref: C2017/77036 at 15 The Market was brought to the Planning Committee on the 11 October 2017 with a recommendation to refuse planning permission and permission was refused for the following reason:
- “(1) The proposed change of use from Class A1 use to Class D1 use within the Primary Shopping Frontage would have a detrimental impact on the vitality and viability of the retail character of Rosehill District Centre contrary to the aims and objectives of Policy PMP6 of the Core Planning Strategy, Policy DM37 of the Site Development Policies DPD and Policies 17 and 18 of the Draft Local Plan.”*
- 7.12 The application was subsequently allowed on appeal with the Inspector commenting as follows;

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*7. The community use proposed would maintain a footfall of pedestrians attending the premises throughout the week and at various times of the day. The development would also make use of a unit that is currently vacant and has been for some time. Whilst therefore, the change of use would maintain retail levels below the recommended threshold, I find that it would contribute positively to the vitality and viability of the district centre.*

*8. Policy 17 of the Local Plan permits other town centre uses in district centres provided the use is suitable to the function of the centre and to other policies in the Local Plan. There is reference in policy 18 to community uses comprise an 'other town centre use' and therefore I do not concur with the Council that a community use is not a suitable use for the appeal site.*

- 7.13 As such, for the reasons above, it is considered that the proposal would be acceptable in principle and land use terms and would be in accordance with policies 17, 18 and 22 of the Sutton Local Plan and Policies GG1 and SD6 of the London Plan.

#### **B. Design Quality**

- 7.14 Policy D3 of the London Plan and Policy 28 of the Sutton Local Plan require that proposed developments are of high quality design in terms of their appearance, but also the layout and form, and should respect the existing character of the area, and look to improve areas of poor character.
- 7.15 Paragraph I of Policy 30 of the Sutton Local Plan states that the Council will expect development within an Area of Special Local Character conserves and, where appropriate, enhances those elements which contribute to the Area of Special Local Character's particular character or appearance. These elements may include landscaped areas, gardens, trees, hedges and boundary treatments as well as the built form.
- 7.16 The application does not propose any external alterations or any other operational development.
- 7.17 As such, it is considered that the proposal would be acceptable in terms of design and would not adversely impact on the St Helier Area of Special Local Character and would be in accordance with policies 28 and 30 of the Sutton Local Plan and Policy D3 of the London Plan.

#### **C. Neighbour Amenity**

- 7.18 Policy 29 of the Sutton Local Plan seeks to protect the amenities of neighbouring properties in terms of overlooking, loss of outlook, loss of light, noise, vibration, odours, smoke, fumes and dust.

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- 7.19 The closest residential property to the site is 32A The Market, Wrythe Lane which is situated above the application site at first floor level. The Council's Environmental Health Protection Officer raises no objection to the proposal subject to conditions that the applicant submit to the council for approval in writing prior to occupation a scheme detailing sound transmission reduction measures to be installed between the ground floor use and the first floor flat above.
- 7.20 In addition, it is recommended that a condition be imposed preventing any use of electrical amplification equipment, restricting the hours of use and restricting the number of attendees to 15 people. These conditions will ensure that the use of the unit as a religious and community centre would not result in noise and disturbance to other neighbouring occupiers.
- 7.21 As the application does not propose any external alterations, it is considered that there would not be any adverse impact on adjoining occupiers in terms of a loss of day/sunlight, outlook or privacy.
- 7.22 In summary, whilst the proposal could result in additional noise associated with arrivals and departures, it is considered that this would not be so harmful that a reason for refusal could be sustained on those grounds. It is considered that the number of additional visitors associated with the proposal would not be sufficient to cause an unacceptable increase in noise and disturbance to the neighbouring occupiers.
- 7.23 Therefore, it is considered that the proposal would not adversely affect the amenity of neighbouring occupiers and would be in accordance with policy 29 of the Sutton Local Plan.

#### **D. Highways and Parking**

- 7.24 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'.
- 7.25 The application site is located in an area with a PTAL rating of 3, indicative of a 'moderate' level of public transport accessibility. The application proposes to retain one car parking space at the rear of the site and provision of another 4 spaces on land to the rear of 52 The Market. It is recommended that these car parking spaces are secured by condition to ensure adequate parking provision is provided.

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- 7.26 The Senior Highways Officer has assessed the application and advised that as the proposal is for a change from a professional or financial service use (Class A2) to non-residential institutions (Class D1), this would require four car parking spaces. Considering that the proposal is to support the local Sufi Muslim community it is not expected that there will be significant trips to and from the site by car and the amended car parking provision is considered to be sufficient for the proposed use.
- 7.27 It should also be noted that in the determination of the appeal at 15 The Market, which is a similar development, the Inspector commented as follows in respect to the Highways impacts;
- 7.28 *“Concerns for traffic congestion and noise have been raised by third parties. It was apparent from my site visit that Wrythe Lane is a busy thoroughfare with restricted parking. Whilst two parking spaces would be provided to the rear of the site, they would be for staff. However, the parking restrictions to the front of the site would ensure that any competition for parking would not impede traffic movements at the site. The appeal site is served by a moderate level of public transport. To ensure that the community use prioritises public transport above the motor car, it would be reasonable to secure any planning permission with a condition that seeks the approval and implementation of a travel plan. Together with an absence of evidence to suggest that harm would be caused to highway safety and with no objection raised by the Council’s Highways Department, I find no harm to highway safety.”*
- 7.29 Furthermore the applicant has agreed to a condition limiting the number of attendees to 15 which will also limit the number of trips generated to and from the site.
- 7.30 In a similar manner as the appeal decision, the Senior Highways Engineer has requested that a development Travel Plan is submitted prior to occupation of the proposal. The Travel Plan would detail how the applicant will encourage the use of non-car modes of transport to the site to ensure that the proposal would support sustainable modes of transport and to reduce any potential traffic which would be associated with the development. This would be secured by S106 legal agreement so that the Travel Plan and its associated monitoring fee can be secured to allow the monitoring of the Travel Plan by the Council.
- 7.31 As there would be no operational development it is considered that in this instance a construction logistics and management plan is not required as permitted changes of use are contained within the General Permitted Development Order which does not require construction logistics or management plans as a condition of the development. It is considered that such a condition would be over onerous and unreasonable in this instance as the implementation of the development would only require renovation of the unit.

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- 7.32 As such, it is considered that the proposal would not adversely affect local highway conditions or result in an unacceptable increase in on-street parking pressure and would be in accordance with policies 36 and 37 of the Sutton Local Plan.

### **E. Secure By Design**

- 7.33 Policy 28 of the Sutton Local Plan and policy D11 of the London Plan require development to be resilient to emergencies including terrorism.
- 7.34 On the advice of the Secured by Design team at the Metropolitan Police, further details were requested to set out on site emergency procedures, the specification of glazing and CCTV. The applicant has provided this information which has been assessed by the Metropolitan Police and is considered acceptable. Given the sensitive nature of the information this has not been made publicly available.

### **F. CIL and Planning Obligations**

- 7.35 It is considered that a Travel Plan should be secured by S106 legal agreement due to the associated monitoring fee.
- 7.36 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.
- 7.37 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.

## **8 Reason(s) for recommendation**

- 8.1 The proposal would not result in the loss of a Class A1 (retail) unit and would not result in harm to the vitality or viability of the Rose Hill District Centre. The proposal would provide a community facility, which is considered a town centre use, for the local Rose Hill Sufi Muslims in accordance with regional and local policy.
- 8.2 It is considered that the proposal would not harm the character or appearance of the St Helier Area of Special Local Character and would not cause harm to neighbours by way of loss of light, outlook or privacy. In addition, the proposal would not significantly increase the noise and disturbance to neighbouring occupiers, subject to the recommended condition in respect to sound insulation.



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- 8.3 The proposal would not result in harm to the safe and efficient operation of the public highway network.
- 8.4 It is recommended that the application be granted subject to the recommended conditions and the satisfactory completion of a S106 legal agreement.

**9 Appendices and Background Documents**

9.1 Appendices

<b>Appendix Letter</b>	<b>Appendix Title</b>
A	Site Plan
B	List of Addresses of Representations
C	Conditions of decision notice
D	Appeal Decision for 15 The Market, Rose Hill