

DEVELOPMENT CONTROL COMMITTEE - Date: 11 May 2011

Report of the Executive Head of Planning and Transportation.

Ref: A2011/63918/RPA	WARD: A03 / STONECOT	Time Taken: 13 weeks, 1 days
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Site: Site B Kimpton Industrial Estate Kimpton Park Way Sutton Surrey SM3 9QH

Proposal: Application for a replacement planning permission to extend the time limit for implementation of application number A2007/57634/FUL:- Erection of twenty-three industrial units comprising 12,174m² of gross floor space for purposes falling within classes B1(c) (light industry) B2 (general industry) and B8 (storage or distribution) of the Town & Country Planning (use classes) order 1987 (as amended) with ancillary office accommodation at mezzanine levels together with 111 car parking spaces, cycle storage facilities and vehicular access from Kimpton Park Way.

Applicant: The Teesland 1DG Sutton Unit Trust

Agent: Mr Jonathan Roe

Recommendation:

GRANT PLANNING PERMISSION subject to the completion of a section 106 legal agreement within a period of 6 months from the date of this resolution, or such longer period as may be agreed in writing by the Executive Head of Planning and Transportation, after which time the resolution to grant will be rescinded.

Reason for Report to Committee: Major application recommended for approval.

Summary of why application proposal is acceptable:

- The site forms part of an area identified for industrial use as set out in the UDP and London Plan and, as such, the proposed land use is entirely consistent with this classification. Whilst the proposed buildings are functional in appearance, their design and scale is similar to those found within the vicinity and this, along with the soft landscaping provided, ensures that no harm would be caused to the visual amenities of the area or streetscene.
- The proposal would protect residential amenity through its site layout and building design, and the management or control of activity on the site through conditions of any planning permission. The additional traffic generated by this development can be accommodated within the road network and the Council's Senior Highways Engineer has raised no concerns with regards to highway and pedestrian safety.
- It is considered that there have been no significant material

alterations to planning policy, planning guidance, the site or surrounding area since the approval of application numbered 2007/58363/FUL to warrant a different decision. The alterations to policy since the previous approval in relation to sustainability objectives can be dealt with through the imposition of condition.

1.0 **BACKGROUND**

1.1 **Site and surroundings:**

1.2 The application site fronts Kimpton Park Way and comprises 2.3 hectares of rough open ground with some grass and scrub cover and small groupings of trees. The site is crossed by HV cables at high level and contains one pylon as part of this overhead network.

1.3 The site initially rises up from Kimpton Park Way (due to the soil bank) and then generally falls towards the southern and eastern boundaries of the site. The site has a frontage of approximately 250m to Kimpton Park Way. To the north, beyond Kimpton Park Way, is a landscaped area recently constructed known as Linear Park with residential properties on Ridge Road located further to the north. Linear Park comprises an earth bund which rises approximately 3m – 4m above the Kimpton Park Way road level. The properties within Ridge Road are set beyond this landscaped area with their rear boundaries located approximately 50m from the application site.

1.4 To the west of the site is the Council's Reuse and Recycling Centre (RRC) which was granted planning permission on 16 June 2005 and comprises areas for the storage of household waste material which can be transported from the site to landfill/recycling facilities. This adjacent site also contains areas for the recycling of textiles, paper, glass, cans and plastic and a salt store. To the south and east of the site are a number of industrial buildings forming the remainder of the Kimpton Industrial Estate. In general, the surrounding wider area comprises a mixture of industrial buildings, open landscaped areas and residential properties.

1.5 **Site specific UDP designation:**

1.6 In the Sutton Unitary Development Plan 2003 (UDP) the site falls within a 'Strategic Industrial Area', and a "Preferred location for High-tech, Light industry, General industry and Warehousing Uses (use Class B1(a) restricted).

1.7 **Relevant Planning History:**

1.8 Outline planning permission (reference A2003/51176/OUT) was granted in June 2005 for the development of seven separate industrial sites (A-G) comprising the erection of sixteen buildings for uses falling within Class B1, B2 and B8 together with storage compound, parking facilities and new accesses on the Kimpton Industrial Estate. This permission allowed four buildings comprising 9,868m² of industrial floorspace on this site.

1.9 Of particular note, is application 2007/57634/FUL which proposed the following:

“Erection of twenty-three industrial units comprising 12,174m² of gross floor space for purposes falling within classes B1 (c) (light industry) B2 (general industry) and B8 (storage or distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) with ancillary office accommodation at mezzanine levels together with 111 car parking spaces, cycle storage facilities and vehicular access from Kimpton Park Way.”

- 1.10 This application was reported to the Development Control Committee on 21 November 2007 with a recommendation to grant permission subject to the completion of a S106 legal agreement within a period of 6 months from the date of the resolution. Following completion of the S106 legal agreement, the planning permission was issued on 16 April 2008.

2.0 APPLICATION PROPOSALS

2.1 Details of Proposal:

- 2.2 The current application is for a replacement planning permission to extend the time limit for implementation of application reference 2007/57634/FUL. Replacement applications are those submitted to renew extant planning permissions. As such, the same plans and supporting information from the original application are used to determine the replacement application. There is a presumption in favour of granting permissions for such applications if there has been no material change in planning policy, and if the circumstances around the site and on adjoining sites have not changed since the original approval.

- 2.3 As discussed above, the original application involved the redevelopment of the application site for twenty three industrial units with a gross floor area of 12,174m². The use of the proposed buildings is restricted to Class B1 (c), B2 and B8 with some ancillary office accommodation. 111 car parking spaces are provided along with cycle storage facilities. The proposal would involve the provision of swing gates to the only entrance to the site from Kimpton Park Way.

- 2.4 The proposal would also involve re-contouring of the ground levels to provide a more level site whilst retaining a raised landscaping area to the Kimpton Park Way frontage. The proposed industrial units would be arranged in seven main blocks with floorspace in each Unit being provided at ground floor with ancillary office accommodation being provided at mezzanine first floor level in all but units 8, 9 and 10. Below is a summary of each of the units proposed:

Units 1 to 3

These units would be sited on the eastern side of the entrance to the site from Kimpton Park Way and be located within a group of units (Units 1 -9) all accessed from a smaller subsidiary road. Units 1, 2 and 3 would have a floorspace of 459.5m², 451.4m² and 438.1m² respectively and the building would have a maximum height at the ridge of 8.5m dropping to 7.1m at the eaves.

Units 4 to 7

These units would also be sited adjacent to the south-eastern boundary of the site. The floorspace for unit 4 would be 304.8m², for units 5 & 6 it would be 288.2m² each and for unit 7 the floor space would be 545.5m². The proposed building containing units 4 – 7 would have a maximum height at the ridge of 8m dropping to 7.1m at the eaves.

Units 8 and 9

Units 8 and 9 would be sited to the north-west of Unit 7 and to the east of the overall site. Each Unit would provide 424.5m² of floorspace and the building would have a maximum height at the ridge of 7.8m dropping to 6.7m at the eaves.

Unit 10

This unit would be sited in the south-eastern corner of the site and would have a floor space of 531.6m². The building would have a maximum height at the ridge of 8.2m dropping to 7.3m at the eaves.

Units 11 to 14

Units 11 to 14 would be sited adjacent to the south western boundary of the site. Unit 11, 12, 13 and 14 would have a floorspace of 785.1m², 276.1m², 275.7m² and 298.4m² respectively. Unit 11 would have a maximum height of 9m dropping to 7.4m at the eaves. Unit 12 would have a maximum height of 8.6m at the ridgeline dropping to 7.7m at the eaves and Units 13 and 14 would have a maximum height of 8.3m dropping to 7.3m at the eaves.

Units 15 to 18

These units would be sited adjacent to the north-western boundary of the site (adjacent to the Re-use and Recycling Centre site). Units 15, 16, 17 and 18 would have a floorspace of 273.4m², 258.8m², 289.4m² and 312.4m² respectively. Units 15 and 16 would have a maximum height of 8m dropping to 7.2m at the eaves. Units 17 and 18 would have a maximum height of 8.5m dropping to 7.2m at the eaves. A section of green wall is proposed to be provided around the north-western corner of the building.

Units 19 to 23

These units would be sited in the centre of the site adjacent to Kimpton Park Way and to the west of the main access into the site. Units 19, 20, 21, 22 and 23 would have a floorspace of 656.5m², 592.9m², 961.5m², 1189m² and 1849m² respectively. Units 19 to 20 would have a maximum height of 10.8m dropping to 9.3m at the eaves. Units 20 to 23 would have a maximum height of 11m dropping to 9.2m at the eaves. Sections of green wall would be erected on the northern elevations of Units 19 and 23 adjacent to Kimpton Park Way.

- 2.5 The units would have profiled metal sheet roofs and wall cladding panels in varying shades of grey and silver. Metallic silver aluminium windows frames and

double glazing are proposed. Where green walls are proposed, galvanised steel frames forming posts and rails are secured to the building structure to support stainless steel wires and ropes carrying climbing plants. The green walls proposed would be erected to eaves height.

2.6 A soft landscaping strip is proposed running adjacent to the northern boundary of the site, adjacent to the Kimpton Park Way. Other soft landscaping proposed includes tree planting adjacent to the car parking and manoeuvring areas with internal footpaths located within the site. The car park and vehicle manoeuvring area would be hard surfaced and a 2.4m high weldmesh fence would be erected around the boundary of the site. The fence running between Units 18 and 19 would be a 2.4m high acoustic fence.

2.7 111 car parking spaces would be provided including 11 disabled person spaces. Parking for larger vehicles would be provided adjacent to the entrance of each of the units. Storage for bicycles would be provided inside each of the units and be provided at a ratio of 1 space per 250m² with a minimum of 2 spaces per unit.

2.8 **Significant amendments since the application was received:-** None

3.0 **PUBLICITY**

3.1 The application was advertised by way of a site notice and 75 individual letters of notification delivered to occupiers of surrounding properties on 9 March 2011. Letters were delivered to local properties within Kimpton Road, Minden Road, Hamilton Avenue, Four Seasons Crescent, Ridge Road, Acacia Drive, Taunton Close, Barrington Road and Kimpton Park Way.

3.2 **Number of representation letters received:** None.

3.3 **Official Consultation**

3.4 **External**

3.5 **Thames Water Utilities:-** No objection.

3.6 **Transport for London:-** Any response received will be reported orally.

3.7 **Environment Agency:-** No objection subject to conditions.

3.8 **Internal**

3.9 **Senior Highway Engineer:-** Raises no objection to the proposal.

3.10 **Urban design consultant:-** Any response received will be reported orally.

3.11 **Environmental Health:-** Any response received will be reported orally.

3.12 **Crime Prevention Design Advisor:-** Any response received will be reported orally.

3.13 **Sustainability Officer:-** No objection to the proposal subject to conditions that a sustainable design and construction statement is submitted and that the proposed development complies with current policy requiring 20% renewable energy and achieves a BREEAM 'Very good' rating.

3.14 **Biodiversity Officer:-** No objection to the proposal subject to conditions.

3.15 **Councillor Representation:** None

4.0 **MATERIAL PLANNING POLICIES**

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

(1A) The London Plan (originally adopted 2004, amended version, consolidated with alterations, adopted February 2008).

(1B) The London Plan: Consultation draft replacement plan, October 2009.

This document, which will eventually replace the existing consolidated version of the London Plan, was published for public consultation on the 12 January 2010. Although the draft replacement plan will not supersede the existing London Plan until after it has been formally adopted, the draft plan will be a material consideration that should be taken into account in deciding planning applications and will gather increasing weight the further into the replacement process.

In the event that there are discrepancies between the adopted CPS, SDP and Replacement London Plan, legal guidance indicates that the latest adopted document prevails.

(2) The Sutton Unitary Development Plan (UDP) (adopted April 2003). Some of the UDP Policies have now been replaced by the Core Planning Strategy Policies.

(3) The Local Development Framework (LDF) which is to replace the UDP in due course as the official Development Plan for the Borough. At present it comprises two main documents (additional ones for specific areas such as Sutton Town Centre will be produced):

-(a) The Core Planning Strategy (CPS) which sets out the Council's long term vision, spatial strategy and core policies for shaping the future development in the Borough and managing change over the next 15 years in line with the principles of sustainable development. Following public consultation and a formal public examination by Government Inspectors the final version of the CPS was adopted by the Full Council on 7.12.09. The adopted CPS replaced a number of the UDP policies and is a material consideration in the determination of planning applications.

-(b) The Site Development Policies Development Plan Document (DPD) which identifies sites for future development (outside Sutton Town Centre) and sets out detailed development management policies to be used to help decide planning applications. The DPD has been through two stages of public consultation and was approved by the Full Council on 7.12.09 for submission to the Secretary of State. At the PAG meeting on 12 October 2010 it was agreed not to progress with the Sutton Area Action Plan and instead that specific policies and proposals for the town centre should be incorporated into the Site Development Policies DPD as a result of existing and future anticipated reductions in available resources. As these changes are unlikely to be considered as minor, a period of further consultation would be needed on these specific changes. The DPD is now accorded weight by the Council in determining planning applications (and is a material planning consideration.)

In the event that there are discrepancies between the adopted CPS, DPD and Replacement London Plan, legal guidance indicates that the latest adopted document prevails.

Also a material consideration in determining planning applications are:

(a) National Planning Guidance in the form of Planning Policy Statements and Planning Policy Guidance / Documents.

(b) Adopted London Borough of Sutton Supplementary Planning Guidance/Documents.

National Planning Guidance:

- Planning Policy Statement 1 'Planning for Sustainable communities'
- Planning Policy Statement: 'Planning and Climate Change – Supplement to Planning Policy Statement 1'.
- Planning Policy Statement 4 'Planning for Sustainable Economic Growth'
- Planning Policy Statement 9 'Biodiversity and Geological Conservation'
- Planning Policy Statement 22 'Renewable Energy'
- Planning Policy Statement 23 'Planning and Pollution Control'
- Planning Policy Guidance Note 13 'Transport'
- Planning Policy Guidance Note 24 'Planning and Noise'

The London Plan:

- 3A.3 - Maximising the potential of sites
- 3B.1 – Developing London's Economy
- 3B.4 – Industrial Locations
- 3B.11 – Improving employment opportunities for Londoners
- 3C.1 - Integrating transport and development
- 3C.23 - Parking strategy
- 4A.3 - Sustainable Design and Construction
- 4A.4 - Energy assessment
- 4A.7 Renewable Energy
- 4B.1 - Design principles for a compact city
- 4B.3 - Enhancing the quality of the public realm

- 4B.5 - Creating an inclusive environment
- 4B.8 - Respect local context and communities

The Sutton Unitary Development Plan:

- BE4 - Building relationships
- BE5 - Daylight and sunlight
- BE6 - Design of the Public Realm
- BE8 - Designing for safety and security
- BE9 - Access for Disabled People
- BE12 - Landscape provision in new development
- BE18 – Privacy
- HSG1 - Environmental impact
- EM4 - Preferred Locations for High-Tech Industry, Light Industry, General Industry and Warehousing or similar Industrial Uses
- TR12 - Parking provision for new development
- TR13 - New development and On-street parking
- TR18 - New Development and Public Transport Accessibility
- TR28 - Cycle Parking and Storage
- PNR1 - Polluting Development

The Core Planning Strategy:

- PMP4 – Main Locations for Industry
- BP6 – One Planet Living
- BP7 – Flood Risk and Climate Change Adaptation
- BP8 – Waste Reduction and Management
- BP9 – Enabling Smarter Travel Choices – An Area – Based Approach.
- BP10 – Transport – Strategic and Borough Wide Proposals.
- BP12 - Good Urban Design and Heritage.
- DP2 - Planning Obligations

Site Development Policies DPD– Proposed Submission

- DM1 – Character and design
- DM2 – Protecting Amenity
- DM3 – Enhancing the Street Scene and Public Realm
- DM5 - Sustainable Design and Construction
- DM6 - Climate Change Mitigation
- DM8 - Climate Change Adaptation
- DM9 – Water Supply, Water Quality and Sewerage Infrastructure
- DM10 – Air Quality
- DM11 – Contaminated Land
- DM12 – Noise and Vibration
- DM14 – Hazardous Substances
- DM15 – Green Belt/Metropolitan Open Land
- DM17 - Biodiversity, Habitats and Species
- DM19 – Promoting Sustainable transport and accessibility
- DM20 – Assessing the transport impact of new development
- DM21 – New development and the Highway Network

- DM22 – Parking
- DM33 – Strategic and Established Industrial Locations.

Supplementary Planning Guidance/Documents

- SPD5 – Planning Obligations
- SPD 14 - Creating Locally Distinctive Places
- IPG 11 - Interim Planning Guidance Sustainable Design and Construction
- Kimpton Industrial Area Development Framework.

5.0 PLANNING CONSIDERATIONS

5.1 The main issues to be taken into consideration including whether any material planning objections have been reasonably addressed in relation to this application are:

- **Principle**
- **Design Quality**
- **Affect on residential amenity**
- **Traffic, Access and Parking**
- **Landscaping, Biodiversity and Trees**
- **Sustainability**
- **Land Contamination and Flooding**
- **Planning Obligations**

5.2 **Principle:**

5.3 This proposal is for a replacement planning permission which are applications to extend the time limit for the implementation of a previously approved application. In this case, the proposal is to extend the 3 year time limit for the implementation of A2007/57634/FUL granted permission on 16 April 2008. The applicant is required to submit the same plans and supporting information as the original application which will form the basis of the determination in accordance with the Development Plan as required by section 38(6) of the Planning and Compulsory Purchase Act 2004. Whilst the development, the subject of this application is, by definition, considered to be acceptable in principle by virtue of the previous permission, the Council should consider the proposal against the most up to date Development Plan Policies and other material considerations which have changed significantly since the original grant of permission

5.4 Since the resolution to grant planning permission on 21 November 2007, there have been a number of changes to Development Plan policies which consists of the London Plan and any alterations thereto, the Unitary Development Plan and the suite of documents that comprise the Council's Local Development Framework.

5.5 PPS1 advises Local Planning Authorities that, in recognising that economic development can deliver environmental and social benefits, suitable locations should be made available for industrial development so that the economy can prosper, whilst providing for improved productivity, choice and competition.

- Accordingly, the guidance promotes good quality development which is sustainable and consistent with the Local Development Plan. PPS4 places emphasis on the need to balance the importance of industrial and commercial development with that of maintaining and improving environmental quality. In terms of ensuring sustainability, new development should be encouraged in locations which minimise the length and number of trips by car, whilst ensuring access is mainly achieved from local roads to avoid congestion on trunk roads.
- 5.6 The Kimpton Industrial Area is identified as a 'preferred industrial location' in the London Plan. Policy EM4 of the UDP states that the Council will encourage development of industrial and storage uses within the Kimpton Industrial Estate unless environmental and traffic considerations indicate otherwise. Policy PMP4 of the Core Planning Strategy affirms that the Council will maintain an adequate supply of industrial land and provide employment opportunities in the Borough. The policy states the Council will encourage the development and intensification of Kimpton Industrial Estate as a Strategic Industrial Location. These development plan policies are supported by policy DM33 of the Site Development Policies – Proposed Submission which states "Within the main industrial locations (as shown on the Proposals Map), the Council will only grant planning permission for B1 (excluding freestanding offices), B2 (general industry) and B8 (storage and distribution) uses or other similar industrial uses."
- 5.7 The proposal would extend the time limit for implementing the previously permitted use of the site for a B1 (c) (light industry), B2 (General Industry) and B8 (storage or distribution) uses. The proposal would generate industrial employment on the Estate and this would satisfy the land use objectives originally set in the outline permission (A2003/51176/OUT). As such, the proposal is considered acceptable in principle in land use terms subject to the consideration of all other policy advice and material considerations below.
- 5.8 **Design Quality**
- 5.9 The previous application granted on 16 April 2008 was considered against the relevant design planning policies applicable at that time contained primarily within saved policies of the Unitary Development Plan (UDP 2003) whilst SPD14 and the Core Planning Strategy have been subsequently adopted. Whilst there have been a number of alterations to development plan policy and Central Government Guidance since this date, it is considered that the fundamental principles of design policy have remained broadly unchanged. The site and surroundings have not been significantly altered since December 2007 to the extent that would render this proposal unacceptable on design grounds. Indeed, enhancements have been made to the sites surroundings including the creation of Linear Park, opposite the site, which provides a landscaped barrier between the site and the residential properties to the north within Ridge Road. As such, there have not been any changes to other material considerations relating to design since the previous application (2007/57634/FUL) which would warrant a refusal of this current application.
- 5.10 Policy BP12 of the adopted Core Planning Strategy, policy DM1 of the Site Development Policies DPD – Proposed Submission and SPD14 'Urban Design' requires development to respect or reinforce the character and identity of the area and avoid developments which do not integrate well into the surroundings.

PPS1 reinforces UDP policy by seeking to achieve good design and states that “Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

- 5.11 The context of the setting of the Kimpton Industrial Estate is typified by its industrial appearance within a wider surrounding townscape that could be characterised as suburban residential. Currently most of the plots within the Kimpton Industrial Estate, covered by the 2005 Outline planning permission, have been developed; with ongoing enabling works in relation to the future redevelopment of the remaining sites taking place.
- 5.12 The proposed layout avoids buildings with continuous elevations of extensive width facing onto Kimpton Park Way by ensuring that the flanks of many of the buildings face onto the road thereby decreasing the perceived scale of these buildings when viewed from the road. This type of layout is considered particularly necessary due to the raised land level of the site above Kimpton Park Way and the potential for these buildings to appear overbearing in the street. The staggered and varied building lines combined with the height of buildings and the use of hipped roof profiles to Units 18, 19 and 23 further ensures the buildings would not appear overbearing when viewed from Kimpton Park Way and further to the north. It is noted that the layout of buildings and their width would allow some views through the site from properties within Ridge Road and, as discussed above, since the previous approval within the site the intervening Linear Park landscaped area has been completed.
- 5.13 The proposed buildings would be set back from the Kimpton Park Way boundary of the site by at least 4m (Unit 19) and typically between 5m and 8m. The area to the front of the buildings would be landscaped and include specimen trees, shrubs and grassed areas. Where the building set back from Kimpton Park Way is at its narrowest, (the north-west corners of Units 18, 19 and 23) hipped roof profiles and green walls are proposed. These design features in combination with the siting, height and elevational detailing of the buildings would, it is considered, provide an acceptable street frontage.
- 5.14 The site is to be re-contoured as part of the development, however the general fall of the site from north east to south west would remain. The scale and height of the proposed buildings would be similar to that commonly found within the vicinity and would not appear overly dominant.
- 5.15 The vehicle access points to the site would be gated and the site would be bounded by a 2.4m high fence. The boundary treatments would have a weldmesh appearance on all boundaries with the exception of the length of frontage between Units 18 and 19, where it would be solid so as to provide an acoustic barrier. Boundary treatment of this type and height is not uncommon in the industrial estate and would not appear out of character. Final details of the boundary treatment are to be secured by a way of a condition on any permission.
- 5.16 The buildings are of a functional design and of an industrial appearance which is commensurate with the sites setting in the Kimpton Industrial Estate. The

proposed cladding materials for the buildings would fit with the area and assist to integrate the development with its surrounds. The cladding panels would be grey and silver in colour, which is consistent with other buildings cladding treatment in the area. Final details of materials are to be secured by condition.

- 5.17 As discussed previously this is a replacement planning permission where the presumption is in favour of approval unless changes to policy and/or other material considerations indicate otherwise. In design terms, the relevant policies and other material considerations in this case remain broadly similar to those applicable in 2007. Overall it is considered that the proposed height, bulk, design, siting and finish of the buildings are acceptable in this location and would result in a development that would maintain the appearance of the Industrial Estate.
- 5.18 **Affect on residential amenity**
- 5.19 Policy BE4 of the UDP states that proposals for new development should ensure that the relationships between new and existing buildings, particularly in terms of private spaces, do not prejudice the proper use of the accommodation. This policy is applied to protect the amenity of the occupants of buildings which adjoin, or are likely to be affected by the proposed new development. Policy BE5 specifically seeks to protect the amenities of neighbouring properties from loss of light, and BE18 seeks to ensure development does not result in overlooking and loss of privacy. These policies are complemented by policy DM2 of the Site Development Policies – Proposed Submission which seeks to protect the amenities of neighbouring properties from overlooking, loss of outlook and loss of light.
- 5.20 There have been no significant alterations to planning policy, the surrounding area or the site that would raise new concern with regards to the impact on neighbouring occupiers. As discussed above, it is considered that the amenity of neighbours has been enhanced since the previous approval through the completion of Linear Park located to the north of the site.
- 5.21 The closest residential properties to the site are within Ridge Road (137-145). These dwellings are approximately 70m to the north of the application site and as discussed above the landscaped area known as Linear Park which involves a raised earth bund is located between these properties and the site. Units 18, 19 and 20 have been designed with a hip end roof profile facing the properties within Ridge Road and, in addition, frontage landscaping and the use of green walls are proposed. It is considered that the separation gaps proposed along with the buildings design and landscaping proposed ensures that no harm would be caused to residential properties by way of loss of outlook, light or privacy.
- 5.22 The original application was submitted with a noise assessment which assessed the background noise levels in the area and the potential noise from the proposed development has been undertaken and submitted with the application. The noise assessment advised that standing refrigeration vehicles powered by diesel generators would generate unacceptable noise in adjoining residential areas and, therefore, a condition is recommended restricting the use of such units on the site unless they are powered by electricity. Furthermore, a

condition is recommended requiring that prior to the first occupation of any unit, and each subsequent occupation of a unit that a noise assessment of the potential noise sources, including servicing (e.g. pick up and delivery of goods) from the particular activity is undertaken and submitted to the Local Planning Authority for approval in writing. Any recommended noise attenuation shall then be installed prior to the occupation of the unit, or restrictions imposed on the activity (i.e. the hours when a use can take place) so that it is managed in a way to comply with the noise management controls. An additional measure to address noise nuisance to the Ridge Road properties is the proposal to erect a 2.4m high acoustic fence between Units 18 and 19, final details of which would be secured by way of condition. For the above reasons, the proposal would not result in noise or disturbance to neighbouring occupiers.

5.23 The proposal would protect the amenity of nearby residential occupiers. There have been no significant alterations to relevant planning policy, the surrounding area or site to justify raising concern with regard to the impact on neighbouring occupiers from this development.

5.24 **Traffic, Access and parking**

5.25 111 car parking spaces including 11 disabled person spaces would be provided equating to 1 parking space per 110m² of gross floor area. Policy TR12 of the UDP seeks to ensure that provision is made for off-street parking for new proposals in line with the Council's maximum car parking standards, whilst policy TR13 states that planning permission will not be granted for development that is likely to result in increased on-street parking where it would adversely affect traffic flows, bus movements, road safety and the amenities of local residents and the environment.

5.26 The number of car parking spaces provided is consistent with the requirements of policy TR12 of the UDP which requires a maximum car parking space provision of 1 space per 100m² of gross industrial floor area. The disabled person parking spaces are located close to the entrances of the various industrial units which is considered acceptable. In addition to the car parking spaces, 30 bicycle storage spaces would be provided spread amongst the various units. This level of provision is consistent with policy TR28 of the UDP and final details of the bicycle storage areas can be secured by way of condition.

5.27 In order to promote more sustainable modes of transport and limit the traffic generation impact of the proposed development, a Travel Plan was submitted with the previous application which is relevant to this current replacement planning permission. It includes proposals to promote the development of a database for car sharers, provide facilities for pedestrians and cyclists, provision of bus route and frequency information to staff, and provision of train timetables to staff. A Travel Plan is to be provided for each Unit, and will be required prior to the first occupation of any of the Units proposed and renewed prior to each subsequent occupation of a unit. This is to be secured by way of condition.

5.28 The proposed traffic generation of the development was modelled during the course of the previous application taking into account other developments

within the vicinity including a scenario where 100% of the floorspace would be Class B1(c) use (i.e. typically the industrial land use with the higher trip generation characteristic). The modelling identifies that parts of the A217 are subject to vehicle over-saturation during peak hours, however, the proposal would only result in a small percentage increase of over-saturation following implementation of the development and this would be acceptable. In addition, Transport for London previously accepted that to address the potential capacity issue at the Kimpton Park Way / Oldfields Road junction and other highway upgrade works a financial contribution of £41,300 would be suitable mitigation. The contribution would be secured in the section 106 legal agreement.

- 5.29 The Councils Senior Highways Engineer has not objected to the visibility splays provided and considers that the proposal would maintain highway and pedestrian safety. As there has been no significant change to parking policy or change to the highway since the previous application was approved, the Senior Highways Engineer has raised no objection to the proposal and, as such, the proposal is considered acceptable in terms of traffic, access and parking.
- 5.30 **Landscaping, Biodiversity and Trees**
- 5.31 Policy OE30 of the Sutton UDP seeks to protect trees that are of significance and under threat from development. Policy BE12 of the Sutton UDP states that development shall make suitable provision for high quality hard and soft landscape treatments around buildings. Landscape proposals will need to ensure that new development is integrated and positively contributes to or enhances the streetscene.
- 5.32 The proposal offers some soft landscaping around the edge of the site and landscaping is also provided within the site adjacent to the car parking areas. The landscaping fronting Kimpton Park Way is important in assisting to break up the mass of built form whilst softening views from neighbouring properties, noting that the landscaped area, Linear Park has recently been constructed just to the north of the site. It is recommended that final details of the proposed landscaping is required for approval by the Local Planning Authority prior to the commencement of works to ensure that suitable landscape treatment and management is secured.
- 5.33 It is recognised that over time the site may have acquired some biodiversity importance. PPS9 seeks to conserve, enhance and restore the diversity of England's wildlife by sustaining, and where possible improving, the quality and extent of natural habitat, enhancing biodiversity in green spaces and among developments. Furthermore, development proposals provide many opportunities for building-in beneficial biodiversity features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.
- 5.34 The original application was submitted with a Landscape and Planting Plan which the Councils Biodiversity Officer considers to be acceptable. The application proposes green walls and the landscaping proposals include log and stone piles, a gravel bank as well as other habitat features. Whilst the proposal provides green walls, it does not include green roofs. In determining

the previous approved application (2007/57634/FUL) it was considered that the lack of green roofs on this development was due to a greater area of green roofs being proposed on Site A of the Kimpton Industrial Estate (ref: A2006/57633/FUL) located further to the west of the site. The provision of green roofs on Site A rather than Site B was previously considered more desirable due to its location adjacent to the Pyk Brook, an identified Site of Nature Conservation, and the greater environmental benefits one larger area rather than two smaller areas would provide. There was a clause in the Section 106 legal agreement requiring the construction of the green roof on Site A prior to the commencement of works of Site B and this clause can be carried over to this current replacement planning permission. In terms of the trees within the site, in determining the previous application in 2007 it was considered that the site did not contain any trees worthy of retention. As there has been no significant change to the site or development plan policy in relation to trees, landscaping or biodiversity since the previous application was approved, it is considered that there are no grounds to refuse this replacement planning permission on this basis.

5.35 **Sustainability**

- 5.36 The London Plan 2008 requires developments to make the fullest contribution to the mitigation of, and adaptation to, climate change and to minimising carbon dioxide emissions (Policy 4A.1), according to the following hierarchy: use less energy through the use of passive design and energy efficiency measures, supply energy efficiently through the use of decentralised energy provision and generate renewable energy on-site. Policies 4A.2 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide reduction targets that are necessary across London to achieve this. Policy 4A.7 of the London Plan requires that 20% of a site's predicted carbon dioxide emissions are off-set through the use of energy produced on site from renewable energy technologies.
- 5.37 Further guidance is contained in the Council's IPG11 'Sustainable design and construction' and policy BP6 'One Planet Living' of the Core Planning Strategy, which promote the highest standards of sustainable design and construction within the Borough in support of the Council's vision of 'Creating a sustainable suburb' and long-term aim of promoting Sutton as a 'One Planet Living' Borough.
- 5.38 Following the resolution to grant the previous application (2007/57634/FUL) in November 2007 there have been significant changes to sustainability policy and building standards. The Council's Sustainability Officer confirms that the proposal is now required to meet the current requirements of IPG11 which was adopted in May 2008 after the previous application was decided. This specifically states that all non-residential developments should achieve a BREEAM 'very good' rating. With reference to renewable energy, London Plan Policy 4A.7 and SDC4 of the IPG, states that up to 20% reduction in CO₂ emissions must be achieved through on-site renewable energy generation unless this is not feasible.
- 5.39 Whilst no details have been submitted with this current application on how the proposal could meet up to date sustainability requirements, it is considered that

these matter could be addressed by additional or amended conditions that were not included in the previous decision. Conditions are recommended that require the development to achieve a BREEAM 'very good' rating and a 20% reduction in CO₂ emissions. On this basis, the application would be in accordance with up to date development plan policies.

5.40 Flood risk and Land Contamination

5.41 The previous use of the site has the potential to result in soil contamination. As such, prior to the commencement of work on the site a scheme to deal with the risks associated with contamination on the site should be submitted for approval in writing by the Local Planning Authority. Relevant conditions of any approval are recommended to address this matter.

5.42 The potential risk of the site becoming flooded, matters of drainage and land contamination were assessed during the course of the previous application (2007/57634/FUL). Policy PNR16 of the UDP aims to ensure the risk of flooding is not increased by new development whilst Policy BP7 of the Core Planning Strategy states that the Council will seek to avoid, manage and reduce all sources of potential flood risk to and from new development and adapt to the future impacts of climate change.

5.43 The site is not in an area identified in the UDP as being 'at risk from flooding', however, as the proposal is a major application a Flood Risk Assessment (FRA) was submitted with the approved application. The Environment Agency has raised no objections to the proposal and it is noted that conditions were imposed on the previously approved application relating to surface water management measures.

5.44 The development would make use of previously developed land. The previous use of the site was as the Sutton Sewage Treatment site and therefore there is a possibility that the land may still have traces of contamination and, therefore, could not be fit for immediate occupation. As such, prior to the commencement of work on the site a scheme to deal with the risks associated with contamination on the site should be submitted for approval in writing by the Local Planning Authority. The same conditions which were imposed previously on the approved application (2007/57634/FUL) are again recommended on this replacement planning permission.

5.45 Planning Obligations

5.46 Policy DP2 of the Core Planning Strategy and Circular 1/97 states that, where necessary, the Council can seek planning obligations from developers to provide community benefits necessary to facilitate implementation of an acceptable development scheme. In March 2007, the Council adopted Supplementary Planning Document No.5 – Planning Obligations, which sets out the basis on which the Council will seek contributions from appropriate development proposals in order to facilitate improvements and benefits to the community and to the local environment.

5.47 The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) have now put three tests on the use of planning

obligations into law. It is now unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- (i) necessary to make the development acceptable in planning terms
- (ii) directly related to the development, and
- (iii) fairly and reasonable related in scale and kind to the development

5.48 The effect of the Regulations is that this Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

5.49 In terms of seeking financial contributions towards schemes, since the CIL regulations there has not been a significant alteration to policy given that the previous application was resolved to be granted in November 2007 after the adoption of SPD5. However, the new Community Infrastructure Regulations now places greater emphasis on the Council to justify contributions requested. It is considered that it would be unreasonable for the Council to request an increased level of contributions given the limited changes to policy since the previous application was resolved to be granted.

5.50 Planning obligations towards the following were previously requested:

- £315,000 towards environmental improvement works associated with the creation of Linear Park landscaping scheme just to the north of the site.
- £41,300 towards highway works and improvements to the junction between Kimpton Park Way and the A217.

5.51 The S106 agreement associated with the previously approved application (2007/57634/FUL) required the payment of the above contributions upon the signing of the S106 agreement. As such, these financial contributions have already been received by the Council and have gone towards the creation of Linear Park and an additional exit lane onto the A217.

5.52 This current application is subject to the Council receiving a supplementary deed of variation to the original S106 agreement within a period of 6 months from the date of the resolution. This is to link the planning obligations previously sought to this current replacement planning permission. The applicant has confirmed that this can be provided within the required time and, if need be, members will be provided with an update at the meeting.

6.0 CONCLUSION AND RECOMMENDATION

6.1 The site forms part of an area identified for industrial use as set out in the UDP and London Plan and, as such, the proposed land use is entirely consistent with this classification. Whilst the proposed buildings are functional in appearance, their design and scale is similar to those found within the vicinity and this, along with the soft landscaping provided, ensures that no harm would be caused to the visual amenities of the area or streetscene.

- 6.2 The proposal would protect residential amenity through its site layout and building design, and the management or control of activity on the site through conditions of any planning permission. The additional traffic generated by this development can be accommodated within the road network and the Council's Senior Highways Engineer has raised no concerns with regards to highway and pedestrian safety.
- 6.3 It is considered that there have been no significant material alterations to planning policy, planning guidance, the site or surrounding area since the approval of application numbered 2007/58363/FUL to warrant a different decision. The alterations to policy since the previous approval in relation to sustainability objectives can be dealt with through the imposition of conditions.
- 6.4 The proposed development accords with relevant development plan policy and guidance. It is therefore recommended that this replacement planning permission be granted.

Background Papers: A2011/63918/RPA

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://82.43.4.135/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **A2011/63918**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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A2011/63918/RPA

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

Site B Kimpton Industrial Estate Kimpton Park Way Sutton Surrey SM3 9QH

Application for a replacement planning permission to extend the time limit for implementation of application number A2007/57634/FUL:- Erection of twenty-three industrial units comprising 12,174m² of gross floor space for purposes falling within classes B1(c) (light industry) B2 (general industry) and B8 (storage or distribution) of the Town & Country Planning (use classes) order 1987 (as amended) with ancillary office accommodation at mezzanine levels together with 111 car parking spaces, cycle storage facilities and vehicular access from Kimpton Park Way.

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

Reason: To safeguard the visual amenities of the area and to ensure compliance with Policy BP12 of the Sutton Unitary Development Plan which seek to ensure buildings are of a high standard of design and where applicable compatible with existing townscape.

(3) Details of security and protection measures to be undertaken on the site, including details relating to the installation of security shutters to unit entrance/exit, CCTV, external lighting, security gates and means of site enclosure and fencing, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Officer prior to the commencement of the hereby approved development.

Reason: In the interest of on-site safety and security.

(4) The development hereby approved shall not be implemented until a contaminated land assessment and associated remedial strategy has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Planning Policy Statement 23.

(5) The approved remediation works shall be completed on site in accordance with a quality assurance scheme agreed as part of the Contaminated Land Assessment approved under Condition 4 of this permission.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Planning Policy Statement 23.

(6) If during implementation of this development, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the Local Planning Authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Planning Policy Statement 23.

(7) On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by the interested party/parties shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of Planning Policy Statement 23.

(8) The development hereby permitted shall not be occupied until recycling facilities have been provided in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter for use by the occupiers of the development hereby approved.

Reason: To ensure compliance with Policy BP8 of the Core Planning Strategy which seeks to encourage the collection and recycling of appropriate materials for re-use.

(9) The method of refuse storage shall be the subject of a detailed scheme to be submitted to and approved in writing by the Local Planning Authority for approval. The approved refuse storage shall be provided prior to the first occupation of any part of the development hereby permitted and thereafter retained.

Reason: To ensure that this facility is provided in a manner and to ensure compliance with Policy BP12 of the Core Planning Strategy which seeks to ensure that such ancillary buildings integrate with the principal development.

(10) The development shall not be occupied until facilities for the secure and covered storage of bicycles on the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented, and thereafter permanently maintained.

Reason: PPG 13 sustainability objectives - To encourage access by non-car modes and facilitate integration between sustainable forms of transport.

(11) The proposed green walls shall be provided prior to the first occupation of the development and shall be constructed in accordance with the details shown on Drawing PL105 Rev.A and described in the report titled 'Enhanced Biodiversity Scheme ECO1192' and thereafter maintained in accordance with the details approved under Condition 12 of this permission.

Reason: To protect/conservate the natural features contributing to the ecological benefits from the development.

(12) Prior to the commencement of the hereby approved development, a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority to include the long-term management objectives, maintenance schedules and responsibilities for all areas of landscape, including existing and retained landscape elements, new-developed landscape elements, green walls and sustainable irrigation systems.

Reason: To protect/conservate the natural features and character of the area.

(13) No development shall take place until the landscape scheme has been approved in writing by the Local Planning Authority, to include:

- A) A method statement, including timing, for ground protection during construction and preparation prior to importing or replacing top soil;
- B) Provision for remediation of contaminated and compacted land;
- C) Specification of plant species, sizes, numbers and planting locations;
- D) Details of maintenance during the establishment period and provision for replacement of failed planting.

Reason: To protect/conservate the natural features and character of the area.

(14) The development shall not be occupied until the proposed access to Kimpton Park Way has been constructed in accordance plans that have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and thereafter be permanently retained.

Reason: In the interest of road safety

(15) No development shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans, and thereafter be permanently maintained.

Reason: In the interest of road safety.

(16) Before development commences, details of vehicle/vehicle sightlines, 2.4 metres x-distance and 70 metres y-distance, at the point of access to the public highway shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details, and thereafter be permanently maintained.

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

(17) The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for 111 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning areas shall be used and permanently retained exclusively for its designated purpose.

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

(18) The development shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority to provide:

- (a) Secure cycle parking, changing facilities, safe pedestrian & cycle routes
- (b) Information for staff and visitors regarding public transport rail, light rail and buses; walking and cycling

The approved details shall be implemented, and thereafter be permanently maintained.

Reason: PPG 13 sustainability objectives - To encourage access by non-car modes and facilitate integration between sustainable forms of transport.

Informative: HWINF13

(19) Before the first and each subsequent occupation of a Unit, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall then be implemented, developed, monitored and enforced in accordance with the approved details.

Reason: Government White Paper 1998 and PPG 13 sustainability objectives - to promote sustainable transport choices, encourage access by non-car modes and reduce the need to travel especially by car.

(20) The development shall not begin until a Construction Method Statement / Environmental Statement that demonstrates that the construction activity will be undertaken to comply with the 'Control of Pollution & Noise from Demolition & Construction Noise (2004) and also includes details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials

- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding, behind any visibility zones
- (f) construction traffic routing.
- (j) means to prevent deposition of mud on the highway.

have been submitted to and approved in writing by the Local Planning Authority; and only the approved details shall be implemented during the construction period.

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

(21) Surface water management measures shall be carried out in accordance with the accepted Flood Risk Assessment "Kimpton Industrial Estate, Sutton, Proposed Development Site B, Flood Risk Assessment" prepared by Gifford, with Report No. 13758/GE/R02, dated March 2007. The surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

(22) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To prevent pollution of the water environment.

(23) Noise from the Industrial Premises arising before 08:00 or after 18:00 hours Monday to Friday and before 08:00 or after 14:00 hours Saturday and at anytime on Sunday or any public holiday shall comply with the following limits.

Noise from plant on the site.

Noise arising from the operation of any plant on site shall not exceed 35dB(A)eq(5 minutes) when measured at the ends (the boundaries closest to the industrial premises) of the rear gardens of residential premises in Ridge Road and Hamilton Avenue.

Noise from fixed plant.

Noise from fixed plant shall not exceed 35dB(A)eq(5 minutes) when measured at the ends (the boundaries closest to the industrial premises) of the rear gardens to residential premises in Ridge Road and Hamilton Avenue.

If the noise has a characteristic as given in paragraph 8.2 of British Standard BS 4142:1997, the British Standard Method for Rating industrial noise affecting mixed residential and industrial areas, a 5dB penalty must be added to the noise level. Therefore the above target noise limits will be reduced by 5dB.

Reason: To safeguard surrounding residential amenity

(24) A scheme shall be submitted in writing to the LPA detailing the potential noise sources and attenuation measures including a noise barrier. The submitted scheme shall be approved by the LPA and not varied without written permission. Attenuation measures shall be installed before occupation of any part of the site and maintained thereafter.

Reason: To safeguard surrounding residential amenity.

(25) No materials, goods, plant equipment or any waste materials shall be stored externally (i.e. outside the confines of the buildings) within the site.

Reason: To protect the visual amenities of the locality.

(26) There shall be no use of diesel powered plant, units or generators on the site.

Reason: To protect the amenity of adjoining occupiers.

(27) No construction activity or works shall be undertaken on the site outside of the following times:

- i) the hours of 8am - 6pm on Mondays to Fridays;
- ii) the hours the hours of 8am - 1pm Saturdays.

No construction activity or work shall be undertaken on Sundays or Public Holidays.

Reason: To protect the amenity of adjoining occupiers.

(28) Prior to commencement of the development, full details of the security specifications to achieve 'Secured by Design' accreditation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include methods of natural surveillance, lighting, fencing, gates, doors and windows. The development shall then be undertaken in accordance with the details approved in writing by the Local Planning Authority and shall be retained thereafter.

Reason: To ensure compliance with PPS1, Policy BP12 of the Core Planning Strategy and Supplementary Planning Document 1 'Designing out Crime'.

(29) Prior to work starting on site, a sustainable design and construction statement, explaining how the development will meet all the requirements outlined in IPG 11: Sustainable Design and Construction should be submitted to the Local Planning Authority. The development shall then be carried out in accordance with the approved details and shall be retained thereafter.

Reason: To meet the requirements of Sutton Council's Interim Planning Guidance IPG 11 (Sustainable Design and Construction).

(30) Prior to work starting on site, a BREEAM Pre-assessment Estimator, completed by a certified BREEAM assessor, must be submitted to the Local Planning Authority to show that a minimum Very Good rating will be achieved.

Within 3 months of work starting on site, a BREEAM Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted to the Local Planning Authority to show that a minimum Very Good rating will be achieved.

Prior to first occupation of the building, a BREEAM Final (Post-Construction) Certificate, issued by the BRE, must be submitted to the Local Planning Authority to demonstrate that a Very Good rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To comply with Policy BP6 of the Core Planning Strategy, Interim Planning Guidance IPG 11 (Sustainable Design and Construction) Guideline SDC3 and to ensure the overall environmental sustainability of the development.

(31) Prior to building work commencing, an energy assessment will be submitted to the Local Planning Authority which includes a prediction of energy demand and CO₂ emissions across the whole development after the application of energy efficiency measures that improve on the minimum standards set in the Building Regulations Part L. A reduction in CO₂ emissions of at least 20% should then be achieved through the use of renewable energy technologies. These figures should be calculated using SBEM (Simplified Building Energy Model) and a methodology such as the CIBSE Guide F benchmarks for unregulated emissions, and the associated worksheets should be submitted as part of the application, alongside full details of the proposed energy efficiency measures and renewable energy technology(ies).

Prior to occupation, evidence (e.g. photographs and copies of installation contracts) should be submitted to demonstrate that the development has been carried out in accordance with the approved details.

Reason: To comply with Policy BP6 of the Core Planning Strategy, Interim Planning Guidance IPG 11 (Sustainable Design and Construction) Guidelines SDC4 and SDC5, the London Plan Policies 4A.1-4A.7 and to ensure the overall environmental sustainability of the development.

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

201 Rev A; 202 Revision D; 203 Rev C; 206; 100 Rev B; 210 Rev A; 211 Rev A; 212 Rev A; 213 Rev A; 214 Rev B; 215 Rev A; 216 Rev B; 217 Rev A; 218 Rev A; 219 Rev

A; 220 Rev A; 221 Rev A; 222 Rev B; 223 Rev A; 224 Rev A; 225 Rev B; 226 Rev A; 227 Rev A; 228 Rev B; 229 Rev A; 230 Rev A and 231 Rev B.

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

INFORMATIVES.

(1) This application has been assessed against the relevant policies of the Sutton Unitary Development Plan. The proposal is generally in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and for this reason planning permission is granted.

(2) Attention is drawn to the need to comply with the Disability Discrimination Act. The implementation of this planning permission does not over-ride the need to achieve full compliance with the Disability Discrimination Act.

(3) Informative (Condition 4):

The contaminated land assessment shall include: -

1). a desk top study detailing the history of the site's uses and proposing a site investigation strategy based on the relevant information discovered by the desk study all of which is to be submitted to the local planning authority for approval.

2). a site investigation, including relevant soil gas surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

3). a site investigation report, in accordance with BS 5930:1999 (Code of Practice for Site Investigations & BS10175: 2001 Code of Practice Investigation of Potentially Contaminated Sites) detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy.

All work should generally be in accordance with the Environmental Protection Act 1990 (Part IIA), Statutory Guidance on Contaminated Land together with other relevant legislation and guidance as described in the DETR documents Contaminated Land Research Reports, CLR Series, 1994.

(4) Informative (Condition 5):

The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

All work should be in accordance with the HSE document "Protection of workers & the general public during the development of Contaminated Land".

The decommissioning and removal of all redundant fuel storage tanks is to be in accordance with the Health and Safety Executives (HSE) Health and Safety Guidance Note 41- Petroleum Filling Stations Construction and Operation (1998). Also in

accordance with the HSE's Guidance note CS 15 - The Cleaning and Gas Freeing of Tanks Containing Flammable Residues (1985).

(5) Informative (Condition 7):

The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary "Duty of Care" documentation detailing what waste material have been removed from the site.

(6) The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that under the Highways Act 1980, a licence must be obtained from the Head of Highways and Streetcare at 24 Denmark Road, Carshalton (tel. 020 87706061), before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. In the case of developer related S278 Highways Act 1980 highway improvement works, the S278 Agreement must be concluded before works can start on the public highway.

(7) The applicant is advised that design standards for the layout and construction of access roads and junctions, including the provision of visibility zones, shall be in accordance with the requirements of the Department of Transport Publication - Manual for Streets.

(8) When access is required to be 'completed' before any other operations, the Highway Authority will normally agree that the wearing course material and in some cases edge restraint may be deferred until construction of the development is virtually complete, provided all reasonable care is taken to protect public safety.

(9) Under (Section 163) Highways Act 1980 the surface water drainage of the site should be designed so as to prevent the discharge of water onto the public highway.

(10) The sightlines shall be part of the new access and shall not be included in any plot or other sub-division of the site.

(11) The Highway Authority has no objection to the proposed development, subject to the conditions attached. But if the applicant intends to offer any of the road works included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

(12) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

(13) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.

(14) The developer is reminded that under the Highways Act 1980 Sections 131, 148 and 149, it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and also to prosecute persistent offenders.