

Appeal Decision

Site visit made on 14 November 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 December 2016

Appeal Ref: APP/P5870/W/16/3153742
61A Banstead Road South, Sutton SM2 5LH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Judith Evans against the decision of the Council of the London Borough of Sutton.
 - The application Ref B2016/73421/FUL, dated 31 December 2015, was refused by notice dated 17 March 2016.
 - The development proposed is the erection of a new clubhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new clubhouse at 61A Banstead Road South, Sutton SM2 5LH in accordance with the terms of the application, Ref B2016/73421/FUL, dated 31 December 2015, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. Local residents have brought it to my attention that this appeal was made in tandem with a similar scheme relating to the redevelopment of the Seaton House School building which currently houses the Carshalton Beeches Bowling clubhouse on its first floor¹. This appeal has already been determined and I have had regard to it in reaching my decision.

Main Issue

3. Is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal scheme seeks to relocate the existing clubhouse to a new location on the south side of the bowling green. The new clubhouse would be a single storey structure measuring just 3.1 metres in height. It would measure 30 metres (width) x 7.2 metres (depth) with a footprint of approximately 210m².
5. The surrounding area comprises detached and semi-detached houses standing on deep, spacious plots with rear boundaries backing onto the appeal site and adjacent school playing fields. The Council has referred to this area of '*open backland space*' being characteristic of the area. However, there is little before me to suggest that open spaces to the rear of residential properties are an intrinsic feature in the locality. On the contrary, the appeal site and its surroundings appear to be something of an anomaly in an otherwise built-up

¹ PINS Ref: APP/P5870/W/16/3153901

albeit low-density, suburban neighbourhood. Moreover, when I visited the site, I observed various timber outbuildings around the perimeter of the playing fields many of which are screened from adjacent gardens by established landscaping and boundary fences.

6. The Council argue that the clubhouse would 'break up' the openness of the area. Whilst I acknowledge there would inevitably be a loss of openness, this would be fairly modest in its visual and spatial extent. The clubhouse would be located at the northern edge of the school field rather than across its centre. A narrow strip of land which is currently open would be lost as a result. However, to my mind the Council's description somewhat overplays the impact.
7. The ground floor of the front elevation would be the same level as the existing green and therefore much of building would be located below the level of the surrounding field. As a consequence of its squat proportions and the height of existing boundary fences and established perimeter landscaping, the clubhouse would be all but concealed from public spaces. Even from adjacent gardens and dwellings it would not be prominent or threaten the largely unrestricted aspect that surrounding properties enjoy over the appeal site.
8. The Council's evidence does not adequately explain how or where the claimed loss of openness would be experienced or why it would be unacceptable. I have had regard to the Council's argument that the loss of openness would be exacerbated by the cumulative impact of the clubhouse and the new school building to the north. However, there are few details before me of that development and in any event, it lies outside the scope of the current appeal scheme. Accordingly this is not a matter to which I can attribute any degree of weight.
9. For the reasons given above, I conclude that the development would not cause unacceptable harm to the character and appearance of the area. The development would thus accord with Policy DM1 of the Council's "*Site Development Policies DPD*" and Policy BP12 of the "*Core Planning Strategy 2009*". Collectively these seek good quality design that has regard to the form, function, and structure of an area and the scale, mass and orientation of surrounding buildings.

Other Matters

10. Local residents have expressed a wide range of concerns including but not limited to the following; noise and disturbance, loss of privacy, light pollution the effect on trees, wildlife habitats, inadequate access arrangements and odours. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently from the Council on these matters.

Conditions

11. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
12. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved

plans, as this provides certainty. Conditions relating to external facing materials and boundary treatments are necessary to ensure the satisfactory appearance of the development. Those conditions relating to sustainable drainage and energy efficiency are required to comply with the Development Plan's sustainability objectives.

13. The suggested condition requiring a Construction Management Plan is excessive for a scheme of this size. However, I have imposed conditions relating to construction hours, noise from the extraction system, odours, the removal of permitted development rights and opening hours as these are necessary to safeguard the living conditions of neighbouring occupiers. The suggested requirement for the bowling club to submit a School Travel Plan is patently unreasonable and unnecessary since the development proposed would not be part of the adjacent educational facility. Similarly, I fail to see how a condition relating to noise attenuation for the access road would be justified since no changes are proposed to the access arrangements. The Council's suggested condition 9 relates to a new school building and not the appeal scheme. I have omitted it accordingly.
14. Lastly, a condition has been recommended which would prevent the clubhouse from being used for private functions. However, the justification is scant and it is not clear on what basis it would be justified given that the existing clubhouse operates without such a restriction. It is also pertinent that the condition appears not to have been recommended by the Council's Environmental Health Officer.
15. I therefore wrote to the parties to seek their views on an alternative opening hours condition which in my view would safeguard the amenity of neighbouring residents without being unduly restrictive on the club. I have carefully considered the Council's comments in relation to that condition and have amended the hours accordingly to protect the amenities of neighbouring occupiers. However, and with full cognisance to the proximity and concerns of those residents, the fact that the club has historically enjoyed unrestricted opening hours is a significant material consideration. Moreover, the Council do not dispute the appellant's claim that there has been no noise related complaints in the last ten years connected to the use of the clubhouse. This adds credence to my view that a blanket 22:00 closing time as suggested by the Council would be unduly restrictive and in the circumstances, unreasonable. It seems to me on the basis of the available evidence that the club is mindful of its location and is a considerate neighbour. I have therefore imposed a condition which restricts the opening hours to 09:00hrs to 22:00hrs Sunday to Thursdays; 09:00hrs to 23:00 Fridays and Saturdays; 09:00hrs and 09:00hrs to 00:30hrs on New Year's Eve/New Year's Day.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1/1250 location plan and 060316B/RFD/CJD.
- 3) No work on the superstructure of the development hereby permitted shall take place until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details, which shall not be removed from the site until completion of the development.
- 4) Prior to first occupation of the development a sound insulation scheme detailing the measures to control noise and vibration from the access roads to the existing buildings shall be submitted and approved in writing by the local planning authority. The approved scheme shall be capable of achieving no increase in the background noise level (L90t 5min) when measured at the boundary of the nearest affected noise sensitive property. The scheme shall be installed prior to first occupation of the development and shall be retained unless otherwise agreed with the local planning authority.
- 5) Prior to first occupation noise from the kitchen extract system, shall be assessed and rated in accordance with BS4142:2014. The rated noise level shall not exceed a noise level 5dB below the background noise level at nearby noise sensitive windows. Alternatively, the noise from the kitchen extract duct system shall not exceed 35 dBLAeq (5 minutes) at nearby noise sensitive windows. Prior to first occupation evidence of the assessment shall be submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to first occupation details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of external ducting, must be submitted to the Local Planning Authority for approval. The approved equipment shall be installed prior to the commencement of the kitchen use and shall thereafter be operated at all times during the operating hours of the kitchen use and maintained in accordance with the manufacturer's instructions.
- 7) No work on the superstructure of the development hereby permitted shall take place until an Energy Statement incorporating 'as-designed' BRUKL outputs prepared under the Simplified Building Energy Model (SBEM) has been submitted to the Local Planning Authority and approved in writing which demonstrates how the development will apply the Mayor's energy hierarchy (use less energy, supply energy efficiently and use renewable energy) to secure at least a 19% reduction in CO2 emissions below the target emission rate (TER) based on Part L2A of the 2013 Building Regulations and seek to achieve a 10% reduction in total emissions (regulated and unregulated) through on-site renewable energy generation.
- 8) Prior to occupation of the development, 'as-built' BRUKL outputs prepared under the Simplified Building Energy Model (SBEM) should be submitted

to the Local Planning Authority and approved in writing to demonstrate that the development has been carried out in accordance with the approved details. If the development is unable to meet the required reduction in CO2 emissions through the approved energy strategy, then any shortfall should be made up through the application of further sustainability measures unless otherwise approved by the Local Planning Authority in writing

- 9) No work on the superstructure of the development hereby permitted shall take place until a scheme for the management of surface water run-off has been submitted to the Local Planning Authority and approved in writing which identifies appropriate site drainage and flood risk management measures, including SUDS, in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The proposed scheme should ensure that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. Consideration should be given to green roofs, walls or site planting measures where feasible.
- 10) Prior to first use of the building, written confirmation that the approved site drainage and flood risk management measures, including SUDS, have been implemented as part of the development as built must be submitted to the Local Planning Authority and approved in writing. Where different from the approved details, further evidence must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus 30% for climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. All the measures implemented shall be retained for as long as the development is in existence.
- 11) The D2 use hereby approved, shall be restricted to and limited to use as a Bowls Clubhouse and shall not be used for any other Class D2 use as specified by the Town and Country Planning (Use Classes) Order 1987 (as amended) or benefit from any permitted change within Part 3 of Schedule 2 of Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or revoking and re-enacting that Order), without the prior written approval of the Local Planning Authority.
- 12) The clubhouse hereby permitted shall not be used outside the following times: 09:00hrs to 22:00hrs Mondays to Thursdays; 09:00hrs to 23:00 Fridays and Saturdays; 09:00hrs to 22:30hrs Sundays and Bank Holidays; 09:00hrs to 00:30hrs on New Year's Eve into New Year's Day.