

Merton Council
Planning Applications Committee
15 November 2018
Supplementary agenda

15b Modifications 2

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Planning Applications Committee 15th November 2018 Supplementary Agenda (Modifications Sheet)

Item 5. 32-34 Bushey Road, SW20 – 18/P2619 – Dundonald Ward.

Recommendation (page 23)

Add the following conditions:

- 26) Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial/domestic use shall not exceed LA90-10dB at the boundary with the any noise sensitive/residential property.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

- 27) Any external lighting must be positioned and angled so to prevent any light spillage or glare beyond the site boundary.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

- 28) The internal noise criteria in the K.P. Acoustics report referenced 17060.NIA.01 dated 12 March 2018 shall be implemented to that standard or higher. A noise verification assessment shall be carried out post construction.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

- 29) The remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

- 30) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

- 31) No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- non road mobile machinery emission compliance
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of future occupiers and those in the local vicinity.

Item 6. 27 Cochrane Road SW19 – 18/P2661 – Dundonald Ward.

No modifications.

Item 7. 41 Cottenham Park Road SW20 – 18/P2234 – Raynes Park Ward.

No modifications.

Item 8. 356 Garth Road SM4 – 18/P1577 – Lower Morden Ward.

No modifications.

Item 9. 6 Grange Park Place SW20 – 18/P2843 – Village Ward.

Recommendation (page 92)

Add the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, door or other opening other than those expressly authorised by this permission shall be constructed in the side elevation (section A-A on Drawing no 1428/04) without planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities and privacy of the occupiers of nearby properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

Consultation (page 88)

Two further representations, which are summarised below:

- The proposal will have a detrimental impact on 3 Wolsey Close, 2 and 5 Grange Park Place and other neighbouring properties.
- Several neighbours were not informed of the proposed planning application until almost the last date for representations which must be illegal as the proper planning regulations were not followed.
- The proposal is in breach of restrictive covenants set by Merton for this Close.
- The applicant did not display a site notice and 2 Grange Park Place was not notified of the planning application.
- The proposal will result in overlooking towards 2 Grange Park Place.

Planning Officer's response:

- For this type of application Councils have a statutory obligation to either display a site notice or consult adjoining owners or occupiers. Merton Council sent letters to neighbouring properties 2, 5, 7, 14 Grange Park Place and 3 and 4 Wolsey Close to inform them of this planning application on the 13 August 2018. The deadline given for representations was the 5 September 2018. This gave neighbouring properties 21 days to respond to the consultation. The Council have therefore fulfilled their statutory duties in this regard.
- Restrictive covenants are not a material planning consideration when assessing planning applications.
- The impact of this proposal is not considered to have a detrimental impact to neighbouring properties. This is addressed in more detail in the report.

Item 10 - Harris Academy, 59-63 High Path, Wimbledon, SW19 2JY - 18/P1921 – Abbey Ward.

Consultation (page 127)

Changes made to the proposal since the latest DRP meeting on 24/07/2018:

The list below provides a comprehensive account of the amendments made to the scheme:

- Brick work detailing to include a band of vertical stack bond and soldier course extending around the building.
- Textured brickwork – vertical ridged brickwork to parts of the elevations.
- Vertical stepped brickwork detailing to entrances.
- Coloured render infill panels added to elevations.
- Alternating recessed brick courses in contrasting colours to parts of the elevations.
- Deeper window reveals with accent colouring to north and east elevations.
- Vertical fins added to the east elevation.
- William Morris graphics added to ground floor glazing.

Officer comment:

As set out at paragraph 7.3.17 of the agenda, the design is considered to be acceptable.

Consultation (page 106):

The comments of the Merton branch of the National Education Union (NEU) had been included in the representations section of the report in the agenda. However, for clarity, the specific issues raised by the NEU are as follows:

- Poor air quality in the vicinity of the site.
- Lack of outdoor facilities/playing fields.
- Impingement on the footprint of the adjacent primary school.
- Future effects on air quality due to the planned redevelopment of High Path.

9 additional letters of objection received (making a total of 56 objections), raising the following issues that are not already included in the reasons for objecting in the agenda:

- Amendments to position of the building result in less usable outdoor space (note the MUGAs are not reduced but the other outdoors areas would be).

Councillor Benbow has raised objection to the proposal, following publication of the agenda, for the following reasons:

- Concern regarding any new secondary school in the South Wimbledon area due to traffic increases.
- Junction improvements are required around South Wimbledon tube station.
- Concern that future TfL tram link may pose a barrier to walking to Nursery Road playing fields.
- The Council should have addressed rat running through the estate in the High Path redevelopment scheme.

Officer comment:

It is noted that the layout of external space is altered by the change in position of the building, however, there are no planning standards relating to the extent of outdoor space and therefore objection could not reasonably be raised through the planning process on this basis.

There is no indication that the junction at South Wimbledon tube station requires upgrading as a result of this specific planning application.

Any future tramlink would run along Merantum Way, as opposed to High Path, and a suitable pedestrian crossing over could be implemented on Morden Road as and when the plans are made.

There is no indication that the presence of the school would increase rat running.

TfL additional comments (page 122):

TfL's Public Transport Service Planning team have now confirmed that the uplift in tram trips generated by the school would be unlikely to adversely impact tram capacity and would not be sufficient to justify any kind of developer contribution.

In relation to buses, based on the school catchment area now provided, whilst the numbers to/from the south (route 93) would still cause problems in terms of capacity, it is likely to be less than previously assumed. As a result we can therefore half the contribution previously requested as we will only need one additional journey to provide sufficient capacity.

Therefore our request is for £375,000 in total.

Officer comment:

The issues raised by TfL are now largely overcome and it is concluded that the proposal is acceptable in transport/highway terms, subject to the requirements of the legal agreement.

Additional comments provided by the applicant in relation to air quality received following the publication of the agenda:

- The AQA completed for the application is more detailed, site specific and appropriate than the information relied upon for the GLA schools audits.

The schools audits relied upon London-wide modelling, which was verified against monitoring data for 2013 from sites spread across London. The results were predicted for 2013, were based on out of date emission factors and concentrations were only predicted at points 20m apart. No monitoring data was available for the Merton Abbey School site and thus the schools audit is NOT based on local monitoring.

For the AQA submitted with the application, detailed modelling was carried out for the area surrounding the school, with detailed consideration given to the specific layout of the local road network. The model results were verified against 2016 monitoring data from two roadside locations in South Wimbledon for which data were available at the time of the assessment. The model used the most recently published vehicle emission factors and concentrations were predicted at points 3m apart across the site, to provide detailed information about how concentrations vary across the site. The locally calibrated model was then used to predict concentrations across the school site in 2020, which is the earliest the site could become occupied.

- Merton Council has now published monitoring data from Merantun Way which is consistent with our work, and if anything suggests that our assessment is worst-case.

Merton Council carried out monitoring 0.8m from the kerb of Merantun Way adjacent to the Harris Academy site in 2017. An annual mean nitrogen dioxide concentration of 42 ug/m³ was measured (slightly above the air quality objective). The boundary of the Harris Academy site is 2.8m from the kerb of Merantun Way at its closest point. Concentrations decrease rapidly with distance from the kerb and thus this measurement indicates that concentrations across the Harris Academy site are currently below the objective.

Under the 2016 model results used in the applicants assessment, the maximum predicted concentration at the point within the site 2.8m from the kerb was 47.1 ug/m³ (39.8 ug/m³ in 2020). As this is higher than the measured 2017 value of 42 ug/m³ at 0.8m from the kerb, this indicates that the model results on which the applicant's assessment are based are very much worst-case.

In addition, it is worth noting that;

- Harris Academy will incorporate current best practice and perform better than Merton Abbey Primary in terms of being built to modern standards for boiler, insulation and ventilation (all issues identified in the Schools Audit). A solid barrier is proposed to the south along Merantun Way, which is one of the measures proposed by the schools audits. A financial contribution will be made towards the AQ Action Plan.
- Once complete, the High Path redevelopment will not increase traffic and thus there is no cumulative impact with that development.
- Construction phase impacts will be carefully managed for both sites in accordance with the Mayor's SPD. This is likely to include monitoring of dust and PM10 during the construction phase as part of the Construction Environmental Management Plan.

Response from LBM Environmental Health Officer to applicant's submission (above):

The Council's Environmental Health Officer has responded to indicate that as with all modelling data there is an element of the known & unknown, with a degree of future speculation. In general they agree with the majority of the statement. As a means of protection to the local environment the Environmental Health Officer will be considering High Path as a potential street for significant traffic restrictions. The contribution is to future monitoring which will determine impacts on AQ in the area.

The Council's Environmental Health Officer has provided additional detailed comments below:

1. Outline

The ongoing monitoring of Air Quality in the borough, and shows that currently around 60% of monitored locations are above legal annual legal limits for NO₂. Mitigation measures are required both during the development and use of the new building.

2. Air Quality in Merton

Air pollution is recognised as a major contributor to poor health with more than 9000 premature deaths attributed to poor air quality in London. Air pollution is associated with a number of adverse health impacts: it is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are often less affluent.

Merton, as with nearly all London boroughs, has historically and continues to contravene the Air Quality objectives along its main roads and corridors.

Pollution in Merton comes from a variety of sources. It includes pollution originating outside the borough, and, in the case of particulate matter, a significant proportion comes from outside London and even outside the UK. Obviously the Council has limited control over this, however local sources are primarily from road transport and from development/buildings.

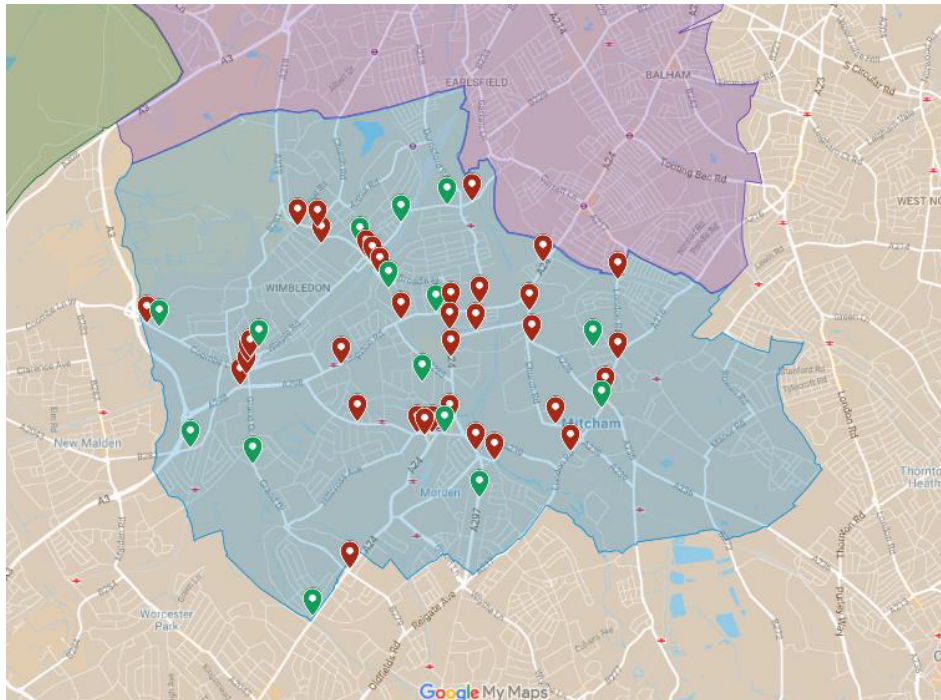
This year Merton Published a New Air Quality Action Plan to tackle Air Pollution in the borough. A link to Merton's Air Quality Action Plan can be found here:

<https://www2.merton.gov.uk/Merton%20AQAP%2020182023.pdf>

The Pollutants of concern are NO₂ & Particulates and predominantly due to traffic. Legal limits are set out below.

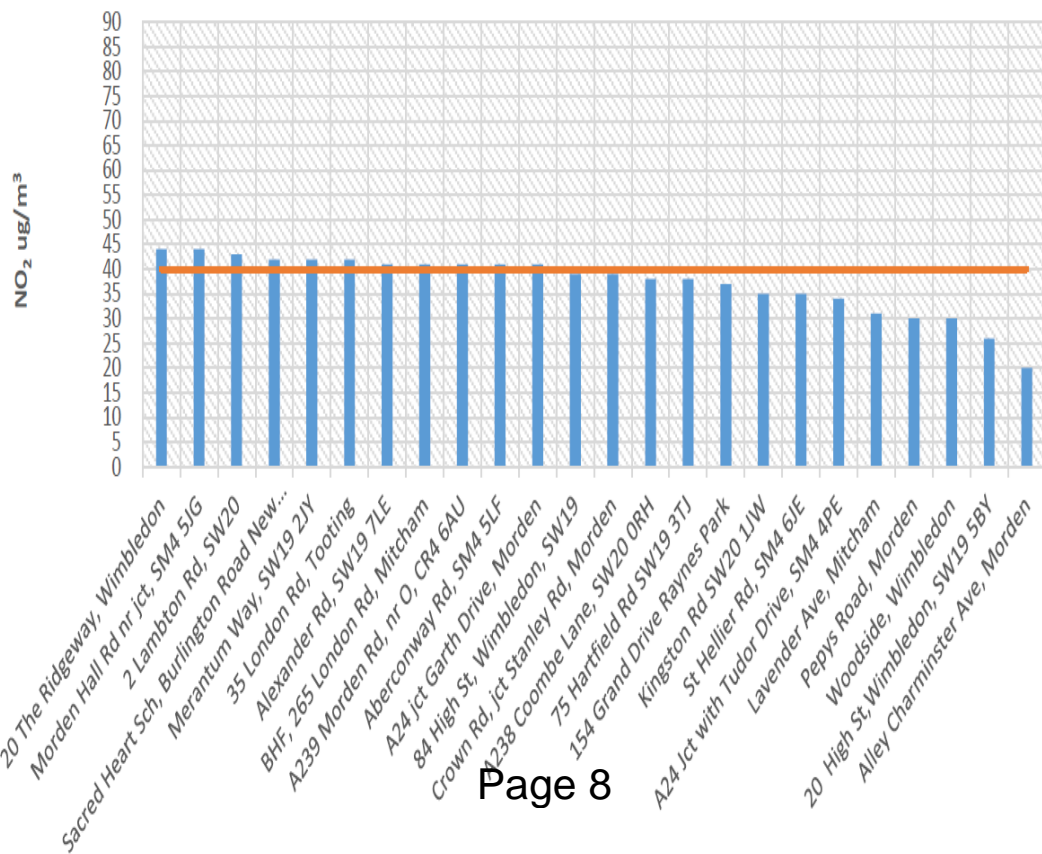
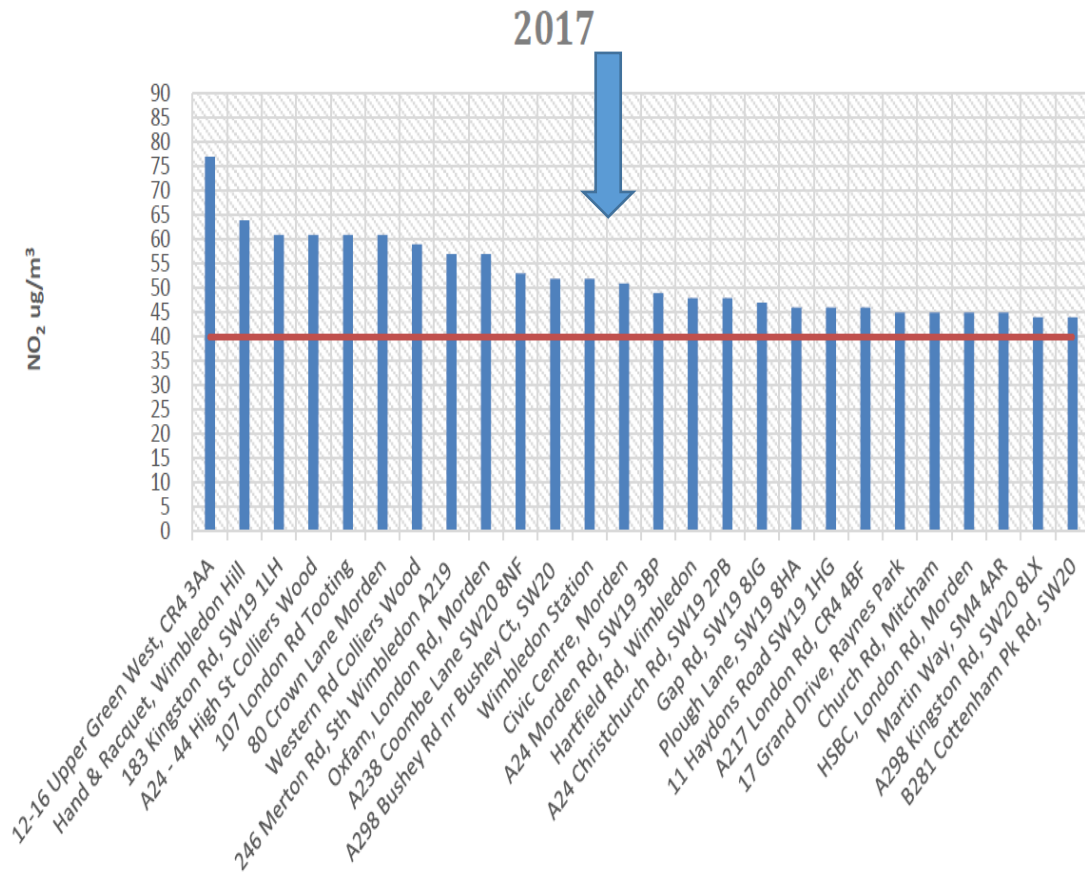
Pollutant	Objective (UK)	Averaging Period
Nitrogen dioxide - NO ₂	200 $\mu\text{g m}^{-3}$ not to be exceeded more than 18 times a year	1-hour mean
	40 $\mu\text{g m}^{-3}$	Annual mean
Particles - PM ₁₀	50 $\mu\text{g m}^{-3}$ not to be exceeded more than 35 times a year	24-hour mean
	40 $\mu\text{g m}^{-3}$	Annual mean

The Red markers indicate locations where the legal limit is exceed
The Green markers indicate locations within the legal limit



Merton measures Air Quality through the use of two automatic monitoring sites and a diffusion tube network which now covers 50 locations around the borough.

In general, of the 50 locations in the borough around 30 fail the legal limits. The annual limit is marked in red and the Merantun Way location is marked with an arrow.



3. Air Quality around High Path

The Council has two diffusion tubes near High Path on lampposts, one on London Road and one on Merantun Way.

London Road

Merantun Way

TableK. Annual Mean NO2 Ratified and Bias--3) Site ID	Address	Background Conc. (Wetlands)	Measured Annual mean Conc.	Distance Corrected Conc.
32	Merantun Way, SW19 2JY	20.0	43	35
45 (IC)	HSBC, London Rd Morden	20.0	47	41

In addition, further detailed monitoring was carried out as part of the Merton Abbey Primary School audit. These results came too late to be included in the final school's audit report, but show that of 8 monitoring sites around Merton Abbey School, 1 showed exceedances of legal limits.

in ug/m³ - spot check data, Merton Abbey Primary School, SW19 2JY

Site Code	Site Address	Date ON	Date OFF	postcode	monthly NO2	PM2.5	PM10
53	Merton Abbey - inside new classroom, top floor, facing High Path	01/12/2017	09/01/2018	Merton Abbey Primary, SW19 2JY	11.61	N/A	N/A
54	MA - on fence nr Merantun Way	01/12/2017	09/01/2018	MAP, SW19 2JY	38.58	4.8	17.2
55	MA - in playground - childrens centre	01/12/2017	09/01/2018	MAP, SW19 2JY	29.18	4.7	19
56	MA - on façade of schl nr main entrance	01/12/2017	missing	MAP, SW19 2JY	missing	5.1	18.9
57	MA - sign post nr 2nd gate, nr Trafalgar PH	01/12/2017	09/01/2018	MAP, SW19 2JY	32.07	4.8	17
58	MA - Pincott Rd, nr Marsh Ct	01/12/2017	09/01/2018	MAP, SW19 2JY	32.02	6	14.5
59	MA - opp 72 Abbey Rd, SW19	01/12/2017	09/01/2018	MAP, SW19 2JY	34.96	5.2	11.6
32	Merantun Way (nr crossing nr High path)	06/12/2017	03/01/2018	SW19 2JY	49.90	N/A	N/A

4. Schools Audit of Merton Abbey Primary School

In September 2017 the Mayor announced the first of 50 'air quality audits' for primary schools in some of the worst polluted areas in 33 London boroughs.

Participation in the audit process was voluntary and work was undertaken in consultation with council officers, although the results were independent. The results of the audits have now been published online. The audit was based upon 'modelled' air quality data and to try to enhance the information gathered by council officers carried out monitoring through diffusion tubes and hand held particulate monitoring.

The results of which are shown in the table above. This shows that within the boundaries of the school it is compliant.

The audit report contained a number of general recommendations that will need to be agreed between the School, the Council and the GLA.

Following initial discussions these are currently being agreed and include;

- Green screening and planting.
- Longer-term monitoring in and around the school grounds.
- Improved modal shift infrastructure, cycling and scootering.

- Anti-idling.
- Pedestrian only school's street consultation.
- Behavioural change measures in and around the school secured under the Air Quality Action Plan and include activities such as school travel plans, STARs, auditing and public health initiatives.

5. New Harris Academy

An air quality assessment was requested as part of the Planning Application to consider the impact of the new development and its future use. This report concluded that the school would be air quality neutral.

Any Air Quality Assessment, particularly one that is modelled, will be based upon a number of assumptions, many of which can be open to question. However, officers are generally satisfied with the assessment and have sought clarification on areas of the report.

Merton is not complacent with introducing schools into areas that have high pollution levels and as such require further mitigation.

This further mitigation includes;

- A close boarded fence with accompanied green screen around the site along Merantun Way
- Cycling and scooter infrastructure in line with the London Plan
- Financial contribution through section 106 for long term monitoring and actions.

6. Short term AQ strategy

The protection of pupils at Merton Abbey Primary from the impact of construction and demolition activities is a priority. Controls can be successfully delivered through Planning Conditions and appropriate enforcement action. We will be requiring the following documents to be agreed prior to the commencement of any work:

- Noise and Vibration Management Plan
- Dust Management Plan and Monitoring arrangements
- Construction Logistics Plan to mitigation the impact of site vehicles.
- Commitment to cleaner site equipment (Delivered through our NRMM project)

7. Long Term Strategy for the site

Merton is committed to tackling Air Pollution around schools and has dedicated part of its new Air Quality Action Plan to delivering this.

Any new school will be brought under remit of this plan and we will be working with the school through long-term monitoring and adopting actions similar to those outlined for Merton Abbey Primary School.

It is hoped that bold actions such as the pedestrian-only "School Streets" will be implemented in High Path before any potential new school.

8. Summary

The monitoring work around the present school seems to confirm the view that the school itself is, and will likely remain compliant, in terms of statutory objectives and that it is the travel to and from school that poses the greatest risk to exposure to poor air quality.

This is also apparent in other work carried out around schools in partner boroughs. The addition of a new school does present a number of concerns around the demolition and construction phase, something that can be managed and mitigated through strict conditioning and enforcement. There also needs to be a long term commitment from the school to adopt actions both taken and proposed for Merton Abbey Primary to protect pupils. This can be delivered through the Air Quality Action Plan.

Officer comment:

Subject to mitigation measures being put in place there is no planning objection to the impact on air quality or the impact of air quality on future users.

Amendment to legal agreement Heads of Terms (page 154):

- Financial contribution not to exceed **£375,000** over 5 years (with final sum to be agreed) to Transport for London to provide two additional bus journeys towards the school in the morning and return journeys.
- £70,000 contribution towards junction improvements to secure a suitable pedestrian route to Abbey Recreation Ground.
- £20,000 contribution towards highway repairs.
- £8,000 contribution for the physical works including making up the former accesses, construction of new access points and other footways works, also required to take forward future parking restrictions, including CPZ.
- Contribution of £11,500 towards the Councils New Air quality Action Plan 2018-2022.
- The preparation and implementation of a School Travel Plan. The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years.
- Changes to parking restrictions/road markings to the frontage of the site.
- All costs to be borne by the applicant.

Appendix 2:

London Borough of Merton Air Quality Annual Status Report for 2017 (25 May 2018).

Item 11. Unit 12 Mitcham Industrial Estate, 103 Streatham Road CR4 – 18/P3342 – Graveney Ward

No modifications.

Item 12. 6 Grange Park Place SW20 – 18/P2843 – Village Ward.

No modifications.

Item 13. 10 Murray Road – TPO730 – Hillside Ward.

No modifications.