

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
Najeeb Latif (Vice-Chair)
Laxmi Attawar
David Chung
David Dean
Russell Makin
Simon McGrath
Peter Southgate
Marsie Skeete
Dave Ward

Substitute Members:

Edward Foley
Stephen Crowe
Daniel Holden
Rebecca Lanning
Dennis Pearce
Carl Quilliam

A meeting of the Planning Applications Committee will be held on:

Date: 21 March 2019

Time: 7.15 pm

Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX

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Planning Applications Committee

21 March 2019

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 4
- 4 Town Planning Applications
The Chair will announce the order of Items at the beginning of the Meeting.
A Supplementary Agenda with any modifications will be published on the day of the meeting.
Note: there is no written report for this item
- 5 Wimbledon Rugby Club, Beverley Meads, Barham Road, SW20 0ET 5 - 28
Application Number: 18/0183 Ward: Village
Officer Recommendation: GRANT Planning Permission subject to conditions
- 6 141 The Broadway, Wimbledon, SW19 1QJ 29 - 54
Application Number: 17/P0296 Ward: Abbey
Officer Recommendation: GRANT Planning Permission subject to S106 agreements and conditions
WITHDRAWN FROM THIS AGENDA
- 7 The All England Lawn Tennis and Croquet Club, Church Road, Wimbledon, London, SW19 5AE 55 - 74
Application Number: 18/P4236 Ward: Village
Officer Recommendation: Grant Planning Permission subject to conditions
- 8 356 Garth Road, Morden, SM4 4NL 75 - 96
Application Number: 19/P0418 Ward: Lower Morden
Officer Recommendation: Grant Planning Permission subject to conditions
- 9 27 - 39 Hartfield Road, Wimbledon, SW19 3SG 97 - 124
Application Number: 18/P4447 Ward: Dundonald
Officer Recommendation: Grant Planning Permission subject to conditions and S106 Agreement

10	58 Haynt Walk, Raynes Park, SW20 9NX Application Number: 18/P4357 Ward: Cannon Hill Officer Recommendation: Grant Planning Permission subject to conditions	125 - 144
11	Wimbledon Stadium, Plough Lane, Tooting, SW17 0BL Application Number: 18/P3354 Ward: Wimbledon Park Officer Recommendation: GRANT Variation of Conditions, subject to conditions and deed of variation to the S106 agreement	145 - 276
12	Land Adj, 65 Sherwood Park Road, Mitcham, CR4 1NB Application Number: 18/P3386 Ward: Pollards Hill Officer Recommendation: Grant Planning Permission subject to conditions	277 - 294
13	52 – 54 Wandle Bank, Colliers Wood, London, SW19 1DW Application Number: 18/P3780 Ward: Abbey Officer Recommendation: Grant Planning Permission subject to conditions and deed of variation to the S106 agreement	295 - 336
14	Planning Appeal Decisions	337 - 342
15	Planning Enforcement - Summary of Current Cases	343 - 348

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member

of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

Human Rights Implications:

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

Order of items: Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

Speaking at Planning Committee: All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

All Speakers MUST register in advance, by contacting The Planning Department no later than 12 noon on the day before the meeting.

PHONE: 020-8545-3445/3448

e-mail: planning@merton.gov.uk)

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

Submission of additional information before the meeting: Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

Please note:

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Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

14 FEBRUARY 2019

(7.15 pm - 8.10 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor David Chung, Councillor David Dean, Councillor John Dehaney, Councillor Russell Makin, Councillor Simon McGrath, Councillor Dennis Pearce and Councillor Peter Southgate

ALSO PRESENT Tim Bryson – Planning Team Leader North
Jonathan Lewis – Planning Team Leader South
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Laxmi Attawar, who was replaced on the Committee by Councillor John Dehaney

Apologies for absence were received from Councillors Marsie Skeete and Dave Ward.

Councillor Dennis Pearce attended as a substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 17 January 2019 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5 and 6.

Order of the meeting – The Chair announced that the items would be taken in the following order 6, 5, 7, and 8.

5 6-12 LONDON ROAD, MORDEN, SM4 5BQ (Agenda Item 5)

Proposal: Continued use of Units 6 – 10 as a shop (use class A1) together with additional use as a tuition centre (use class D1) and flexible office space (use classes A2 and B1a). Toilet block to the rear of Unit 12 to remain as existing.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda - Modifications

In reply to Members' questions, the planning Team Leader replied:

- There is no minimum space standard for such offices, the key factor is accessibility which is satisfactory in this application
- It is not uncommon to have different types of commercial property next door to each other

Members commented that this application provides a practical and pragmatic use of the site given the current situation for retail units in Morden Town Centre

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

NOTE - Officers received information after the Committee:

Following the sub-division of the premises the application site has been recorded, for the purposes of the Council's Land charges records and street numbering records, as 10 London Road, Morden

6 18 RIDGWAY PLACE, WIMBLEDON, SW19 4EP (Agenda Item 6)

Proposal: Demolition of existing dwelling house and erection of 2 x semi-detached houses (with accommodation at basement level and within the roof space) together with off-street parking and associated landscaping.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda- Modifications. The Committee also noted a further correction to the report; the property is not in a Conservation Area.

The Committee received verbal representations from two objectors to the application and from the Agent to the application.

The Objectors made points including:

- This proposal is massively greater than the existing house
- Neighbours will lose their privacy at the back
- Overlooking from the rear ensuite bathroom
- Concerned that the flat roof at the rear could be converted into a balcony
- This is a flood risk; the basement of the house opposite has to be regularly pumped out
- Suspect drainage problems at other properties on the street
- Request that materials used are those allowed in the previous applications; Red brick and clay tiles. This will blend in better with the street
- This is the fourth application in 10 years and is very stressful for the neighbours
- This application overshadows neighbouring properties and adds 50% of floorspace to the previous application allowed in 2018
- Welcome the removal of the lightwells and the narrowing of the basement. Not sure if this narrowing is enough to protect the Eucryphia Tree,
- If allowed want the tree protection to meet BS5837

The Agent to the Application made points including:

- Assured neighbours that first floor windows up to 1.7m would be obscure glazed and fixed shut
- The flat roof will not be suitable for use as a balcony. If a future resident wanted to create such a balcony they would have to get planning permission
- The construction of the Basement is supported by technical assessment. Merton Council raised questions which were answered by the applicant's engineers. It now meets Council Policy and a Basement Method Statement is required by condition
- The size of the basement was reduced to protect the neighbour's trees. This has met with approval by Merton's Tree Officer.
- Houses in the immediate vicinity of the application site have different materials. This application for London Stock Brick and Slate tiles is widely used and is acceptable in this area. The NPPF encourages planning authorities to not impose stylistic conditions on applications.

In reply to Members' Questions, the Planning Team Leader replied:

- This application does have a larger footprint than the scheme allowed in 20189 because of the basement that extends at the rear. But the ground floor and height are the same as the previous application
- Local Planning Authorities cannot force applicants to implement permissions, and cannot stop further applications on a site with a previous permission.
- If allowed this permission will have pre-commencement conditions that must be met by the applicant submitting information before any construction can begin. These must be approved by the Council's Flood Risk Engineer and Structural Engineer. If building work started before these conditions had been discharged then enforcement action would be taken
- Condition 20, from the Structural Engineer, requires a method statement for the building of the basement, and this would be adequate to reduce noise and vibration
- This basement would have an attenuation tank to the front of the house that would collect and discharge water. This has been approved by the Council's Flood Risk Officer and further details will be in the Construction method statement that must be approved prior to construction.
- A condition to prevent a balcony being created on the flat roof element was not necessary as such work would require planning permission.

Members commented that:

- A member expressed concerns regarding the four applications in 10 years, and three previous approvals not implemented
- A member commented that the application should be refused for bulk, massing and overdevelopment. He was also concerned about drainage in the area
- Other Members said that as the extra size was underground a refusal on the grounds of bulk and massing was not appropriate.

- Members noted the pre-commencement conditions requiring the Construction Method Statement of the basement and that the above ground plans were similar to those previously approved

A motion to Refuse by reason of Bulk, Massing and Overdevelopment was proposed, seconded and put to the vote. This vote was lost

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

7 PLANNING APPEAL DECISIONS (Agenda Item 7)

RESOLVED

The Committee noted the report on Planning Appeal Decisions

8 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 8)

A member made comments regarding the enforcement action at 1 Caxton Road.

A member asked for up to date information regarding the enforcement action at the Burn Bullock site.

RESOLVED

The Committee noted the Enforcement Officer's report.

PLANNING APPLICATIONS COMMITTEE

21 MARCH 2019

APPLICATION NO. **DATE VALID**
18/P0183 13/12/2017

Address/Site Wimbledon Rugby Football Club, Beverley Meads,
Barham Road, West Wimbledon, SW20 0ET

Ward **Village**

Proposal: Installation of artificial grass on existing rugby pitch with associated hard and soft landscaping, fencing and floodlighting.

Drawing Nos HLS03442, MUK18546 1-02 A, 1-03, 1-04, 1-05, 1-06, 1-07, Duralock fencing details CodePR1200/3-Halfmesh, Planning Statement, Floodlighting details produced by Siteco, Flood Risk Assessment and Drainage Report, Transport Statement, Technical Design Note dated 13th February 2019, Ground Investigation Report, preliminary Ecological Appraisal and Ecological Review of Lighting Proposals and Bat Mitigation.

Contact Officer: Richard Allen (020 8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 34
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The Wimbledon Rugby Football Club Sports ground has a site area of approximately 9.8 hectares. The sports ground lies on the west side of Barham Road and accommodates 12 rugby pitches, tennis courts and two pavilions one surfaced car park and two overflow car parks accessed from Preston Road. The pavilion building subject of the current application fronts Barham Road with the rugby pitch to the west of the pavilion. The application site is designated as Metropolitan Open Land. The site surroundings comprise residential property to the east and south. The site is not within a Conservation Area; however, the Drax Avenue Conservation Area is located to the east. The very western part of the site lies within flood zone 2.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the installation of artificial grass on existing rugby pitch with associated hard and soft landscaping, fencing and floodlighting, together with provision of associated storage container.
- 3.2 The development consists of a 114 metre x 68 metre synthetic pitch area including a 4 metre run off to all sides and a 6 metre dead ball area. The playing area comprises a 94 metre x 60 metre and denoted by 100mm wide white line markings. The surface will consist of sand and rubber infill 3G synthetic carpet system.
- 3.3 The playing pitch will be enclosed by a 1.2 metre high Durlock 3 rail fencing system with single and double gates to enable general access as well as access for maintenance and emergency purposes.
- 3.4 A new storage container will be provided to the north east corner of the pitch to enable the storage of equipment and kit. The storage container will comprise steel material, and be clad with RFU signage to the pitch side. The metal container will be 12200mm x 2430mm x 2590mm.
- 3.5 Adjacent to the existing pavilion will be the players entrance consisting of 2 no. single and 1 no. double gates, one adjacent to the storage container and one to the north-east corner of the pitch, will be for emergency vehicle access from the car park.
- 3.6 There will be new perimeter and link paths 3 metres in width around the pitch which will be black porous macadam. Steps will be introduced between the pavilion and the player's entrance to overcome the variation in ground levels. Also on the south side of the pitch there will be 2 no. home away dugouts and technical areas (grass surfaced).
- 3.7 The floodlighting will consist of 6 galvanised 15 metres floodlight columns with A3 MAXI luminaires to provide the required light levels for the new pitch whilst also controlling light spill glare and upward light leakage.

4. **PLANNING HISTORY**

- 4.1 In March 1989 planning permission was granted by the Planning Applications Committee for the erection of four x 16 metre high floodlight columns (LBM Ref.88/P1641).
- 4.2 In August 1990 planning permission was granted under delegated powers for the three x 10 metre high floodlight columns at the edge of the training pitch in Barham Road (LBM Ref.90/P0720).
- 4.3 In May 1996 planning permission was granted for the installation of a water storage tank for pitch irrigation in north west corner of the car park (LBM Ref.95/P0250).
- 4.4 In July 1996 planning permission was granted by the Planning Applications Committee for alterations and extensions to the changing rooms and club room (LBM Ref.96/P0414).
- 4.5 In January 2003 planning permission was refused under delegated powers for the installation of telecommunications equipment mounted on a 22.5 metre high monopole (LBM Ref.02/P1512).
- 4.6 In February 2003 planning permission was refused under delegated powers installation of telecommunications equipment mounted on a 22 metre high column together with equipment cabin (LB Ref.02/P2151).
- 4.7 In December 2006 planning permission was granted under delegated powers for the installation of six x 15 metre high floodlight columns to the football pitch (LBM Ref.06/P2331).
- 4.8 In April 2009 planning permission was granted under delegated powers for the erection of extensions to the existing clubhouse and formation of an external terrace area (LBM Ref.09/P0421).
- 4.9 In November 2011 planning permission was granted under delegated powers for the resurfacing of existing grass parking area with loose granular material (LBM Ref.11/P2249).
- 4.10 In January 2012 planning permission was granted for the resurfacing of the tennis courts and the installation of 6 x 6 metre high floodlight columns and floodlights (LBM Ref.11/P3322).
- 4.11 In February 2012 planning application was refused for the erection of a side extension to existing club house to provide changing rooms (LBM Ref.12/P0087).
- 4.12 In August 2012 a pre-application meeting was held in respect of the erection of a first floor extension to existing club house (LBM Ref.12/P2143/NEW).

- 4.13 In January 2013 a planning application was submitted for the resurfacing of existing tennis courts and erection of 6 x 10 metre high steel floodlights (LBM Ref.12/P2858). However the application was withdrawn by the applicant on 31 January 2015.
- 4.14 In July 2014 planning permission was granted for the erection of a single storey and first floor side extension to the existing club house to provide additional changing, training and seminar rooms (LBM Ref.14/P1995).
- 4.15 In December 2016 planning permission was refused for the creation of a four lane, non-turf cricket practice area and match pitches (LBM Ref15/P0839). Planning permission was refused on the grounds that:-

'The propose four lane non-turf cricket practice pitch and associated netting would constitute a visually intrusive feature and would result in further erosion of the character of the Metropolitan Open land contrary to policy DM O1 (open Space) of the Adopted Merton Sites and Polices Plan (2014)'.

5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification have been sent to surrounding neighbouring properties. In response 70 objections have been received. The grounds of objection are set out below:-

- The proposal would result in artificial turf and associated structures replacing natural grass and would affect the character of the area.
- The proposal would damage the appearance of the MOL.
- Will damage the tranquil location.
- Impact upon drainage and increase risk localised flooding.
- The Wimbledon RFC cannot cope with the number of visitors to the club at present and the proposal will make traffic/parking worse.
- Creeping development upon MOL and intensification of use.
- Negative impact upon wildlife.
- Parking provision at the club is inadequate.
- Barham Road is not wide enough for coaches visiting the club and cannot cope with any more traffic.
- The use of the site has intensified over the last 15 years, but there has been no change to parking provision or access.
- The site is inappropriate for further development due to lack of public transport and the site has the lowest accessibility score (PTAL 0).
- The WRFC has failed to deliver reasonable behaviour from their visitors or control parking give that access to the club is via a Private Road.
- The proposal would reduce the wilderness of the area and reduce the amount of birdlife due to the loss of grass.
- Residents are already affect by events at the club including commercial events booked on every Friday and Saturday in June and July. The club is intended to be a local community sports facility, not a bar, nightclub or commercial sports facility available for hire.

- The proposal would result in a radical change of outlook for adjacent residents.
- The benefits of the scheme appear to be limited to the rugby club only and not the wider community.
- The odd weekend cricket or rugby game does not concern residents who live nearby, however the seven days a week use and the commercialisation of the area with artificial grass, fencing and floodlighting and a considerable increase in traffic does concern residents.
- The WRFC has not undertaken any consultation with local residents before submitting the application.
- The access and traffic issues to the club are significant and should be considered as a whole as they affect the viability of the project.
- The surrounding MOL and access and traffic would make the provision of an all-weather pitch unviable.
- Barham, Hood and Preston Roads are private roads and are the only means of access to the site.
- The application fails to resolve issues of traffic and parking and inadequate access. Any increase in parking on MOL would be contrary to policy.
- The transport links, parking and access issues to the site are unresolvable and the application should be refused.
- There is a concern that the application will be considered at either the July or August planning committee meeting when residents are away.
- It is inconceivable that there are no other suitable locations within the M25 for an all-weather rugby pitch.
- There are other existing clubs that could be developed that are not within MOL.
- A Transport Assessment and legal opinion has been undertaken on behalf of the occupiers of properties in Barham Road.

5.2 Support for Proposal

18 letters have been received supporting the proposal and the comments are summarised below:-

- The new pitch will allow for continued use of the facilities when weather has made other pitches unplayable.
- The proposal will mean that some games will no longer be cancelled due to weather.
- The all-weather pitch will enable the club to undertake more outreach work with the community.
- The rugby club is a great community resource for playing of rugby, netball, cricket and other sports and provides opportunities for Merton residents to play sport from 5 year olds to 50 plus veterans. The club is non-profit making and supports all ability levels for men, women, children and people with special needs. The proposal will allow the WRFC to expand its community programme.
- The proposal will be a great addition to an outstanding community facility.
- The proposed All-weather pitch would be a massive boost for local schools that already use the pitches and potentially get more people active and healthy.
- The proposal would be a wonderful addition to the facilities at the club although the parking concerns of residents are noted. However, there is an

overflow car park accessed of Preston Road. Weather sometimes prohibits the use of this grass car park. If grass reinforcement was in place the Preston Road car park could be used all year round address issues in Barham road
-The community benefits far outweigh the limited impact of the proposal.

5.3 Residents Association of West Wimbledon

The site is owned by the Council as is adjacent to Wimbledon Common and Beverly Brook and bounded on two sides by woodland designated to the west as a Local Nature Reserve, SINC, MOL and Green Corridor. The strip of land between the playing fields and the brook is designated as a SINC, MOL and green corridor and the playing fields carry the designations of MOL and green corridor. The area therefore merits special protection. It is also within the Flood Plain and nearby Beverley Brook serves as part of the natural flood drainage system. The proposed development would therefore interrupt and adversely affects the sense of openness and conflicts with the character of the area and enjoyment of amenity and conflicts with the MOL designation. The proposed bunds serve no purpose other than saving on the cost of disposing of waste soil. This type of development is better suited to a Brown field site with better access to public transport. The proposal would also result in serious loss of amenity to local residents. It is proposed that the floodlighting would be used between 09.00am to 10.00pm on Mondays to Fridays and 09.00am to 08.00pm on Saturdays and Sundays. An increase in the hours of use will inevitably result in a substantial increase in the volume of use. This will lead to intrusion of noise, artificial light and traffic would be continuous throughout the week. There would also be a large increase in traffic movements on nearby residential roads giving the only access to the playing fields. The site is poorly served by public transport and there would be safety issues with pedestrians and residents as the narrow streets have no pedestrian footways and are shared spaces for all road users. The new all-weather pitch would be close to houses particularly the garden of 54 Barham Road and the occupants of 54 would suffer loss of amenity due to the intensification of use. It is clear that the proposal would be harmful to the local environment and conflict with MOL policy.

5.4 North West Wimbledon Residents Association

The application will enable more intensive use of the facilities, throughout the week and at weekends. Currently there are problems with the flow of traffic and parking every time the pitches are in use, particularly when coaches arrive or leave and each weekend the pitches are in use by large numbers. Application 14/P1955 doubled the size of the changing room capacity from 70 to 151 people. The WRFC pitches are used all week in school terms. In addition the WRFC runs six adult teams each weekend and equivalent to 99 people including officials but excluding spectators. In addition the WRFC hosts 500 children sessions for mini-rugby on Sundays. Spectators add to the number of people at any event. Barham Road is not a wide road and two cars cannot pass down the road. Preston Road has the same problem. The amount of traffic at peak times is beyond what these small private roads can carry and the amenity of residents is already adversely affected.

The proposal involves installation of floodlights. Planning permission 06/P2331 allowed six lighting columns on the pitch to the west of the current proposal and was approved subject to limited hours of use 08.00am to 09.30pm weekdays and 08.00am to 07.00pm on Saturdays and no lighting on Sundays. More recently lighting on the resurfaced tennis courts was approved for use from 08.00am to 09.30pm weekdays and 08.00am to 07.00pm on Saturdays and not on Sunday's. The proposed lighting would be closer to residential properties and would be more intrusive.

Policy CS13 of the Merton Core Planning Strategy states that the Council will protect and enhance the boroughs public and private open space including MOL. The current application would erode the open character of the MOL with fencing and tarmac around the pitch. An application for four non-turf Cricket pitches has previously been refused. The position of the 'bunds' beside the car park would obstruct access from the car park to Fishpond Wood. The increased use of the pitch would harm the amenity of neighbours in Barham road and Beverley Meads.

5.5 Wimbledon and Putney Commons Conservators

The Common Conservators have a statutory duty to maintain Wimbledon Common and to protect and preserve its amenity and natural aspect for the benefit and enjoyment of the public. Conservation of the Commons is a fundamental concern to the Conservators who are wholly committed to maintaining and protecting and preserving this valued and important public open space. The defining characteristic of the Commons is its openness, and its sense of natural landscape and countryside, enclosed within its boundaries with the city beyond. It is an important part of this character that the fringes of the Commons do not disclose imposing built form, but rather allow any glimpsed buildings and structures to recede into the landscape, with historic views towards particular parts of the urban area protected. The balance between the open and natural aspect of the Commons and the buildings that surround it, but largely hidden from it are of a scale and massing that does not compromise the openness, is difficult one to achieve in an urban setting, but is the balance that is critical to its character and one that must be preserved. The current development proposals, to install a full sized rugby pitch on playing fields which id floodlit till potentially 10.00pm every evening represents a significant impact on the current site and has potential implications on the adjacent Wimbledon Common. The applicant should therefore prepare a construction and environmental management plan. The impact on nocturnal animals is also a concern and the Conservators recommend that a condition of approval is that the flood lights are no use outside the hours of 08.00am to 08.00pm Monday to Sunday (including Bank Holidays).

5.6 Sport England

Sport England has been consulted and state that the application has been considered in the light of the National Planning Policy Framework (Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing fields of England'. Sport England's policy is to oppose the granting of planning permission for any development which would

lead to the loss of, or prejudice the use of all or any part of a playing field, unless one or more of the five exceptions stated in the policy apply.

- 5.7 The proposed Impact on Playing Field -It is proposed to locate an artificial grass pitch on an existing rugby pitch at Wimbledon Rugby Club. The proposal will result in the existing grass pitch being replaced with an artificial surface. The new pitch would be fenced and floodlit.
- 5.8 Assessment Against Sport England Policy -The application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exception E5 of the above policy which states: (Policy E5) 'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of playing field or playing fields'.
- 5.9 Sport England has therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E5.
- 5.10 Sport England has consulted the relevant governing bodies on the proposals. The Rugby Football Union (RFU) has confirmed that this is a key site for rugby in the local area and that the proposed pitch is part of the RFU Rugby Turf programme. The RFU is the applicant and the site has been identified for this pitch following a national analysis of pitch provision. This national programme of artificial grass pitch delivery is seeking to increase match and training capacity in areas where natural turf pitches are overused. The programme aims to improve the quality and consistency of training provision across the country and create a Rugby World Cup legacy. This particular site has been chosen as the RFU is confident it can be appropriately managed and maintained for the longer term. The pitch will be fully funded by the RFU, including full refurbishment/replacement for the duration of a 30 year lease. The pitch will be designed to be World Rugby Regulation 22 compliant with 200 lux floodlighting. The pitch will benefit a range of local community clubs and users through its extended hours.
- 5.11 The Football Foundation (on behalf of the FA) has confirmed that there is limited football use of this site and that there may be interest from local football users for the pitch. The lawn Tennis association has confirmed there will be no adverse impact upon the neighbouring tennis courts. As the proposal is advanced by the RFU and will meet a recognised need for rugby in the local area, it will meet an identified need for artificial pitch provision. There will be no adverse impact on any other sports users of the site.
- 5.12 Given the above assessment, Sport England wishes to support this application as it is considered to meet exception E5 of the above policy. As the site is part of the RFU Rugby Turf Programme, Sport England is satisfied that the design and operation of the facility will meet national governing body and Sport England design guidance. However, Sport England note that the facility will require evening opening hours to ensure that the facility is

sustainable and provide extensive use by the community. Sport England's model planning condition that limits the hours of operation to 08.00am to 10.00pm Mondays to Fridays and 08.00am to 10.00 on Saturdays and 08.00am to 08.00pm on Sundays and public holidays is considered appropriate in this instance.

5.13 Conservation Officer
No objections.

5.14 Flood Risk Manager

The site lies close to but just outside of Floodzone 2 and is therefore in Floodzone 1 (low probability). The site is not shown to be at high risk of surface water flooding according to the latest surface water flood risk maps by the Environment Agency, although areas to the north and north west of the site could be affected by exceedance flow paths from the golf course to the Beverley Brook, main river. A drainage strategy has been undertaken and submitted. The detailed design of the drainage lies outside of the scope of the report submitted and therefore this must be secured by way of a planning condition. The detailed drainage design is down to the specialist pitch designer. Ground investigation was undertaken on site. Some infiltration potential exists, although groundwater was found at a relatively shallow level of 1.1m bgl. The Environment Agency normally advise at least 1m between the base of the infiltration device and maximum expected groundwater level. It is noted that the infiltration capacity will be exceeded during storm events and at which point, the pitch drainage needs to be positive but restricted/attenuated discharge to the nearest watercourse/surface water sewer.

5.15 The existing greenfield runoff rate has been calculated to be 3.6l/s and this is proposed to be the maximum discharge rate, post development for all storms up to and including the 1 in 100 year climate change (+40%) event. There are some impermeable areas including footpaths, but these will need to drain into permeable areas such as the pitch sub-base or filter/french drains. The hydraulic calculations provided in the submitted report show that a storage volume of 260m³ is required in order to restrict offsite flows to the greenfield rate. The Flood Risk Manager does, however, have some concerns in that the SIS Pitches plan MUK1846 1-01 Rev A shows two possible locations for top soil deposition and one of these is located within Flood Zone 2 and close to Flood Zone 3. This could displace floodwaters in extreme events and would need approval from the Environment Agency. Top soil deposition should be located outside of Flood Zones 2 and 3. If officers are however minded to recommend that permission be granted then surface water drainage and construction method statement conditions would be appropriate. A condition would also be required to secure final positions of the top soil deposition locations, in consultation with the Environment Agency.

5.16 Environmental Health

The Council's Environmental Health officer has no objections to the proposal subject to conditions being attached to any grant of planning permission in respect of noise levels and external lighting.

5.17 Transport Planning

The site is currently accessed via a gated barrier feature at the northern section of Barham Road. This section of Barham Road, approximately 200m to the north of the junction with Drax Avenue, is a private road. The remaining sections of Barham Road are adopted and provide 2.0m footways and street lighting to both sides of the carriageway. The re-development proposals only include the reconstruction of one of the existing pitches, and transforming it into a new 3G pitch, with associated features and benefits.

5.18 In order to assess the present and future parking demand the applicant has carried out parking surveys on most effective time periods. In consultation with RFU the busiest week for a survey is identified on the week commencing 21st January 2019 when following fixtures are schedule to take place.

- Men's and women's Sunday league matches
- Youth rugby on Sunday mornings; and
- School activities during the weekdays.

During this week the surveys would record the worst-case scenario in terms of maximum vehicles attracting to the location.

The most effective time periods to survey the site was as follows:

- Wednesday 23rd January - 14:00 - 20:00;
- Saturday 26th January - 09:00 - 15:00; and
- Sunday 27th January - 09:00 - 15:00.

5.19 Car Park 1

This car park is accessed via Barham Road. Barham Road is a private un-adopted Road. The car park has capacity for up to 62 vehicles in the formal parking area, with a small 'informal' overspill area for an additional 10 vehicles to the rear of the car park. The total vehicle capacity of Car Park 1 equates to 72 vehicles. The parking survey done on Wednesday 23rd January during the hours of 14:00 - 20:00 shows that the car parking capacity reached a total of 44 vehicles during 15:30 - 16:00, which equates to a car parking occupancy of 71% within the formal car park, and 61% of the TOTAL car park.

The week- end survey conducted on Saturday 26th / Sunday 27th January during the hours of 09:00 -15:00 shows on the Saturday the car parking capacity reached a total of 66 vehicles during 14:30 - 15:00, which equates to a car parking occupancy of 106% within the formal car park, and 92% of the TOTAL car park. During this period 4 vehicles utilised the 'informal' overspill area to the rear of the car park.

On the Sunday the car parking capacity reached a total of 70 vehicles during 10:00 - 11:00, which equates to a car parking occupancy of 113% within the formal car park, and 97% of the TOTAL car park. Again, during this period 8 vehicles utilised the 'informal' overspill area to the rear of the car park.

5.20 Car Park 2

Car Park 2 is accessed from Preston Road via Hood Road and Barham Road. Preston Road and Hood Road are both un-adopted private roads.

This car park has capacity for up to 60 vehicles.

The weekday surveys (Wednesday 23rd January) results indicate that the car parking capacity reached a total of 30 vehicles during 15:00 - 15:30, which equates to a car parking occupancy of 50%.

The weekend surveys (Saturday 26th / Sunday 27th January) results indicate that on the Saturday the car parking capacity reached a total of 46 vehicles during 10:00 - 10:30, which equates to a car parking occupancy of 77%. On the Sunday the car parking capacity reached a total of 53 vehicles during 10:30 - 11:00, which equates to a car parking occupancy of 88%.

- 5.21 Given the results of the vehicle parking survey, it is clear that the site is experiencing full capacity within car park 1 during the weekend periods. However, the evidence provided illustrates that there is still vehicle car parking capacity within car park 2 during this period. Notwithstanding, during the weekday it is clear that there are no capacity issues present.

Car park 1 is a public carpark, and is therefore accessed and utilised frequently by the general public for a variety of leisure activities. As such, the car parking numbers reported in the survey are not solely made up of existing users of the rugby club facilities, and capacity analysis produced is considered satisfactory.

5.22 On Street Parking Survey

The residential un-restricted car parking locations on-street within the study area include spaces along the following streets: Almer Road; Barnham Road; Burdett Avenue; Copse Hill; Drax Avenue Ellerton Road; Hood Road; Lindisfarne Road; Melville Avenue; Preston Road; and Wolsey Close. The weekday surveys were carried out on Wednesday 23rd January during the hours of 14:00 - 20:00, with the results showing that the on-street vehicle parking capacity only reached a maximum vehicle parking occupancy of 65% during the survey period, which was along Drax Avenue located approximately 300m to the south of the site. Additionally, the weekday survey period also identified that the nearest on street parking to the site, Barnham Road, only had a vehicle parking occupancy of 18% during the survey period. The weekend surveys took place on Saturday 26th / Sunday 27th January during the hours of 09:00 - 15:00. During the Saturday surveys the results showed that the on-street vehicle parking capacity reached a maximum vehicle parking occupancy of 47% during the survey period, which was along Hood Road located approximately 400m to the south of the site. Additionally, the Saturday survey period also identified that the nearest on-street parking to the site, Barnham Road, had a vehicle parking occupancy of 25% during the survey period.

- 5.23 During the Sunday surveys the results showed that the on-street vehicle parking capacity only reached a maximum vehicle parking occupancy of 50% during the survey period, which was along Burdett Avenue located

approximately 550m to the south of the site. Additionally, the Sunday survey period also identified that the nearest on-street parking to the site, Barnham Road, had a vehicle parking occupancy of 19% during the survey period.

From the survey evidence presented, it is clear that the vehicles associated with the existing site do not present any parking occupancy concerns upon the surrounding residential on-street un-restricted parking, in particular the closest road to the site - Barnham Road.

5.24 Proposed Use of the Site

The proposed re-development of the site includes the reconstruction of 1 of the existing pitches, transforming it into a new 3G pitch. This is not therefore an additional new facility. The new 3G pitch will benefit from floodlighting and will therefore allow the site to facilitate outdoor matches / training for longer periods during the darker months. The site effectively becomes weather proof allowing for play during adverse weather conditions. However, this is not an increase to the operational times of the site. The existing site currently has a number of events from 10:00 - 22:00, 7days a week, throughout the whole year. The existing site already facilities outdoor training for longer periods during the summer months when daylight is available for longer periods.

5.25 Traffic Generation

The re-development proposals only include the reconstruction of 1 of the existing pitches that can be used now, and transforming it into a new 3G pitch. Therefore, it is anticipated that no additional 'new' trips will be generated by the re-development of the site, and the operational hours will remain as per the existing arrangement. Following request from Council's highways team the applicant has re-visited the vehicle trip rates / generation assessments presented within the previous Transport Statement. Therefore, to calculate the associated vehicle trips, the same trip rates and methodology used within the previously submitted TS has then been used. To summarise, this methodology uses the trip rates obtained from the TRICS Database with the trip rates then being multiplied by 3 to account for the additional players as part of a rugby team in comparison to a 5-a-side team. This methodology is considered satisfactory as the development is for an improvement of one of the existing pitches within the playing field.

5.26 The existing site is calculated to result in a maximum 4 one-way vehicle trips during the weekday AM peak period (08.00-09.00) and 11 one-way vehicle trips during the weekday PM peak period (17.00-18.00). This equates to one trip every 15 to 10 minutes respectively. During the Saturday peak period (12.00 – 13.00) the existing site is calculated to result in a maximum 15 one-way vehicle trips. Volumetrically, this equates to just less than 1 vehicle trip every 12 minutes in the Saturday peak period. Therefore, with the re-development proposals in place, the site effectively becomes a more weather hardened version of the existing facility i.e. the pitch cannot become cancelled due to inclement weather, and is more hard wearing. As such it allows the facilities to be used during the darker winter months.

5.27 Recommendation

The proposed re-development site will not pose a significant threat to either the existing or the future forecast traffic or parking capacity on the surrounding highway network or within the existing car park. Therefore, there are no highways objections to the proposal subject to a condition regarding the submission of a Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) being imposed on any grant of planning permission.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS6 (Surrounding Area of Wimbledon Town Centre), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), (CS14 (Design), CS16 (Flood Risk Management), CS19 (Public Transport) and CS20 (Parking, Servicing and Delivery).

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM O1 (Open Space), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage assets), DM EP2 (Reducing and Mitigating Noise), DM F1 (Support for Flood Risk Management), DM T1 (Support for Sustainable and Active Travel), DM F2 (Sustainable Urban Drainage Systems and Wastewater and water Infrastructure), DMT2 (Transport Impacts of Development), DM T3 (Car Parking Standards) and DM T5 (Access to Road Networks).

6.3 The London Plan (March 2016)

Policy 3.19 (Sports facilities), 5.12 (Flood Risk Management), 7.8 (Heritage and Archaeology), 7.17 (Metropolitan Open Land) and 7.19 (Biodiversity and Access to Nature).

6.4 Other Planning Policy Considerations

The National Planning Policy Framework (NPPF) (2018)
Merton Open Space Study (2010/2011)
Merton Sports Pitch Strategy (2011)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the impact of the proposal upon the character and appearance of the Metropolitan Open Land (MOL), impact on the local area and adjacent Conservation Area, provision of sports facilities, impact on neighbour amenity, transport and parking issues and impact on biodiversity, flooding and drainage issues.

7.2 Impact on the Character and Appearance of MOL

The application site falls within Metropolitan Open Land. London Plan policy 7.17 (MOL) makes it clear that inappropriate development will be refused

except in very special circumstances, and the NPPF paragraphs 79-92 apply equally to MOL as well as Green Belt. NPPF paragraph 145 states that an exception to inappropriate development in Green Belt is 'provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. The current application involves the laying out of an All-weather floodlit rugby pitch, which is an upgrade of an existing rugby pitch at the Wimbledon Rugby Club. It is considered that there would be no detrimental impact upon the openness of the MOL as a result of the proposals given the location of the new All-weather grass pitch adjacent to the existing pavilion building and the existing floodlighting to the west of the site. The flood lighting would comprise 6 galvanised 15 metre floodlight columns. The lighting columns would be tall artificial structures, but are thin in their design and would not have a harmful effect on the openness of the MOL. The proposed fencing around the proposed All-weather pitch has been designed to be as unobtrusive as possible and would comprise half open mesh and would be 1.2 metres in height, thus maintaining views into and from the site. The proposed All-weather pitch would have a flat surface. To accommodate this, there would be a gradual raising of the pitch towards the western end. This would have some impact on the current open character. However, it would be raised at a maximum of 1.5 metres via a grass bank. It is considered therefore overall that the proposal would be appropriate for the site's location within MOL and would not harm its openness.

- 7.3 Policy DM O1 of the Adopted Sites and Policies Plan (2014) seeks to protect and enhance open space and states that the Council will continue to protect Metropolitan Open Land (MOL) and designated open spaces from inappropriate development in accordance with London Plan and government guidance. It is considered that the current proposal satisfies MOL exception policy within the context of the NPPF and is therefore not inappropriate development in MOL. Policy DM O1 (Open Space) is the relevant policy within the Council's Adopted Sites and Policy Plan concerning development proposals within designated open spaces.
- 7.4 Paragraph 'b' of the policy outlines that existing designated open space should not be built on unless: i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. In considering the above, officers note that the proposal would replace an existing grass sports pitch with an artificial grass sports pitch. The application has outlined the benefits of such a facility for sport, such as all year round use. Further, the proposal is directly related to sport and outdoor recreational use. Officers consider that the proposal complies with the above criterion ii) and iii).

7.5 The policy goes on to outline that where proposals have met one of the criteria above, then paragraph 'c' of the policy states that development within designated open spaces will be expected to meet the following criteria: i) the proposals are of a high quality design and do not harm the character, appearance or function of the open space, ii) the proposals retain and/or improve public access between existing public areas and open spaces through the creation of new and more direct footpath and cycle path links; and iii) the character and function of leisure walks and green chains are preserved or enhanced.

7.7 The proposal involves development on Metropolitan Open Land to provide an 'all weather playing pitch' constructed with high quality materials. Although the development would alter the character of the existing open space, the hard surfaced pitch would be surrounded by grass banking to soften the boundary between the playing surface and the new pitch surface. Floodlighting would be provided for the pitch, however there are existing floodlit pitches nearby and the provision of an 'all weather' floodlit pitch would not significantly alter the open character of the area and the function of the open space would remain as existing, i.e. sports pitches. The proposed development would not affect public access to the open space for leisure walks and the green chain would be maintained. Therefore it is considered that the proposal would satisfy the criteria and meets the criteria tests.

7.7 Provision of Sports Facilities

The Merton Sports Pitch Strategy discusses the condition of sports pitches throughout Merton, and concludes that improvements to existing facilities (club houses and pitches) should be encouraged. It also discusses further exploration of the role of 3G pitches in reducing demands on grass pitches and providing new opportunities for training and competition. The proposal to upgrade the existing pitch to 3G standard complies with the Council's strategy. Therefore the provision of a 3G pitch at Wimbledon Rugby Football Club would outweigh the loss of a grass pitch. Sport England support the proposal as it meets the criteria for an exception to Sport England policy E5 which states that 'the proposed development for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of playing field or playing fields'. Sport England therefore Support the proposal and recommend the application of their model planning condition on hours of use.

7.8 Impact on the Conservation Area

The Wimbledon Rugby Club is located off Barham road which is close to the boundary with the Merton (Drax Avenue) Conservation Area. The Conservation Area is characterised by large dwellings set within large plots with mature tree planting. Although the proposal involves the installation of floodlighting, the flood lights would be sited circa 100 metres away from the boundary with the Conservation Area and the floodlights are considered to be of suitable distance not to cause harm. It is therefore considered that the proposal would not have a harmful impact upon the setting of the adjacent

Conservation Area and the proposal is acceptable in terms of Policy DM D4 (Managing Heritage Assets).

7.9 Impact on Neighbour Amenity

Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014) seeks to ensure that the potential impact of new development has regard for neighbour amenity. In this instance, the nearest residential properties are located to the south-east of the site and to the south. These comprise of properties in Barham Road and Preston Road. The rear boundaries of the properties on Barham Road benefit from planting and close boarded fencing that forms a natural barrier between residential properties and the playing fields. The outlook from most of these properties will remain largely unchanged. However, the closest properties to the proposal (Numbers 50, 52 and 54) would have some effect on outlook due to the position of the floodlighting. The proposed pitch would be set into the ground at its eastern end (nearest the properties in Barham Road) and with a low perimeter fence surround, officers are satisfied the siting of the pitch and fence would not cause harm to neighbour amenity. The change in outlook from the residential properties would not significantly change.

7.10 The applicants have undertaken a Noise Impact Assessment (dated 10 September 2018). Although the proposal would replace an existing grass rugby pitch, it would be sited further south and east, and thereby being closer to residential properties in Barham Road. The Assessment concluded that there would be no adverse impact. The Council's Environmental Health Officer has assessed the Noise Impact Assessment and outlines that the artificial pitch could lead to an increase in noise levels generated. However, it is recommended that a safeguarding condition is applied to ensure that noise levels do not exceed a maximum noise level.

7.11 Although the proposed floodlighting may alter the night-time outlook from residential properties in Barham Road, Preston Road and Hood Road the impact of the additional floodlights is considered to be minimal as the lighting units have been designed to minimise light overspill. The Council's Environmental Health Officer has assessed the pitch and type of flood lights and raises no objection, but recommends a condition to ensure amenity is safeguarded. Whilst it is acknowledged that there will be some intensification of use of the site by the provision of floodlighting and in terms of potential noise, the proposed restrictions on the use of the floodlights would prevent activities extending beyond 10.00pm. The proposal is therefore considered to be acceptable subject to conditions restricting hours of use of the floodlights and noise limitation condition. The proposal is therefore acceptable in terms of Policy DM D2 (Design Considerations in all Developments).

7.12 Transport/Parking Issues

Policies CS20 (Parking, Servicing and Delivery) of the Adopted Merton Core Planning Strategy (2011) DM T2 (Transport Impacts of Developments) and (DM T3 (Car Parking and Servicing Standards) of the Adopted Merton Sites

and Policies Plan (2014) require developers to demonstrate that their development would not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or the quality of bus movements and/or facilities; on street parking and traffic management and provision of parking to the council's current standards.

- 7.13 The access to the site and parking arrangements and delivery/servicing arrangements are to remain as existing as the proposal involves the replacement of one of the existing pitches, with a new 3 G pitch. Although Wimbledon Rugby Club play and have training at the site, it is also used by Schools for sporting activity. The proposal would provide a playing pitch facility that can be used in all weather conditions and provide a guaranteed surface for use. The application outlines that the proposal would not increase parking demand/pressure at peak times as it will replace an existing pitch. It is therefore anticipated that there would be no additional trip generation at peak times as a result of the proposed development and this is confirmed by the Transport Statement that accompanies the application.
- 7.14 Following discussions with the Council's Transport Planning Officer, the applicant commissioned parking surveys, which were undertaken on Wednesday 23rd, Saturday 26th and Sunday 27th January 2019 at the site. The Council's Transport Planning Officer has examined the applicant's parking surveys and has stated that the development would not pose a significant threat to either the existing or the future traffic or parking capacity on the surrounding highway network or within the existing car park.
- 7.15 Therefore, the proposal would not have any adverse impact upon traffic/parking in the vicinity of the application site and that the proposal is acceptable in terms of policies DM T2 (Transport Impacts of Developments), DMT3 (Parking Standards) and DM T5 (Access to Road Network).
- 7.16 Impact on Biodiversity

The applicant has undertaken an Ecological Appraisal. The survey noted that the application site is approximately 10 hectares in area and is located in a predominately residential area. The site topography falls gradually in a western direction towards Beverly Brook, which delineated the site's western boundary. At the time of the survey the site was dominated by existing amenity grassland playing fields, an artificial turf tennis court and associated flood lighting for pitches and tennis court. There are scattered trees in limited numbers within the site and along the boundary. The Ecological Appraisal made a number of recommendations concerning the potential impact of the proposal during the construction phase upon protected species, Wimbledon Common, Fishpond Wood and Beverley Meads, Coombe Wood and the Royal Wimbledon Golf Course. The report concluded that a Construction Ecological Management Plan (CEcMP) should be compiled for the site. This is proposed in order to minimise the potential impact of construction works on the existing ecology of the site and off site receptors and ensure that works proceed in accordance with current wildlife legislation and to capture the recommendations under Section 7 of the Ecological Appraisal.

7.17 A further Ecological Review has been undertaken by the applicants Ecologists on the use of the floodlights and Bats. The review outlines that the lighting has been designed to minimise potential impact on Bats. Light spill has been kept to a minimum to maintain dark corridors bordering the site, particularly in the areas of boundary vegetation. The review further outlines that the highest number recorded Bats in the area are of the pipistrelle species, which are identified as being relatively light tolerant. Overall, the impact of the floodlights on a Bat population has been considered by an Ecologist and restriction on use of floodlights past 10:00pm is recommended.

7.18 Flooding and Drainage Issues

The applicant has produced a Flood Risk Assessment and Drainage Strategy for the proposed development that has been examined by the Council's Flood Risk Officer. The report noted that an under pitch drainage system would be used and that under the entire pitch area infiltration drainage into the underlying ground will occur where ground conditions allow, up to the percolation limit of the soil. Beyond this limit a piped drainage system is required, to discharge into a suitable watercourse or sewer. The report concluded that the surface water runoff discharge rate from the proposed pitch is equal to the existing runoff rate from the existing site, which does not increase flood risk on or off the site. The Council's Flood Risk Officer is satisfied that the proposal is acceptable subject to appropriate conditions in respect of surface water drainage detailed position of earth bunds and submission of a construction method statement.

8. **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **CONCLUSION**

9.1 The proposed All-weather pitch with associated floodlighting offers a significant community benefit, in the form of an enhanced sports facility that will encourage participation in rugby and other sports all year round. The proposed all-weather pitch would enable increased participation including in inclement weather, encouraging a healthy and sustainable lifestyle. The proposal does involve development on Metropolitan Open Land. However, the proposal satisfies the MOL exception policy within the context of the NPPF and the proposal is considered to be appropriate in this instance.

9.2 The proposal is considered to be acceptable in terms of drainage and flood risk. The concerns of neighbours are however noted. Policy DM D2 of the Adopted Sites and Policies Plan states that all developments must be designed to protect the amenity of the surrounding area. The nearest residential properties are to the south-east of the site and some residential properties to the south and the daytime outlook from these properties will remain largely unchanged, with the All-weather pitch having a grass like appearance. The proposed flood lighting will alter the night-time outlook from

nearby properties, but given this relationship it is not considered to be harmful. A planning condition limiting the hours of use of the floodlights would ensure that neighbour amenity is protected.

- 9.3 The concerns regarding traffic/parking issues in Barham Road and in roads nearby have been assessed. Although no new parking is proposed, the current parking provision is in accordance with the Council's parking standards and the proposal is not expected to create any additional demand for parking at any one time and the proposal is in line with Policy CS20. Accordingly it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. D.11 (Hours of Construction)
4. The light Lux levels of the flood lights shall not exceed those set out on drawing number HL503442.

Reason for condition: In the interest of neighbour amenity and to comply with Policy DM D2 (Design Considerations in all Developments).

5. Prior to commencement of the development hereby permitted the applicant shall submit a detailed Construction Ecological Management Plan (CEMP) and the development shall be undertaken in accordance with agreed details. The CEMP shall capture the measures/recommendations in Section 7 of the Preliminary Ecological Appraisal (dated November 2017).

Reason for condition: To protect the existing ecology of the site in accordance with DM O1 (Open Space) of the Adopted Merton Sites and Policies Plan (2014).

6. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed greenfield runoff rate (no more than 3.6l/s with no less than 260m³ attenuation provision), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason for condition: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

7. Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works to the approval of the Local Planning Authority. The construction method statement shall also detail how flood risk and drainage will be managed during construction and how the risk to pollution of the water environment will be mitigated.

Reason for condition: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

8. The floodlights hereby permitted shall only be in operation between the hours of 08.00 and 22.00 Monday to Saturday and between 08.00 and 20.00 on Sundays.

Reason for condition: In the interest of neighbour amenity and to comply with Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014).

9. H.9 Construction Vehicles

10. The external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason for condition: In the interest of neighbour amenity and to comply with Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014).

11. Prior to commencement of development, details of the proposed soil Deposition locations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason: In the interests of flood risk and amenity, and to comply with Policies DM D2 (Design Considerations in all Developments) and DM F1 (Support for Flood risk Management) of the Adopted Merton Sites and Policies Plan (2014).

12. The noise levels (expressed as the equivalent continuous sound level) LAeq (1 hour), from the use associated with the new artificial grass pitch shall not exceed 55dB (1hour) at the boundary with the closest residential property.

Reason for condition: In the interest of neighbour amenity and to comply with Policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014).

13. The shipping container used for storage shall be removed if the Wimbledon Rugby Club cease to use the pitch and the land restored to its former condition.

Reason for condition: In the interest of neighbour amenity and to preserve the character and appearance of the MOL and to comply with policies DM D2 (Design Considerations in all Developments) and DM O2 (Nature Conservation, Trees, Hedges and Landscape Features) of the Adopted Merton Sites and Policies Plan (2014).

Informatives

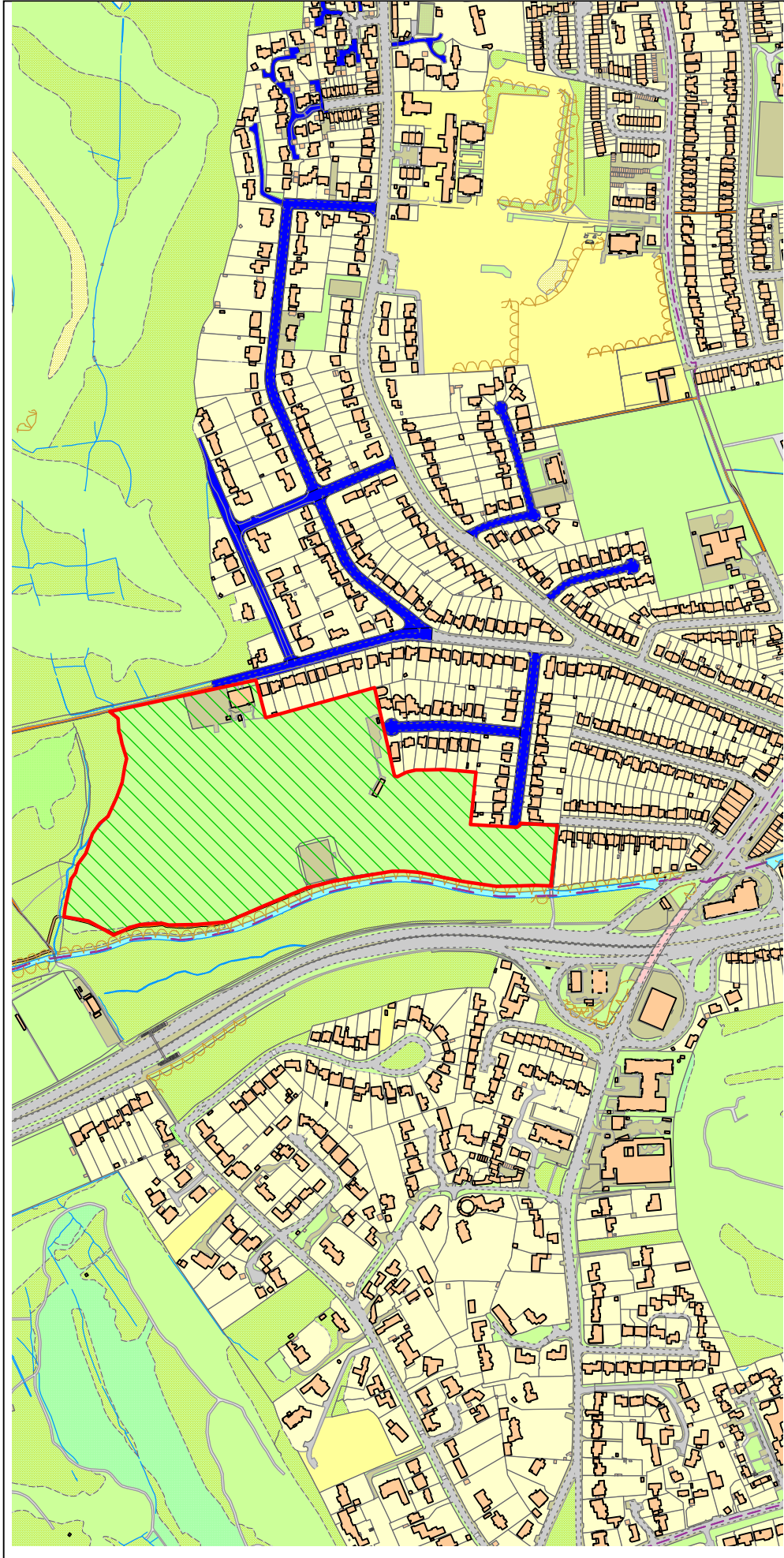
1. No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.
2. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
3. Works to an ordinary watercourse may require the prior written consent of the Lead Local Flood Authority. We would advise that you contact Merton's flood risk engineer at the earliest opportunity to discuss any proposed works or connections to existing watercourses including ditches.

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



Text Details **Wimbledon Rugby Club**

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PLANNING APPLICATIONS COMMITTEE **21 March 2019**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P0296	17/03/2017
Address/Site	141 The Broadway, Wimbledon, SW19 1NE
Ward	Abbey
Proposal:	Redevelopment of site to create 20 x self-contained flats within a six storey residential block with new frontage to ground floor commercial unit
Drawing Nos	316-08-001 Rev A, 002 Rev C, 003 Rev C, 004 Rev C, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C, 021 Rev D, 022 Rev D, 023 Rev D and 024 Rev D
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject S106 agreements and conditions.

CHECKLIST INFORMATION.

Heads of agreement: - Affordable Housing (no provision, but an early and late stage viability review required), Permit Free & Carbon Off-set shortfall
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – Yes
Site notice – Yes
Design Review Panel consulted – No
Number of neighbours consulted – 103
External consultations – No.
PTAL score – 6a
CPZ – VOs

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission subject to conditions and S106 agreement. The application has also been called in by former Councillor Chirico.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a three storey period building with a hipped roof on the south side of The Broadway, Wimbledon. The ground floor has been in use as a bar/restaurant (Class A3/A4) for a number of years with residential accommodation above. The building has a single storey rear extension with plant equipment accommodated on top and with an external seating area behind. The property is gated to the front with a low wall and metal railings to the public footpath and main road. Vehicular access is possible to a service area to the west flank of the building.
- 2.2 The immediate surrounding area is mixed both in use and townscape terms. Immediately to the west of the site is Ashville House (Nos 131-139 Broadway), a 1980's four storey mixed use red brick building. To the east is 151 The Broadway (CIPD building), a relatively recent 5/6 storey office development with a contemporary appearance and a distinctive curved glazed frontage with a buff brick surround. Opposite the site is Broadway House, a recent 6/7 storey residential led mixed-use development with retail at ground floor constructed in a mixture of brick, white and grey cladding and timber. To the west of the site are houses in Palmerston Road.
- 2.3 The site is not in a Conservation Area nor is the building included on the statutory or non-statutory listing.

3. **CURRENT PROPOSAL**

- 3.1 Refurbishment of existing ground floor commercial unit, demolition of the two existing residential upper floors and replacement with 6 new floors providing 20 self-contained flats (10 x 1 bedroom and 10 x 2 bedroom flats).

Amended Plans

- 3.2 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.
- 3.3 The proposed ground floor would retain its existing use and seek to refurbish the exterior of the ground floor with a modern design approach. This would include full height glazing to the front and side and an aluminium framing and banding above.

- 3.4 The upper level would also incorporate a modern design approach with the predominate use of a yellow stock brick, full height windows with aluminium framing, glazed balconies and a large flank certain wall.
- 3.5 In terms of the height of the proposed building, the main building frontage (floors 1 to 5) would sit below the top of the curved frontage of the adjoining CIPD building. The recessed top floor whilst projecting above the curved glass frontage of CIPD would sit below the corresponding roof level of CIPD. The recessed top floor would have a subordinate design approach, being set back from the building frontage and flanks and would use of the lightweight material.
- 3.6 The proposed flat sizes in relation to the London Plan GIA standards are as follows:

	Dwelling type (bedroom (b)/ bedspaces (p))	London Plan (sqm)	GIA (sqm)	Amenity Space (Lon Plan)	Amenity Space (Proposed)
Flat 1	1b2p	50	55	5	4.5
Flat 2	2b4p	70	75	7	9
Flat 3	2b4p	70	74	7	10
Flat 4	1b2p	50	54	5	5
Flat 5	1b2p	50	55	5	4.5
Flat 6	2b4p	70	75	7	9
Flat 7	2b4p	70	74	7	10
Flat 8	1b2p	50	54	5	5
Flat 9	1b2p	50	55	5	4.5
Flat 10	2b4p	70	75	7	9
Flat 11	2b4p	70	74	7	10
Flat 12	1b2p	50	54	5	5
Flat 13	1b2p	50	54	5	4.5
Flat 14	2b4p	70	75	7	9
Flat 15	1b2p	50	50	5	9
Flat 16	1b2p	50	60	5	5
Flat 17	1b2p	50	55	5	4.5
Flat 18	2b4p	70	75	7	9
Flat 19	2b3p	61	63	6	12
Flat 20	2b4p	70	74	7	29

4. **PLANNING HISTORY**

- 4.1 16/P2585 - Redevelopment of site with demolition of 1st & 2nd floors levels, remodeling of retained ground floor restaurant (class a3) and erection of 6 storey building consisting of 16 residential units (7x 1 and 9 x 2 bedroom flats). (identical to previous application 14/P1008 dismissed at appeal for lack of legal agreement relating to affordable housing) – Agreed by members of the planning committee at the September 2018 meeting. To date, the application is pending the completion of the S106 agreement.

- 4.2 14/P1008 - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units – Refused at Planning Application Committee on 13/10/2015 for the following reason:

The proposed building due to its design, detailing, materials and proportions would fail to appropriately relate to the architectural forms, language, detailing and materials which complement and enhance the character of the wider setting and would therefore fail to achieve a high quality design that relates positively and appropriately to the rhythm, proportions and materials of surrounding buildings. The proposal would therefore be contrary to policies DM D2 Design considerations in all developments & DM D3 Alterations to existing buildings of Merton's Sites and Policies Plan and CS 14 (Design) of Merton's Core Planning Strategy (July 2011).

An appeal was lodged against the refusal, (Appeal Ref – APP/T5720/W/16/31430), which was dismissed by the Planning Inspector in May 2016. In reaching his decision to dismiss the appeal, the planning inspector considered that the two main issues were the effect of the proposed development on the character and appearance of the street scene and whether the proposed development makes adequate provision in respect of local infrastructure. The planning inspector considered that the proposed development would not have an unacceptable impact on the character and appearance of the street scene. However, he found that although the appellant had indicated their willingness to enter into a legal agreement, the lack of a signed and completed agreement meant the appeal proposal failed to secure appropriate financial or other contribution towards the provision of affordable housing. The scheme was therefore contrary to Policy DM H3 of the Sites and Policies Plan and Policy CS8 of the Core Strategy.

- 4.3 07/P0817 - Display of various internally illuminated signs to the building and a freestanding double sided internally illuminated sign in the forecourt – Grant - 04/05/2007.
- 4.4 02/P2477 - display of various externally illuminated signs to the building and forecourt – Grant - 09/01/2003
- 4.5 98/P1619 - Display of non-illuminated fascia signs and an externally illuminated pole sign – Grant - 23/03/1999 23/03/1999
- 4.6 98/P1072 - Erection of single storey front extension in conjunction with use of ground floor of property as restaurant/bar with alterations to roof of

existing rear conservatory, provision of covered dining area with a canopy within existing rear beer garden and erection of 2.4m high gates across side passage – Grant - 20/11/1998

- 4.7 94/P0404 - Erection of a canopy above front entrance – Grant - 13/07/1994
- 4.8 94/P0403 - Installation of no.1 externally illuminated fascia sign on front elevation of premises – Grant - 13/07/1994
- 4.9 89/P0469 - Display of a double sided internally illuminated projecting box sign – Grant - 20/06/1989
- 4.10 87/P1598 - Erection of a single storey conservatory at rear of existing public house – Grant - 11/02/1988
- 4.11 MER7/70 - Single sided illuminated box sign – Grant - 19/03/1970
- 4.12 MER855/69 - Double sided illuminated sign – Grant - 27/10/1969

5. **CONSULTATION**

5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.

5.1.1 In response to the consultation, 11 letters of objection, including one from Wimbledon E Hillside Residents Association (WEHRA) and The Wimbledon Society have been received. The letters raise the following objections (based on the original set of plans, before they were amended):

5.1.2 Objection letters

Neighbour Impact

- Severely affect natural lighting to the adjoining CIPD building and atrium which is a major design feature.
- Overlooking. Made worse by the very large floor to ceiling windows and fully glazed roof terraces. The glass to the balustrades should be frosted.
- Overshadowing
- Solar panels on the roof will harm the vista from the other side of the street.
- The ground floor use should be restricted to A1 to prevent nuisance to surrounding residents. Hours of opening should be restricted to prevent late night activity
- Construction hours should be limited to Monday to Fridays (not weekends) to prevent nuisance to surrounding residents.

- The plans have 12 balconies facing towards Palmerston Road as well as other windows doing the same. This would be a significant intrusion into gardens which at present is barely overlooked. The balconies would no doubt lead to significant increases in the level of noise in an area that is currently very quiet.
- Obscure views

Design

- The quality of the materials and overall design are inappropriate and out of keeping.
- High quality design (compared to refused scheme) is welcomed but some concerns remain.
- The height of the building risks turning this section of The Broadway into an urban corridor comprising featureless tall buildings.
- Balconies in apartment blocks often become cluttered as they are used for storage of bicycles, BBQ's etc. A condition should be imposed in the leases which prevents owners/occupiers from doing this.
- No plant or machinery should be allowed to be installed on the roof so as to protect the vista from the other side of the street.
- There is no requirement for the site to be re-developed, especially in a way that is so out of character with the current building.
- Contribute to the further erosion of the character of The Broadway and Wimbledon, which runs the risk of becoming another corridor to concrete, steel and glass high-rise buildings, dwarfing traditional and long-standing brick built terraced houses.
- The design is too massed, coloured and bulky
- It detracts from the architectural merit of the CIPD building next door, which in turn completely loses its context and just looks ugly and dominant
- A main feature of the CIPD is the lovely glass atrium and this building would obviously steal the light necessary to make this an attractive feature.
- The 3 buildings together, The Premier Inn, CIPD and this, look awful alongside each other, too much use of green coloured panels and similar design features (grids, see below), whilst the same (ish) heights and different shapes, they need breaking up and differing, especially regarding height.
- The bulky boxes on the front are ugly and dominant with no grace at all
- The brick side of the building actually fits the frontage better than the actual frontage design as it echoes the CWD building opposite.
- The entrance level looks like a cheap domestic temporary greenhouse and has no architectural or aesthetic merit whatsoever.

Use

- Where possible planning conditions should be imposed to seek to retain the Made in Italy restaurant at this location in the town centre
- No family accommodation proposed
- Do we really need more commercial space?

Affordable Housing

- Proposal does not secure appropriate financial or other contributions towards the provision of affordable housing

Highways

- Hugh parking issue in the area. Development should be permit free

Other

- Impact on already strained services, including trains
- Loss of property value

5.1.3 Wimbledon East Hillside Residents Association

WEHRA represents over 800 households just to the north of the town centre, and as the area grows, our community has been suffering many negative impacts. This is not acceptable to Wimbledon's Primary Stakeholders: its Residents. It is wrong to encourage developments lead ultimately to the deterioration of our neighbourhoods.

Overall, the proposed building is a big disappointment. Why doesn't Applicant doesn't heed the advice already given, as the site is an important one not just to them, but to every one of us in Wimbledon. It is next to the refreshingly delightful, award-winning CIPD building. The building works. The occupants are happy to work there. Premier Inn will be built on the western side of the CIPD, and we need something equally or even more respectful and sympathetic to the 'Building of Merit' that is the CIPD. Our concerns are:

Excessive Height

It appears the proposed building is a full storey taller than the CIPD next door. Concern has been raised about what real height is being proposed, and until that is resolved, the Application should be withdrawn from consideration. Why should such an ordinary proposal be allowed excessive height? We are urging the Council to build a memorable, pleasant Street Scene for future generations, and this tall building does not fit the bill.

Glass and Terraces

The Broadway frontage is about 80% glass, without justification for such heavy-handedness. The terraces overlooking the Broadway will - within a

few months - be full of rubbish, old furniture, clothes hanging over the balcony drying, etc. We know because this design error has been approved in the past in our area, and we now all have to live with the consequences. Drying racks hanging out front all day long, broken toys and old bikes rusting, etc. It is wrong to allow flats to have clear glass terraces visible to all.

Further, it is likely these will be buy-to-let investments. Tenants are generally not be bothered about dirty glass windows, cheap, badly hung curtains, and how all that looks from the footpath. We as local residents DO CARE what our community looks like, and we don't want to see this view, when we are on the Broadway. Please remove the terraces and design a building with smaller apertures, including a distinctive design feature (see attached) that contributes POSITIVELY to Brand Wimbledon.

Situation on Plot

The existing restaurant projects too far forward as it stands. Any new build needs to be stepped back, and not so prominent on the footpath. Instead trees and shrubs in deep planting beds need to be added, not a bigger building. The Number One 'want' from the Wimbledon Workshops was to 'green up' the town. This is important and indeed essential. We recommend the entire building be set back, allowing room for a copse of silver birch fronting the Broadway, to mitigate the effects of heavy air pollution.

Car Free

Car-Free is appreciated; a Section 106 Condition is required to ensure no business, resident or visitor parking permits are ever issued to Landlord, tenants or their visitors. The bike stores appear poorly planned and located. Other developers are doing ground or ramps, with basement locked areas for bicycles. It would deter use, if cyclists must carry their bikes upstairs, to store.

Sustainable Design

Where is the Applicant's commitment to build a BREEAM Excellent or Very Good building? We need buildings to last 100 years or more, not 20 years or so, like most others in WTC. Where are PV panels, rainwater collection, storage and re-use plans to wash the many glass windows (they will be filthy within days ...), free water to wash down the footpaths, and water trees? Where are the street and frontage trees, needed to counter the serious pollution that the Broadway suffers? Where is the green screen to the rear of the property? We urge the Applicant to include swift boxes on the roof, as other developers are doing throughout the area.

Offices vs Residential

We've heard *ad nauseum* that this area is for OFFICES. We are surprised then to see this proposal for residential, situated in between two office blocks. We understand the Masterplan is nearly drafted, and surely the need for offices outweighs the need for small flats in this area. If any residences are needed, they would be smaller, more affordable family homes, not flats.

In any case, the visuals for this proposal suggest it is an office block. Can the Applicant reconsider, and return with an appropriate building for this important, Future Wimbledon site?

In sum, Wimbledon Residents are looking for Buildings of Merit. This proposal falls short on so many levels, we urge you to REFUSE PERMISSION and ask the Applicant to return with a sensitively considered proposal, or sell it on to somebody who can do it right.

5.1.4 The Wimbledon Society

Over prominent:

The size and massing of the proposed building is too large for the site. It is not in keeping with the size and scale of the area. The proposal is too high and would create overshadowing. It is the Society's view that it should finish at level 5 i.e. the roof should be at 15800

Loss of privacy:

The windows and balconies and glazing in the proposed building would detrimentally affect the use of adjoining buildings and gardens.

Balconies:

Residential balconies overlooking the main road are inconsistent with the character of that side of The Broadway.

Parking: there is existing pressure on parking in the area and no parking provision in the proposal will increase this.

Lack of affordable housing:

Applications 14/P1008 was rejected by the Council on the basis that it failed to secure affordable housing. There appears to be no mention of affordable housing in this application so it fails to make adequate provision in terms of local infrastructure.

Inadequate residential entrance:

The entrance to the residential block is at the side is not a visually defensible' area as it is hidden from the public highway; there is a connection between the retail unit and the access to the residential block at ground level which is a security weakness.

Policy DMD2A (Sites and Policies Plan of 7/2/14) concerning design considerations in all developments, says in (a) (l) "Proposals for all development will be expected to... relate positively and appropriately to the rhythm... proportions... materials ... or surrounding buildings". The Wimbledon Society does not believe that the development relates positively to its neighbours. This application does not follow the Council's policies and so the Wimbledon Society opposes the application.

5.2 Transport Planning

5.2.1 No objection subject to condition and S106 agreement (permit free development)

5.3 Climate Officer

5.3.1 No objection subject to conditions and S106 agreement.

5.4 Design Officer

5.4.1 No objection (based on amended plans) subject to conditions

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM H2 Housing Mix

DM H3 Support for affordable housing

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton

DM E4 Local employment opportunities

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM EP2 Reducing and mitigating noise

DM EP3 Allowable Solutions

DM EP4 Pollutants

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

DM T5 Access to the Road Network

6.2 Adopted Core Planning Strategy (July 2011)

CS8 Housing Choice
CS9 Housing Provision
CS11 Infrastructure
CS12 Economic Development
CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

6.3 London Plan (2016):

2.15 (Town Centres)
3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.6 (Children and young people's play and informal; recreational facilities)
3.8 (Housing Choice),
3.9 (Mixed and balanced communities)
3.10 (Definition of affordable housing)
3.11 (Affordable housing targets)
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)
3.13 (Affordable housing thresholds)
4.1 (Developing London's economy)
4,12 (Improving opportunities for all)
5.1 (Climate Change Mitigation),
5.2 (Minimising carbon dioxide emissions)
5.3 (Sustainable Design and Construction)
5.5 (Decentralised Energy Networks)
5.6 (Decentralised Energy in development proposals)
5.7 (Renewable energy)
5.8 (Innovative energy technologies)
5.9 (Overheating and cooling)
5.10 (Urban greening)
5.12 (Flood risk management)
5.13 (Sustainable drainage)
5.18 (Construction, excavation and demolition waste)
5.19 (Hazardous waste)
6.5 (Funding crossrail and other strategically important transport infrastructure)

- 6.9 (Cycling)
 - 6.10 (Walking)
 - 6.13 (Parking)
 - 7.2 (An Inclusive Environment)
 - 7.3 (Designing Out Crime)
 - 7.4 (Local Character)
 - 7.5 (Public Realm)
 - 7.6 (Architecture)
 - 7.14 (Improving Air Quality)
 - 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
 - 8.2 (Planning obligations)
 - 8.3 (Community infrastructure Levy)
 - 8.4 (Monitoring and review)
- 6.4 Other
- National Planning Policy Framework 2018
 - National Planning Practice Guidance 2014
 - Planning and Compulsory Purchase Act – 2004
 - London Plan 2016 - Housing SPG 2016
 - Draft London Plan 2017
 - Draft Local Plan 2020
 - Merton’s Viability SPD 2018
 - Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, previous appeal decision and planning history, design (impact on Wimbledon Town Centre and The Broadway street scenes), standard of residential accommodation, impact upon neighbouring amenity, trees, traffic and highway considerations, affordable housing provision and sustainability.

7.2 **Amendments**

7.2.1 Following advice from the Councils Design Officer, the treatment of the frontage and sides of the building has been amended. The winter gardens and balconies have been replaced with smaller external balconies and introduction of more brickwork.

7.3 **Principle of Development**

7.3.1 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.

Residential

- 7.3.2 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.3.3 The planning application seeks to create 20 new residential units which will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies. The principle of residential development of the site has been agreed by the Committee in determination of the previous scheme (16/P2585) for 16 units.

Commercial

- 7.3.4 The application site is located within Wimbledon Town Centre. Planning Policy (DM R1 Location and scale of development in Merton's town centres and neighbourhood parades) states that Wimbledon is Merton's major centre and is the principal shopping destination in the borough. Attractive to residents, tourists, businesses and their staff, Wimbledon has a large variety of shops, services, cafes, restaurants, cinemas, theatres and offices. By capitalising on the Wimbledon 'brand', the Council hopes to further enhance the character and vibrancy of the area to create a sense of place and ensure that there is continual activity throughout the day and at the weekend for residents, workers and visitors whilst protecting its heritage assets. The proposal seeks to retain and enhance the ground floor restaurant, therefore creating jobs and contributing towards employment strategies and variety of choice in Wimbledon Town Centre. New housing is considered to be in accordance with the objectives of the NPPF, London Plan and LBM policy.

7.4 Appeal Decision & Planning History

7.4.1 The previous appeal decision and previous scheme are a material planning consideration which should be taken into consideration when assessing the current proposal. The previous planning application (14/P1008) was refused by committee in May 2015 on matters relating to the design, failing to achieve a high quality design. At the appeal, the planning inspector did not share this view on design. The appeal was only dismissed on the fact that the applicant failed to provide a legal agreement with the appeal to secure affordable housing. Following the appeal decision, the applicant submitted planning application 16/P2585, an identical scheme (but with enhancements to materials). In light of the appeal decision, committee members approved the application at the September 2018 meeting. To date, the S106 agreement relating to 16/P2585 has yet to be completed.

7.5 Design

7.5.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.5.2 As stated above the previous appeal decision is considered to be a material planning consideration. As set out below, it is considered that the design of the proposed building is a significant improvement when compared to the appeal scheme. The Council therefore welcomes the improvements made by the applicant.

7.5.3 The proposed building would see a predominate use of brickwork, rather than render (members of the planning committee raised concerns previously about the lack of brickwork). Other materials would give the building a modern and high quality finish. Better detailing to the facades is achieved through recessed brickwork detailing, glazed balconies, full height fenestration, glazed curtain walls and the creation of three well defined vertical elements to the frontage.

7.5.4 Planning conditions requiring final details of materials and key detailing can ensure that these elements are high quality. The proposed ground floor treatment is also considered to be an improvement, the ground floor has been designed as an integral part of the building design, rather than

as an afterthought. The proposed ground floor would satisfactorily respond with the street scene and design rationale of the floors above.

- 7.4.5 In addition to the improvements made to the aesthetics of the building, the proposed form, massing and height are considered to satisfactorily respond to the town centre location. Whilst the building would 2.5m higher and 1.1m deeper than the previous scheme, the building would still sit below the height of adjoining CIPD building. Importantly the main section of the building, floors 1 to 6 would sit below the height of the curved frontage of CIPD and the lightweight recessed top floor would sit below the corresponding height of CIPD.
- 7.5.6 Following advice from the Councils Design Officer, the frontage of the proposed building has been brought forward, slightly proud of the curved frontage of CIPD. In this instance, the forward building line would not adversely compete with CIPD as it would still retain views of the distinctive frontage from both eastern and western directions along. Due to the bend in the street, this building line approach would create partial views of each building from both eastern and western directions along The Broadway. The Council took this building line approach on the recent redevelopment of the Premier Inn site to the east. The Council are keen to reinforce this approach if adjoining sites come forward for redevelopment.
- 7.5.7 In conclusion, the proposed development is considered to be a significant improvement when compared to the previous scheme and enhancements have been sought through amended plans by officers. The proposed development responds positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.

7.5 **Standard of Accommodation**

- 7.5.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.5.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. All flats would have direct access to private amenity space (3 flats under the previous scheme had no access to private amenity space). 5 flats (all one bedroom, 2 person flats) would have a 4.5m sqm balcony, failing to meet the minimum space standards of 5 sqm.

However, it must be noted that all the flats are one bedroom flats, the shortfall is minimal (only 0.5sqm) and the applicant took the advice from the Councils Design Officer to reduce the depth of the balconies on the frontage to prevent them being dominate in elevation. On balance, given the town centre location, overall quality of the accommodation and the design rationale for less deep balconies, it is not considered sufficient grounds to refuse planning permission.

- 7.5.3 Adequate refuse storage is provided within close proximity of the highway at ground floor level. The store, located to the flank of the building close to the flat entrances would be convenient and practical for future occupiers of the proposed development. Planning condition requiring more details of the store can be imposed to ensure that the store is suitable and provides sufficient provision for the flats. Each flat will have an appropriate outlook and a lift would provide disabled access for each floor.

Housing Mix

- 7.5.4 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.

- 7.5.5 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 10 x 1 bedroom and 10 x 2 bedroom flats

Number of Bedrooms	Percentage of units
One	50%
Two	50%
Three +	0%

7.5.6 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (50%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

7.6 **Neighbouring Amenity**

Ashville House, 131 – 139 The Broadway

7.6.1 The ground and first floor levels of this neighbouring building are in use as office accommodation. Therefore given the non-residential use of these floors there would be no undue loss of amenity.

7.6.2 The second and third floor levels of the building are used for residential purposes with four flats on each floor. The proposed building would not project beyond the frontage of this neighbouring property therefore there would be no undue loss of amenity to the front rooms of the flats. The four flank windows at second and third floor level serve the small kitchen areas for four of the flats. These are not the main habitable rooms and in this urban context, the relationship is considered to be acceptable.

7.6.3 At the rear, the proposed building would be inset away from the western side boundary which would create a buffer between the neighbouring sites to the west. In addition, massing and bulk would be reduced due to the reduction in height towards the rear, large section of lightweight curtain wall on the flank and the two top floors (top floor of lightweight materials) being pushed further away from the flank and side boundary. It is considered that due to the town centre location, elevated position of these neighbouring flats (on second and third floors), setting away of the proposed flank wall from the site boundary, part lightweight materials and the reduction in height towards the rear of the site, it is considered that there would be no undue loss of amenity.

143 – 154 The Broadway (CIPD building)

7.6.4 The proposed building would project parallel with the flank of this building. In addition, the CIPD building is as a wholly commercial building and therefore, there would be no undue loss of amenity. Further, the flank east elevation is broken up with a large void in the middle to allow for natural light to the ground floor garden/planting area. This reduces the visual impact of the building from side facing windows on the CIPD building.

2 – 8 Palmerston Road

7.6.5 These neighbouring houses are located to the west and are orientated at

a right angle to the application. The proposed houses are distanced at least 20.6m from the flank wall of the proposed building. The proposed building is also inset away from the site boundary. A rear car park to the rear of 2 & 4 Palmerston Road also provides a visual barrier between the application site and these neighbours. Towards the rear of the building, massing is reduced by stepping back floors 4, 5 and 6. The use of alternative materials (brick, glass and powder coating grey aluminium) on the flank elevation, combined with flank window treatment would also assist in reducing the mass of the building when viewed from these neighbouring properties.

- 7.6.6 It is acknowledged that the flank elevation does include a number of side facing windows and external rear balconies. Therefore, in order to mitigate overlooking and the sense of being overlooked, planning conditions requiring obscure glazing to the side windows serving the flats (rear part of the building) and 1,7m high side screens to the rear balconies would ensure that there would be no undue loss of the amenity.
- 7.6.7 It is considered that the proposed building would have no undue impact upon these neighbours' amenity. The proposed building would be seen in context to the larger CIPD building behind. There would be no undue loss of light or overshadowing given the siting and degree of separation.
- 7.6.8 Overall, in comparison to the previous scheme, the overall bulk and mass would not be dissimilar and would not cause material harm.

10 – 26 Palmerston Road

- 7.6.9 10 – 26 Palmerston Road are located to the south of the application site, backing onto the rear car parking area serving the CIPD building. All the rear windows/doors are directed towards the CIPD car parking area, therefore within the proposed flats there would be limited views of the properties on Palmerston Road. Whilst there would be some overlooking from the proposed rear balconies, it has to be noted that this is a town centre location, the rear balconies are directed towards the CIPD car park, the side screens to the balconies would also discourage/partly prevent sideward views and the neighbours are well distanced away from the balconies to ensure that there would be no undue loss of amenity to justify refusal of planning permission.

8. Trees

- 8.1 The application site is not located within a conservation area and no trees on the site are protected by tree preservation orders. The two trees at the far end of the application site have limited public amenity value and are not protected so they can be removed without any permission. In any event, the proposed building would be set away from these trees which

would provide a suitable level of separation for their retention.

9. **Traffic, Parking and Highways conditions**

- 9.1 The high PTAL rating of 6a would mean that future occupants would have very good access to a number of alternative public transport options. The area is located within Wimbledon town centre which is controlled by various CPZ's and on street car parking is already very limited. Given the relative modest size of the proposal in a town centre location, it is considered that there would be no undue impact upon existing highway conditions in the vicinity. However, the site is located within a CPZ which is already oversubscribed, therefore given the very good level of public transport options within the area, the development would be required to be car parking permit free which can be controlled via a Section 106 agreement.
- 9.2 Secured cycle parking is provided within a bike store within the building at levels from second floor to floor six and within the existing outbuilding at the rear of the site. The cycle storage at each floor would accommodate 6 cycle spaces (30 in total) and 10 cycle spaces are shown within the existing ground floor outbuilding. The stores would be safe & secure and can be accessed via the communal corridor and lift facility or from ground floor level. The 40 cycle spaces proposed would meet London Plan requirements.

10. **Affordable Housing**

- 10.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 10.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Council's independent viability assessor states that the scheme cannot support any affordable housing provision. However, it is recommended that the Council applies the viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD.

11. **Sustainability**

- 11.1 Planning policy CS15 (climate Change) of Merton's adopted Core

Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

11.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

11.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that the development should achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2106). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.

11.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement (20/02/2019). In this instance, the carbon off-set shortfall is £ 27,455.64, which would be secured within the S106 agreement.

12 **Local Financial Considerations**

12.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

13. **Sustainability and Environmental Impact Assessment Requirements**

13.1.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

14. **CONCLUSION**

- 14.1 The proposed development will provide 20 new residential dwellings and retain the existing A3 unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed building would respect the context of the site and would have no undue impact upon neighbouring amenity, trees or highway considerations. The proposal is considered to be an enhancement over the previous appeal scheme and would provide an additional 4 more units over the previous scheme in a sustainable manner. The proposal is considered to be in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreements.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
2. Affordable housing - viability review mechanisms at early and late stages of development
3. Zero Carbon shortfall – £ 27,455.64
4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved, including detailed plans at a scale of 1:20 of some of the typical details

4. B.4 Details of Surface Treatment
5. B.5 Details of Walls/Fences
6. B6 Levels
7. C07 Refuse & Recycling (Implementation)
8. C08 Other than the balconies/terrace's as shown on the approved plans, access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
9. C10 The flats shall not be occupied until a scheme of details of screening of the balconies/terrace has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
10. D02 Hours of Opening
11. D10 External Lighting
12. D11 Construction Times
13. F01 Landscaping/Planting Scheme including tree planting to front boundary
14. F02 Landscaping (Implementation)
15. H07 Hardstanding

16. H07 Cycle Parking to be implemented
17. H14 Garages doors/gates
18. C03 Obscured Glazing (fixed windows)
19. Construction Management Plan
20. Residential: 'No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 / in accordance with those outlined in the approved plans (Energy Assessment – 20 February 2019), and wholesome water consumption rates of no greater than 105 litres per person per day.
Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy.
21. Non-domestic elements: 'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until Post Construction SBEM or BRUKL evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.'
Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

Planning Informative

1. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
 - A copy of revised/final calculations as detailed in the

assessment methodology based on 'As Built' SAP outputs; AND

- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling;

AND:

- Water Efficiency Calculator for New Dwellings; OR
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

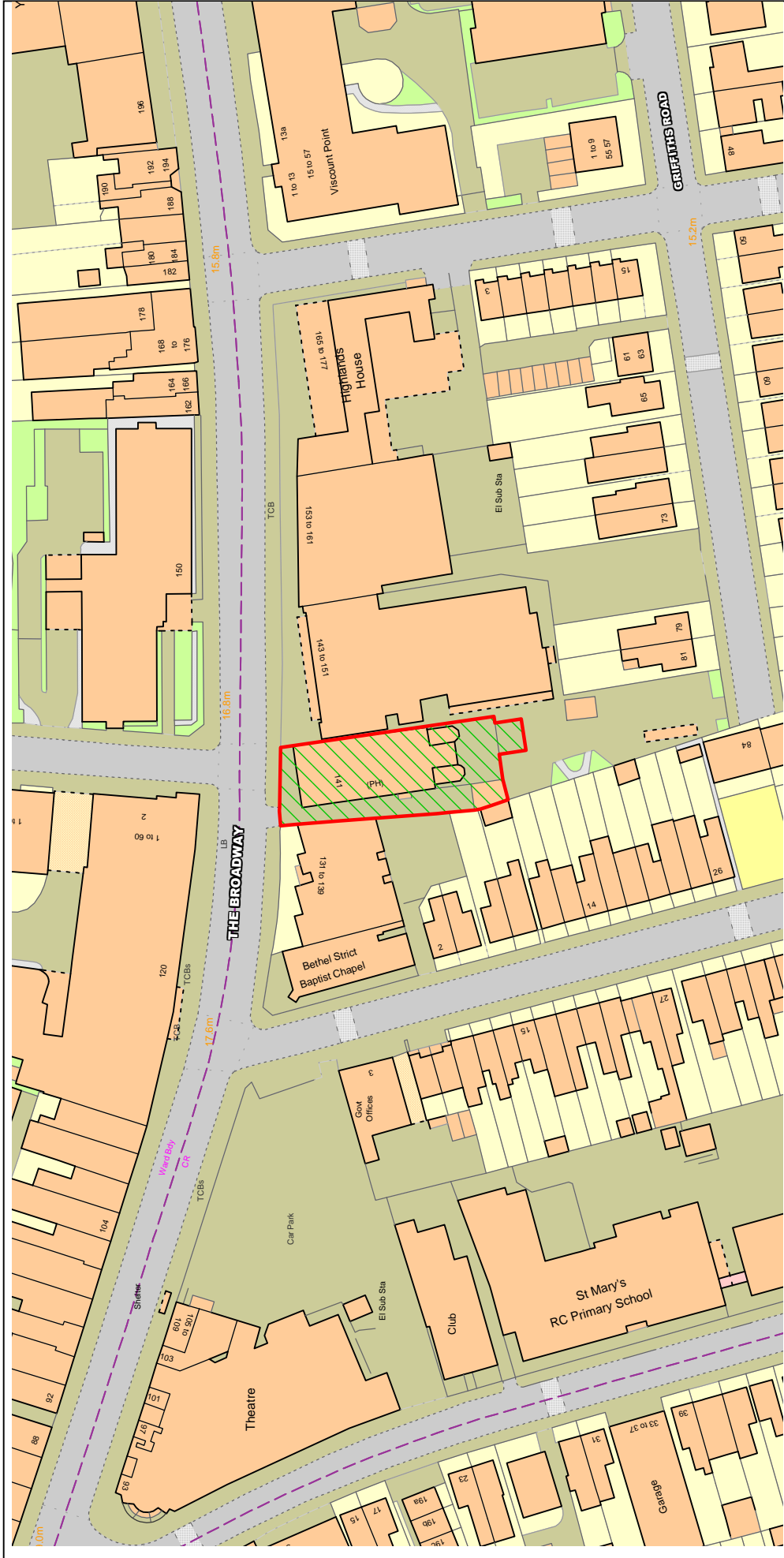
2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; AND
- A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE

21 March 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P4236	13/11/2018
Address/Site	The All England Lawn Tennis and Croquet Club Church Road, Wimbledon, London, SW19
Ward	Village
Proposal:	Application for temporary permission to erect 5 x air domes over existing clay courts between September and May for a period of 3 years
Drawing Nos	51326-REW-0010-XX-DR-A-00, 01, 02 B, 04, 06, 07, 08, 09, 10, 12, 15 B, 17 and 45-0320-00 (x2).
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - No
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Site notice – Yes
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 170
 - External consultations – No.
 - PTAL score – 1a/1b
 - CPZ – No
-

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant permission conditions subject to conditions.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises the site of The All England Lawn Tennis and Croquet Club (AELTC) on Church Road, Wimbledon. The whole site area is 17.3 ha, however the application site spans across two site areas situated either side of Somerset Road. The larger of the two site areas is located on the eastern side of Somerset Road and the smaller site area is located on the western side of Somerset Road.
- 2.2 The area located to the east of Somerset Road comprises the main leisure and recreational facility of the AELTC. This area, where the proposed air domes would be located, accommodates a variety of different functions used in connection with members use throughout the year and the annual Wimbledon Tennis Championship.
- 2.3 The area located to the west of Somerset Road is characterised by two large uncoordinated structures housing 5 indoor tennis courts with ancillary facilities. Chillers for centre courts are currently located to the rear of the indoor tennis court building.
- 2.4 Outside the Championships the indoor tennis facilities are used by the members of the AELTC and car parking for staff and contractors. During the Championship the existing courts at the Somerset Road site are used by tournament players as a warm up area. The site also acts as the main transport hub for the fleet of courtesy cars that operate during the Championships, as well as housing the VIP accreditation areas, a ticket collection area, members car parking, bus drop off and a BBC aerial camera hoist.
- 2.5 Residential properties on Somerset Road and Marryat Road sit opposite the Sothern apex of the main site. Properties in Somerset Road face directly onto the southern apex and properties in Marryat Road sit at a right angel to the main site.
- 2.6 The main section of the AELTC site is identified as open space within Merton Sites and policies Plan (2014).
- 2.7 Further to the east of the main site, is Wimbledon Park, this area is identified as MOL, a Green Corridor, Open Space, Site of Importance for Nature Conservation (SINC), Wimbledon North Conservation Area, Historic Park (Grade II) and Archaeology Priority Zone within Merton's Sites and Policies Plan (2014).

3. **CURRENT PROPOSAL**

- 3.1 Application for temporary permission to erect 5 x air domes over existing

- clay courts between September and May for a period of 3 years.
- 3.2 The redevelopment of the AELTC Somerset Road site under planning permission 16/P4651 will result in the temporary loss of five existing covered courts (which are currently used by Members and for the training of Ball-boys and Ball-girls) during the construction period. Early works on the Somerset Road scheme have commenced, and whilst new covered courts will be included within the redevelopment site, there will be a shortage of covered courts during the main works construction period which is due to commence in August 2019 (post Championships) and last for a period of 3 years until May 2022.
 - 3.3 It is therefore proposed to provide five single court 'air domes' over five existing clay courts in the Southern Apex of the main AELTC site for a temporary period of 3 years until the Somerset Road construction works are completed. The air domes will ensure facilities for Members are maintained during the construction period of the Somerset Road site and will allow for year round play outside of The Championship period (i.e. so that play isn't limited by poor weather). The air domes are outlined as being critical in ensuring the overall Wimbledon Master Plan is carried out without detriment to the Club's facilities.
 - 3.4 The air domes are proposed to be erected in September each year and dismantled in May so that the courts can continue to be used for hospitality and other purposes during The Championships. The application seeks permission for a temporary period of 3 years with the domes to be first erected in September 2019 (post Championships) and be dismantled in May 2022 after the completion of the Somerset Road redevelopment scheme.
 - 3.5 As air supported structures, the domes derive their structural integrity from the use of internal pressurised air to inflate the structure envelope. The air is the main support of the structure and therefore access to the domes must be via air locks. The air domes will be lit from within, and the provision of shelter from the weather will ensure the clay courts are usable throughout the year.
 - 3.6 The air domes are proposed to cover existing Clay Courts 1, 2, 3, 5 and 6. The footprint of each dome is approximately 35.5m x 17.5m, and the height of each is approximately 9m.
 - 3.7 Each dome has a small heat and inflation unit, the position of which varies for each dome based on the existing topography of the site and to be acoustically screened behind the existing boundary wall (which ranges in height from 2.8m-3.9m). The inflation units to the air domes over clay courts 2, 3 and 6 incorporate 1m attenuation units and 0.5m

attenuation to the inflation units to air domes over clay courts 1 and 5. The built in attenuation will include sound dampening intake boxes on both the main blower and standby blower that acoustically attenuate fan units.

- 3.8 Electrical supplies are to be provided to each of the clay courts to drive the fans of the inflation units. As air supported structures, the domes are dependent on the inflation units for their structural integrity. Each fan unit is provided with a heater battery for frost protection and snow loading which will enable the air temperature to be maintained above freezing to ensure frost doesn't form on top of the domes. In order to reduce energy consumption, the heater batteries will not be used to heat the domes for the users of the courts.
- 3.9 The courts require internal illumination and low energy suspended luminaires will be utilised with manual control. The lighting will be turned off when not in use to conserve energy.
- 3.10 The proposed domes will be comprised of a similar material to the existing air dome on the AELTC Community Sports Ground in Raynes Park, although it should be noted that the proposed domes are smaller in footprint and height due to the Raynes Park dome covering three courts rather than one. The material is fully opaque and there is very little (if any) light spill in the evenings when the lights are on within the dome.

4. **PLANNING HISTORY**

- 4.1 18/P3306 - Non-material amendments to LBM planning permission 16/P4651 (6 x indoor and 6 outdoor tennis courts and associated facilities) changes relate to rewording of conditions 31, 36, 38, 39, 42 and 48 to take into consideration early enabling works – Grant - 19/09/2018
- 4.2 18/P3532 - Application to discharge condition 44 (piling calculations) attached to LBM planning application 16/P4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Pending decision
- 4.3 18/P3033 - Application to partially discharge condition 15 (trees) attached to LBM planning permission 16/P4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 28/08/2018
- 4.4 18/P2510 - Application to partially discharge condition 5 (boundary treatment) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 24/08/2018
- 4.5 18/P2531 - Application to discharge condition 26 (bat boxes) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 22/08/2018

- 4.6 18/P2534 - Application to discharge condition 27 (stag beetle) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 22/08/2018
- 4.7 18/P2529 - Application to discharge condition 25 (bird nesting) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 22/08/2018
- 4.8 18/P2715 - Application to partially discharge condition 28 (suds) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 20/08/2018
- 4.9 18/P2545 - Application to discharge condition 46 (green roof) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 14/08/2018
- 4.10 18/P2502 - Application to partially discharge condition 3 (materials) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 13/08/2018
- 4.11 18/P2509 - Application to partially discharge condition 18 (landscaping) attached to LBM planning application 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 13/08/2018
- 4.12 18/P2709 - Application for partially discharge of condition 20 (vegetation clearance) attached to LBM planning permission 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Grant - 08/08/2018
- 4.13 18/P2667 - Non-material amendments to LBM planning permission 16/p4651 (6 indoor and 6 outdoor tennis courts and associated facilities). changes relate to internal alterations, omission/new/relocated doors, windows & stairs, relocated/new flues, amended lifts & lift over-run and changes to louvres & timber cladding – Grant - 25/07/2018
- 4.14 18/P2716 - Application to discharge condition 10 (WMS), 12 (CLP) and 43 (CMS) attached to LBM planning application 16/P4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – pending decision
- 4.15 18/P1897 - Application for discharge of condition 45 (movement monitoring report) attached to LBM planning permission 16/P4651 relating to the demolition of existing 5 x covered tennis courts and erection of a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor tennis courts, single storey basement for parking (up to 338 vehicle spaces and 60 cycle spaces), 9 external covered car parking spaces, relocation of chiller plant (which services centre court roof) and associated equipment, associated landscaping, hardstanding, access

- roads, boundary enclosures and amended access arrangements – Grant - 27/06/2018
- 4.16 18/P2501 - Application to partially discharge condition 4 (surface treatment) attached to LBM planning application 16/P4651 (6 indoor and 6 outdoor tennis courts and associated facilities) – Pending decision
- 4.17 16/P4651 - Demolition of existing 5 x covered tennis courts and erection of a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor tennis courts, single storey basement for parking (up to 338 vehicle spaces and 60 cycle spaces), 9 external covered car parking spaces, relocation of chiller plant (which services centre court roof) and associated equipment, associated landscaping, hardstanding, access roads, boundary enclosures and amended access arrangements – Grant subject to conditions and S106 agreement - 29/05/2018.
- 4.18 16/P2750 - Application for a certificate of lawfulness for existing use (implementation of planning approval 11/P2865) – Issue - 23/08/2016
- 4.19 14/P0632 - Replacement of existing portacabin and erection of 2 x portacabins on plantroom roof, including associated hard and soft landscaping – Grant - 09/04/2014
- 4.20 11/P2865 - Erection of a new covered court facility over three levels containing six new indoor tennis courts to replace the existing building containing 5 indoor courts to be demolished, formation of new access to somerset road, car parking facilities at ground floor / undercroft levels, replacement bar/lounge/changing facilities and new tree planting and landscaping – Grant by planning applications committee - 18/02/2014
- 4.21 11/P2864 - Pedestrian tunnel between car park 3 and the millennium building, erection of a new single storey front extension with canopy to the millennium building and associated works connecting the tunnel with the player entrance at ground level – Grant - 10/01/2012
- 4.22 11/P0300 - Removal of an existing timber outbuilding in car park 4 (gate 20) and hardstanding, and the construction of new stepped terrace concrete floor slab bases for temporary portacabin building during the annual championships together with the construction of a strengthened grass hardstanding for an articulated outside broadcasting vehicle and equipment , involving construction of a retaining wall within an existing embankment and an inclined strengthened grass area to the remainder of the embankment plus new security fence, gate and security cabin - Grant - 07/03/2011.

- 4.23 10/P2911 - Erection of a temporary pedestrian access area, vehicle access areas at the covered courts on Somerset Road/Marryat Road, operational compounds, technology cabins at court 3 facilities building and security fencing for the purposes of hosting the test event and the London 2012 Olympic games at the all England lawn tennis club - Grant - 14/01/2011
- 4.24 10/P2300 - alterations and extensions to east and west elevations of millennium building to refurbish and improve facilities including provision of new internal staircase, alterations and two storey extension on eastern side of building above part of competitors garden to form improved lounge and larger reception area, construction of a covered outdoor plant space to service the new extension and relocation of the press writing room into an extension along the western facade above competitors drop off point, involving removal and replacement of two trees – Grant - 21/10/2010
- 4.25 86/P1326 - Erection of a new three court covered tennis hall building with two level bar seating area/changing/ viewing area linked to existing 2 court building including layout of car parking areas with landscaping and planting around the building and along the Somerset Road frontage – Grant - 09/04/1987

5. **CONSULTATION**

- 5.1 The application has been advertised by major press notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 7 letters of objection have been received. The letters raise the following concerns:

Noise

- Level of noise pollution. To keep these air domes inflated, machinery will be in operation 24 hours every day for 3 years from September to May. This cannot be considered to be a temporary application.
- Although noise mitigation measures (repositioning of machinery) have been proposed for 2 of the courts on Somerset Road side, no proposals have been made for the dome over court 6. Court 6 is closely positioned to neighbouring houses. It is not sufficient to rely on there being some building structure near to this court as a noise mitigation measure.
- The proposed noise mitigation measures are unlikely to be effective, noise is very difficult to obtain and will be particularly noticeable during the night. How sound travels is also dependent on weather factors e.g., wind direction.
- The noise report does not guarantee that its proposals to mitigate

sound pollution will be effective. It also does not contain a conclusion on the proposed sound proofing approach to be built, neither does it make recommendations for sound proofing court 6, which will be required given that, as per the point above, barrier attenuation alone is unlikely to provide sufficient attenuation.

- Noise report – the existing background noise levels e.g. from the odd passing vehicle at night is very different from the constant noise emitted from 5 generators running 24 hours a day for 3 years.

Light pollution

- Light pollution

Environmental impact

- The environmental impact also needs to be considered. Is it justifiable to run heavy machinery through the night to support limited use of tennis court for members of a private club? The environmental impact from 24 hours machinery use is excessive considering these courts are used only for a few hours a day.

Other

- The AELTC is relying on a precedent at Raynes Park. The comparison is not appropriate as there is only one air dome in the Raynes Park site. The proposed development involves 5 domes in a small area with neighbouring properties close by.
- Disappointing that the AELTC have sneaked in this minor application as an afterthought when it is really part of their extensive redevelopment project. It should have been former part of the master development plan.
- It is misleading to suggest that these air domes have local support.
- Is it really necessary to construct 5 domes?

Visual

- Tennis air domes are notorious eye-sores when viewed in the context of existing surroundings of trees, parkland, golf course and spired church.
- Significantly disturb views from dwellings

5.3 Environmental Health – No objection subject to conditions

5.4 Community Involvement – The applicant has submitted a Statement of Community Involvement, which outlines that surrounding residents were consulted in October 2018 by the applicant.

6. POLICY CONTEXT

6.1 The relevant policies within Merton's Sites and Policies Plan (2014) are:

- DM R5 Food and drink / leisure and entertainment uses
- DM R6 Culture, arts and tourism development
- DM C1 Community facilities
- DM E4 Local employment opportunities
- DM O1 Open space
- DM O2 Nature conservation, trees, hedges and landscape features
- DM D1 Urban design and the public realm
- DM D2 Design considerations in all development
- DM D4 Managing heritage assets
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants
- DM F1 Support for flood risk management
- DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impact of development
- DM T3 Car parking and servicing standards
- DM T5 Access to the Road Network

6.2 The relevant policies within the Merton Core Planning Strategy (July 2011) are:

- CS 11 Infrastructure,
- CS 12 Economic Development
- CS 13 Open Space, Nature Conservation, Leisure and Culture
- CS 14 Design,
- CS 15 Climate change,
- CS 16 Flood Risk Management
- CS 18 Active transport
- CS 19 Transport
- CS 20 Parking, Servicing & Delivery

6.3 The relevant policies within the London Plan (July 2016) are:

- 2.18 Green Infrastructure: The Network of Open and Green Spaces
- 3.19 Sports Facilities
- 4.6 Support for and enhancement of arts, culture, sport and entertainment
- 5.1 Climate change mitigation
- 5.3 Sustainable Design and Construction
- 5.7 Renewable energy
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 6.3 Assessing Effects of development on Transport Capacity
- 6.8 Coaches
- 6.9 Cycling

- 6.10 Walking
 - 6.13 Parking
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology
 - 7.13 Safety, security and resilience to emergency
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.18 Protecting open space and addressing deficiency
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and Woodlands
 - 8.2 Planning obligations
 - 8.3 Community infrastructure levy
- 6.4 Other
- National Planning Policy Framework 2018
 - National Planning Practice Guidance 2014
 - Planning and Compulsory Purchase Act – 2004
 - Draft London Plan 2017
 - Draft Local Plan 2020

7. **PLANNING CONSIDERATIONS**

7.1.1 The principal planning considerations in this case are: the principle of development, the design of the structures & their impact on the character and appearance of the Somerset Road street scene, adjacent Wimbledon North Conservation Area, impact on neighbouring amenity, open space and parking/traffic considerations.

7.2 Amendments

7.2.1 The applicant has provided an updated noise report - Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019) with the application. The report states that to further safeguard the amenities of the area, additional acoustic measures have been introduced to the inflation units. The original acoustic assessment and report was based on inflation units without any attenuation at source. It is now proposed that the inflation units to air domes over clay courts 2, 3 and 6 incorporate 1m attenuation units and 0.5m attenuation to the inflation units to air domes over clay courts 1 and 5. The built in attenuation will include sound dampening intake boxes on both the main blower and standby blower that acoustically attenuate fan units. The main fan and back up fans require ventilation and these sound dampening boxes act in a similar

way to an acoustic louvre by reducing the sound emittance from the fans as the air travels through the boxes. The acoustic assessment has therefore been recalculated.

7.3 Principle of Development

7.3.1 The redevelopment of the AELTC Somerset Road site under planning permission 16/P4651 will result in the loss of five existing covered courts (which are currently used by Members) during the construction period. Early works on the Somerset Road scheme have commenced with the main works contract due to commence in August 2019 (post Championships) and last for a period of 3 years (until May 2022).

16/P4651 - Demolition of existing 5 x covered tennis courts and erection of a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor tennis courts, single storey basement for parking (up to 338 vehicle spaces and 60 cycle spaces), 9 external covered car parking spaces, relocation of chiller plant (which services centre court roof) and associated equipment, associated landscaping, hardstanding, access roads, boundary enclosures and amended access arrangements.

7.3.2 The application encompasses the erection of five single court air domes over existing clay courts within the Southern Apex of the main grounds which is bound by Church Road and Somerset Road to the east and west. The air domes are proposed to be erected in September each year and dismantled in May for a period of 3 years starting in August 2019 and being removed in May 2022.

7.3.3 The 'Wimbledon Master Plan' sets out the club's vision for the future of the grounds and is a framework against which new development will be assessed and refined. Whilst the Wimbledon Master Plan is not an adopted plan of the Council, it sets out the club's direction of development over a 20-year period. The proposed air domes are proposed on a temporary basis of only three years whilst the Somerset Road development is being constructed and completed. Given the temporary nature of the domes and their role within the wider Wimbledon Master Plan, in principle of the development is considered to be acceptable.

7.4 Design

7.4.1 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Policies Plan 2014 requires all development to relate positively and appropriately to the siting, rhythm, scale, density, proportions, heights, materials and massing of surrounding buildings and

existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.4.2 The proposed air domes would be located on the main site of the AELTC. The site contains a number of seated tennis courts, ancillary facilities and outdoor tennis courts. The application site therefore has a leisure and commercial character. The proposed air domes would sit within the site, behind existing high level brick walls. Section plans submitted show that the domes for courts 2, 3, 5 and 6 would be on a lower ground level than Somerset Road. The structures would, however, be artificial in nature, and given their overall height of circa 9.0m (akin to the height of a two storey house) they are not considered to cause visual harm to the local area. The proposed air domes are not considered to be excessively large within the context of the AELTC site, sitting alongside other sporting stadia and ancillary buildings. The proposed air domes are therefore considered to relate positively and appropriately to the siting, rhythm, scale, density, proportions, heights, materials and massing of surrounding buildings. It should also be noted that the air domes are temporary structures which would only be erected between the months of September and May for a period of three years.

7.4.3 The proposed air domes would be located opposite Wimbledon Park which is identified as MOL, Historic Park and within the Wimbledon North Conservation area. Planning policy DM D4 (Managing heritage assets) requires development to conserve and where appropriate enhance Merton's heritage assets and distinctive character. The proposed air domes are considered to respect the context of the leisure use. The domes are not excessive in size and are partly screened from views within the park by mature trees along the Park boundary and by the high level brick walls of the AELTC site. In addition, the domes would be well distanced away from the Park to ensure that the proposal conserves the MOL, Historic Park and the Wimbledon North Conservation Area.

7.5 Neighbour Amenity

Noise

7.5.1 The applicant had commissioned an independent noise report with the application. Following the original comments from the Councils Environmental Health Officer and objections received from neighbours, the applicant has now provided an Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019). The updated Noise Report has considered the potential impacts of the proposed development on the nearby residential properties. Specifically, the Assessment reviews the impact of the proposed inflation units for each of the five air domes.

7.5.2 A brief summary of the position of each inflation unit is outlined below (against the closest neighbouring property, 86 A Marryat Road):

All courts will be now incorporate in-built attenuation units.

-

86A Marryat Road - Assessment location 1 = boundary
Assessment location 2 = 1m from first floor window

Clay Court 1 – This court’s inflation unit is located at a distance of approximately 166m from Assessment Location 1 and 168m from Assessment Location 2. It is positioned to the eastern side of the court. Acoustic screening will therefore be provided by court’s air dome.

Clay Court 2 – This court’s inflation unit is located at a distance of approximately 48m from Assessment Location 1 and 50m from Assessment Location 2. It is positioned to the western side of the court. Some acoustic screening will therefore be provided by the boundary wall of the site which is 3.8m high.

Clay Court 3 – This court’s inflation unit is located at a distance of approximately 20m from Assessment Location 1 and 22m from Assessment Location 2. It is positioned to the western side of the court. Some acoustic screening will therefore be provided by the boundary wall of the site which is 3.8m high.

Clay Court 5 – This court’s inflation unit is located at a distance of approximately 80m from Assessment Location 1 and 82m from Assessment Location 2. It is positioned to the eastern side of the court. Acoustic screening will therefore be provided by court’s air dome.

Clay Court 6 – This court’s inflation unit is located at a distance of approximately 48m from Assessment Location 1 and 50m from Assessment Location 2. It is positioned to the south western corner of the court such that heavy acoustic screening will be provided by the adjacent building.

7.5.3 The applicants latest Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019) states that the noise receptor locations for the residential properties in close proximity of the proposed air domes were originally assessed to the boundary of the adjacent properties. However, in order to address Merton’s specific concerns, a subsequent assessment has been undertaken to measure the noise impact at both the boundary of the adjacent properties and a point

1m from the nearest noise sensitive window. To further safeguard the amenities of the area, additional acoustic measures have now been introduced to the inflation units. The acoustic assessment has been recalculated using the revised data. The original acoustic assessment and report was based on inflation units without any attenuation at source. It is now proposed that the inflation units to air domes over clay courts 2, 3 and 6 incorporate 1m attenuation units and 0.5m attenuation to the inflation units to air domes over clay courts 1 and 5. The built in attenuation will include sound dampening intake boxes on both the main blower and standby blower that acoustically attenuate fan units. The main fan and back up fans require ventilation and these sound dampening boxes act in a similar way to an acoustic louvre by reducing the sound emittance from the fans as the air travels through the boxes. The applicant has also confirmed that the consultant will introduce, if necessary, any additional noise control measures upon final design to ensure that the units comply with the Councils noise condition, as set out below.

7.5.4 The Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019) states that it should also be noted that the acoustic data is measured when the inflation units are running at full capacity. Once the domes are fully inflated, the current to the inflation units reduces and the noise readings would reduce further. The data on which the Addendum Report (4th March 2019) was written was based on the worst-case scenario which would only present when the domes are being erected (in September each year for the temporary 3 year period) or on the rare occasion there is an air leak due to failure or that misuse.

7.5.5 The applicant has confirmed that the air domes will be installed in accordance with the mitigation measure recommended in the Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019).

7.5.6 The Councils Environmental Health officer has confirmed no objection subject to the following condition:

Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from the new plant/machinery associated with the installation of the new air inflation units shall not exceed LA90-10dB at the boundary with the closest residential property. A report demonstrating that the aforementioned criteria shall be submitted to the LPA prior to the first use of the development.

7.5.7 It is therefore considered that there would be no adverse impact upon neighbours as the proposed development would include mitigation features to ensure that the noise levels do not exceed the noise limits contained in the Councils noise condition above.

Light Pollution

- 7.5.8 The proposed domes will be comprised of a similar material to the existing air dome on the AELTC Community Sports Ground in Raynes Park, although it should be noted that the proposed domes are smaller in footprint and height due to the Raynes Park dome covering three courts rather than one. The material is fully opaque and there is very little (if any) light spill in the evenings when the lights are on within the dome.

Visual Amenities

- 7.5.9 The properties on Somerset Road face directly towards the proposed air domes and properties on Marryat Road sit at a right angle. These neighbours are separated from the application site by Somerset Road, thereby forming a visual barrier between the neighbours and the application site. The proposed air domes are considered to be modest in size, their curved roof forms slope away from neighbours, are set well away from neighbouring properties and behind the existing high level boundary walls. The proposed air domes are therefore considered to preserve the visual amenities of these neighbouring properties.

Daylight and Sunlight

- 7.5.10 There are substantial separation distances of at least 20m between the air domes and the nearest windows of residential dwellings and the maximum height of the proposed domes is 9m. Therefore, there would be no significant loss of amenity in terms of loss of daylight or sunlight to existing properties.

7.6 Open Space

- 7.6.1 The applicant site is identified within the Sites and Policies Plan (2014) as open space. Planning policy DM O1 (Open space) of Merton's Sites and Policies Plan (2014) seeks to protect and enhance open space and to improve access to open space. The justification text for policy DM O1 (open space) states that proposals to redevelop buildings in open space should be of high quality design, and of a scale, height and massing that is appropriate to their setting.

- 7.6.2 It is considered that the proposal will not harm the character, appearance or function of the existing open space as the proposal simply introduces temporary air domes over existing outdoor tennis courts. The air domes would assist the AELTC in implementing their Wimbledon Master Plan vision which among other improvements seeks to enhance landscaping throughout the site. It must also be noted that the site has already been

partly built on already and Merton's Open Space Study 2010-2011 does not identify the subject land as surplus.

7.6.3 The proposed air domes will cover existing clay courts on a temporary basis that ensures that the venue maintains its sporting facilities and helps deliver the AELTC long term Wimbledon Master Plan vision (sporting enhancement, including enhanced landscaping). The proposal, given their temporary nature, may not be considered as high quality design, but their scale, height and massing are appropriate to the context and setting of the site. They will play an important part in the AELTC delivering the Wimbledon Master Plan, with the end result creating an enhanced sporting facility. The proposed development is therefore considered to be in line with planning policy DM O1 (Open space) of Merton's Sites and Policies Plan (2014).

7.7 Climate Change

7.7.1 Objections have been received from neighbours in regards to the environmental impact from 24 hours machinery use being excessive considering the courts would only be used for a few hours a day. Each dome has a small heat and inflation unit. Electrical supplies are to be provided to each of the clay courts to drive the fans of the inflation units. As air supported structures, the domes are dependent on the inflation units for their structural integrity. Each fan unit is provided with a heater battery for frost protection and snow loading which will enable the air temperature to be maintained above freezing to ensure frost doesn't form on top of the domes.

7.7.2 In order to reduce energy consumption, the heater batteries will not be used to heat the domes for the users of the courts and the low energy efficiency internal lighting will be turned off when not in use.

7.7.3 Permanent structures would not be feasible in this instance as the facilities are only required from September to May each year for a 3-year period. Whilst there would be some environmental impact from the temporary nature of the domes, this is not considered to be excessive to warrant refusal of planning permission. Given the constraints and timetable of the AELTC site, temporary structures are unavoidable whilst works commence on the existing covered courts. It should also be noted that any short term environmental impacts could be offset by the AELTC improved sustainability credentials for the new covered courts facility and the club's wider sustainability improvements (energy center) across the whole site.

7.8 Highways

7.8.1 The courts will predominantly be used by current Members and given

the proposal will provide cover to replace the existing courts which will be lost as part of the Somerset Road proposals, there will be no impact on the highway network when compared to the existing scenario.

7.9 Flooding

- 7.9.1 Clay court 1 drainage channel system would be extended to provide channels along the north and east side of the court with outlets into the existing surface water drainage system. The ground to the south of court 1 slopes down from the court towards the road. The existing channel and drainage gullies on the south side of court 1 are deemed to be sufficient to take the rainwater runoff from the south face of the proposed air domes.

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 8.1 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

- 9.1 In conclusion, it is considered that the principle of development is acceptable with the temporary air domes helping the AELTC deliver their Wimbledon Master Plan vision. The design, size and height of the building are considered to satisfactorily relate to the context of the site. The residential amenities of adjoining residential properties will be preserved to a satisfactory level given the design, size and siting of the proposed structures and the requirement that the domes must comply with the requirements of the noise condition suggested by the Councils Environmental Health Officer. Accordingly, it is recommended that planning permission be granted subject to the conditions set out below.

RECOMMENDATION

GRANT permission subject to conditions

1. A.1 Commencement of Development
2. A7 Approved plans
3. B.3 Materials as Specified
4. D.1 Hours of use - (7am-10pm daily)
5. E.5 The air domes shall only be used for indoor tennis and for no other

purpose, (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1998), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

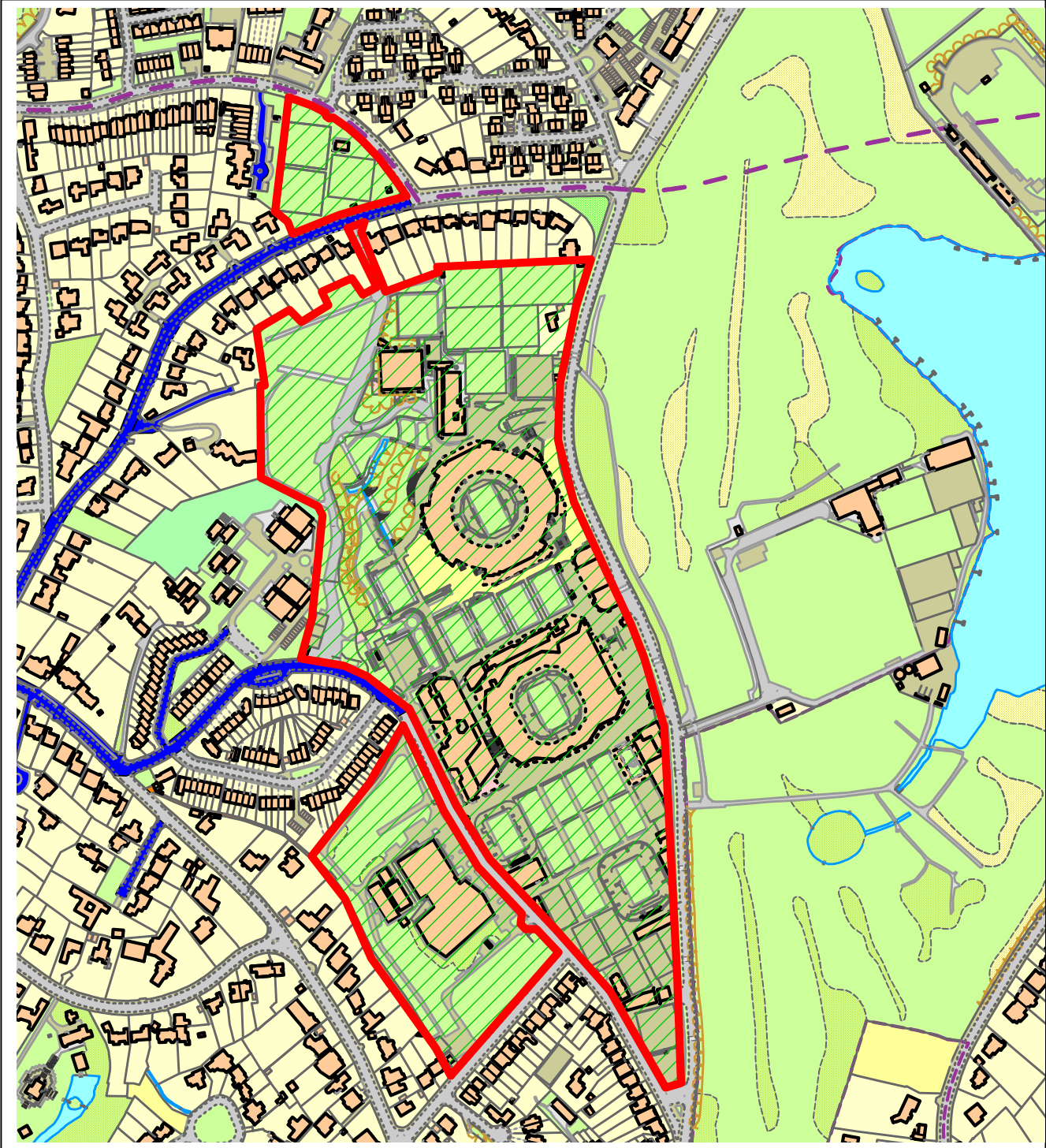
Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with the following Development Plan policies for Merton: policy DM EP2 of Merton's Sites and Policies Plan 2014.

6. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from the new plant/machinery associated with the installation of the new air inflation units shall not exceed LA90-10dB at the boundary with the closest residential property. A report demonstrating that the aforementioned criteria shall be submitted to the LPA prior to the first use of the development.
Reason: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policies DM EP2 and DM EP4 of the Adopted Merton Merton's Sites and Policies Plan 2014.
7. The air domes shall only be erected between September and May each calendar year, between the year of September 2019 to May 2022.
Reason: to ensure that the application is temporary in nature in the interests of the amenities of the area and to comply with the following Development Plan policies for Merton: policies 7.17, 7.18 and 7.4 of the London Plan (2016), policies DM O01 and DM D2 of Merton's Sites and Policies Plan (2014) and policies CS 14 and CS 20 of the Core Strategy (2011).
8. The development must be carried out in accordance with the Environmental Noise Survey and Plant Noise Assessment Addendum Report (4th March 2019).
Reason: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 21 March 2019

APPLICATION NO.
19/P0418

DATE VALID
14/01/2019

Address/Site: 356 Garth Road, Morden, SM4 4NL
Ward: Lower Morden

Proposal: Erection of an end of terrace dwelling with basement level incorporating new vehicular crossover to Wydell Close and off-street parking.

Drawing No.'s: 01, 12, 13C, 14D and 15D.

Contact Officer: Tony Smith (020 8545 3144)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 4
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood Zone: 1 (part of site to rear is 2 & 3)
- Designated Open Space: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number and nature of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site encompasses a semi-detached plot which is located on the eastern side of Garth Road and on the junction with Wydell Close, Morden. The property comprises a two storey semi-detached dwellinghouse with a front, side and rear garden area. The property features a detached single storey garage to the south side of the dwelling and works are currently being undertaken at

the site which relate to a hip to gable and rear roof extension, a front porch infill extension and a single storey rear extension, which have been confirmed to be within permitted development tolerances under application 18/P0643. The application site has an approximate area of 363sq.m.

- 2.2 Garth Road and Wydell Close are residential in character and the dwellings in this stretch of Garth Road and in Wydell Close are characterised by traditionally hipped roofs, two storey front and rear bay windows and single storey front porch canopies. Many dwellings in the vicinity have constructed gabled roofs and feature single storey side extensions.
- 2.3 The site has a public transport accessibility level (PTAL) of 1b which is poor (with 0 being the lowest and 6b being the highest). The site is not within a Controlled Parking Zone. The site is not located within a conservation area. The rear portion of the site to the east is within Flood Zones 2 and 3, however the area that concerns this development is not considered to be at significant risk.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of single storey (with basement level) end of terrace dwelling, providing a 1 bedroom, 2 person unit. The proposed dwelling would have an internal floor area of 64.28.sq.m while the new plot created would have a total area of 103.sq.m.
- 3.2 The existing garage to the south would be demolished and the proposed dwelling would be erected to the south elevation of 356 Garth Road. The dwelling would be single storey in height when viewed externally, terminating in a part flat, part pitched roof. The dwelling would incorporate a small front porch element with a part flat, part pitched roof and a single storey rear element with a flat roof. It would have a basement level which would create a lower level patio to the rear, extending rearward of a ground floor balcony area.
- 3.3 The proposed dwelling would be set back from the main façade of the existing dwelling with the porch addition extending to be in line with the front façade. The proposed dwelling would have a regular footprint, extending rearward of the established rear building line by 3m to align with and match an approved single storey rear extension at no 365, which is currently under construction. The proposed dwelling would have the following dimensions: 3.4m maximum width, 1.5m minimum width, 10m maximum length, 8.3m minimum length, 5m max height, 3-3.2m eaves heights.
- 3.4 The front of the property would remain paved and would include an area for the proposed dwellings bin storage and a small glass block pavement light well to give light to the front of the lower level. To the rear it is proposed to erect a highway crossover from Wydell Close to a single off-street car parking space with a cycle storage unit. The property boundary would be defined by a 2m high timber fencing to match the existing.
- 3.5 It should be noted that this application is a resubmission of a similar application (18/P1577) previously refused by Members of Planning Committee due to poor outlook and restricted daylight to the basement level. This application has been

amended to increase the length of the rear light well from 2.75m to 4.3m and the size from 8.5sq.m to 14.8 sq.m. The boundary surrounding the light well has been reduced to a 1.1m high glass balustrade, as opposed to a 2m high solid fence, and an internal daylight study has been submitted in support of the issue of light into the unit.

4. PLANNING HISTORY

4.1 07/P3075 - CONSTRUCTION OF A PART SINGLE,PART TWO-STOREY SIDE EXTENSION, SINGLE STOREY REAR ROOF EXTENSION, HIP TO GABLE AND REAR ROOF EXTENSION IN CONNECTION WITH THE CONVERSION OF DWELLING HOUSE INTO 4 x 1 BED FLATS, WITH THE PROVISION OF 4 PARKING SPACES, BIN STORE & BICYCLE SHED IN REAR GARDEN. Refused 07/01/2008.

Reasons:

The proposals, by reason of size, massing, bulk and design would:

- i) be detrimental to the appearance of the host dwelling and would constitute an insensitive addition to the Garth Road streetscene to the detriment of the visual amenities of the area;**
- ii) be overly dominant and visually intrusive resulting in a loss of light and outlook to the detriment of neighbouring occupiers;**
- iii) result in unsatisfactory environment for future occupiers arising from sub-standard outdoor amenity space that would fail to meet the likely needs of future occupiers;**
- iv) result in an unsatisfactory environment for future occupiers arising from a failure to provide a Flood Risk Assessment and demonstrate that adequate flood mitigation measures can be provided to safeguard future occupiers in an area at risk from flooding, contrary to policies HS.1, BE.15, BE.16, BE.22, BE.23, BE24, PE5 and PK2 of the Adopted Merton Unitary Development Plan (October 2003).**

4.2 15/P2652 - ERECTION OF A DETACHED 4 BED DWELLINGHOUSE WITH 1 x PARKING SPACE. Refused 03/02/2016.

Reasons:

- 1) The proposal, by reason of its size, sitting, design would represent a form of development that would fail to achieve a high standard of design that would enhance the character of the area to the detriment of the character of the Wydell Close streetscene, contrary to policies 7.4 and 7.6 of the London Plan 2015, DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policy CS.14 of the Core Planning Strategy (2011).**
- 2) The proposed two-storey house by reason of its design and siting would result in the provision of cramped and unsatisfactory accommodation failing to meet adopted minimum internal floorspace standards to the detriment of the amenities of future occupiers contrary to policy 3.5 of the London Plan 2015, policy CS 14 of the Merton Core Strategy 2011 and policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.**
- 3) The proposal by reason of its scale, bulk, positioning and massing in relation to neighbouring properties and the Wydell Close streetscene would result in an unacceptable amenity impact contrary to policy DM**

D2 of the Adopted Merton Sites and Policies Plan 2014.

- 4) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).**

4.3 15/P4156 - ERECTION OF A TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, HIP TO GABLE AND REAR ROOF EXTENSION, INSTALLATION OF 3 ROOFLIGHTS INTO THE FRONT ROOFSLOPE, PROVISION OF 4 OFF STREET CAR PARKING SPACES (INVOLVING THE CREATION OF ADDITIONAL CROSSOVER ON WYDELL CLOSE AND CHANGE OF USE FROM A FAMILY DWELLING HOUSE (USE WITHIN CLASS C3) TO A HOUSE IN MULTIPLE OCCUPATION FOR UP TO 8 PEOPLE [SUI GENERIS] COMPRISING 8 BEDROOMS AND SHARED LIVING ROOM AND KITCHEN FACILITIES. Refused 23/03/2016 & dismissed on Appeal 15/08/2016.

Reasons:

- 1) The proposed two storey side extension by reason of design, siting, scale, height, proportions and massing, represents an overly large, unduly dominant and visually intrusive form of development that fails to respect or complement the original building and the form, function and structure of surrounding buildings and locally distinctive pattern of development and would therefore also be harmful to the visual amenities of the Garth Road and Wydell Close streetscene, contrary to policies 7.4 of the London Plan 2011, LBM Core Strategy Policy CS14 and policies DM D2 and DM D3 of the Merton Sites and Policies Plan (2014).**
- 2) The proposed development, by reason of the provision of communal living/dining/kitchen space in the form of a single space, when considered against the likely occupancy levels of the HMO, and the potential increased occupancy in the event of guests visiting the property, would result in a cramped and unsatisfactory environment for future occupiers contrary to policy CS. 14(d) of LBM Core Strategy (2011) , policy DM H5 of Merton's Sites and Policies Plan (2014) and Annex 1 of the London Housing SPG (2012).**

4.4 18/P0643 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION, 2 ROOFLIGHTS TO THE FRONT ROOF SLOPE, ERECTION OF A SINGLE STOREY REAR EXTENSION AND ERECTION OF A FRONT PORCH. Certificate Issued 28/03/2018 and construction started.

4.5 18/P1577 - ERECTION OF AN END OF TERRACE DWELLING WITH BASEMENT LEVEL. Refused at PAC 30/11/2018.

Reason:

- 1) The proposals by reason of their design and layout would result in a poor and foreshortened outlook and restricted daylight to the basement level living room resulting in a poor quality environment for future occupiers. The proposals would be contrary to policy 3.5 of the**

London Plan (2015), policy CS.14 (b)(vi) of the Merton Core Planning Strategy (2011) and policy DM.D2 (v) of the Merton Sites and Policies Plan (2014)

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of post sent to neighbouring properties. The outcome of the consultation is summarised as follows:
- 5.2 Representations were received from 7 individuals who raised the following concerns:
- Development is out of character with Wydell Close and impacts streetscene.
 - Would affect highway safety and reduce resident parking.
 - Substandard living conditions.
 - There are no basements in local area.
 - Would set a precedent.
 - Proximity to Pyl brook river and drainage issues.
 - There is a mature tree on the site and removal would affect habitats and wildlife.
 - Devaluation of properties.
 - Increased traffic would increase danger.
 - Waste management plan not submitted and flood risk assessment does not include the whole site.
 - The enlarged light well may cause the application to be in flood zone 2.
 - Insurance will be expensive to obtain given it is a basement in a flood risk area.
 - Wydell Close sewers overflow and will affect basement.
 - Request for weekly monitoring during build as contractors are not following safety practises.
 - Would create a higher density in the area, putting strains on services.
 - Increased surface water flood risk.
 - Construction traffic and parking.
 - Address within application form does not match the company's address.
- 5.3 Objections also reference previous points made on application 18/P1577 which are summarised below:
- Extension to no. 354 Garth Road were carried out some time ago to extend family home and not for financial gain.
 - The development is purely for profit.
 - Devaluation of current properties.
 - Most properties are semi-detached.
 - All previous planning applications have been objected to due to applicant's wish to rent out and turn into multiple occupancy.
 - No benefit for local residents having an end of terrace house with basement.
 - Housing made on Garth Road from turning disused office block into flats.
 - Query how a basement would work with general landscaping or to be in keeping with existing properties.
 - A basement risks worsening properties in Garth Road from shuddering from heavy traffic.
 - A dropped kerb would restrict visitor parking on street and encourage parking at Lower Morden Lane intersection which could increase traffic risks.
 - Impact to street access to narrow entrance of Wydell Close.
 - Removal of tree and building in garden space would result in overcrowding of

- built up area and would be detrimental to character of Wydell Close.
- Higher population density will strain on local resources and negatively impact character of neighbourhood.
- New dwelling is modern and out of keeping with area.
- Will block light into Wydell Close and would make the Close more claustrophobic.
- Increased traffic and danger to young and old residents.
- The area is within a flood risk zone and 50m to Pyl Brook river.
- Impact to sewers from additional drainage and waste.
- No waste management plan submitted.

5.4 LBM Climate Change Officer: No objection. The planning statement shows that the development would achieve the relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and informative.

5.5 LBM Transport and Highways Officers: No objection. The proposed vehicle parking provisions are acceptable and would not impact the adjoining highway or pedestrian safety. Standard retention of car parking condition to be attached. Further cycle parking details are required and a pre-occupation condition will be included for this. The crossover shown on the plans will require separate arrangement with LBM Highways Team and this information is to be included as an informative. A more detailed Construction Traffic Management Plan is required and will be secured by way of a pre-commencement condition.

5.6 LBM Flood Risk Engineer:
No objection. Conditions to be attached regarding a detailed SuDs scheme to be approved and implemented prior to development and detailed design of permeable paving to be submitted and approved prior to development. Informative regarding discharge of water run-off also to be included.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2018)

- 5. Delivering a sufficient supply of homes.
- 9. Promoting sustainable transport.
- 10. Meeting the challenge of climate change, flooding and coastal change.
- 12. Achieving well-designed places

6.2 London Plan (2016)

- Relevant policies include:
- 2.6 Outer London: Vision and strategy
 - 2.8 Outer London: Transport
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction
5.10 Urban greening
5.12 Flood risk management
5.13 Sustainable drainage
5.17 Waste capacity
6.9 Cycling
6.10 Walking
6.12 Road network capacity
6.13 Parking
7.2 An Inclusive environment
7.4 Local character
7.6 Architecture
7.14 Improving air quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.19 Biodiversity and access to nature
8.2 Planning obligations
8.3 CIL

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

CS 8 Housing choice
CS 9 Housing provision
CS 14 Design
CS 15 Climate change
CS 16 Flood risk management
CS 17 Waste management
CS 18 Transport
CS 19 Public transport
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM D2 Design considerations
DM D3 Alterations and extensions to existing buildings
DM EP2 Reducing and mitigating noise
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems and; wastewater and water infrastructure
DM T1 Support for sustainable transport
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

6.5 Supplementary planning considerations

London Housing SPG – 2016
London Character and Context SPG 2014
DCLG - Technical Housing Standards 2015

7. **PLANNING CONSIDERATIONS**

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Basement construction and flood risk
- Sustainable design and construction
- Community Infrastructure Levy
- Response to objections

Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2018 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.
- 7.3 The existing use of the site is residential, the site is within a residential area and has a public transport accessibility level (PTAL) of 1b (0 is the worst and 6b being excellent). The proposals would result in an additional 2 person dwelling, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.
- 7.4 Given the above, it is considered the proposal is acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- 7.5 In order to be acceptable in planning terms, the proposal will also need to overcome previous reasons for refusal; namely an acceptable outlook and access to daylight to the basement level.

Need for additional housing

- 7.6 The National Planning Policy Framework (March 2018) requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.7 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.
- 7.8 The Council's planning policies commit to working with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025 (a minimum of 411 new dwellings to be provided annually). This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The emerging London Plan is likely to increase this annual target, however, only limited weight can be attributed at this stage.
- 7.9 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:
- All the main housing targets have been met for 2017/18.
 - 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
 - 2013-18 provision: 2,686 net units (813 homes above target)
 - For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.
- 7.10 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2015)."
- 7.11 The draft London Plan includes a significantly higher figure of 1328 new homes annually. However, this is at draft stage and in addition the London Borough of Merton is disputing the small sites methodology. Therefore, only limited weight should be attached to this figure.
- 7.12 To conclude, whilst there is an on-going need for housing in the borough, the weight given to this should be considered in light of the fact that the Council has consistently exceeded its housing targets.

Design and impact upon the character and appearance of the area

- 7.13 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.
- 7.14 There are a number of side extensions within the local area of the site with a large variation in form and design. The semi-detached neighbour to the north at no. 358 exhibits a single storey side which sits flush with the front façade and extends the porch roof. The further dwelling to the north at no. 337 Lower Morden Lane has a double width single storey garage extension with a flat roof, and nos. 6, 7 & 8 Wydell Close have attached side extensions, some flush with the front and some set back.
- 7.15 As viewed from the streetscene, the proposed dwelling would be single storey in height and would utilise a part flat part pitched roof, akin to the form of a regular side extension, albeit with a front porch and rear projection. The proposed dwelling would match the roof slope angles of the main roof and front porch of the original dwelling and would utilise matching materials; this would be confirmed by way of a condition to ensure the visual style of the existing semi-detached pair is preserved. It is considered that the use of a single storey side addition with a roof profile and front porch to match that of the original dwellinghouse serves to preserve the character the existing built form and wider area. It is also considered that the set back of the main element by 1.6m and the set in from the highway by 0.5m would reduce any sense of an overbearing relationship with the streetscene, particularly when considering the existing garage is similar in size and built right up to the pavement.
- 7.16 The rear element which is effectively a single storey rear extension would utilise a flat roof and would extend rearward of the original dwelling by 3m, to match a granted lawful development certificate at no. 356, which is currently under construction. It is considered that extending the approved extension along the rear would form a coherent design that is respectful in terms of scale and bulk to the original dwelling. A ground floor 'balcony' area would be formed to the rear of this element which would utilise a glass panel railing. The balcony would be raised above ground level by 0.3m and would incorporate glass railings; however, this element would be obscured from views from the street due to the side boundary along the site boundary with Wydell close and the off-street car parking to the east. Further details of the boundary treatments will be confirmed by way of condition.
- 7.17 It is noted that several schemes at the site have previously been refused due to a harmful visual impact on the street scene. It is considered this proposal, reducing the scale and bulk and utilising a respectful design would overcome previous reasons for refusal. It is of note that the previous scheme (18/P1577) was found to be acceptable in terms of the impact on the character of the area.
- 7.18 As a whole, whilst being in a prominent siting, it is considered the proposal would be in keeping with the character of the surrounding area, would be

modest in scale and bulk and would incorporate an appropriate set-in from the side boundary with Wydell Close. It is therefore considered the proposal would respect the character of the area and would adhere to national and local design policy.

Impact upon neighbouring amenity

- 7.19 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.20 The single storey side and front porch element of the dwelling would not extend forward or rearwards of the building line of the host dwelling and would have modest heights. This, in conjunction with its separation from other surrounding properties, is not considered to unduly impact neighbouring amenity.
- 7.21 The single storey rear element would have a moderate height of 3.2m and depth of 3m. It is also acknowledged that this would respect the scale of the under-construction extension at the original property. It is therefore not considered the rear extension would result in an undue impact to the amenity of the neighbouring dwelling. In regards to other neighbouring properties, this element would be separated by a considerable distance and therefore not considered to have an impact.
- 7.22 The primary outlook from the proposed dwellings would be directed toward the front (to the public highway) and rear (into their own amenity space). Whilst the balcony would be slightly raised from the natural garden level by 0.3m, a condition regarding boundary treatments is recommended to ensure sufficient protection from raised overlooking and loss of privacy to the original dwelling.
- 7.23 It is important to note that the previous application (18/P1577) was found to be acceptable in terms of the impact on residential amenity.

Standard of accommodation

- 7.24 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCGL – Technical Housing Standards 2015. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.
- 7.25 The London Plan and DCLG - Technical Housing Standards require that a 1 bed, 2 person, 2 storey dwelling have a gross internal floor area of 58sq.m. The proposed dwelling would have a gross internal floor area of 64.28sq.m which would exceed the minimum standards. The applicant has supplied an internal daylight study which shows the development would meet BRE daylight standards within the basement level. Given this, in conjunction with the

increased depth and area of the light well, the lowered glass boundary and the inclusion of sun tubes, it is considered the proposal would now receive an acceptable standard of daylight and outlook. It is considered the layout of the dwelling as a whole would result in a suitable and comfortable living space for two persons and has overcome the previous reason for refusal under 18/P1577.

7.26 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 50sq.m of external amenity space provided for all new dwellings in a single, usable space. The amenity standard makes no distinction between different sizes of house whereas a more prescriptive approach is taken for flats, which does make a distinction between dwelling types of different sizes. Given the proposal is only for a one bedroom unit, likely to be for a couple, officers consider that it would be appropriate to relax this standard. The proposal includes 25sq.m outdoor amenity space in the form of a lower level patio and a ground floor balcony area. Officers consider that this would reasonably meet the likely needs of future occupiers. It is of note that the extent of external amenity space was found to be acceptable under the previous application (18/P1577) and did not constitute a reason for refusal.

7.27 As outlined above, the scheme as a whole is considered to offer an acceptable standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

7.28 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).

7.29 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.

7.30 Garth Road and Wydell Close are not within controlled parking zones and the site has a PTAL of 1b which is poor, as such, on-site vehicle parking would be required. The scheme proposes 1 parking space to the east, which is of a satisfactory size and includes 1.5m visibility splays for safety, therefore meeting minimum requirements whilst not exceeding maximum standards. Maximum standards are in place to ensure vehicle parking provisions do not undermine sustainable travel objectives. Officers do not consider the position of the proposed vehicle parking off Wydell Close to significantly impact the highway or pedestrian safety. However, in order to limit potential impacts caused during construction, a condition will be included requiring a detailed Construction Traffic Management Plan to be submitted to and approved by the LA before works start. The level of on-street parking currently is such that the loss of one on-street parking space, by reason of the creation of a new vehicular access & dropped kerb is not objectionable.

7.31 In accordance with London Plan policy 6.9 and table 6.3, 1 cycle storage space would be required for the development; cycle storage for residential units should be secure, sheltered and adequately lit, with convenient access to the street. It is noted that the plans indicates a proposed cycle area in the rear off-street parking area. It is considered that this position would be acceptable LBM Transport Officers request a condition requiring further details of the cycle storage prior to occupation and for this to be retained thereafter. Similarly, a condition is requested for the vehicle parking to be implemented before occupation and to be retained thereafter.

7.32 It is of note that parking and access arrangements were found to be acceptable under the previous application (18/P1577).

Refuse storage and collection

7.33 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.

7.34 A storage area for bins has been indicated on the plans to the front of the dwelling. It is considered the siting for the refuse is acceptable and would be in line with existing arrangements at the neighbouring dwellings, as was the case with the previous application (18/P1577).

7.35 Basement Construction and Flood Risk

London Plan policies 5.13 & 5.13 and Policies DM D2 and DMF1 and DMF2 of the Merton Sites and Policies Plan seek to ensure basement constructions are suitable in terms of drainage and structural impacts to the host and neighbouring properties.

7.36 The applicant has provided a Basement Impact Assessment, Flood Risk Assessment & Surface Water and SuDs Assessment to demonstrate the proposed basement would be structurally sound and not result in drainage issues. LBM flood risk engineers have reviewed the proposal and related documents and are satisfied that the proposed dwelling would be suitably designed. Officers requested two pre-commencement conditions for a detailed drainage strategy to be submitted and implemented and for further details regarding the permeable paving serving the off-street car parking. The proposed basement would also require the necessary Building Control approval prior to commencement to further ensure the works would not result in a harmful impact to the surrounding area.

Sustainable design and construction

- 7.37 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.38 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres per person per day. Climate Change officers recommend a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Community Infrastructure Levy

- 7.39 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:
<http://www.merton.gov.uk/environment/planning/cil.htm>

Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition the following response is provided:

- The tenancy of the property (i.e. rented or owner occupied) is not a material planning consideration.
- The motives of the developer are not a material planning consideration. The assessment is based on the acceptability of the proposal against adopted Planning Policies.
- The impact on the character of the area is a material planning consideration but the impact on property prices is not.
- Any increased impact on local infrastructure is intended to be addressed by CIL contributions and it would not be reasonable to refuse on this basis.
- The proposal shows suitable bin storage arrangements and a waste management plan is not required for this small-scale type of development
- No intentions are outlaid in this proposal to remove a tree, and in any case, the removal of non-protected trees can be undertaken without the need for planning permission.
- The proposal would be located 13 – 24m from Flood Zone 2 and is considered to incorporate an appropriate mitigation and drainage strategy for both fluvial and surface water flooding
- A Construction & Traffic Management plan is to be provided by the application prior to any works starting and working hours will be restricted.
- The proposal is acceptable in principle and would not set a precedent in planning terms.

8. CONCLUSION

- 8.1 The proposal is considered to be acceptable in principle, providing a residential development at an increased density, in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials. The proposal would unduly impact upon neighboring amenity. The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards and would sufficiently mitigate the risk of flooding.
- 8.2 Having regard to the larger light well, reduced boundary screening and the provision of a BRE Daylight and Sunlight Analysis, it is considered that the proposal would offer acceptable living standards for prospective occupants. The proposal is considered to have overcome the previous reason for refusal under 18/P1577.
- 8.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the following conditions:

Conditions:

- 1) Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

- 3) Amended standard condition [Materials]: The facing materials (other than balcony screening and boundary treatments) used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

- 4) Amended standard condition [Details of Walls/Fences]: No development shall take place until details of all boundary walls, fences, railings or screenings are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reasons: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 5) Standard condition [No use of flat roof]: Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Refuse storage] The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016 policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and these facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Amended standard condition [Car parking]: The vehicle parking area shown on the approved plan '13C' shall be provided and made available for use prior to

occupation and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 9) Amended standard condition: [Permeable paving]: Prior to the commencement of development, the detailed design and specification for the permeable paving shall be submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

- 10) Non-standard condition [Drainage] No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 0.2l/s, with no less than 7.1m³ of attenuation storage, in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Policies Plan 2014.

- 11) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO₂ reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 12) Standard condition [Permitted development rights]: 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 extension, enlargement or other alteration of the dwellinghouse hereby authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 13) Amended standard condition [Construction vehicles/storage]: Development shall not commence until a Construction Traffic Management Plan has been submitted to and is approved in writing by the Local Planning Authority to accommodate:

- Parking of vehicles of site workers and visitors
- Loading and unloading of plant and materials
- Storage of construction plant and materials;
- Wheel cleaning facilities
- Control of dust, smell and other effluvia;
- Control of surface water runoff.

The approved details must be implemented and complied with for the duration of the construction process.

Reasons: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 14) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

Informatives:

- 1) INFORMATIVE
In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2018, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and

proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

2) **INFORMATIVE**

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation.

3) **INFORMATIVE**

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.

4) **INFORMATIVE**

It is Council's policy for the Council's contractor to construct new vehicular access. The applicant should contact Council's Highway Team on: 0208 545 3829 prior to any work starting to arrange for this work to be done. Please be advised that there is a further charge for this work.

5) **INFORMATIVE**

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer,

prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

- 6) INFORMATIVE
No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

- 7) INFORMATIVE
This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE

21st March 2019

APPLICATION NO.

18/P4447

DATE VALID

29/11/2018

Address/Site:

27 - 39 Hartfield Road, Wimbledon, SW19 3SG

Ward

Dundonald

Proposal:

Demolition of existing buildings and structures, and redevelopment for a new 8 - storey building (plus additional plant at roof level) comprising of a hotel (use class C1) and three commercial units (a flexible use within classes A1, A2, A3 and / or A4); substation; alterations to existing access and creation of new access on Graham Road; hard and soft landscaping, ground works and associated infrastructure.

Drawing Nos:

100, 101, 102(Rev1), 103(Rev1), 200, 300(Rev1), 301(Rev1), 302(Rev1), 303(Rev1), 304(Rev1), 305(Rev1), 306(Rev1), 307(Rev1), 308(Rev1), 400(Rev1), 401(Rev1), 402(Rev1), 403(Rev1), 404(Rev1), 500(Rev1), 600(Rev1), 601(Rev1)

Contact Officer:

David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Permit free, S278 for Highway improvements
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 561
- External consultations: None

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises Nos. 27 – 39, a terrace of two-storey Victorian buildings (No.27 is single storey) which are located on the southwest side of Hartfield Road between the junctions of Beulah Road and Graham Road. The terrace features a mixture of commercial uses at ground floor level (No.27 – A5, No.29 – A2, Nos. 31, 33 & 35 – A3, No.37 – A1 & No.39 – D1). It is not clear what uses operate at first floor level although planning records suggest that No. 33 may feature a self-contained flat.
- 2.2 The buildings along Hartfield Road comprise an eclectic mix of styles and of varying height. The tallest buildings are Wimbledon Bridge House, which is a seven storey office building and Pinnacle House, an office building which has recently been extended to eight storeys. These buildings are located at the northern end of Hartfield Road. Immediately to the southeast of the site on the opposite side of Graham Road is a five storey office building which is attached to a three to five storey semi-detached residential building. On the opposite side of Hartfield Road is the P3 site redevelopment of the town centre which comprises a mixture of commercial uses. To the rear of the site is Graham Road which features mainly two-storey residential terraces whilst Beulah Road features mainly commercial uses such as car repair garages. A timber merchants is also located opposite the site on Beulah Road.
- 2.3 The application site is not located in a conservation area but is located in an identified secondary shopping frontage. The application site also has excellent public transport links (PTAL rating of 6b) being sited in very close proximity to both Wimbledon tube, railway and tram station and the town centre bus station. The site is also located in a controlled parking zone (Zone W4).

3. CURRENT PROPOSAL

- 3.1 The applicant seeks planning permission for the demolition of the existing terrace and erect a new 8 – storey building (plus additional plant at roof level) comprising of a hotel (use class C1) and three commercial units (a flexible use within classes A1, A2, A3 and / or A4); substation; alterations to existing access and creation of new access on Graham Road; hard and soft landscaping, ground works and associated infrastructure.
- 3.2 A total of 6,721sqm of Gross Internal floorspace (GLA) is proposed. The hotel would comprise 177 rooms and would be located on floors 1 to 7 with two commercial units located at ground and first floor levels and one unit located at ground floor only. The building will have a maximum height of 28.4m to the top of the plant enclosure, which is located on the roof. The roof of the top floor would be 25.9m above ground level (AGL).
- 3.3 The building would have a U-shaped footprint at 2nd floor level and above, stepping down at its rear from 8 to 4 storeys on its Graham Road frontage and from 8 to 7 storeys on its Beulah Road frontage.

- 3.4 The application has been amended since it was first submitted with a slightly concave curve introduced to the front elevation, amendments made to the fenestration including angled recesses, and a saw-tooth shaped frontage introduced on the top floor. A variety of external materials would also be used. These include buff light cream and buff cream brick to the buildings elevations with coloured bricks on its corners and angled window recesses. A reflective metallic finish would be applied to the top floor. A green roof is proposed on part of the roof at the rear.
- 3.5 Further amendments have been made to the buildings servicing arrangement since the application was first submitted with a new access created on Graham Road. The application as originally submitted proposed that service vehicles would solely use an access located on Beulah Road. It is now proposed that service vehicles enter the site from Beulah Road and exit from the new proposed access on Graham Road. This would involve the loss of one on-street car parking bay on Graham Road. The proposal does not provide any car parking spaces but does include the provision of 13 long stay cycle parking spaces at the rear of the building and a further 13 short stay spaces to the side of the hotel. Public realm improvements are also proposed with new paving proposed on Hartfield Road on front of the building.

4. PLANNING HISTORY

- 4.1 There have been a number of applications over the years at these properties with the following planning history most relevant:
- 4.2 No.27
93/P1135 - Change of use from financial and professional services office (A2) to wine bar (A3) including alterations to existing front elevation and installation of ventilation duct. Granted - 11/11/1993
- 4.3 No.29
MER1439/73 - Change of use of shop with accommodation to offices. Granted - 21/02/1974
- 4.4 No.31
91/P0945 - Change of use of ground floor from betting office to restaurant installation of new shop front and ventilation ducting at rear and erection of single storey rear extension and attached external staircase. Granted - 03/04/1992
- 4.5 No.33
MER793/76 - Change of use to take-away kebab house. Granted - 16/01/1977
- 4.6 No.35
MER932/81 - Change of use from retail shop premises to snack bar. Granted - 04/12/1981
- 4.7 No.37

MER932/81 - Change of use from retail shop premises to snack bar. Granted - 04/12/1981

01/P0232 - Change of use of ground floor from a taxi office to a retail use (Class A1) or a financial and professional office use (Class A2). Granted - 23/03/2001

4.8 No.37A

No relevant planning history

4.9 No.39

11/P1388 - Replacement of fully glazed, sliding door shopfront of existing car showroom and installation of a panelled shopfront design for proposed doctor's surgery. Granted - 13/07/2011

11/P1144 - Application for change of use from car showroom (Sui Generis) to doctor's surgery (Class D1). Granted - 21/06/2011

4.1.0 No.39A

No relevant planning history

4.1.1 In November 2016, a pre-application request was made for the demolition of the existing terrace (Nos. 27 – 39) and the erection of a part seven part ten storey building to create a 205 bedroom hotel with ground floor commercial floor space (LBM Ref: 16/P4673). Further pre-application discussion took place in May 2018 regarding a building comprising up to 8 storeys.

5. POLICY CONTEXT

5.1 Adopted Sites and Policies Plan and Policies Maps (July 2014):

DM C1 (Community facilities), DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM R4 (Food and drink/leisure and entertainment uses), DM E1 (Employment areas in Merton), DM E4 (Local employment opportunities), DM EP2 (Reducing and Mitigating Noise), DM EP4 (Pollutants), DM R4 (Protection of shopping facilities within the designated shopping facilities), DM R5 (Food and drink/leisure and entertainment uses), DM R6 (Culture, arts and tourism development), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)

5.2 Adopted Core Strategy (July 2011):

CS.6 (Wimbledon Town Centre), CS.7 (Centres), CS.12 (Economic development), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)

5.3 London Plan (2016):

4.5 (London's Visitor Infrastructure), 4.6 (Support for and enhancement of arts, culture, sport and entertainment), 5.2 (Minimising carbon dioxide emissions), 5.6 (Decentralised energy in development proposals), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), 7.8 (Heritage Assets and Archaeology)

- 5.4 National Planning Policy Framework 2018
- 5.5 Merton's Tall Buildings Background Paper 2010
- 5.6 Merton's Draft Local Plan (2020)

6. CONSULTATION

6.1 The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 76 letters of objection were received including an objection from the Wimbledon East Hillside Residents' Association (WEHRA) and the Wimbledon Society. One letter of support was received from the Merton Chamber of Commerce. The letters of objection are on the following grounds:

- Excessive height, bulk and massing, increase in density, overdevelopment of site, canyon effect created on Hartfield Road
- Out of keeping/character with local area, unacceptable design, poor quality materials, poor positioning of signage, lack of greening
- Lack of car parking, impact on traffic and pedestrian flow including narrowing of front pavement, congestion in surrounding road network, highway safety
- Unacceptable impact on daylight/sunlight levels, overshadowing, overlooking, noise, air pollution, visually intrusive and overbearing, light pollution
- Loss of two mature trees on the site
- Impact of substation, which also abuts a residential building
- Lack of demand for a hotel, loss of small independent businesses
- Impact of construction work including cumulative impact of building work on surrounding developments
- Increase in activity in area
- Loss of existing heritage buildings
- Servicing arrangement solely from Beulah Road is not acceptable
- Not in keeping with emerging Wimbledon Masterplan
- Would create further bad precedent

6.2 The letter of support supported the proposal because it would support economic growth within the borough i.e. daytime and night time economy, and would also create 150 new jobs.

6.3 Following receipt of amended plans a further re-consultation was carried out. In response, a further 62 objections and a petition with 159 signatures was received. Two letters of comment were also received. In addition to the reasons of objection outlined above further concerns were raised concerning the following:

- Impact of additional traffic on Graham Road due to new access now being proposed on Graham Road, impact on parking along Graham Road
- Unacceptable impact on pedestrian/child safety due to new access from Graham Road

- No dedicated waiting areas for taxi pick up/drop offs
- Introduction of kerbs to create access on Graham Road is not pedestrian friendly
- Antisocial behavior and noise from potential A4 use
- Increased wind speeds due to height of building
- Public order/Potential for crime
- Loss of on-street parking bay on Graham Road

6.4 Design and Review Panel (Pre-application Stage – May 2018)

- 6.4.1 The Panel were generally pleased with the overall design of the building. They felt that its height and massing were appropriate and that it managed an appropriate step-down transition between the buildings either side. The improvements to the public realm and general architectural approach with good use of brick were also welcomed.
- 6.4.2 The Panel did note however, that the rear of the building was effectively a frontage to all the residents to the south and its appearance needed to be equally well considered as the other elevations. The rear seemed slightly forgotten and the Graham Road frontage would benefit from more consistency in form and materials.
- 6.4.3 The Panel felt that the hotel entrance was not prominent, with a narrow entrance and felt that it could have a more inviting aspect. As the operator was not identified, there needed to be flexibility to ensure a high quality entrance was provided. The provision of the double height colonnade was welcomed by the Panel and it helped to address the potential canyon effect of taller buildings on Hartfield Road.
- 6.4.4 It was noted that the energy strategy needed further development and this should include designing for openable windows. There were also key corner rooms that would afford excellent views to the south if there were extra windows. The Panel felt strongly that more needed to be made of this opportunity for environmental, aesthetic and commercial reasons. This also related to the feeling that the corners were not yet sufficiently animated.
- 6.4.5 The Panel also questioned the appropriateness of using stucco and/or render as a material, although acknowledging there was also brick in the palette. Brick, stone and terracotta were recommended as the most relevant materials to use. Whilst the Panel generally liked the architectural approach to the appearance of the building, they felt that the horizontal was a little too dominant and the base of the building not sufficiently 'grounded'. This could easily be addressed by using more substantial pillars to the colonnade.
- 6.4.6 Whilst there was a gap for the service access on Beulah Road, the building directly abutted the adjacent property on Graham Road. The Panel felt that it would be a more respectful and comfortable transition if there was also a gap between this property and the substation. The proposed building line also did not relate well to this property.

- 6.4.7 The Panel noted the lack of plant on the roof and that allowance was yet to be made for it at various places within the building. However, they were concerned that this needed to be flexible and reflect the actual plant requirements, which had not been fully established yet. It was urged that the design should not preclude the use of sustainable technologies through the lack of designed plant space. They also felt that the substation on Graham Road needed better integration within the building to ensure it did not stand out as an unattractive and extensive dead louvred door frontage.
- 6.4.8 There was some discussion about the public realm and whether outdoor café seating would work next to a busy road, however it was noted that there were existing uses on the site that operated successfully this way. On Beulah Road the Panel noted the small service entrance and that it required reversing into from the street, but queried how drop-off and set-down arrangements would be provided for. It was felt more work was required to ensure successful practical operation regarding these aspects and interface with the surrounding streets.
- 6.4.9 Overall the Panel liked the building and thought it was well considered and required only minor changes, as set out above, to make it a good building.

VERDICT: **GREEN**

6.5 Future Merton - Urban Design

- 6.5.1 Considers the amended plans to be acceptable.

6.6 Future Merton - Transport Planning

- 6.6.1 No objection subject to conditions and applicant entering S278 Agreement for relocation of on-street parking bay and widening of access on Graham Road.

6.7 Future Merton - Flood Risk Officer

- 6.7.1 The proposed development achieves the minimum standards required by the London Plan, i.e. 50% betterment in runoff rates post development compared to the existing scenario. The preferred standard is to achieve greenfield rates, while the scheme does not achieve this at present there is scope on this site taking into account the constraints, to provide a better standard than currently submitted which is the 'do minimum' requirement.
- 6.7.2 The proposed sites drainage will be limited to no more than 17.2l/s and this will require 25.6m³ of surface water attenuation. The scheme proposes SuDS via a shallow greenroof system (10-15cm depth) and permeable surfacing for the rear service yard area. 14.1m³ of attenuation tanks will be provided beneath the permeable surfacing.
- 6.7.3 A non-return valve will be used to prevent backflow from the surface water sewer. Future maintenance of the drainage system will be with the site owner in perpetuity.

6.7.4 If minded to approve, conditions requiring further details on surface and foul water drainage and specification for the permeable paving and green roofs.

6.8 Future Merton – Climate Change Officer

6.8.1 No objections subject to appropriate conditions relating to energy and water efficiency and connection to an existing or future district heating network.

6.9 Environmental Health

6.9.1 No objections subject to appropriate conditions.

6.10 Thames Water

6.10.1 No objections regarding impact on water and sewerage network infrastructure capacity.

6.11 Metropolitan Police – Secured by Design

6.11.1 Have raised concerns regarding potential for crime and antisocial behavior activity.

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

7.1.1 There is strong policy support for a hotel use in this location given it is in Wimbledon Town Centre, has excellent public transport links (PTAL 6b), and has good public transport services to central London due to its close proximity to Wimbledon train station. The Adopted Sites and Policies Plan and Policies Maps (July 2014) policy DM R6 supports all proposals for culture and tourism development which are likely to generate a large number of visits in either Merton's Town Centres or other areas of the borough which have a PTAL rating of 4 or above. This policy states that Merton's retail study highlights that the borough needs a range of tourist accommodation and facilities to cater for the leisure tourism and business visitors and to make Merton's tourism and culture sector more viable and sustainable all year round. Research has emphasised that there is a need for high quality hotels with catering facilities with good public transport services to central London. Policy 4.5 (London's visitor infrastructure) of the London Plan (March 2016) also states that the Mayor will seek to achieve 40,000 net additional hotel bedrooms by 2036.

7.1.2 With regards to Merton's Core Planning Strategy, policy CS.6 encourages development that attracts visitors to the area all year round including high quality hotels and promotes a balanced evening economy through a mix of uses. It is considered that the proposed development would broadly comply with this policy given it would be predominantly a hotel but would also provide three additional commercial units (Use Class A1, A2, A3 and/or A4) at ground floor and mezzanine/first floor levels. Policies CS.7 also encourages developments that attract visitors to the area all year round including high

quality hotels whilst policy CS.12 supports development of a diverse local economic base by encouraging the increased provision of the overall number and range of jobs in Merton. It should be noted that the proposal would enhance the job offer at the application site with a total of approx. 150 full time positions being created. Given the application site is also located in a secondary shopping frontage it is considered that the potential mix of uses whether it be solely A1, A2, A3 or A4 or a mixture of these uses is also acceptable.

- 7.1.4 The site fronts onto Hartfield Road and is located in a designated secondary shopping frontage which means it is important that any new building will contribute to the existing street scene by incorporating ground floor uses which have an active frontage. The omission of an active frontage would visibly shorten the commercial strip and thus curtail the environs perceived to be town centre core. In this instance the building would incorporate a double height frontage which includes three commercial units at ground and mezzanine levels with the hotel entrance located at the front of the building. This is considered acceptable as it would provide an active frontage with the double height frontage engaging public activity at street level.
- 7.1.5 A Class D1 use is located at No.39. This is a medical clinic and as such policy DM C1 (community facilities) is relevant in this instance. Policy DM C1 states that any redevelopment proposals resulting in a net loss of existing community facilities will need to demonstrate that:
- i) The loss would not create, or add to, a shortfall in provision for the specific community uses; and
 - ii) That there is no viable demand for any other community uses on the site

It is considered that the proposed loss of the Use Class D1 use is acceptable in this instance with the applicant submitting a planning statement which states that a total of six doctors/medical facilities are located within a 450m radius of the site. Although no marketing evidence has been submitted illustrating that there is no viable demand for any other community use it is considered that this would not warrant a refusal of the application in this instance with the benefits of the proposed development considered to significantly outweigh the loss of this use.

7.2 Design, Impact on Streetscene and Wider Context

- 7.2.1 The proposed building would have a maximum height of 28.4m to the top of the plant room which would be recessed from the buildings edges. The maximum height of the building not including plant would be 25.9m. The building would have a U-shaped footprint above first floor level with the building extending back and stepping down along its Beulah Road and Graham Road frontages. The building would step down from 8 to 4 floors on Graham Road and 8 to 7 floors on Beulah Road.
- 7.2.2 The London Plan states that tall buildings are those buildings that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of applications

to the Mayor. Policy 7.7 states that tall buildings should generally be limited to sites in town centres that have good access to public transport.

- 7.2.3 Given the proposed building would have a maximum height of 28.4m it would not require referral to the Mayor of London as its proposed height would fall below the 30m height limit for buildings located outside the City of London. Nevertheless, it is considered that the proposed building can be classed as a tall building given it would significantly alter the skyline due to the building replacing a low-rise row of two-storey terrace buildings.
- 7.2.4 In terms of local planning policy, Policy CS.14 of the Core Planning strategy promotes high quality sustainable design that improves Merton's overall design standard. Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. More specific guidance is outlined in the Tall Buildings Background Paper (2010) which forms part of Merton's Local Development Framework, as an evidence base in support of the Design Policy outlined in the Core Strategy. This states that in Wimbledon Town Centre, tall buildings should contribute to creating a consistent scale of development based on a range of similar but not uniform building heights. These should be determined by reference to surrounding building heights and townscape characteristics.
- 7.2.5 Wimbledon is the borough's largest town centre, identified as a major centre in the London Plan. The centre has the highest level of public transport accessibility in the borough and this makes the centre a sustainable location for a tall building. Key clusters of tall buildings are located within Wimbledon Town centre with one such cluster being located immediately to the north/northwest of the site on Hartfield Road i.e. Wimbledon Bridge House (No.1 Hartfield Road) and Pinnacle House (No. 17 – 25 Hartfield Road). The immediate surrounding area to the application site also comprises two-storey residential properties to the south and west along Graham Road and Hartfield Road, and commercial properties of approx. three to five storeys in height to the northeast of the application site on the opposite side of Hartfield Road and Graham Road.
- 7.2.6 There is a clear hierarchy of building heights in the town centre and it is considered that there should be a transition in building heights with the scale of tall buildings progressively decreasing as you move down the town centre hierarchy i.e. the further away from the cluster of tall buildings along Hartfield Road, while responding to the local context. Pinnacle House, which is 34m in height including plant is located to the northwest of the application site on the opposite side of Beulah Road (this building forms part of a tall building cluster) whilst No. 41 – 47 Hartfield Road, which is 19.8m in height is located to the southeast of the site on the opposite side of Graham Road. There are also two-storey Victorian residential terrace properties to the rear of the site and it is essential that the transition from the proposed building to this residential area is also dealt with sensitively.

- 7.2.7 It is considered that the proposed building height is acceptable. The building would have a maximum height of 28.4m which means there would be a material stepping down in building heights along this part of Hartfield Road between No. 17 – 25 Hartfield Road (Pinnacle House) and No. 41 – 47 Hartfield Road. It is also considered that the transition between the building and two-storey terrace buildings located to the rear of the site has been dealt with sensitively with the building stepping down to four storeys on its Graham Road frontage. The use of light coloured aluminium on its top floor would also help visually reduce the bulk and massing of the building.
- 7.2.8 The Design and Review Panel reviewed an eight storey scheme, which was submitted during pre-application discussions with Council officers in May 2018. It should be noted that the current scheme, following amendments which have been made during the application process, is very similar to the proposal reviewed by the Design and Review Panel which received a green verdict albeit with some amendments designed to address concerns raised by the panel. The panel were generally pleased with the overall design of the building. They felt that its height and massing were appropriate and that it managed an appropriate step-down transition between the buildings either side. The improvements to the public realm and general architectural approach with good use of brick were also welcomed. The provision of the double height colonnade was also welcomed by the Panel and it helped to address the potential canyon effect of taller buildings on Hartfield Road.
- 7.2.9 The Design and Review Panel did have some concerns with the design. This included concerns regarding the rear of the building which seemed slightly forgotten whilst the Graham Road frontage would benefit from more consistency in form and materials. The panel noted that whilst there was a gap for the service access on Beulah Road, the building directly abutted the adjacent property on Graham Road. The Panel felt that it would be a more respectful and comfortable transition if there was also a gap between this property and the substation. The proposed building line also did not relate well to this property. The Panel also felt that the hotel entrance was not prominent, with a narrow entrance and felt that it could have a more inviting aspect and also questioned the appropriateness of using stucco and/or render as a material, although acknowledging there was also brick in the palette. Brick, stone and terracotta were recommended as the most relevant materials to use. Whilst the Panel generally liked the architectural approach to the appearance of the building, they felt that the horizontal was a little too dominant and the base of the building not sufficiently 'grounded'. This could easily be addressed by using more substantial pillars to the colonnade.
- 7.2.10 It is considered that the current proposal has addressed a number of the concerns raised by the Design and Review Panel during the pre-application process. The rear and Graham Road frontage of the building now comprises a richer palette of materials with the use of both buff light cream and buff cream brick on the buildings elevations rather than a single brick colour whilst window recesses now feature coloured brick compared to coloured timber panels. No render or stucco is proposed whilst the pillars have been increased in width so that the building appears more grounded. Overall, it is considered that the

proposal is a high quality design with the use of angled recesses on its front elevation to give the building more depth and break up the monotony of repetitive hotel windows and a sawtooth-like top floor on its Hartfield Road frontage to give the roof a more dynamic feel. The use of a metallic reflective treatment to the upper floor, which would blend in with the sky during daytime hours will help break up the massing of the building. The ground and mezzanine floors would have an active frontage with a glazed frontage and covered outdoor seating connecting the outside with the inside increasing the vitality of the street whilst public realm improvements are also proposed with new paving proposed outside the building on Hartfield Road.

7.2.11 The building would also better integrate well with the adjoining properties along this part of Graham Road with the buildings frontage now sitting flush with the front elevation of these properties whilst there is now a gap between No.1 Graham Road and the building. The proposal would also include a number of public realm improvements including new pedestrian paving. The proposal is accordingly considered to comply with relevant planning policies relating to design and as such is acceptable in terms of visual amenity.

7.4 Residential Amenity

7.4.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.

7.4.2 The immediate surrounding area comprises a mixture of commercial and residential buildings. Residential properties are located to the rear of the site with two-storey Victorian terraces mainly located along Graham Road and Hartfield Crescent. Beulah Road comprises mainly commercial buildings with any residential buildings located at its southern end. Currently the site comprises a row of terrace buildings of no more than two-storeys in height. The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed development on its surroundings with regards to daylight and sunlight availability to habitable rooms. The Vertical Sky Component (VSC) is a measure of the skylight reaching a point from an overcast sky. In this instance daylight/sunlight impact to Nos. 1, 3, 7, 9, 13, 17, 19, 23 and 25 Graham Road, 4 & 6 Hartfield Crescent, and Lygon Court was assessed as these properties are the most likely to be impacted. The results of the daylight/sunlight assessment showed that all these properties apart from No.6 Hartfield Road and Lygon Court complied with BRE guidelines for daylight and sunlight. It should however be noted that only one window within Lygon Court marginally failed regarding daylight/sunlight whilst only one window at 6 Hartfield Road failed regarding sunlight. The failure relating to No.6 Hartfield Crescent is however considered acceptable in this instance as this window is unlikely to be to the main living room.

- 7.4.6 It is considered that the proposed building would not have an unacceptable impact on privacy with the windows in hotel rooms facing southwest located a minimum of 28m from the rear garden of No.3 Graham Road, the closest property with a rear garden. It should be noted that No.1 does not have a rear garden with a car park located at the rear instead. A condition requiring corridor windows at level 4 and above to be obscure glazed and fixed shut will be attached to prevent any overlooking from this element of the building.
- 7.4.7 The application site is located in Wimbledon Town Centre and sits adjacent to the recently extended No. 12 – 25 Hartfield Road. It is accepted that the proposed building would be significantly more prominent when viewed from Graham Road, Beulah Road and Hartfield Crescent. This in itself would not warrant a refusal of the application given the sites town centre location and excellent transport accessibility where more intensive development is encouraged. Nevertheless, it is considered that the building would not be visually overbearing in this instance where there would be a material stepping down of building heights between No. 17 – 25 Hartfield Road (Pinnacle House) and No. 41 – 47 Hartfield Road. The building would also step down towards its rear and through the use of reflective metallic materials on its top floor and plant area would further reduce its visual impact. Overall, it is considered that the proposal complies with relevant planning policies relating to neighbour amenity.

7.5 Parking and Traffic

- 7.5.1 It is important to note that paragraph 109 of the NPPF 2018 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 6.1 of the London Plan (2016) supports development which generates high levels of trips at locations with high levels of public transport accessibility and improves the capacity and accessibility of public transport, walking and cycling. Policy 6.13 states that in locations with high public transport accessibility, car free developments should be promoted and that for hotels, on-site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing. At a local level Policy CS.20 requires developments to incorporate safe access to and from the public highway as well as on-site parking and manoeuvring for emergency vehicles, refuse storage and collections, and for service and delivery vehicles.
- 7.5.2 The applicant has submitted a Transport Statement and Travel Plan with the application demonstrating that the transport impacts associated with the proposals can be accommodated within the surrounding transport network. No.27 - 39 Hartfield Road is well connected and has excellent public transport links (PTAL rating of 6b). The site is served by rail services from Wimbledon station and a number of bus services run along Hartfield Road. The proposal does not include any car parking, including disabled car parking, for employees or customers; however this is considered acceptable given the sites highly accessible location in this instance. A controlled parking zone also operates across the surrounding road network with Graham Road featuring shared Use (Permit Holder / 'Pay at Machine') parking bays that operate Monday to

Saturday 08:30-23:00 and Sunday 14:00-18:00 with a maximum duration of stay of 2 hours for 'Pay at Machine' visitors. Given these restrictions it is considered that car parking demand would be primarily accommodated in nearby public car parks. The applicant would also be required to enter into a S106 agreement requiring that the site is permit free restricting any employees or staff from applying for a business parking permit.

- 7.5.3 Hotels of the type proposed are unlikely to attract guests arriving in large parties by coach. As such very few coaches are expected to be generated by the proposed use of the site. With regards to coach parking facilities, any coach operator visiting the site will have to make appropriate arrangements for coach parking. The dropping-off of coach passengers is permitted under current waiting and loading regulations on Hartfield Road adjacent to the site except from 07:00-10:00 and 16:00-19:00 Monday to Saturday. Any coach activity would be bound to abide by these regulations. It is considered that although Taxi drop offs will not be accommodated on site, this would not cause significant concern in this instance given this can be accommodated in the surrounding road network.
- 7.5.4 The application was amended following responses to the public consultation and on the advice of Council Transport Officers. It was previously proposed to have a single service access from Beulah Road which would have required large service vehicles to reverse into the access and then exit in forward gear. Due to concerns regarding vehicles potentially blocking Beulah Road whilst carrying out these manoeuvres in addition to them having to then travel along Beulah Road before making a sharp right turn and travelling up Hartfield Crescent, the plans have been amended with a new exit point for Service Vehicles created on Graham Road. This means service vehicles will simply access the site from Beulah Road before exiting on Graham Road. The applicant has provided swept path analysis which shows that an 11m rigid truck can safely access and exit the site although this would result in the loss of one on-street car parking bay on Graham Road. The existing crossover would also be widened to accommodate the proposed service vehicles. A financial contribution will be required as part of a Section 278 Agreement to re-provide the lost parking space to a suitable location as directed by the Highway Authority and to extend the existing crossover. Concerns have been raised following re-consultation that service vehicles would then drive along Graham Road. It would not be possible to ban service vehicles from doing this however it is unlikely that larger vehicles would take this route as it would be easier and quicker to turn left towards the junction with Hartfield Road. It should also be noted that the kerb to the Graham Road access has been designed to encourage left turns, whilst a condition will also be attached requiring the submission of a delivery and service plan where service vehicles would be encouraged to turn left when exiting the site. It should also be noted that it is estimated that only approx. 3 – 4 vehicles a day would service the site so it is considered that any traffic impact from service vehicles would be very limited given the sites urban location. The proposal has incorporated an overhang on its Graham Road frontage which would limit the maximum height of service vehicles that could enter the service yard.

7.5.5 It is considered that the 13 long stay and short stay cycle spaces (number confirmed in submitted Addendum to Transport Assessment and Delivery and Servicing Management Plan) is acceptable and would comply with London Plan and local planning policies. Overall, it is considered that the proposed scheme would comply with all relevant planning policies at National, regional and local level and would not have an unacceptable impact on the surrounding road network.

7.6 Sustainability and Energy

7.6.1 The BREEAM design stage assessment provided by the applicant indicate that the Hotel and Retail Units should achieve an overall score of 63.9% and 57.7% respectively, which surpasses the minimum requirements to achieve BREEAM 'Very Good' (55%) in accordance with Policy CS.15 of Merton's Core Planning Strategy 2011 and the London Plan 2016.

7.6.2 The submitted Sustainable Energy Statement indicates that the proposed development should achieve a 35.1% reduction in CO2 emissions on Part L of the Building Regulations 2013. This meets the 35% improvement over Part L required for major developments under Policy 5.2 of the London Plan (2016). The development will achieve a 15.1% improvement in CO2 emissions through energy efficiency measures with the remainder secured through the proposed use of a CHP system and a 20kW array of solar photovoltaic cells. The Council's Climate Change officer has raised no objection to the application.

7.7 Flood Risk

7.7.1 The proposed development achieves the minimum standards required by the London Plan, i.e. 50% betterment in runoff rates post development compared to the existing scenario. The preferred standard is to achieve greenfield rates, while the scheme does not achieve this at present there is scope on this site taking into account the constraints, to provide a better standard than currently submitted which is the 'do minimum' requirement. The proposed sites drainage will be limited to no more than 17.2l/s and this will require 25.6m³ of surface water attenuation. The scheme proposes SuDS via a shallow greenroof system (10-15cm depth) and permeable surfacing for the rear service yard area. 14.1m³ of attenuation tanks will be provided beneath the permeable surfacing. A non-return valve will be used to prevent backflow from the surface water sewer. Future maintenance of the drainage system will be with the site owner in perpetuity. Conditions requiring further details on surface and foul water drainage and specification for the permeable paving and green roofs will be attached to any planning permission, as recommended by the Council's Flood Risk officer.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

9. LOCAL FINANCIAL CONSIDERATIONS

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

10. CONCLUSION

- 10.1 No. 27 - 39 Hartfield Road is located in Wimbledon Town centre and has excellent transport links (PTAL rating of 6b), which means it is a highly suitable location for a Hotel/mixed use development. It is considered that the proposed building will respect its context in terms of its height, scale and massing and would be a high quality design, which responds well to its context. It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of surrounding residential properties or the surrounding transport network given its sustainable location.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a S106 agreement covering the following heads of terms:

- 1) Permit free
- 2) S278 agreement to be entered into for public realm improvements on Hartfield Road and financial contribution to re-provide lost on-street car parking space
- 3) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

And subject to the following conditions:

- 1) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101, 102(Rev1), 103(Rev1), 200, 300(Rev1), 301(Rev1), 302(Rev1), 303(Rev1), 304(Rev1), 305(Rev1), 306(Rev1), 307(Rev1), 308(Rev1), 400(Rev1), 401(Rev1), 402(Rev1), 403(Rev1), 404(Rev1), 500(Rev1), 600(Rev1), 601(Rev1)

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

- 3) No development shall take place beyond damp course proof level until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors

(notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) No external windows and doors shall be installed until detailed drawings at 1:20 scale of all external windows and doors, including materials, set back within the opening, finishes and method of opening have been submitted to and approved by the local planning authority. Only the approved details shall be used in the development hereby permitted.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 5) No development shall take place beyond damp proof course level until details of the surfacing of all those parts of the site not covered by buildings, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 6) Before the development hereby permitted is first occupied, the southwest facing corridor windows at level 4 and above shall be glazed and obscure glazed and fixed shut and shall be permanently maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS.11 of the Core Planning Strategy 2011, and policies DM D2 and DM D3 of Merton's Sites and Policies Plan 2014

- 7) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS.11 of the Core Planning Strategy 2011, and policies DM D2 and DM D3 of Merton's Sites and Policies Plan 2014

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

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP 4 of Merton's Sites and Policies Plan 2014

- 9) No development shall take place beyond damp proof course level until details of all boundary walls or fences are to be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 10) The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 11) No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 12) No development above damp proof course level shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 13) The development hereby approved shall not be occupied until the proposed vehicle access on Graham Road has been sited and laid out in accordance with the approved plans.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

- 14) The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 15) No occupation of the development shall be permitted until a Travel Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:

- (i) Targets for sustainable travel arrangements;
- (ii) Effective measures for the on-going monitoring of the Plan;
- (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
- (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The development shall be implemented only on accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2016,

policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 16) No occupation of the development shall be permitted until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

- 17) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

- 18) No development shall take place beyond damp proof course level until a detailed scheme for the provision of surface and foul water drainage has been submitted in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the restricted rate of no more than 17.2l/s in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 19) No development shall take place beyond damp proof course level until the detailed design and specification for the permeable paving and green roofs shall be submitted to and approved in writing by the Local Planning Authority.

The design shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 20) Within six months of the use or occupation of the development hereby permitted, evidence confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations in accordance with those outlined in the approved plans (the applicant's Sustainable Energy Statement dated 08th November 2018, the BREEAM Pre-Assessment for New Hotel dated 16th November 2018, and the BREEAM Pre-Assessment for the Retail Units dated 16th November 2018), has been submitted to and acknowledged in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

- 21) No development aside from demolition shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

- 22) No part of the development hereby approved shall be used or occupied until evidence has been submitted to and acknowledged in writing by the Local Planning Authority confirming that the non-residential development has maximised the opportunities to increase water efficiency in the development in accordance with measures outlined in the approved plans (the applicant's Water Efficiency Addendum – D1, dated 28/02/2019) such as considering more efficient non-standard fittings that meet the "Best Practice" level of the AECB water standards.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

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

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014

24) No cooking odour shall be detectable at any residential property outside the development. Details shall be submitted and approved by the LPA prior to use.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014

25) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

26) Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted and approved in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with the approved details prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

27) Following the completion of any measures identified in the remediation scheme approved under condition No.25, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.

28) Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

29) 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 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 safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

30) The pollution emission levels from the combined heat and power plant shall not exceed those stipulated in the air quality report produced by GEM Air Quality Ltd report AQ1095 dated November 2018.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

31) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following

Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Policies Plan 2014

- 32) All deliveries, loading, unloading or other servicing activities shall take place between the hours of 0700 and 2300 Monday to Sunday and on public holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM D2 of Merton's Sites and Policies Plan 2014

- 33) The three ground floor/first floor units (excluding the hotel use) shall not be open to customers except between the hours of 0700 and 0000 Monday to Sunday and on public holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy DM D2 of Merton's Sites and Policies Plan 2014

- 34) No development, other than any demolition works, shall be carried out until details of the proposed green/brown roofs (including: species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green/brown; and a maintenance plan) are submitted to an approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011.

- 35) No development beyond damp proof course level shall take place until full details of a landscaping and planting scheme, which shall include details of trees to be planted on Graham Road, has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

36) All landscape works shall be carried out in accordance with the details approved under condition 35. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.

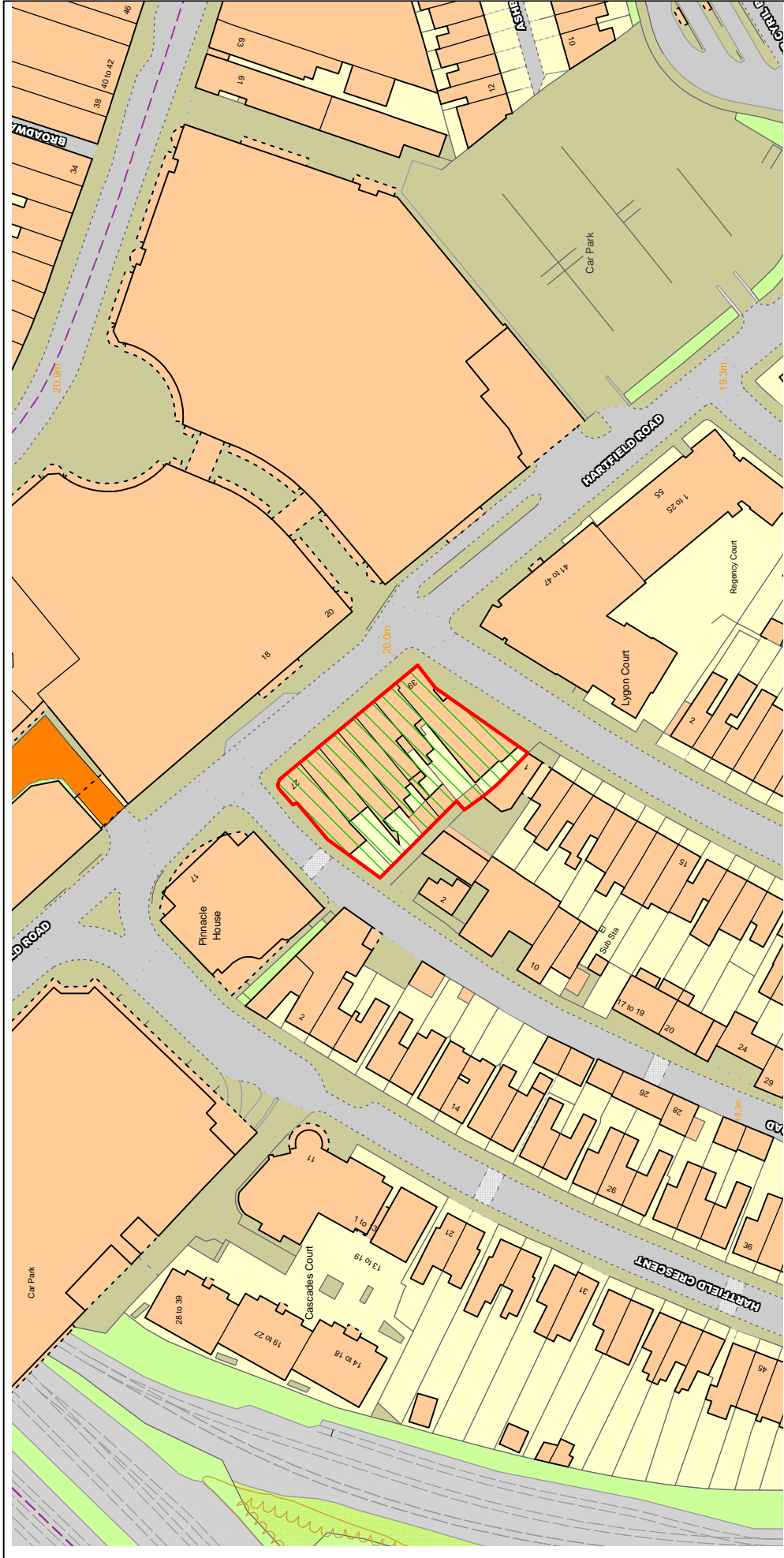
Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



Text Details **27-39 Hartfield Road**

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PLANNING APPLICATIONS COMMITTEE

21 March 2019

APPLICATION NO.

18/P4357

DATE VALID

10/12/2018

Address/Site: 58 Haynt Walk, Raynes Park, SW20 9NX
Ward: Cannon Hill

Proposal: Erection of a two storey end of terrace dwellinghouse with associated off street car parking.

Drawing No.'s: 03_R; 05_R; 06_R; 07 (section drawing); 07 Rev 02 (Block Plan); 08 (Site location Plan); 08_R

Contact Officer: Tony Smith (020 8545 3144)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood risk zone: No
- Designated Open Space: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination due to the number and nature of objections received.

2. SITE AND SURROUNDINGS

2.1 The application site is located on land to the southern side of No.58 Haynt Walk, Raynes Park which is an irregular shaped plot located at the corner bend of Haynt Walk, adjacent to No.58 Haynt Walk (a semi-detached house). A shared access drive with No.60 Haynt Walk provides vehicular and pedestrian access

from Haynt Walk to the front hardstanding area of Nos. 58 and 60, which is used for car parking. A private drive is also located alongside the northern side boundary which provides access to additional parking at the rear of the site. The existing dwelling has a regular footprint and is two storeys in height with a hipped roof. The dwelling has not been previously extended. The application site has an approximate area of 665sq.m.

- 2.2 The surrounding area is residential in character with semi-detached dwellings being the predominant housing type.
- 2.3 The site has a public transport accessibility level (PTAL) of 2 which is considered poor (with 0 being the lowest and 6b being the highest). The site is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of a new two storey, end-of-terrace dwellinghouse with accommodation on two floors within the existing side garden of the semi-detached dwelling at No.58 Haynt Walk. The dwelling would be a 3 bedroom, 5 person dwellinghouse. The dwelling would have an internal floor area of 96.48.sq.m while the new plot created would have a total area of 481.sq.m.
- 3.2 The proposed dwelling would be two storeys in height with pedestrian/vehicle access via the shared access drive to Haynt Walk. The dwelling would adjoin No.58 Haynt Walk thereby creating a terrace of three properties. The front of the house would be oriented north towards Haynt Walk, set back from the front façade of the existing dwelling by 1.5m, and the side elevation would face into a large private garden to the east.
- 3.3 The dwelling would have a hipped roof and would be finished with roof tiles and brickwork to match the materials of No.58 Haynt Walk. Regular window openings would feature at first floor in the north, east and south elevations to match the adjoining dwelling and there would be access doors and/or windows at ground level in all elevations. The dimensions of the proposed dwelling would be 6.92m wide and 8.24m deep with eaves and ridge height to match No.58 Haynt Walk.
- 3.4 The front garden area would incorporate two off-street car parking spaces for the new dwelling, as well as space for cycle and refuse storage. Two off-street parking spaces would also be retained for the existing dwelling, No.58 Haynt Walk.
- 3.5 Following the initial submission of the application, officers raised concerns regarding the potential overlooking from first floor rear bedroom windows into the garden area of No.60 which wraps around the rear of No.58. Amended plans were received with these windows being partly obscured glazed and the internal arrangement of bedrooms amended to direct outlook into either the application site or the highway.
- 3.6 It is noted that this application follows previously refused applications 15/P4803,

17/P2447 & 18/P2416, with the main difference being the layout and size of garden areas for the existing and proposed dwellings and the re-arrangement of windows to retain privacy. This report will consider, in section 7, whether the proposals address previous reasons for refusal.

3.7 The specific differences between the previous refused and dismissed scheme (17/P2447) and the current scheme are as follows:

- The current scheme shows the proposed dwelling to be set back 1.5m from the front building line of the existing pair of semi-detached dwellings, whereas the previous scheme showed no setback from the front building line. The current scheme shows the existing dwelling to terminate in a gable end, where it meets the flank wall of the proposed dwelling.
- As a result of the change in position to the proposed dwelling the separation distance from the boundary with No.56 would be 4.7m, whereas the previous scheme showed a separation distance to the boundary of around 2m (as stated by the Inspector, however, when the plan is measured this separation distance is 3.16m).
- The high level window to the rear elevation shown in the refused scheme would be replaced with regular sized windows.
- The subdivision of the garden in the current scheme allows a large garden area for the proposed dwelling.
- Other minor changes to fenestration.
- The roof pitch of the currently proposed dwelling is 45 degrees whereas the refused scheme showed a roof pitch of 34 degrees.

3.8 It is of note that there were discrepancies in the previously submitted plans, 17/P2447, in that the side elevation showed a gable roof ending, whereas the other elevation drawings and roof plans showed a hipped roof ending.

3.9 The roof pitch of the proposed extension would be 45 degrees whereas in the previous application 17/P2447, it was shown to be 34 degrees. The existing elevations for the current application show the roof pitch of the existing dwelling to be 45 degrees and the existing plans for 17/P2447 show the existing dwelling to have a roof pitch of 34 degrees. For clarity, officers can confirm that the actual existing roof pitch appears to be 45 degrees and it would appear that the elevation drawings for the previous application were not accurate in relation to the roof pitch of the existing building.

3.10 Application 18/P2416 was refused, for the reason shown below in this report. This scheme is currently at appeal with no decision having yet been made by the Planning Inspectorate. This scheme showed a setback of 1.5m from the front building line of the existing dwelling (i.e. the same footprint as the current proposal – 18/P4357). This scheme showed a high level window to the rear elevation, with partly obscurely glazed rear first floor windows. The scheme showed a garden layout similar to that proposed under 17/P2447.

4. PLANNING HISTORY

4.1 15/P4803 - ERECTION OF NEW TWO STOREY DETACHED DWELLING

HOUSE WITH REAR ROOF DORMER AND 3 X ROOFLIGHTS TO THE FRONT ROOF SLOPE. Refused 21/03/2016.

Reasons:

- i) **The proposed dwelling by reason of its size, siting and height is considered an unneighbourly form of development which would be overly large and overbearing on neighbours in the proposed location on site, and visually intrusive, and harmful to the amenity of neighbours in terms of overshadowing, overlooking and visual intrusion, appearing unduly dominant and out of context and character with the existing Haynt Road urban landscape.**
- ii) **The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site.**

4.2 17/P2447 - ERECTION OF A TWO STOREY 3 BEDROOM TERRACE DWELLINGHOUSE: Refused 14/09/2017, Dismissed at appeal 26/03/2018.

Reason: The proposed dwelling by reason of its design, size, siting and height would be an unneighbourly form of development which would be:

- i) **Overly large, visually intrusive and overbearing to the detriment of the visual amenities of neighbours;**
- ii) **Result in loss of privacy and overshadowing to the detriment of neighbour amenity; and**
- iii) **Would appear out of context and character with this part of the Haynt Walk street scene which is characterised by a distinct and orderly layout of semi-detached dwellings.**

The key findings of the Inspector were as follows:

- *The proposal would have a significant overbearing effect to users of the garden area of No.56.*
- *Loss of outlook to occupiers of No.56.*
- *No significant loss of privacy would occur.*
- *The development would create a short terrace of 3 dwellings that would be offset from the central position occupied by the existing semi-detached pair. However, it would be in a secluded position with restricted visibility from the street. In this regard, any loss of symmetry within the site would not be readily perceptible from along most of Haynt Walk. The design of the proposed dwelling would also be consistent with the existing semi-detached pair, and there are a number of existing terraced properties in the immediate vicinity. The development would therefore not be out of keeping with the surrounding area, in my view. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area.*

4.3 18/P2416 - ERECTION OF A TWO STOREY END OF TERRACE DWELLINGHOUSE. Refused 12/11/2018.

Reason:

- i) **The proposed dwelling, by reason of its size, siting and design, would constitute an unneighbourly form of development being**

visually dominant and overbearing and resulting in overlooking and loss of privacy, to the detriment of the amenities of the occupiers of 58 Haynt Walk, contrary to policies 7.6 of the London Plan (2016), policies DMD2 and DMD3 of the Adopted Sites and Policies Plan (2014), and policy CS14 of the Merton Core Planning Strategy (2011).

Appeal lodged 7th January 2019 – decision currently pending.

5. CONSULTATION

5.1 Public consultation was undertaken by way of post sent to neighbouring properties. The outcome of the consultation is summarised as follows:

5.2 Representations were received from 7 individuals who raised the following concerns:

- Little change to previous plans.
- Dwelling would still be overbearing and result in overlooking and loss of privacy.
- Out of keeping with semi-detached houses.
- Privacy will be worsened.
- Lack of space on site for another dwelling.
- 3 houses would have been built instead of 2 originally if there had been enough space - should not fill all available land.
- Limited access on shared driveway with 5 vehicles already using it.
- Access is in a state of disrepair and is only to be used by cars.
- Area floods regularly and more building will make this worse.
- Loss of natural habitats.
- Fence has been removed and concerns over obtaining more land.
- Recent gas explosion at property on same street.
- Applicant has removed hedges and trees already and replaced them with unsightly temporary fencing.
- Gate has been replaced with fence.
- Numerous refused planning applications and appeal.
- Applications have contained errors.
- Devaluation of property prices.

5.3 Following the receipt of amended plans, a second round of consultation was undertaken. Comments were received following this which and the further concerns are summarised below:

- Previous objections remain.
- Size and position hasn't changed.
- Discrepancy of development type on planning explorer.
- Block plan drawing not showing the driveway correctly.
- Moving of boundaries and fences prior to planning permission.
- Would set a precedent.
- Removal of shrubs and planting outside of application site.
- Boundary and access works are delayed on assumption of granting of planning permission.
- Motive is for profit.

5.4 Comments were also received from the applicant in response to the above concerns:

- Untrue comments made by neighbours.
- New neighbours objecting to help others.
- Site notice was erected and was dated.
- Amendments have been made to address concerns and the entrance will be made good after service works.
- Area is not within a flood risk zone and other neighbours have completed extensions.
- The garden is not being used as a building yard and only a small van enters the site each day.
- The removal of bushes does not require permission and other neighbours have done the same.
- Temporary fences have been put up and new ones will be installed at cost of applicant.

5.5 LBM Climate Change Officer: No objection. The development would need achieve the relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and an informative should be included detailing this.

5.6 LBM Transport and Highways Officers: No objection. The proposed off-street parking and refuse storage areas are acceptable and in line with existing arrangements within the street. Conditions are requested to implement the above prior to occupation of the dwelling and to retain them thereafter. The location for cycle storage facilities is acceptable, however, these should be secure and under cover. A condition is requested requiring details to be provided and for the retention thereafter. Conditions are also requested for hours of construction and the provision of a construction management plan prior to construction to ensure minimal impacts to neighbouring properties.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2018)

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

6.2 London Plan (2016)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 5.17 Waste Capacity

- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.3 Community Infrastructure Levy

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DM EP2 Reducing and mitigating noise
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

6.5 Supplementary planning considerations

- London Housing SPG – 2016
- London Character and Context SPG -2014
- DCLG - Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Sustainable design and construction
- Community Infrastructure levy
- Response to objections

Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2018 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.
- 7.3 The existing use of the site is residential, the site is within a residential area and has a public transport accessibility level (PTAL) of 2 (0 is the worst and 6b being excellent). The site is not within a controlled parking zone and would provide off-street parking. The proposals would result in an additional 5 person dwelling, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.
- 7.4 Given the above, it is considered the proposal is acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents as detailed in the relevant sections below.
- 7.8 In order to be acceptable in planning terms the current scheme must overcome the concerns of the Inspector raised under 17/P2447 and the reason for refusal imposed under 18/P2416.
- 7.9 It is important to note that the inspector's decision accepted the principle of a new dwelling, of this scale, in this location.
- 7.10 The increased separation distance to No.56 is considered to be sufficient to avoid a materially harmful overbearing impact or loss of outlook (as was the conclusion under 18/P2416) and therefore, the concerns of the Inspector have been overcome in the current scheme.
- 7.11 The changes to the garden layouts are such that the current proposal would not result in the same overbearing impact to No.58, as the garden of No.58 would not be directly to the rear of the proposed dwelling.
- 7.12 Therefore, it is concluded that the proposal has overcome both the concerns of the Inspector under 17/P2447 and the reason for refusal under 18/P2416 for the reasons set out in this report.
- Design and impact upon the character and appearance of the area
- 7.13 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

- 7.14 Previous refusals at the site (15/P4803, 17/P2447) have included reasons for refusal based on character and appearance, namely in that the proposal would be harmful to the orderly pattern of semi-detached houses. However, it is acknowledged that a recent appeal decision against 17/P2447 did not support the Council's reason for refusal based on impact to the character and appearance of the area. This current proposal, being set back from the front façade by 1.5m and utilising a matching fenestration pattern, architectural style and use of materials, would serve to reduce its impact on the streetscene, over and above the previous scheme. A condition for materials to match the existing dwelling is recommended to further ensure this.
- 7.15 It is therefore not considered the proposal's impact on the character and appearance of the local area would warrant a reason for refusal in this instance and it is important to note that the most recent refused application (18/P2416) did not include this as a reason for refusal.

Impact upon neighbouring amenity

- 7.16 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.17 The previously refused application (18/P2416) had an awkward plot layout whereby the rear garden of No.58 (existing dwelling) extended as a dogleg across the rear of the proposed dwelling. This resulted in significant overlooking from the rear first floor windows which served two bedrooms and also resulted in the building being overbearing and overly dominant to that part of the garden of No.58 given its size and proximity along the shared boundary. It is important to note that this was the only reason for refusal and that all other impacts were considered acceptable, including the impact on No.56 Haynt Walk. As the footprint, bulk and massing proposed is identical to that proposed under 18/P2416, it is considered that the impact on No.56 Haynt Walk would be acceptable as it was in the previous scheme.
- 7.18 This application seeks to address the reason for refusal imposed under 18/P2416, which related to an adverse impact to No.58 Haynt Walk. The proposed layout of the plot is such that No.58 would have a regular boundary extending rearward of the dwelling from its western flank wall. The proposed dwelling would no longer extend along a shared boundary now and would therefore be considered acceptable in terms of visual dominance and sense of overbearing.
- 7.19 With regards to the privacy and overlooking aspect of the previous reason for refusal, the applicant has amended the internal layout and the glazing of windows to direct outlook from bedrooms either into the application site or onto the highway. The rear windows at first floor would be obscure glazed and fixed shut up to 1.7m, restricting any views towards the southern aspects of No.60 & 58's gardens. The bedroom windows in the first floor eastern flank would face

into the application site and is therefore not considered to give rise to an unacceptable loss of privacy. The first floor window to front in the NE corner would face the rear elevation and amenity of No.56 and has therefore been obscure glazed and fixed shut to restrict any views here. It is recommended to include a condition to retain the obscure glazed windows and restrict permitted development rights to install further windows to retain privacy to neighbouring properties.

- 7.20 Given the above amendments, it is considered that the proposal would be acceptable in terms of privacy, overlooking, sense of overbearing and visual dominance and would overcome previous reasons for refusal from 18/P2416 and the concerns raised by the Inspector under 17/P2447.

Standard of accommodation

- 7.21 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCGL – Technical Housing Standards 2015. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.
- 7.22 The London Plan and DCLG - Technical Housing Standards require that a 3 bed, 5 person, 2 storey dwelling have a gross internal floor area of 93sq.m. The proposed dwelling would have a gross internal floor area of 94.48sq.m which would exceed the minimum standards. It is noted that single bedrooms would require 7.5sqm and double bedrooms would require 11.5sqm. The proposed bedrooms would meet these minimum requirements.
- 7.23 The proposed dwelling would include 3 bedrooms on the first floor, all of which would have sufficient access to natural light and outlook. It is acknowledged that the bedrooms 2 & 3 in the NE and SE corners have an obscured glazed window in order to protect privacy of neighbouring residents, however the proposed windows in the flank elevation would allow for sufficient outlook into the site itself. It is considered the layout of the dwelling as a whole would result in a suitable living space for 5 persons.
- 7.24 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 50sq.m of external amenity space provided for all new dwellings in a single, usable space. The proposal would include approx. 350sq.m of external amenity space to the side and rear of the dwelling which would far exceed the minimum requirements. It is further noted that the existing dwelling at No.58 would retain an acceptable standard of 50sq.m garden to the rear.
- 7.25 As outlined above, the scheme as a whole is considered to offer an acceptable standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.26 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).
- 7.27 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.
- 7.28 The site is not within a controlled parking zone and has a PTAL of 2 which is poor, as such, vehicle parking would be required. The plans indicate two parking spaces for the new dwelling and one space for the existing dwelling at No.58. The London Plan Standard 3.3.1 (amended March 2016) specifies that a 3 bedroom dwelling should provide a maximum of 1.5 spaces. However, given the low PTAL of the property, it is considered that 2 spaces would be acceptable. A condition is recommended for the vehicle parking to be implemented before occupation and to be retained thereafter.
- 7.29 In accordance with London Plan policy 6.9 and table 6.3, 2 cycle storage spaces would be required for the development; cycle storage for residential units should be secure, sheltered and adequately lit, with convenient access to the street. It is noted that the plans indicates a proposed cycle area in the rear off-street parking area. It is considered that this position would be acceptable and LBM Transport Officers request a condition requiring further details of the cycle storage prior to occupation and for this to be retained thereafter. A condition on working hours and a condition for the provision of a Construction Management Plan are recommended to ensure minimal impacts to neighbouring properties during construction

Refuse storage

- 7.30 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.31 A storage area for bins has been indicated on the plans to the front of the dwelling. It is considered the siting for the refuse is acceptable and would be in line with existing arrangements at the neighbouring dwellings. A condition is recommended to implement this prior to occupation and retain it thereafter.

Sustainable design and construction

- 7.32 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.33 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water

consumption should not exceed 105 litres per person per day. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Community Infrastructure Levy

- 7.34 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:

<http://www.merton.gov.uk/environment/planning/cil.htm>

7.35 Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition the following response is provided:

- The motives of the developer are not a material planning consideration. The assessment is based on the acceptability of the proposal against adopted Planning Policies.
- Issues relating to gas leakages and explosion are not within the control of the Council and are not a material planning consideration.
- The shared accessway and its state of repair is a civil matter between neighbours.
- Removal of fences and erection of temporary fences within the application site would not require permission subject to the height being lower than 2m.
- The impact on the character of the area is a material planning consideration but the impact on property prices is not.
- The removal of non-protected trees and bushes/shrubs can be undertaken without the need for planning permission.
- The proposal is not within a flood risk area and whilst maps indicate other properties within the street are at a moderate/low risk of surface water flooding, the application site itself is not.
- A Construction & Traffic Management plan is to be provided by the applicant prior to any works starting and working hours will be restricted.
- The proposal is acceptable in principle and would not set a precedent in planning terms.
- Any hardstanding made in the future would likely need planning permission and an informative will be included to inform the applicant of this.
- The dimensions of the site, particularly in reference to the entrance from the shared access, are consistent with Council mapping technology.
- There is no indication that the site has such a high biodiversity value to warrant a refusal of planning permission.

8. CONCLUSION

- 8.1 The proposal would increase residential density and provide an additional dwelling, in line with the broad objectives set out in planning policy.

- 8.2 The development would create a short terrace of 3 dwellings and officers note that in assessing similar proposals in the recent appeal for an end of terrace dwelling the Inspector concluded that such a development would not significantly harm the character and appearance of the area. Thus, notwithstanding the Council's concerns under application 17/P2447, the current proposal would not have a greater impact on the character of the area than the scheme dismissed at appeal and it would be unreasonable for the Council to cite similar grounds for the latest scheme.
- 8.3 Having regard to the changes to the garden layout and subdivision, the proposed fenestration it is considered that the proposal has overcome both the inspector's concerns under 17/P2447.
- 8.4 Having regard to the revised layout of plots, the arrangement of internal bedrooms and inclusion of obscure glazing to certain windows, it is considered the proposal would not unduly impact the amenity of neighbouring properties. The proposal is considered to have overcome the previous reason for refusal under 18/P2416.
- 8.5 As with the previous schemes, the proposal would not unduly impact upon the highway network, including parking provisions and the proposal would achieve suitable refuse provisions.
- 8.6 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the following conditions:

Conditions:

- 1) Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

- 3) Amended standard condition [Materials]: The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

- 4) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plans have been provided and made available for use. These facilities shall be retained for the occupants of, and visitors to, the development at all times thereafter.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

- 5) Amended standard condition [Obscure glazed windows]: Before the development hereby permitted is first occupied, the first floor windows as shown on drawing 05_R shall be glazed with obscured glass and fixed shut to 1.7m above internal floor level and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Refuse storage] The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016 policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and these facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 9) Standard condition [Permitted development rights]: 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 extension, enlargement or other alteration of the dwellinghouse (including insertion or alteration of windows) hereby authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 10) Amended standard condition [Construction vehicles/storage]: Development shall not commence until a Construction Traffic Management Plan has been submitted to and is approved in writing by the Local Planning Authority to accommodate:

- Parking of vehicles of site workers and visitors
- Loading and unloading of plant and materials
- Storage of construction plant and materials;
- Wheel cleaning facilities
- Control of dust, smell and other effluvia;
- Control of surface water runoff.

The approved details must be implemented and complied with for the duration of the construction process.

Reasons: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 11) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm

Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 12) Standard condition [Details of Wall/Fences]: No development shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

Informatives:

- 1) **INFORMATIVE**
In accordance with paragraph 38 of the National Planning Policy Framework 2018, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- 2) **INFORMATIVE**
Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation.

- 3) **INFORMATIVE**
Water efficiency evidence requirements for Post Construction Stage assessments must provide:
- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.
- 4) **INFORMATIVE**
Any hardstanding will require planning permission and an application showing the detailed design and specification for permeable paving shall be submitted to and approved in writing by the Local Planning Authority.
- 5) **INFORMATIVE**
This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton:
Street Naming and Numbering (Business Improvement Division)
Corporate Services, 7th Floor, Merton Civic Centre
London Road, Morden
SM4 5DX
Email: street.naming@merton.gov.uk

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE

21 March 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
18/P3354	13/08/2018
Address/Site	Wimbledon Stadium, Plough Lane, Tooting, SW17 0BL
Ward	Wimbledon Park
Proposal:	<p>Application under Section 73 to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development).</p> <p><u>Minor material amendments</u></p> <p><u>Commercial</u> - removal of crèche & café, 20 new retail car parking spaces</p> <p><u>Stadium</u> - internal & external alterations, removal of semi-basement, reduction in car parking, altered cycle parking, condition 20 (opening hours of stadium/shop) reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties)</p> <p><u>Residential</u> - additional floor on building A.J & infill block between building A.J & A.N (creating 18 new units). increased refuse & cycle facilities, re-positioning building B, alterations to elevations, internal layout & housing mix brings number of units from 604 to 632. Shared ownership increase (60 to 181 - 29%)</p>
Drawing Nos	<p>SITE_999_000_1001_P3, 098_P3, 099_P3, 100_P3, 101_P3, 102_P3, 103_P3, 104_P3, 105_P3, 106_P3, 107_P3, 108_P3, 109_P3 and 110_P3.</p> <p>SITE_999_000_1011_P3, 1012_P3, 1013_P3, 1014_P3, 1015_P3, 1016_P3, 1017_P3, 1018_P3,</p>

1019_P3, 1020_P3, 1021_P3, 1022_P3 and 1023_P3.

542-01-010 Rev J, 011 Rev G, 012 Rev E, 013 Rev E, 051 Rev D, 052 Rev C, 053 Rev C, 054 Rev C, 055 Rev C, 056 Rev C, 110 Rev F, 111 Rev F, 151 Rev E, 152 Rev D, 153 Rev D, 154 Rev D and 155 Rev D.

Contact Officer: Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Variation of conditions, subject to conditions and deed of variation to the S106 agreement.

CHECKLIST INFORMATION.

- Heads of Agreement: See section 12.2 for full heads of terms.
 - Is a screening opinion required: No
 - Is an Environmental Statement required: Yes
 - Has an Environmental Statement been submitted: Yes
 - Press notice: Yes
 - Site notice: Yes
 - Design Review Panel consulted: No
 - Number of neighbours consulted: 22
 - External consultations: Greater London Authority (GLA), Transport for London (TfL), Environment Agency (EA), Sport England (SE), Department of Communities and Local Government (DCLG), London Borough of Wandsworth Council (LBW), Network Rail, Metropolitan Police, NHS England, Merton CCG, Historic England Greater London Archaeological Advisory Service, British Telecom, National Grid, Natural England, Thames Water, London Power Networks, The Football Association, Wimbledon Society, Wimbledon Park Residents Association, and Haydons Bridge Residents Association
 - Conservation Area: No, however adjoins the Coppermill Lane sub-area of the Wandle Valley Conservation Area (located southwest of the application site).
 - Public Transport Accessibility Level (PTAL): Level 3 (moderate)/2 (poor) on the TfL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility).
 - Controlled Parking Zone: No
-

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant variation of conditions subject to conditions and deed of variation to the S106 agreement.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is 5.1ha in size and is located within the north-east of the borough. The site is entirely within the London Borough of Merton (LBM) however parts of the site to the north and east adjoin the boundary with the London Borough of Wandsworth (LBW).

- 2.2 All former uses have ceased and the site is vacant and hoarded as demolition of the former Wimbledon Greyhound Stadium has taken place under planning permission LPA Ref. No. 14/P4361. The former uses included:

- Wimbledon Greyhound Stadium
- Christopher's Squash & Fitness Club
- 94 Summerstown was vacant on all three floors however a single storey part to the rear of the building operated as a café,
- A 1 – 2 storey building occupied by a motorcycle training company (website address is given as 46-76 Summerstown).

- 2.3 Planning permission LPA Ref No. 14/P4561 was determined subject to Section 106 agreement (dated 13 December 2017) and 79 planning conditions. The approved development will be constructed over the following strategic phases as set out in the Section 106 agreement:

- Phase 1 – Demolition
- Phase 2 – Culvert Works
- Phase 3 – Construction of Stadium
- Phase 4 – Construction of Building B
- Phase 5 – Construction of Building C
- Phase 6 – Construction of Building A
- Phase 7 – Enlargement of Stadium

- 2.4 The site is currently undergoing construction work related to the early phases of the approved redevelopment. As currently programmed, the approved scheme will be built out over a 36 month construction period and would be completed in March 2021.

- 2.5 The site is accessed from Plough Lane (B325 in LBM) to the south and Summerstown (B235 in LBW) to the east.
- 2.6 Beyond the site, to the east and south are light industrial/commercial units, with residential dwellings beyond. To the north of the site is Riverside Road, a partially private road giving access to the Garratt Business Park (LBW) and Cappagh Recycling Centre (LBW). To the west of the site is a National Grid Sub-station (LBM) accessed from Coppermill Lane (LBM), a road in private ownership. In addition to the commercial units along Summerstown, there are also retail units along Plough Lane and adjacent to the junction between Plough Lane and Summerstown (LBM/LBW).
- 2.7 There is a Public House (The Corner Pin) located at the junction of Riverside Road and Summerstown and which includes habitable accommodation at first floor.
- 2.8 The River Wandle is located 130m west from the site and Lambeth Cemetery is to the south of the site.
- 2.9 There are 5 train / underground stations within a 1.5 mile radius of the site:
- Haydon's Road Station (Overground and approximately 0.5 miles south of the site),
 - Earlsfield Station (Overground and approximately 0.9 miles north of the site)
 - Tooting Broadway Station (1 mile east of the site, Northern Line),
 - Wimbledon Park Station (1.1 miles west of the site, District Line),
 - Wimbledon Station (Overground, District line, and Tramlink, and approximately 1.2 miles west the site).
- 2.10 Local bus number 493 passes the site and a variety of buses run from Garratt Lane (Earlsfield and Tooting Broadway stations) and Wimbledon town centre.

3. **DESIGNATIONS AND CONSTRAINTS**

- 3.1 LBM Sites and Policies Plan (SPP) was adopted at full Council on the 9th July 2014. The site is allocated within the LBM Sites and Policies Plan (2014) for:

'Intensification of sporting activity (D2 Use Class) with supporting enabling development'.

- 3.2 The SPP allocation states that *'Developments that facilitate more sporting activity may be enabled by more viable uses, subject to meeting planning policy, evidence and consultation.'*

- 3.3 Within Merton's Core Planning Strategy (2011), the site falls within the Colliers Wood and South Wimbledon Sub-Area (Policy CS1 and within the Wandle Valley sub- area (policy CS5).
- 3.4 The River Wandle is located approximately 130m west of the site and when the application was originally submitted in November 2014 the site was shown to lie entirely within the 1 in 100 year flood extent (Flood Zone 3a) and partially within the 1 in 20 year flood extent (Flood Zone 3b) of the River Wandle functional flood plain.
- 3.5 Re-modelled flood levels and extents, as provided and undertaken by the Environment Agency in August (2015) now show the site as still lying within the 1 in 100 year flood extent (flood zone 3a) however the extent, depth and duration of flooding is reduced compared to the previous River Wandle catchment model outputs. The site is now not within the 1 in 20 year flood extent (Flood Zone 3b) of the River Wandle functional flood plain.
- 3.6 A surface water sewer (culvert) of approximately 1370mm diameter is shown passing through east of the site from Plough Lane to Riverside Road. This culvert is owned and maintained as a Thames Water asset.
- 3.7 There are no recorded surface water abstractions within 500m of the site.
- 3.8 Land to the west of the River Wandle is designated as a Local Nature Reserve and is the only recorded designated environmentally sensitive site within 500m of the site (70m from the site).
- 3.9 Following surveys conducted by the applicant, the confirmed ecological receptors within the site are foraging bats, feral pigeon and two mature Willow trees. Of those, only the bat is a protected species.
- 3.10 The southern part of the site has a Public Transport Accessibility Level (PTAL) of 3 (moderate) and northern part of the site has a PTAL rating of 2 (poor).
- 3.11 The site is located adjacent to the Garratt Lane Business Park (LBW) and to the north west of the site within the Garratt Lane Business Park, is the Cappagh recycling site (LBW)
- 3.12 The site is located adjacent to the Copper Mill sub-area of the Wandle Valley Conservation Area, which lies to the north of Plough Lane and to the east of the River Wandle.
- 3.13 The entire site lies within an Archaeological Priority Zone.

- 3.14 The applicant has confirmed that the ownership of Riverside Road (to the north) beyond circa 40m from its junction with Summerstown is privately owned, however, the site has established rights of way over this private road.
- 3.15 The applicant has confirmed that Coppermill Lane is owned by National Grid but that the applicant has rights of access over it to their site. The parking bays are within the site boundary on the road.
- 3.16 In 2003 the Council declared the borough an Air Quality Management Area (AQMA). Emissions from road traffic have been identified as the major source of pollution in the borough. Air quality in the borough is also affected by pollution generated in neighbouring authorities and across London.

4. **CURRENT PROPOSAL**

- 4.1 Section 73 application for minor material amendments to full planning permission LPA Reference No. 14/P4361. This permission was granted on 13 December 2017 and gives full approval for the:

“Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café and coach parking, pedestrian street, 1,273 sq. m retail unit, 1,730 sq. m squash and fitness club, 602 residential units with basement parking, refuse storage, 200 car parking spaces, 992 cycle parking spaces and associated landscaping/open space and servicing.”

- 4.2 Following the grant of planning permission LPA Ref. No. 14/P4361, Galliard Homes formed the current joint venture partnership with Catalyst Housing Association and undertook a full review of all design, construction and operational aspects of the residential element of the scheme. The same exercise was undertaken by AFC Wimbledon in respect of the approved football stadium. These detailed reviews resulted in a suite of proposed minor amendments to the consented development.
- 4.3 The application under Section 73 seeks to vary conditions 3 (approved plans) and 20 (opening hours) and omit conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development).
- 4.4 In brief, the amendments involve the provision of an additional 28 residential units (now 632 units overall), revised residential internal layouts and associated elevation detailing changes, amended residential mix, minor repositioning of Building B, an amended residential basement floor

layout, increased residential refuse and cycle parking facilities, removal of the crèche and café from the stadium, removal of the stadium semi-basement level, reduction in stadium car parking provision, changes to the detailed arrangements for match-day cycle parking serving the stadium, localised changes to the stadium north and east elevations, amended detailed floodlight design and a revised wording to Planning Condition 20 controlling the hours of use of the stadium.

Number of Units

- 4.5 Officers can provide clarification of the consented number of residential units from 602 to 604. During determination of the consented scheme, the now approved Masterplan drawings for the sixth and seventh floors were amended to add approved units A.A.06.03 and A.A.07.03. The accommodation schedule and description of development were not however amended to reflect this, and the approved scheme actually contains 604 units not 602;

4.6 Stadium

- 4.6.1 The proposed amendments to the stadium are set out below.

4.6.2 East elevation changes

- Under the approved stadium plans, the corners of the east elevation of the stadium (fronting the new North-South Street) are curved. It is proposed that these are squared off to simplify construction, create additional useable space and facilitate the phased enlargement of the stadium to 20,000 seats. The public areas and roads adjoining this elevation will be designed and landscaped in detail pursuant to relevant planning conditions and requirements of the Section 106 agreement.
- The east elevation has also undergone design development, including addressing the proposed removal of the café and crèche and satisfying operational issues associated with the green “living” wall panels which are now located at first floor level. Visual interest and animation of this elevation will be achieved through the proposed elevational treatment and lighting.

4.6.3 Semi Basement

- It is proposed to remove the consented semi-basement/undercroft floor (approved Level 00) under the south and west stands of the stadium. These areas were approved as providing car parking (under the south stand) and back of house accommodation for the stadium use (under

the west stand). In order to simplify the design and build of the stadium, these areas have been removed, resulting in a reduction in car parking (see below), minor reduction in back of house facilities and realignment of the internal stadium vehicular route/exit.

4.6.4 Car Parking

- As referenced above, the removal of part of the consented basement has resulted in a reduction of car parking serving the stadium use. Under the approved plans, Level 00 (the basement/undercroft) provided 74 car parking spaces, including 6 disabled bays and 2 ambulance bays. It is proposed that these are removed and the only car parking to serve the stadium now be located under the south stand concourse at ground level (new Level 00). The proposed provision comprises 44 car parking spaces, including 4 accessible bays. This will serve the stadium use through both approved stadium phases/seat capacity scenarios and seeks to comply with operational and accessibility requirements. The overall implication is a net reduction of 30 stadium car parking spaces.

4.6.5 Wall

- Under the approved plans, the north elevation of the stadium is formed by a wall some 17m in height and an overall length of 70m. It was always planned to allow for access to construct the remainder of the stadium, this wall would have to be sacrificial. Therefore, it is now proposed that an interim wall of 7m be built, to be demolished and replaced by the full height 17m wall when the final stadium enlargement phase (to 20,000 seats) is completed.

4.6.6 Cycle Parking

- The approved plans show 100 surface cycle parking spaces to serve the stadium being provided along North-South Street. However, under regulatory guidance governing safe and clear crowd access to and from the stadium (Guide to Safety at Sports Grounds Edition 5 – which is given force where Safety Certificates are issued under prevailing legislation), the Football Club is unable to store bicycles in this location on match days. It is proposed to maintain the consented level of stadium cycle parking through:
 - a) Provision of 22 staff cycle parking spaces within the stadium for use on match and non-match days; and
 - b) The use of a mobile cycle storage facility on match days. This mobile facility will be located immediately opposite the stadium on

Council-owned land on the south side of Plough Lane. It will provide at least the balance of approved cycle parking spaces (some 78 cycle parking spaces) to ensure that there is no net loss of cycle parking provision for visitors to the stadium on match days. This arrangement will be secured in the deed of variation to the Section 106 agreement.

4.6.7 Floodlights

- It is proposed that the floodlight lamp layouts change from three vertical rows of lamps to two vertical rows.

4.6.8 Creche and Café

- The approved redevelopment included a crèche and a café within the stadium building. The crèche was approved over two levels (ground and first floors) within the stadium building and would have been accessed from an entrance on North-South Street. The approved café is a small kiosk area [circa 30 sq. m] located at ground floor level within the stadium east elevation (in front of the stadium food and drink concession stands) and accessed from North-South Street. Both uses are proposed to be omitted from the scheme. The spaces would revert back to general use for the stadium.

4.6.9 Condition 20 (Opening Hours)

- Existing planning condition 20 attached to planning permission ref. No.14/P4361 states that:

“Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby permitted shall not be open to customers except between the hours of 08:00 and 22:00 on any day and no staff shall be present at the relevant premises 1 hours after closing time”

- AFC Wimbledon has identified an operational issue which would conflict with the current wording of Condition 20 and require this to be addressed in a modified wording. In the event of a cup competition match which is replayed and went into extra time or penalties, the stipulated time of 22:00 would not be sufficient to allow the match to finish. A further hour would be required so as not to breach the condition. Historically, this is a very rare event and over the last ten seasons in the competitions currently played by AFC Wimbledon, only two games have gone into extra time and none have gone to penalties. Notwithstanding this, the flexibility is required on the rare occasions

that this may happen. Therefore, the following amended wording of Condition 20 is proposed:

Proposed Amended Wording

"Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time."

4.7 Residential

4.7.1 The proposed amendments to the residential elements of the approved scheme (previously Buildings 1, 2 and 3 now referred to as Buildings A, B and C) comprise:

4.7.2 Building B

- Re-planning of Building B internal spaces to accommodate the size and mix of units required by Catalyst as the confirmed affordable housing provider. This has led to a reduction in the external footprint of the building and increase in the number of units from 95 to 105 i.e. ten new units within the consented area of Building B. It has not affected the height of the consented building (whose envelope is actually now marginally smaller) but the residential mix and layouts have altered.
- Minor changes to windows and balcony positioning associated with replanning of internal spaces of Building B;

4.7.3 Stair case core

- Removal of an unnecessary stair core in Building A.L which has altered flat layouts in Buildings A.K, A.L and A.M. There is no change to the number of units being provided, but the residential mix and flat layouts have been altered. It is intended that these units will also now be delivered by Catalyst as shared ownership rather than private units, increasing the number of shared ownership affordable units within the scheme.

4.7.4 Additional Floor A.J and New Infill Block

- An additional floor on Building A.J and new infill block between Buildings A.J and A.N is proposed. This had formed part of the original scheme design, but had to be removed as a result of Rights of Light

issues raised by the former owner of the adjoining development site at 46-76 Summerstown (known as the “Volante” site). These issues have since been resolved following a change in ownership of the adjoining site, and the additional floor and infill building will create 18 new private units. All new units comply with London Plan internal residential space and private amenity space standards. The design of the new infill block will be reflective of the neighbouring blocks of flats. Building A.J would increase in height from 30.05 FFL to 33.20 FFL (3.15m increase - 6th floor to 7th floor).

4.7.5 Basement (extra provision for cycle parking)

- Changes to the consented basement floor arrangements. These include making extra provision for refuse facilities and cycle parking to serve the 28 additional units being created (through re-planning of Building B and the infill and extra floor on Building A.J). The scheme now contains 1,028 residential cycle parking spaces which reflects the 992 approved cycle spaces plus 36 additional cycle spaces for the new units. The proposed basement level layout has also been amended to relocate the approved energy centre to a more accessible basement location (now located in the northern part of the basement).

4.7.6 Car Parking Spaces

- Introduction of dedicated car parking (19 spaces in the basement of block A) to serve the consented retail unit.
- Re-location of Squash and Fitness Centre car parking spaces within the basement of Block A (located further north).
- The amended basement car parking changes result in the loss of 14 residential car parking spaces.

4.7.7 Minor repositioning of Building B

- To accommodate new UKPN cable routes in the New Stadium Road. The need for this change has been highlighted during ongoing discussions with UKPN. The change is minor and involves Building B being moved some 0.6m to the east and approximately 1m to the south.

4.7.8 Housing Mix

- The proposed minor amendments include revised internal layouts and a slightly altered residential mix from that approved under planning permission LPA Ref. No.14/P4361. A comparison of the approved and proposed residential mix is included below.

	Studio + 1 Bed	2 Bed	3 Bed	4 Bed	Total
Consented	225 (37.4%)	245 (40.7%)	127 (21.1%)	5 (0.8%)	602
Proposed	251 (39.7%)	244 (38.6%)	133 (21.1%)	4 (0.6%)	632

4.7.9 Car parking numbers

Use	Approved	Proposed
Residential	199 spaces	185 spaces
Squash	19 spaces	20 spaces
Retail	0 spaces	19 spaces

	Residential Units	Standard Bay (including CAZ)	Disabled Bay	Total
Block A Res	413	134	15	149
Block B Res	105	32	4	36
Block C Res	114	0	0	0
Block A Squash		18	2	20
Block A Retail		17	2	19
Total		201	23	224

5. PLANNING HISTORY

5.1 Greyhound Stadium Site

5.1.1 18/P3202 - Application to discharge condition 12 (levels) attached to LBM planning application 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant Partial Discharge of condition - 31/10/2018

5.1.2 18/P3203 - Application to discharge condition 14 (foundation/piling design) attached to LBM planning application 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage,

296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 23/11/2018.

- 5.1.3 18/P1746 - Application for non-material amendment relating to LBM planning application 14/P4361 (football stadium, commercial and residential). the non-material amendment includes, columns to cantilevered second floor overhang, reduction of curtain walling, removal of roof lights on squash club, raising podium by 250mm, alterations to footprint of Block C, amendments to fenestration, balconies and brick course detailing, removal of stair core overruns and alterations to the top corner of building A.F – Grant - 03/07/2018
- 5.1.4 18/P1775 - Application for discharge of condition 60 (site contamination water) attached to LBM planning permission 14/p4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 08/06/2018
- 5.1.5 18/P1564 - Discharge of condition 36 (contamination) attached to LBM planning permission 14/p4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 29/05/2018.
- 5.1.6 18/P1467 - Application for discharge of condition 65 (Archaeology - WSI) attached to LBM planning permission 14/P4361 relating to the proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Grant - 29/05/2018
- 5.1.7 18/P2183 - Application to discharge schedule 8, clause 2.4 (CEMP for phase 2 - culvert works) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Pending decision

- 5.1.8 18/P1127 - Application for discharge of condition 41 (employment strategy) attached to LBM planning permission 14/P4361 (stadium, commercial and residential) – Grant - 08/05/2018
- 5.1.9 18/P1199 - Application to discharge condition 35 (contamination - study) attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 19/04/2018
- 5.1.10 18/P1523 - Application to discharge schedule 8, clause 2.4 (CEMP for phase 1 - demolition) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 16/04/2018
- 5.1.11 18/P1121 - Application to discharge schedule 8, clause 2.1 (development construction environmental management plan (DCEMP) of the section 106 agreement dated 13 December 2018 attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 15/11/2018
- 5.1.12 18/P1045 - Application to discharge condition 2 (phasing plan) attached to LBM planning application 14/P4361 (football stadium, commercial and residential) – Grant - 15/11/2018
- 5.1.13 16/P2009 - Pre application advice for the demolition of existing buildings and provision of a new 3,000 person greyhound racing stadium including greyhound race track, 348 x 1 & 2 bedroom apartments, a 555 space multi-storey carpark, retail units, kennel block/trainers area with 182 carpark spaces, squash club, sports centre, sure start preschool, doctors surgery and greyhound racing heritage centre.
- 5.1.14 14/P4361 - Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing – Permission Granted - 13/12/2017
- 5.1.15 14/P0286 - Application for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 (replacement of extant temporary planning permission 12/P0338 dated 20/03/2012) – Approved
- 5.1.16 13/P3662/NEW - Pre-application advice for the erection of a 20,000 seat football stadium with hospitality and coach parking, 613 residential units

with basement parking, 1000 square metre squash and fitness club (with 350 parking spaces and cycle store) and 1000 square metres retail space.

- 5.1.17 12/P0338 - Application for replacement of extant planning permission 10/p0171 for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.18 11/P0822 - Erection of steel-framed building 9m x 7m to be used for vehicle mot testing and vehicle valeting. – Approved – Land adjoining Coppermill Lane
- 5.1.19 10/P2931 - Retention of 2 x portable buildings for office use – Approved
- 5.1.20 10/P0171 - Application for replacement of extant planning permission 08/p0231 for use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.21 10/P0165 - Renewal of LBM planning permission 08/P1280, for part use of car park for car boot sales on Saturdays between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.22 08/P1280 - Renewal of planning permission lbm ref: 07/p0557, use of part of car park for car boot sales on Saturdays. between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.23 08/P0231 - Continued use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.23 07/P0557 - Renewal of planning permission LBM ref: 04/P2486, use of part of car park for car boot sales on Saturdays. between the hours of 7.00 am - 1.00 pm – Approved
- 5.1.24 06/P3004 - Renewal of temporary planning permission LBM 05/p1744. use of car park for car boot sales on Wednesdays between 10.30 - 14.30 – Approved
- 5.1.25 06/P1971 - Renewal and variation of hours of planning application 05/P1744 for temporary use of car park at junction of summerstown and riverside road for a 100 car boot fair on Wednesdays between 9.00am and 1.00pm. (previously 10.30am to 3.00pm) – Refused on the following grounds:

1. The proposal will cause an unacceptable increase in morning peak period traffic, leading to added, unacceptable levels of congestion of the existing highway network to the detriment of the users of the highway and the amenity of local residents contrary to

policies LU.3 (Transport Impact of New Development) and PE.3 (Pollution and Amenity) of the adopted Merton Unitary Development Plan (October 2003).

- 5.1.26 06/P1351/NEW - Redevelopment of site for a residential- led scheme with an associated leisure/community facility.
- 5.1.27 06/P1029 - Change of use from class b1 to class a5 (takeaway) and erection of external kitchen extraction system including ducting – Approved – 94 Summerstown
- 5.1.28 05/P1744 - Use of car park for car boot sales on Wednesdays between 10.30 - 15.00 – Approved
- 5.1.29 04/P2486 - Renewal of planning permission LBM ref: 03/P0861, use of part of car park for car boot sales on Saturdays. – Approved
- 5.1.30 03/P1911 - Change of use from motorcycle school and repairs to a car rental use and erection of a 1.8 metre high palisade fence. –Approved – 94 Summerstown
- 5.1.31 03/P1334 - application for a certificate of lawfulness for the existing use of part of the site as a mini cab business in connection with the stadium. – Certificate issued
- 5.1.32 03/P0861 - Use of part of car park for car boot sales on Saturdays. – Approved
- 5.1.33 02/P0597 - Use of land for greyhound racing (three evenings a week) and for stock car racing every Sunday from January to the end of May and every Sunday from September to the end of December. – Certificate issued
- 5.1.34 02/P0369 - Change of use of store/workshop building to offices/reception area, for use in connection with the adjoining car hire use, with alterations to the front elevation – Approved
- 5.1.35 01/P2041 - Retention of part of car park for a 200 stall Saturday car boot fair. – Refused, on the following grounds:

1. The use proposed would lead to an unacceptable increase in problems of highway congestion at a time when highway movements in and around Plough Lane are likely to be significantly constrained, contrary to Policy M43 of the Adopted Unitary Development Plan (April 96) and Policy LU3 of the Revised Unitary Development Plan Second Deposit Draft (October 2000).

- 5.1.36 84/S/1504 - Outline application for erection of a superstore with 600 parking spaces and indoor sports facilities underneath the stadium – Refused
- 5.2 Volante Site, 46 – 76 Summerstown (adjoining development site to the east)
- 5.2.1 18/P3611 - Prior notification for proposed demolition of building – Prior Approval Granted - 23/10/2018
- 5.2.2 18/P2556 - Deed of variation (removing paragraph 9.1 of part viii of schedule 1 - link to Wimbledon stadium application) relating to the section 106 agreement attached to LBM planning permission 15/P4798 for the demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 28/08/2018
- 5.2.3 17/P3119 - Application for non material amendments to internal layout of flats (removal of all 17 studio flats to one person, one bedroom flats, replacement of a 2 bedroom flat on the sixth floor to, 2 x one person, one bedroom flats and 2 x studio's on ground floor changed to a three bedroom flat) relating to planning 15/P4798 (demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works) – Grant - 11/09/2017
- 5.2.4 17/P3690 - Application for a non material amendment (changes to internal layout) to planning permission 15/P4798 relating to the demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 31/10/2017
- 5.2.5 15/P4798 - Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93 flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 15/08/2017
- 5.2.6 14/P4188/NEW - Application for a pre application advice for the demolition of the existing buildings and the erection of 98-112 residential units above the ground floor which will provide a mix of uses – 46 – 76 Summerstown, Tooting

6. CONSULTATION

6.1 The application has been advertised by major site notice procedure (advertised in the 13/09/2018 addition of the Guardian Newspaper), display of site notices around the site (6 in total) and letters of notification to the occupiers of neighbouring properties.

6.1.1 In response to the consultation, 10 letters of objection, including one from the Wimbledon Society and Wimbledon Park Residents Association have been received. The letters raise the following objections:

Highways

- Increase in traffic and pressure on car parking
- Strain on public transport
- The roads are already completely congested around the proposed development particularly at the weekends
- There are numerous instances where the applicant emphasises the retail unit would serve the needs of the local population, is easily accessible on foot or by public transport and will not lead to an increase in vehicle traffic.
- The loss of match day parking spaces on the site places an additional burden on the neighbouring residential streets.
- The retail parking would retrospectively increase traffic in the area, contravening GLA, NPPF, and Merton's own policies.
- You don't need extra parking spaces for the retail unit as you have not got retail customers
- The original stadium transport plan did not allow for the advent of new bike hiring technology that has swept the USA and already begun in London. This permits a bike to be left anywhere and tracked for free collection by the lessee. Availability of such bikes would alter the transport plan significantly given the distances from the nearby station, a 5 min bike ride abandoning the bike anywhere appeals better than a 25 min walk. Concern with bikes blocking streets, left in gardens etc. This new technology requires a new stadium transport plan with MET input and maybe a new bye laws too. Bike drop off fines levied on lessee e.g., signage no bike drop offs match days on local roads, this can be patrolled by the parking patrol attendants issuing fines between 3 and 5pm.
- The new idea of mobile bike sheds seems a good one but insufficient space, maybe the club should appoint a manned bike lessee on match days (maybe this would be a good use for the retail unit space-just replace it with a bike park).
- There should be much more extensive space for mobile bike sheds than planned
- There should be designated cycling routes around match days

- Mobile bike storage should be added at nearby stations

Use

- Crèche – onsite childcare facilities were a massive draw for young families, and will help ensure a mixed-resident population for this development of apartments.
- Incorporating a crèche is a critical part of the community offer that helped sell this development to planners, as well as residents in this vicinity. It was also specified as a must by the Greater London Authority. Merton Council at the time stated that there was a deficiency of childcare locally. Given that the Council estimate this development is predicted to become a home to families including around 50 children aged under five, I find it hard to believe that there will not be an ongoing need for infant day-care.
- When the development plans were originally approved, it was clear to anyone with a child that siting a crèche in that cramped, urban spot, stuck on the edge of the stadium building with no outdoor space, was never going to appeal to parents or service providers. It is extraordinary that this was not picked up at the time.
- Planners should insist the crèche remains part of the deal, relocating it to the ground floor of one of the developments enclosed courtyards.
- The removal of the crèche takes away the community benefit and is unjustified.
- Retail unit isn't going to be let for the duration of the stadium life. Change to a community use in some way (e'g community hall/conference centre)
- More mini-supermarkets to an area already well served by such shops.
- The crèche was the only community benefit promised to sweeten the deal for local people is about to be removed.
- Merton Councils Head of Contract & School Organisation Tom Procter said there was an identified need for additional nursery spaces to serve this area was seen by many residents as part of this application, but it has subsequently disappeared off the portal and all existence. Mr Procter has said that he has not written any letters pertaining to this application.
- Given that the developer is proposing 28-unit increase, the least they can do is honour the community offer and re-locate the crèche on the development, on the ground floor, with sufficient sunlight and adequate security.
- The café is also another community cohesive unit which is being axed. Why? It needs to be reinstated given the café culture that Merton today boasts.
- Since the applicant assessed the need for a food convenience store, Lidl and the Coop have opened just metres away from the

development which negates the need. Perhaps they could look at another type of store or renting out the space to a medical clinic/dentist etc, which will much needed to cater to a huge new population in an area devoid of basic infrastructure for a development of that size.

Air Quality

- The whole of Merton is an area Quality Management zone. Air quality readings for the Gap Road / Plough Lane/Haydons Road area are poor, exceeding 'legal' limits on an ongoing basis. Traffic junctions both east and west of this development are already operating above capacity.

Neighbour Amenity

- The rights of light issues do not appear to have been dealt with correctly by the developer

Flooding

- The removal of the basement flood storage undermines the developers rationale for building on a 3b floodplain in the original application 14/P4361 and they have not proposed an alternative.

Design

- The changes in the design of the stadium will result in an aesthetically barren centre piece to the development and breaches the promise made by the developers during the public consultation of good design.

Hours of Use

- The proposed extension of the opening hours of the stadium to 11pm will cause unreasonable disturbance and diminish the quality of life for local residents. The Council imposed condition 20 in the original consent as an acknowledgment of the impact the stadium is going to have on residents.
- Events hosted at the stadium as per the S106 are defined as football (or other sports), concerts, conventions, conferences, meeting, functions and other similar events will lead to an impact to local residents parking and event noise.

Application type

- So-called 'Minor Material Amendments' which in effect do away with the community service of a crèche and café in its place propose new car parking spaces which will either be chargeable or add to pollution and congestion in the area.
- The scale of what the applicants are proposing does not fit with their description of the development as minor alterations

- The impact of the additional residential units had not been properly assessed.
- The impact of their proposed changes has not been properly tested from either an environmental, air quality, traffic or visual perspective.
- The cumulative impact of all the proposed changes constitutes are much more significant than the developer is acknowledging.
- The new infill building contains 18 new units and the addition of a whole new building cannot be described as a 'minor' amendment.
- A reduction in stadium parking to 30 spaces (originally 74) cannot be seen as minor.
- The changes are not material but substantial material amendments

Consultation

- Lack of consultation
- It is important that the public is given appropriate time to view this fresh application and that a new date is set from the time of the announcement to all the parties previously involved in the application for this development.

Safety

- Presume the building detail includes safety amendments re cladding/sprinklers, extra stairways etc?

Affordable Housing

- If the additional units are to go ahead, a mark as close to 40% affordable housing quota should be attempted.
- This substantial development began with a shameful 9.1% affordable housing quota compared with Merton Councils 40% affordable housing quota.
- Council Leader Stephen Alambritis said in July that the developer would announce an increase in affordable housing to 30% affordable which was commendable and a huge improvement. His comments were backed up by numerous industry press reports that the developer had increased affordable units to 30%. Looking at the applicant's viability documents, the valuer has now been instructed to value a proposed amended scheme providing 632 units of which 552 are private tenure with 80 shared ownership units. That aborts what Cllr Alambritis believed and what the newspaper articles published.
- The above suggests that units are being added, but the affordable housing quotas for the scheme as a whole have been cut and remain depressingly and unacceptably low. A small 13% shared ownership stake in such a large development that would rake in between £52-62 million in profits to the developer (according to the viability studies) again leaves Merton residents at a disadvantage.

This needs to be rectified. At the very least a claw-back clauses are attached to the units in this application, as has been the case with other much smaller schemes.

- Why does Merton have a 40% affordable housing quota policy if it is never closely met?

CIL

- Will CIL be requested for the extra 28 units or will more units be added retrospectively through the lifetime of this development?

6.2 Wimbledon Park Residents Association (relating to original consultation)

Executive Summary

6.2.1 The developers propose very substantial changes which include the addition of 28 residential units involving the construction of a new building and a new floor to one of the blocks, thereby affecting height, scale and design of the consented scheme. They also wish to remove the crèche, one of the only remaining community benefits. In addition, they want to considerably change the profile of the stadium, thus affecting its design and removing its basement, thereby invalidating the calculations of the Environment Agency on flooding. Furthermore, they propose to extend the operating hours of the stadium beyond 10 pm, so causing additional aggravation for local residents.

6.2.2 These are not Minor Material Amendments as set out in Section 73; they undermine the planning arguments on flooding, community benefit, design, building standards and traffic congestion originally used by the developers to gain planning permission for the original application (14P4361). They are also in conflict with the conditions of the 106 Agreement. The past air pollution levels given in the mandatory Environmental Statement by the developers substantially disagree with those measured by Merton Council and Haydons Road North community group, rendering the report not credible. At the very least, the proposal should be submitted as a full planning application which is subject to proper scrutiny by the local residents, the Council and the London Assembly. However, The Wimbledon Park Residents' Association think that the application should be refused on the grounds of environmental impact, flooding, loss of community benefit, poor design and additional disruption to local residents.

Background

6.2.3 This application is for Minor Material Amendments to the Plough Lane site, which was assigned in the Local Development Framework as "Intensification of Sporting Activity (D2 Use Class) with supporting

enabling development". Planning permission for 604 residential units and a football stadium for AFC Wimbledon was granted by Merton Council and the more recent 106 Agreement requires Galliard Homes to give roughly £14,000,000 to the football club in order to build the stadium.

A Lack of Consultation

- 6.2.4 There has been almost no proper consultation on this planning amendment. The Wimbledon Park Residents' Association was not initially consulted, nor were the overwhelming number of local residents in the surrounding roads who the development is most likely to affect. As a result there has not been sufficient time for objections and we have had only a very limited time in which to formulate this response.

Not a Minor Material Amendment

- 6.2.5 The application is a Minor Material Amendments (section 73), but it consists of some very substantial changes and it requires a full planning application which is subject to all the rigorous checks and balances to verify that it is consistent with National, Merton and London planning guidelines.
- 6.2.6 In this document we discuss in detail the changes and explain why many of them substantially alter the existing planning consent. However, here we note that the removal of a basement invalidates the required retention of flood water, the new (infill) building and new floor to one of the buildings significantly affects the height, scale and design of the consented scheme, the extended opening hours substantially impacts on the lives of local residents, the removal of the clearly required crèche removes almost the only community benefit and the change in the stadium profile significantly downgrades the quality of its design. These are not minor in their impact.
- 6.2.7 The planning guidelines (Section 73, "Minor Material Amendments") states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."
- 6.2.8 Also, "By definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011."
- 6.2.9 Neither of these is the case, especially given the controversial nature of the original application.

6.2.10 The proposed changes are substantial and they require a detailed planning application.

6.2.11 The changes also undermine some of the arguments given in the original application that the developers used to gain consent. Should Merton Council accept this as a minor material amendment, we will refer Merton Council to the Ombudsman for maladministration and we may seek a legal remedy.

Flooding and Removal of the Stadium Basement

6.2.12 The developers wish to remove the basements under the stadium and in particular the semi basement/undercroft floor (approved Level 00) under the south and west stands of the stadium which was originally used to house 75 car parking spaces and crucially provide the ability to retain water in the event of a flood. The justification is given in Chapter 6 - Flood Risk and Hydrology of the ES Addendum and Technical Appendix 6.1 (FRA Technical Note) which consists of two tables.

6.2.13 We recall that this development was, at the time of the application, in a flood zone at highest risk (3b) and parts of this site are still in such a flood plain. As a result, the developers had to demonstrate that in the event of a flood, the water would be retained in the basements.

6.2.14 As such, the proposed amendment would significantly remove one of the main reasons why the application was granted planning permission in the first place and as a result it should not be permitted. The developers admit that the new plan does not agree with the plan which they used to gain consent (ES addendum Pt03 page 22). They also admit that the impact of the proposed changes reduces the flood storage by 2,844 Cubic metres. The new proposal is also contrary to the 106 Agreement which requires that the original agreed flood mitigation measures are precisely carried out.

6.2.15 The proposed changes mean that the development does not satisfy the required flooding guidelines and as a minimum requirement the application should be referred back to the Environment Agency who are the only body who can carry out the required calculations in an impartial manner.

Closure of Crèche

6.2.16 In their original application, the developers argued that there was no need for an additional doctors surgery or schooling provision for the occupants of the more than 600 flats that will be built on this site. This is despite the

fact that the developers note that 60.3% of their 2, 3 and 4 bed flats are suitable for occupation by families. Common sense tells one that this is completely unrealistic. While there is about £400,000 set aside for GP provision in the 106 Agreement, there is no definite scheme for how to spend this money and its effect will be limited.

6.2.17 One of the few community benefits of the consented scheme was the developer's undertaking to provide a crèche. However, now they argue that the crèche does not have the required outside play space and so is not viable. It is the developers' responsibility to provide one on site and so they need to find a design solution prioritising this ahead of more flats or parking spaces. The need for these services is only going to increase with the additional 28 flats. We note that in the 14P4361 Decision Notice paragraph 46 reads as follows:

"Delivery of Café and Crèche: The approved Stadium shall not be occupied until the approved café and child day care facilities are constructed to shell and core.

Reason: In the interests of providing activity along the North-South Street and providing a day care facilities of which there is a need within the London Borough of Merton and to ensure compliance with the following Development Plan policies for Merton's 7.6, 3.16 and 3.18, of the London Plan 2015, policy CS 14 and CS 11 of Merton's Core Planning".

6.2.18 Merton Council should be consistent and refuse the proposed removal of the crèche because this number of new dwellings will place considerable demand on existing facilities, which we expect to be currently at or close to capacity. It is almost unheard of to grant consent for this size of scheme with no childcare facilities. The crèche is almost the only remaining community benefit of use to most local people.

Flawed Environmental Statement

6.2.19 Section 73 makes clear that a Minor Material Amendment is to be treated as a new planning application from the environmental viewpoint and it requires a new and detailed environmental assessment. The applicants have indeed submitted a report in their Environmental Statement Addendum (2018) which also has Technical Appendices in Volume 2 - part 2. In this report the developers have stated what they think are the current NO₂ levels for the local roads and with one exception of one location on Wimbledon Road, they do not very significantly exceed the allowed EU maximum permitted NO₂ level (40). However, the NO₂ levels have been carefully measured by Merton Council, and the Haydons Road North community group and the results substantially disagree with those

stated by the developers in their tables, such as those given in table 10.5 in the appendix. For example, Merton Council finds 47 and 46 in Gap Road, Haydons Road and Plough Lane respectively, while the Haydons Road North community group using the standard equipment measured NO2 levels of 59.73, 51.45 and 50.76 at the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively. In contrast the figures given by the applicants for Gap Road are 38 or 36.8, for Haydons Road 38.6 and Plough Lane 46.5. It is well known from many measurements that the local roads systematically exceed the allowed EU limits.

6.2.20 As the past levels given by the applicant are incorrect we can have no confidence in the predicted levels in 2025. In any case, insufficient detail is given in the way the future levels are predicted and they do not state the errors which could, and frequently are in such studies, so large as to make the results irrelevant. Below table 10.5 we find that only levels of NO2 above 60 are indicated as significant when it is well known that the maximum permitted level is 40. This is not a typo as the figures in the table 10.5 which are above this level are underlined. This is a very worrying mistake that erodes confidence in the report as a whole.

6.2.21 In the initial application all parties were agreed that this development is in an area of poor public transport. While some steps have been taken to try to improve the transport issues in the 106 Agreement these are unlikely to have much effect and in any case are very time limited in their duration. In our opinion the transport issues that were raised by Wimbledon Park Residents' Association and Wandsworth Council at the time of the original application were never properly addressed by Merton Council and this development is likely to result in considerable congestion to through traffic and to residents. The development relies on cars being able to park in local roads but these should be reserved for residents. Once the development is completed, it will be clear if it leads to congestion on local roads or if, as Merton Council claims, it will not. Should the former occur Merton Council will be expected to remedy the situation. The applicants' Environmental Statement Amendment, technical appendices, Table 10.3 on traffic data shows that in 2025 the proposed changes will lead to significantly increased levels of traffic on roads that already exceed the permitted EU levels of air pollution: for example, there will be 607, 143 and 770 additional daily vehicle movements on Plough Lane, Gap Road and Summerstown Lane respectively. This must surely lead to an increase in air pollution contrary to all planning guidelines.

6.2.22 The levels of PM2.5 and PM10 have not been measured near the development and the results claimed by the applicants should be regarded as highly speculative and unreliable.

6.2.23 The air quality report of the applicants disagrees with even the measured current pollution levels and their future levels cannot be relied on.

6.2.24 The applicants have failed to show that the proposed amendments will not lead to an increase in air pollution as required by Merton, London and National planning guidelines and so the application should be refused.

The Additional 28 Residential Units and the New Infill building

6.2.25 The applicants are seeking to increase the number of housing units on the site by 28 additional apartments involving the construction of a new building and a new floor to one of the buildings. The new infill development between buildings A.] and AN reinstates an element of the original scheme deleted due to 'right of light' issues. It has been reinstated following agreement between landowners after a change of ownership. 'Right of light' relates to planning standards. A building either meets the standards or it does not. Failure to meet the standards is a reason for refusal. A failure to meet planning standards cannot be overcome by agreement between landowners because standards are intended to protect the rights of all occupiers and owners in perpetuity.

6.2.26 We also note that the additional floor on building A.] has implications for height, scale, mass and design and may have light issues for surrounding properties. This new infill building comprises 18 new units and the addition of a building cannot be described as a minor amendment. The planning authority will need to properly consider before approval are the height, scale, mass, the design, the relationship to surrounding uses, the loss of open space between buildings and its impact on the character and layout of the development and finally the car parking and traffic impact.

6.2.27 We note that Building B has increased the residential units it contains from 95 units to 105 units. Whilst the footprint has not increased the increase of an additional 10 units is a significant increase to this building.

6.2.28 The planning standards of the new building, the additional floor and the intensification of use of the site have not been properly addressed and the application should be refused on these grounds. This attempt to increase the housing density will enhance the profitability for the developer whilst impacting even more on the surrounding community.

Extended Opening Hours

6.2.29 The developer is seeking to amend Existing Condition 20 and extend the opening hours for the Stadium and Stadium Shop to 2300 hrs. Under the definitions in the S106 Agreement, "Events" that can be held in the stadium are defined as football and other sporting matches, concerts,

conventions, conferences, meetings, weddings, functions (catered and no catered) and other similar events whether or not envisaged at the Date of Transfer. The development already relies on the local residential streets for parking provisions so the inevitable impact on local residents and businesses from event noise, pedestrian footfall and parking supporting a stadium of 11,000 or 20,000 attendees is very serious. There are no conditions placed on the developers under the S106 to limit the number of events that can be held in the stadium and the terms of Condition 20 of the original decision notice restricting opening hours to 22:00 hrs states that it is "To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy OM EP2 of Merton's Sites and Policies Plan 2014."

6.2.30 The use of such a restrictive condition indicates that week-day operation of the stadium for football matches has an unacceptable impact and is intended to protect local residents. The stadium has not yet been built and the true impact of the combined development is as yet untested. Any use of the stadium under the current restrictions of Existing Condition 20 will have an undeniable impact but an extension to the operating hours of the Stadium will cause unwanted, unnecessary and unreasonable disturbance to local residents at night and should therefore be rejected.

6.2.31 The existing condition 20 is an acknowledgement of the disruptive effect the development is going to have on local residents and any increase in opening hours will exaggerate this impact on the local residents and it should be rejected.

Changes in Parking Provision

6.2.32 The applicants wish to reduce the parking for the stadium by 30 from a total of 74 is a 41% reduction in on site car parking. This cannot be described as minor. As mentioned above, Wimbledon Park Residents' Association maintained that the transport assessment supporting the original application was flawed as it was based on inaccurate data. The impact is going to be felt most severely by local residents living in the surrounding CPZ's and removing 30 spaces will enhance this impact even more.

6.2.33 In any location in the UK, a proposal to build 20 car spaces to support a 20,000 square foot retail unit would be expected to go through the statutory planning process to allow statutory consultation and proper scrutiny. We note that the additional cars utilising these 20 spaces daily will travel on one of the most congested roads in south-west London which already breaks EU limits on pollution. In the original application, the

developers assured us that the retail store was only for local use and would not need this level of parking provision. This should be rejected.

The Design of the Stadium

6.2.34 Alterations to the approved design of the stadium through the removal of the curves and replacing them with straight edges downgrades the quality of the design and undermines the reassurances given to residents by AFC Wimbledon during their public consultation. Several clubs recently of a similar or lower stature have been innovative and included curves in their design (AFC Fylde and Fleetwood Town) so why not for AFC Wimbledon? Design is important, particularly when fitting a controversial or bad neighbour use into a residential area. It should not be compromised particularly where the overall application proposals are a mix of revenue generation and cost savings. Box-like structures may be acceptable where stadiums are located out of town but where they are in the heart of a residential area such as this where it has considerable visual impact and affects the amenity of many people, the design should not be compromised. The increase of stadium height of 0.5m whilst not significant still needs to be seen in the context of the reduction in design quality as does the change to the living wall on the eastern façade and the need to add interest. All these add weight to the argument that these combined changes need to be reviewed in the context of the overall design of the scheme and are significant enough in total to warrant a new planning application.

Other matters

6.2.35 The stadium was initially given consent for 11,000 spectators in the first stage, and it can be extended to 20,000 only if it could satisfy certain tests, for example on transport. We note a worrying tendency in the new application which often refers to the extension to 20,000 spectators without the necessary checks. We think that the operation of the 11,000 seater stadium should be carefully studied to understand its impact on the surrounding communities to see if it leads to traffic congestion, as the Wimbledon Park Residents' Association suggest, or the traffic is free flowing, as Merton Council claim, before the permission is given for an extension.

6.2.36 We note this application and the Planning Statement has been submitted by Merton Catalyst LLP and AFC Wimbledon, not the original planning advisors, Savills, who submitted the Planning Application 14/134361. These amendments submitted to Merton seek to change what their original professional advisor has proposed, argued and tried to justify. This application undermines the original consultation process and is an attempt

to enhance the developers' profits again at the expense of the residents of the surrounding communities.

- 6.3 In response to the re-consultation (additional information relating to air quality), one objection letter from the Wimbledon Park Residents Association has been received. The letter raises the following objections:

Wimbledon Park Residents Association

Executive Summary

- 6.3.1 The levels of air pollution predicted by the applicants substantially disagree with those of Merton Council even if they are corrected for any fall off with distance. A detailed study of the environmental statement of the applicants leads to the conclusion that the levels of air pollution it predicts are subject to such large uncertainties that it cannot be used to support the application and as a result the application must be refused.

A review of the environmental statement 18/P3354)

- 6.3.2 As section 73 makes clear, a Minor Material Amendment is to be treated as a new planning application from the environmental viewpoint and it requires a new and detailed environmental assessment. National, London and Merton planning guidelines also make it clear that a development that increases air pollution in areas where it already exceed the EU guidelines must be refused. The area around the proposed development does indeed substantially exceed EU levels.
- 6.3.3 The technical appendices of the Environmental Statement Amendment, Table 10.3 on traffic data shows that in 2025 the proposed changes will lead to significantly increases levels of traffic on roads that already exceed the permitted EU levels of air pollution: for example there will be 607, 143 and 770 additional daily vehicle movements on Plough Lane, Gap road and Summerstown Lane respectively. This will surely lead to an increase in air pollution.
- 6.3.4 The air pollution modelling of the applicants was given in their Environmental Statement Addendum (2018), part 2, section 10. The modelling of NO₂ has been carried out by the applicants for 29 sites, referred to as receptors. It is important to note that receptors are not the same as detectors which do not actually exist at these sites. The exception is at two of the sites, where according to figure 10.2.1, the "measured" values of NO_x were found to be 59 and 55 of road. In contrast the modelled results at these sites were only 10 and 25. Given the very large disagreement between the modelled values and the actual values, and that comparison was made at only two sites, the only correct

conclusion to reach is that the model does not work. The model does not even correctly find which of the two sites has the most pollution.

- 6.3.5 The DEFRA guidelines "Local Air Quality Management, Technical Guidance (TG16) February 2018" explain how to assess the uncertainty of a air pollution model. Paragraph 7.537 explains that the favoured method is to calculate the RMSE, a standard statistical exercise. In this case we have two measured observations. For these the observed results minus modelled results are 49 and 30 and putting these into the formula in Box 7.17 we find that the uncertainty in the modelled results is 40.6. In paragraph 7.542 the DEFRA guidelines state that if the errors are greater than 25% then the model needs revision. However, for the model of the applicants the errors are even larger than the measured results and as a result their predicted results are completely unreliable. Given that there are only two comparisons with the measured results it is inevitable that there is not any statistical reduction of the uncertainties. Paragraph 7.545 makes clear that the accuracy of a model is particularly important when the area is close to the 40 EU limit and is an AQMA area as is the case. Of course the scaling also scales up the very large errors in the original modelled results.
- 6.3.6 Despite this, the applicants proceeded to rescale the modelled NO₂ levels. Figure 10.2.1 shows how they fit a straight line to go between only two widely spaced points and then require it to pass through the origin. The result is that the applicants apply a very large correction factor of 2.6041 followed by a correction factor of 1.0465 to the final predicted values. The applicants then predicted the NO₂ levels for their 29 sites (receptors) in the PAST in 2017 and in the future in 2025 in table 10.5 in the appendix.
- 6.3.7 In their comments on 18/P3354 the Wimbledon Park Residents Association pointed out that the PREDICTED results in the PAST were in substantial disagreement with the MEASURED results for NO₂ levels. These were measured by Merton Council and the Haydons Road North community group. Remarkably the results from Merton Council appeared without comment in the environmental statement of the applicants. As DEFRA guidelines make clear the applicants should have used these to calibrate their results.
- 6.3.8 The applicants have created a parallel universe that does not correspond to the reality. Put simply repeated measurements of the levels of air pollution area around the development have been shown to substantially exceed the EU limit of 40 while the modelled results of the applicants generally do not find levels in excess of EU limits. However, even given the underestimates of the model, the applicants do find that the model does predict levels of NO₂ air pollution that exceed EU limits at two sites different to the ones measured by Merton.

6.3.9 The model used to predict N02 levels has such large uncertainties that it has no validity. The predicted results substantially disagree with the results of Merton Council and the Haydons Road North community group.

Additional Comments on the new technical note submitted by the applicant

6.3.10 In this new document the applicants try to explain away the discrepancy between their predicted levels and the measured results of Merton Council. We now comment on their statements. They now claim that their predicted results correspond to the N02 levels at the facades of buildings and one must modify the results of Merton Council to obtain similar results.

6.3.11 Fortunately, Merton Council has already computed the levels of N02 at the nearest facades for the two sites 26 and 27 of Merton Council in the document "London Borough of Merton (LB Merton) (2018). Annual Status Report for 2017". Available at: <https://www.merton.gov.uk/communities-and-neighbourhoods/pollution/air-quality-and-airpollution/local-air-quality-management>

6.3.12 The levels measured by their detectors (tubes) were 47 and 46 and they find that the levels at the nearest buildings are 43 and 41 respectively. The applicants find the results 39.5 (39.7) and 33.1 (33.7) respectively. The numbers in brackets are for the choice of different choice of N02 background. Despite their lengthy discussion of this point it makes no real difference. Thus the results of the applicant substantially disagree with the results of Merton Council.

6.3.13 Merton Council has measured the N02 levels in Haydons Road at a site that requires no correction as the detector and the facade are at the same place, they found the result 47. This is compared to the two predicted results of the applicants, albeit be it at a different sites, on Haydons Road of 38.6 and 36.6. Again we observe that the predicted result of the applicants disagree with those that are measured.

6.3.14 The procedure to compute the fall off of N02 with distance is given in "NO2 Fall-Off with Distance Calculator (version 4.2). March 2018". Available at: <https://laqm.defra.gov.uk/tools-monitoring-data/no2-falloff.html>.

6.3.15 The results are consistent with those that Merton gave.

6.3.16 The applicant do not consider the measured N02 results of the Haydons Road North community group as the situation of the detectors was not

known and the results may not have been properly analysed. The NO₂ tubes are given to Merton Council and analysed in exactly the same way as those of Merton. There is no reason to suppose that the tubes of the Haydons Road North community group are not properly processed. They have no vested financial interest in distorting any result. However, it is true that the levels at the nearest facade were not previously calculated. This is not straightforward to do as the detectors are at junctions and the formula mentioned above does not apply. The Haydons Road North found the results 59.73, 51.45 and 50.76 at the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively, see <https://haydonsroadnorthcommunity.wordpress.com/2018/07/25/local-air-quality-latest-grim/>

6.3.17 The detectors are within 9m of the buildings and near the kerbside, consequently as explained in paragraph 5.1 of "NO₂ Concentrations and Distance from Roads, Air Quality Consultants Ltd" we can get a guide to the reduction by applying a ten per cent reduction.

6.3.18 Thus at the building facades (receptors) we find the values of 53, 46, 41 for the junction of Haydons Road with Plough Lane, with Queens Road and Cromwell Road respectively. The values of the NO₂ measured are consistent with those of Merton Council and so are the values once the fall off as one moves away from the road.

6.3.19 The applicants corrected the NO₂ levels measured by Merton Council for distance and found results that disagree with those calculated by Merton Council which exceed the EU limit. Clearly Merton Council when considering the application should take account of its own results rather than those of the applicant.

A further comment

6.3.20 Given the magnitude of the discrepancy between the predicted and measured results on air pollution, Merton Council should have appointed independent experts to evaluate the evidence, but instead they have submitted new arguments from the applicants. We also note that they decide to proceed with the application before the technical comments of the applicant were available. Thus Merton Council decided to take the application to committee without any external independent advice on air pollution.

6.4 The Wimbledon Society

6.4.1 The Council will know that the Section 73 procedure is for "Minor Material Amendments" only

- 6.4.2 It is designed to simplify the process when, after a planning permission has been granted, the applicant wants to do some relatively small changes. The emphasis is on the word 'minor'.
- 6.4.3 HMG Guidance says that there is no statutory definition of 'minor', but *"it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved"*. (MoHC&LG Guidance 6.3:2014).
- 6.4.4 It goes on to say *"Where these modifications are fundamental or substantial, a new planning application ... will need to be submitted"*.
- 6.4.5 Also *"As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary"*.
- 6.4.6 And *"This procedure, which has no consultation requirements, and minimal notification requirements, cannot be used to make a material amendment"*
- 6.4.7 Looking at the formal Guidance from HMG, one needs to establish whether the proposed are minor, or whether they should be classed as "Material Amendments".
- 6.4.8 If they are "Material" then they should clearly be the subject of a new/separate planning application.
- 6.4.9 Applying the proper test of *"not substantially different..., and not fundamental"* to each of the proposed changes in turn, then: (FD = fundamentally different = new planning application required):
(0 = likely to be objected to when a new application is submitted):
- 6.4.10 A Redesign of building B, introduction of internal unlit corridors & single aspect flats: FD:O
- 6.4.11 B Elevational changes: *No objection*
- 6.4.12 C Removal of stair in building A, creating internal unlit corridor & single aspect flats: FD:O
- 6.4.13 D New infill block and additional floor on adjoining block: creating a closed courtyard with a major new 8 storey building, and an increase in the approved height, and a significantly poorer outlook from some of the approved flats: FD:O
- 6.4.14 Increase in the total number of flats from 602 (604) to 632: overdevelopment: FD:O

6.4.15 E Recalculation of total number of original flats from 602 to 604: *No objection*

6.4.16 F Revised Basement layout: *No objection*

6.4.17 G Introduction of retail parking: consequent loss of residential parking: Objection

6.4.18 H Elevational changes to the N/S 'internal street': *No objection*

6.4.19 I Removal of semi-basement: Reduction of stadium parking by 30 spaces: Objection

6.4.20 Increased height of stadium roof by 0.5m: *No objection*

6.4.21 J Reduction of stadium parking from 74 to 44: Objection

6.4.22 K Stadium wall height reduction: *No objection*

6.4.23 L Loss of Creche for 'non viability": crèche should be re-provided locally: Objection

6.4.24 Loss of café: should be provided elsewhere on site to cater for fans: Objection

6.4.25 M Cycle parking (for fans) relocated to adjoining site: *No objection*

6.4.26 N Redesign of Floodlighting masts: *No objection*

Summary:

6.4.27 As can be seen from the responses above, some elements of this Section 73 application are considered to be fundamentally at odds with Central Government Guidance.

6.4.28 They therefore should not be approved and should be the subject of a separate full planning application.

6.4.29 The Council will be aware of the risk that a misuse of the Section 73 Procedure could be considered a matter of Maladministration by the Council, and perhaps liable to a referral to the Ombudsman.

6.5 Councils Transport Planning Officer

6.5.1 The purpose of the Section 73 Application is to authorise a suite of proposed minor design changes to the consented Wimbledon Stadium Development ('the consented scheme') on land at Plough Lane ('the site') within the London Borough of Merton (LB Merton).

6.5.2 The design changes to the scheme in relation to highways and access include:

- The increase of residential units to a total of 632 (Consented Building B footprint to accommodate 10 additional units, with a further 18 additional units in a new infill area as part of Building A).
- The provision of 20 car parking spaces within the basement car park of Building A for the retail unit (and associated car parking reduction for the residential provision).
- Removal of the basement level in the stadium resulting in the reduction of parking provision for the Stadium use from 74 to 44 (for 20,000 capacity stadium, with 44 implemented for the 11,000 capacity stadium) and the loss of 2 ambulance bays.
- Changes to cycle parking provision to reflect the increased requirements of the Draft London Plan for the uplifted residential units.

Residential Car Parking

Consented Scheme:

6.5.3 The consented scheme comprises 604 residential units supported by 199 car parking spaces at a ratio of 0.33 spaces per unit.

Proposed Scheme:

6.5.4 The proposed scheme will now provide a total of 632 dwellings supported by 185 car parking spaces at a ratio of 0.29 spaces per unit.

Trip Generation

6.5.5 The addition of units will introduce an increase to the estimated trips generated by the new residents of the development. The residential trip generation analysis undertaken in the 2014 was based on 613 units. Using the same trip rates as the 2014 TA, the total trip generation by mode for the proposed development of 632 dwellings are analysed.

- 6.5.6 The change to the trip generation owing to the increase of the scheme to 632 units and in particular vehicular trips is considered relatively insignificant. Furthermore, the provision of car parking within Building A for residential has been reduced, and hence the provision of car parking spaces satisfies the maximum car parking standards in accordance to the latest Draft London Plan, and the maximum parking standards within the current local planning policy.
- 6.5.7 The access to and from this car park remains unchanged and will be from Plough Lane as per the consented scheme.
- 6.5.8 It is proposed that the consented basement/undercroft floor under the south and west stands of the stadium be removed. This results in the reduction of car parking spaces from 74 to 44, of which 4 are disabled persons parking bays. Two ambulance bays are also lost as a result of removing the basement/undercroft floor. The access to the Stadium car park remains unchanged, where vehicles enter from Riverside Road and exit from Copper Mill Lane.
- 6.5.9 However, due to the change in the Stadium car parking arrangement, this has changed the path of vehicles through the Stadium and onto Copper Mill Lane, as such, revised swept path analysis has been undertaken to demonstrate that movements for larger vehicles are possible.
- 6.5.10 The reduction of the Stadium parking spaces is acceptable and is sufficient to cope during football matches to accommodate officials, players and staff.
- 6.5.11 The proposed number of parking spaces for disabled persons meets both the London plan 2016 standards and Policy T6.5 of the draft London Plan 2017.
- 6.5.12 The vehicular access through the stadium has been shown through swept path analysis using a coach, refuse collection vehicle and a 16.5m articulated vehicle.
- 6.5.13 The provision of car parking within Building A has been reduced, and hence the provision of car parking spaces satisfies the maximum car parking standards in accordance to the latest Draft London Plan. Further the maximum parking standards within the local planning policy would be met. The LBM Supplementary Planning Guidance: Sustainable Transport (2004) remains unchanged since the planning application submission.

Squash Club Car Parking

6.5.14 The consented scheme provides 19 Squash Club car parking spaces within the underground parking of Residential Building A. This is to remain unchanged, albeit in a different location on the site.

Retail Unit Car Parking

Consented Scheme

6.5.15 The consented scheme provides 2 on-street disabled persons parking bays for retail use located on Copper Mill Lane.

Proposed Scheme

6.5.16 The proposed scheme introduces 19 car parking spaces within the basement of Building A to serve the retail unit.

6.5.17 The access to the car park for retail users would be the same as the proposed squash club users, where the access and egress would be from the southern access on Summerstown.

6.5.18 The proposed number of basement vehicle parking spaces to serve the retail floorspace does not exceed maximum retail parking standards set out in the London Plan 2016 and Policy T6.3 of the draft London Plan 2017.

6.5.19 There will be a reduction of 14 residential car parking spaces and an increase of 19 retail car parking spaces. The majority of cars attracting to the squash club would be during evening and weekends. Given the increase of less than 5% in daily traffic flows on Summerstown as a result of the proposed amended scheme, the increase in vehicular traffic from this access onto Summerstown is unlikely to have a material impact on traffic volumes on the surrounding highway network. The proposed parking level for the retail unit is therefore acceptable and would not have a serve impact on the surrounding highway network.

Cycle Parking:

6.5.20 With regards to cycle parking provided for the additional residential units, 36 spaces would be provided within the basement of Building A.

Stadium Cycle Parking

6.5.21 Due to regulatory guidance governing safe crowd access to and from the stadium, the applicant has confirmed that they are unable to accommodate visitor cycle parking along the North-South street for as approved under planning permission 14/P4361.

6.5.22 Cycle parking for staff within the stadium on non-match days will be provided through 22 spaces.

6.5.23 On match days, making provision for at least the balance of consented cycle spaces (i.e. 78 spaces) in a mobile storage facility located on adjoining land to directly to the south of Plough Lane. This land is owned by the LBM and has agreed the proposal in principle. The arrangements will be secured through a legal agreement or variation of the existing Section 106 agreement.

6.5.24 The provision of cycle spaces both within the stadium and within the storage facility should meet minimum cycle parking standards set out in the London plan.

Cycle Parking Standards

6.5.25 Draft London Plan 2017

Short Stay

1 space per studio

1.5 spaces per 1 bedroom unit

2 spaces per all other dwellings

Visitor/ Long Stay

1 space per 40 units

6.5.26 The equivalent minimum number of long stay cycle parking spaces to be provided for the additional 18 residential units is 36.

Condition 20

6.5.27 Existing Condition 20 attached to planning permission ref. No.14/P4361 states that:

“Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby permitted shall not be open to customers except between the hours of 08:00 and 22:00 on any day and no staff shall be present at the relevant premises 1 hours after closing time”

6.5.28 In the event of a cup competition match which is replayed and went into extra time or penalties, the stipulated time of 22:00 would not be sufficient to allow the match to finish. A further hour would be required so as not to breach the condition.

Proposed Amended Wording

- 6.5.29 Opening Hours (Stadium and Stadium Shop): The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time."
- 6.5.30 Transport raises no objection to the extension to the hours of opening to 23:00 where necessary as there are regular bus services up to midnight on weekdays/weekends and on Saturdays the underground services operate 24hrs.
- 6.5.31 The site is served by 5 train/ underground stations, all within 1.2 miles of the site. The No. 493 bus route serves the site and gives access to Earlsfield and Tooting Broadway stations as well as Wimbledon town centre. There are regular bus services up to midnight on weekdays/weekends and on Saturdays the underground services operate 24hrs.
- 6.5.32 Recommendation: Raise no objection to the proposed.

6.6 Councils Climate Officer

- 6.6.1 Given the overall site energy strategy is utilising CHP powered decentralised energy for the residential units, the additional units should not have any significant impact upon the approved strategy.

6.7 Councils Policy Officer (play space)

- 6.7.1 No objection

6.8 Councils Flood Risk Officer

- 6.8.1 Confirms that proposed amendments to the scheme will not result in an overall net loss of flood storage. Therefore, these amendments to the consented scheme will not have any adverse impact on flood risk elsewhere and is compliant with the original flood risk NPPF, the London Plan 5.12, 5.13 and Merton's policy DM F2.
- 6.8.2 As part of this S73 application, the proposed Stadium basement beneath the South and West stands is to be removed from the design. Therefore, a re-calculation was undertaken by Peter Brett Associates (PBA) in order to determine the maximum required finished floor level of the ground floor beneath the South and West stands of the proposed stadium (where the

- basement is to be removed from the design). The selection of maximum finished floor level was made so that there was still an overall net gain in flood storage within each of the 100mm deep flood storage bands used in the calculations.
- 6.8.3 This re-calculation exercise indicated that the finished floor level of the ground floor beneath the South and West stands should be set no higher than 8.69m aOD in order to maintain a net gain in flood storage within all of the 100mm deep flood storage bands. The re-calculation results show that the overall net gain in flood storage across all depth bands is reduced by 2,488m³ compared to the previous compensation scheme. However, the results demonstrate that there is still a net gain in flood storage within each depth band and an overall net gain of 10,665m³ across all depth bands.
- 6.8.4 An allowance has been made in the current Flood Compensation Scheme calculations for some non-floodable plant rooms within the stadium area. However, in addition to the removal of the basement below the South and West stands, the latest stadium drawings show some additional plant rooms that were not indicated in the original design drawings. The football club have confirmed that these additional plant rooms are floodable, so this will not have any impact on the Flood Compensation Scheme.
- 6.8.5 Therefore, the updated compensation scheme still meets the requirements of the Flood Risk Assessment (FRA) and planning policy, resulting in no adverse effect on flood risk.
- 6.9 Environment Agency
- 6.9.1 They have reviewed the Environmental Statement Addendum by Peter Brett Associates Project Ref: 40399/001 | Rev: FINAL | Date: August 2018 the TECHNICAL NOTE Job Name: Wimbledon Stadium S73 ES Addendum, Job No: 40399-4001, Note No: TN01A Date: 29th November 2018, Subject: Flood Compensation Scheme Amendment.
- 6.9.2 They are satisfied that the proposed changes will not result in an unacceptable loss of flood storage and so are in line with Flood Compensation scheme detailed in the Flood Risk Assessment (FRA) Addendum (2015).
- 6.9.3 The proposed changes will result in an overall net gain in in flood storage of 10,665m³ from the previously developed site. While this is 2,488m³ less than currently consented scheme it is still a gain in flood storage and is therefore considered acceptable.
- 6.10 Councils Design Officer

- 6.10.1 The changes to building B replace three well-proportioned dual aspect units with four narrow and awkward shaped units, two of which are single aspect. This is a backward step in terms of design. Efficient internal layouts may be difficult to achieve.
- 6.10.2 The removal of stair core in building A.L do not change the number of units but replace 3 of the 4 well-proportioned units with narrower, more awkward shaped units, creating one new single-aspect unit and a very odd arrangement of balcony space that is not clear on the drawings. Efficient internal layouts may be difficult to achieve.
- 6.10.3 No objection in principle to the new infill block and addition of extra floor. However, the floor plans show some effectively unworkable bedroom layouts despite their strict adherence to internal space standards. This could be said to not comply with the New London Plan Policy D4 B) “New homes should have adequately-sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners over their lifetimes. Particular account should be taken of the needs of children, disabled and older people.”
- 6.10.4 The squared off corners undermine the design quality and make the overall design inconsistent. The SE corner will be particularly noticeable from Plough Lane and a curve as originally planned will be a good landmark compared to a rather utilitarian squared off corner. If there is no overriding design reason to change this, then I don't see why we should support it.

6.11 Wandsworth Council

Emergency and Service Vehicle Access:

- 6.11.1 These drawings are not available on Merton Councils website. Wandsworth Council requests a copy of these drawings for review.

Vehicular Movements:

- 6.11.2 Wandsworth Council accepts there is unlikely to be a material increase in vehicular movements associated with the revised development. However, the Council maintains the concerns regarding the development as a whole.

Vehicular Access:

- 6.11.3 As with the previous observation response, the Council maintains the concern that as Riverside Road is a private road, there may be issues regarding access. Merton are strongly encouraged to require the Applicant

to prove that they have the appropriate rights of access over Riverside Road to enable residents to use this access.

Pedestrian Access:

6.11.4 Merton is strongly encouraged to secure pedestrian open access to the site from surrounding roads.

Vehicular Parking for Residents, Shoppers, and users of the Squash Court:

6.11.5 Wandsworth Council is concerned that the provision of car parking spaces for the retail units will discourage the use of sustainable modes of transport. Merton is strongly advised to consider whether this provision is acceptable.

Vehicular Parking for the Football Stadium:

6.11.6 Wandsworth Council considers that it vital that the financial contribution of £100,000 is sought for the preparation and implementation of a CPZ, and that a robust travel plan is provided in relation to this land use. The travel plan can be supplied through a pre-first occupation planning condition.

6.11.7 Merton is also strongly encouraged to request evidence that there are access rights on Coopers Mill Lane. The drawings are also unclear on what the width of the access/ exit way on this road is. The road must have a minimum carriageway width of 3.66m to allow appropriate access for emergency service vehicles.

Cycle Parking for all Land Uses:

6.11.8 Merton is strongly encouraged to clarify that the number of cycle parking space is adequate.

Affordable Housing:

6.11.9 The increase in the number of affordable housing units is welcomed. Merton is asked to robustly check to test this provision by a full viability review.

Crèche Provision:

6.11.10 Merton is encouraged to request evidence that there is no identified need for the crèche, and for the economic viability argument to be tested by a viability appraisal. If it is considered that the existing location of the proposed crèche is not suitable, Merton are

advised to negotiate with the Applicant for the crèche to be located in an alternative location within the site. Should this not be realistic, Merton is recommended to consider requiring a financial payment in lieu of the crèche.

Amenity Impacts:

6.11.11 Wandsworth Council is very concerned that the proposal to increase the closing hours of the stadium from 22.00hrs to 23.00hrs have an unacceptable impact upon the amenity of occupiers of nearby residential properties within the borough.

6.11.12 Merton is therefore strongly advised to seek a noise impact assessment which considers these impacts.

6.12 Transport for London (TFL)

6.12.1 No objection

6.13 Sport England

Proposed additional housing units

6.13.1 Sport England made a number of comments in relation to application 14/P4361. It was agreed with the Planning Authority that Sport England is a non-statutory consultee on this planning application. It is assumed that there is no opportunity to reconsider the comments made previously in relation to securing community use of the squash facility but if there is an opportunity to do so, the original comments still stand. The proposed changes will include additional dwellings within the development, so it will be important to provide additional sporting facilities within the Borough to meet these needs.

Proposed Amendments to condition 20

6.13.2 Sport England has consulted the Football Foundation on this application. The Football Foundation, responding on behalf of the Football Association continues to support this planning application and support the proposed variation to allow additional hours of use of the stadium. The proposed variation of hours is necessary to enable football matches to extend into extra time, as required.

6.13.3 Sport England therefore supports the Applicant's proposed amendments to condition 20.

6.14 Natural England

6.14.1 No comments, but should the proposal be amended in way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

6.15 Greater London Authority (GLA)

6.15.1 They have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.

6.15.2 Therefore, under article 5(2) of the Mayor of London Order 2008, the Mayor of London does not need to be consulted further on this application. Merton Council may, therefore, proceed to determine the application without further reference to the GLA.

6.16 Metropolitan Police (MET)

6.16.1 As some of the car park would now not be for sole residential use, retail car parking along with any deliveries should be segregated from the residential parking facilities by appropriate security mesh and secondary access control roller shutters to LPSII75 SR 1 or STS 202 BR 1 to prevent uncontrolled access for those with possible criminal intent throughout residential areas.

6.16.2 The MET would like more information regarding the match day provision for 78 cycle spaces in a mobile storage facility located on adjoining land directly to the south of Plough Lane. How secure would the storage facility be as in its mobility, and its use as a cycle storage facility? We ask that any nearby street furniture is fixed to prevent its use as a potential missile. Also bicycles and their parts are particular attractive to thieves so the storage facilities security features should be to British Standards and be within coverage of the CCTV cameras.

6.16.3 The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site (www.SecuredbyDesign.com).

6.16.4 The MET strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Gren fell Tower Fire.

6.17 Cllr Edward Gretton

6.17.1 As set out in the letter dated 8 October, the Councillors are of the view that given: i) the proposed changes in the stadium's design by replacing its softer radial curves with squared corners; ii) the need for verification with the Environment Agency, in order to make sure that the flood risks are addressed as a matter of safety for fans and residents in the context of the proposed removal of the stadium's basement; iii) the additional residential block and floor and the resulting larger scale of the housing development; and iv) the fact that local residents and community very much value the previously stated provision of a proper crèche facility for local families: the Residents' Association is right to call for a broader consultation as part of a full application, in preference to the shorter form s73 procedure, and we believe this is necessary accordingly.

6.17.2 Kindly also note that full and proper regard for the impact on NO2 emissions is also a priority for everyone living in and visiting Merton, particularly in this busy neighbourhood, and we were concerned to see the modelling in the Environmental Statement apparently using baseline NO2 numbers (Table 10.5.1) for the receptor locations at both Haydons Road and Gap Road that would seem to be a long way below the actual numbers published in Merton Council's Air Quality Annual Status Report 2017 and also pursuant to the diffusion tubes deployed with the support of the Residents Association in May this year. This will need to be revisited, particularly given the conclusions (based even upon the lower baselines), which show instances of both 'major' and 'moderate' adverse NO2 impacts.

6.17.3 Finally with regard to the proposed extended opening hours, there is a need to make it clear that, as stated in the Planning Statement, such usage would only ever be on an exceptional basis for the purposes of cup competition replays going into extra time.

6.17.4 We look forward to seeing the Council's position accordingly, further to the above mentioned letter and the letter of the Residents' Association dated 4 October.

6.18 Councils Air Quality Officer

6.18.1 EH comments were provided (17.01.19) in response to the Supplementary Air Quality Technical Note 002 dated 03.01.19 produced by Peter Brett, the concerns were covered in subsequent email correspondence with Peter Brett. To summarise the methodology used and conclusions drawn in the technical material are generally accepted. In addition to the existing planning conditions and agreements that are already in place for the development as per my email date 08.02.19, it is the opinion of Merton EH

that it is necessary to request additional actions to protect local air quality and deliver the Council's ambitions within its Air Quality Action Plan 2018-2023, these additional controls are discussed in points 1-5 below.

Point 1: DCEMP / CEMP

- 6.18.2 The approved Development Construction Environmental Management Plan (CEMP) Rev02 dated June 2018 outlines that 'Each Main contractor engaged on the Development will be required to prepare and submit a CEMP. The CEMP will be required to identify the scope of the respective works package and include the requirements of this DCEMP, in particular with reference to the minimum standards included in Appendix F. All CEMPS are to be presented to the Merton Catalyst LLP Development Managers who will submit to Merton Council for approval.'

Reason: To protect air quality a CEMP for each phase of the development is required.

Point 2. Suggested wording for s106 agreement:

- 6.18.3 Due to the significant nature of the development and its potential environmental impact within the borough, the Regulatory Services Partnership serving Wandsworth, Richmond and Merton require funding to fulfil its statutory duties to manage and regulate the site. These functions include, but are not limited to; ensuring the site operates in accordance with conditions imposed to mitigate the environmental impact from noise, dust and air quality management. Additionally the regulation of site equipment in accordance with the Council's Air Quality Action Plan and Code of Practice, and the discharge of documentation for the site. The Pollution Team also have a statutory duty to investigate and respond to complaints from surrounding properties. It is anticipated that this will place a burden on the team equivalent to 0.5 FTE at a cost of £30K. This arrangement will be reviewed annually and adjusted depending upon the resources required to fulfil this duty.

Point 3. NRMM condition

- 6.18.4 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in Chapter 7 of the GLA's Supplementary Planning Guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: Policy 7.14 of the London Plan 2016 and policies DM D2, DM D3, DM EP3 and DM EP4 of Merton's Sites and Policies Plan 2014.

Point 4. AQ monitoring station

6.18.5 Additional s106 funding is sought to install a continuous air quality monitoring station in the vicinity of the development upon completion of construction, the anticipated cost to procure and install this equipment is £35K. The addition of a monitoring station in the north of the borough would enhance Merton's monitoring network and provide valuable real-time information for an area where a significant number of residents are being introduced. Defined within Merton's Air Quality Action Plan is a commitment to seek funding from new developments to update the borough's air quality monitoring network.

Point 5. Recommended gas fired plant condition (Air Quality)

6.18.6 Part 1: Combustion plant shall comply with the following emission standards in accordance with the Mayor of London's Supplementary Planning Guidance 'Sustainable Design and Construction' April 2014:

- i) Gas fired boilers shall not exceed a NO_x rating of 40 mgNO_x/kWh.
- ii) Combined heat and power plant shall not exceed NO_x emissions for Band B Combustion Plant. Where this is to be achieved by abatement technology, details of the reductions to be achieved at varying operational conditions are required to be submitted for approval by the Local Planning Authority.

Part 2: Prior to occupation CHP plant emissions shall be tested by an accredited laboratory to confirm compliance with emission standards Part 1(ii), the details of which shall be provided to the Local Planning Authority.

Reason: To safeguard public health and ensure compliance with the following Development Plan policies for Merton: Policy 5.3 of the London Plan 2016 and policies DM EP4 of Merton's Sites and Policies Plan 2014.

7. **POLICY CONTEXT**

7.1 Adopted Sites and Policies Plan (July 2014)

DM R5 Food and drink/leisure and entertainment uses
DM R6 Culture, arts and tourism development

DM H2 Housing Mix
DM H3 Support for affordable housing
DM E1 Employment areas in Merton
DM E4 Local employment opportunities
DM D1 Urban design and the public realm
DM D2 Design considerations in all developments
DM D4 Managing Heritage Assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable Solutions
DM EP4 Pollutants
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SUDS) and; wastewater and water infrastructure
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure
DM T5 Access to the Road Network

Site Proposal 37 – Wimbledon Greyhound Stadium

7.2 Merton Core Planning Strategy (July 2011)

CS 1 Colliers Wood
CS8 Housing Choice
CS9 Housing Provision
CS11 Infrastructure
CS12 Economic Development
CS13 Open space, nature conservation, leisure and culture
CS14 Design
CS15 Climate Change
CS16 Flood Risk management
CS17 Waste Management
CS18 Active Transport
CS19 Public Transport
CS20 Parking, Servicing and Delivery

7.3 London Plan (July 2016)

3.1 (Ensuring Equal Life Changes for All)
3.2 Improving Health and addressing health inequalities)
3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.6 (Children and young people's play and informal; recreational facilities)
3.7 (Large residential developments)

3.8 (Housing Choice),
3.9 (Mixed and balanced communities)
3.10 (Definition of affordable housing)
3.11 (Affordable housing targets)
3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)
3.13 (Affordable housing thresholds)
3.15 (Co-ordination of housing development and investment)
3.16 (Protection and enhancement of social infrastructure)
3.17 (Health and Social Care Facilities)
3.18 (Education facilities)
3.19 (Sports facilities)
4.1 (Developing London's economy)
4.6 (Support for and enhancement of arts, culture, sport and entertainment)
4.8 (Supporting a successful and diverse retail sector and related facilities and services)
4,12 (Improving opportunities for all)
5.1 (Climate Change Mitigation),
5.2 (Minimising carbon dioxide emissions)
5.3 (Sustainable Design and Construction)
5.5 (Decentralised Energy Networks)
5.6 (Decentralised Energy in development proposals)
5.7 (Renewable energy)
5.8 (Innovative energy technologies)
5.9 (Overheating and cooling)
5.10 (Urban greening)
5.11 (Green roofs and development site environs)
5.12 (Flood risk management)
5.13 (Sustainable drainage)
5.14 (Water quality and wastewater infrastructure)
5.15 (Water use and supplies)
5.16 (Waste net self-sufficiency)
5.17 (Waste capacity)
5.18 (Construction, excavation and demolition waste)
5.19 (Hazardous waste)
5.21 (Contaminated land)
5.22 (Hazardous substances and installations)
6.1 (Strategic approach)
6.3 (Assessing effects of development on transport capacity)
6.5 (Funding crossrail and other strategically important transport infrastructure)
6.7 (Better streets and surface transport)
6.8 (Coaches)
6.9 (Cycling)
6.10 (Walking)

- 6.11 (Smoothing traffic flow and tackling congestion)
- 6.12 (Road network capacity)
- 6.13 (Parking)
- 7.1 (Lifetime neighbourhoods)
- 7.2 (An Inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.5 (Public Realm)
- 7.6 (Architecture)
- 7.7 (Location and design of tall and large buildings)
- 7.8 (Heritage assets and archaeology)
- 7.12 (Implementing the London view management framework)
- 7.13 (Safety, security and resilience to emergency)
- 7.14 (Improving Air Quality)
- 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 7.19 (Biodiversity and access to nature)
- 7.20 (Geological conservation)
- 8.1 (Implementation)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

7.4 Other

- National Planning Policy Framework 2018
- National Planning Policy Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Environmental Impact Assessment - Regulations 2017
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

8. **PLANNING CONSIDERATIONS**

8.1.1 The principle of redeveloping the application site has already been established under planning approval 14/P4361. This permission is extant in perpetuity by virtue of a material start on site having been undertaken. The principle of development has therefore already been established. Original matters relating to the loss of the greyhound stadium and existing employment uses do not therefore need reassessment.

8.1.2 The principle planning considerations relating to the Section 73 application, not only relate to an assessment of the proposed changes as

standalone matters but how these impact upon the original scheme overall and those planning considerations considered under the original planning approval (14/P4361).

Stadium Changes

- Internal & external alterations
- Removal of semi-basement
- Reduction in car parking
- Altered cycle parking
- condition 20 (opening hours of stadium/shop) reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties)
- Removal of crèche & café
- The final “as built” height of the stadium will be 500mm higher than the consented scheme.

Retail Changes

- 19 new retail car parking spaces

Squash and Fitness Facility

- Relocation of car parking spaces (still within the basement of Block A) and an increase from 19 to 20 spaces (including two disabled parking bays).

Residential Changes

- Additional floor on building A.J & infill block between building A.J & A.N (creating 18 new units).
- Increased refuse & cycle facilities
- Re-positioning building B
- Alterations to elevations
- Internal layout & housing mix brings number of units from 604 to 632. shared ownership increase (60 to 181 - 29%)
- Amended basement layout to Block A.
- Reduction of 14 car parking space within basement of Block A.

8.1.3 This report will assess the key planning considerations in turn (same as original planning application) and any additional matters relating to the section 73 application.

- Section 73 Applications
- Principle of Development

- Urban Design
- Landscaping
- Conservation and Archaeology
- Standard of Residential Accommodation
- Residential Amenity
- Development Operation and Transport
- Refuse and Recycling
- Inclusive Access
- Secured by Design and Security
- Hydrology and Flooding
- Sustainability
- Social Infrastructure
- Volante (46 – 76 Summerstown)
- Loss of Crèche
- Loss of Café
- Condition 20

8.2 **Section 73 applications**

- 8.2.1 The principle of development was established by the granting of planning permission 14/P4361. This permission is extant in perpetuity by virtue of a material start on the site having been undertaken. Whilst the applicant is applying for a variation of conditions 3 (approved plans) and 20 (opening hours) and omitting conditions 22, 23, 44 and 46 (all relating to café and crèche) attached to LBM planning permission 14/P4361 (football stadium, commercial and residential development), under Section 73 of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a fresh application for the entire development, albeit with a variation to those original conditions.
- 8.2.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 8.2.3 National Planning Policy Guidance 2014 provides guidance on Section 73 applications, which outlines that there is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 8.2.4 In considering the current application the Council needs to have regard to any material changes in planning circumstances since the granting of that original permission. These include (i) site circumstances, (ii) application, (iii) changes in planning policy and (iv) further planning history.

(i) Site Circumstances

8.2.5 Officers note that there has been a material change in site circumstances with former uses ceasing operation and all buildings having been demolished (phase 1) in preparation for above ground works.

(ii) Application

8.2.6 The differences between the current proposal and that application are shown in paragraph 8.1.2 of the committee report.

(iii) Changes in Planning Policy

8.2.7 The local level planning policies considered under the original planning application remain unaltered. The London Plan 2015 and National Planning Policy Framework (NPPF) 2012 have since been replaced by The London Plan 2016 (2017 London Plan at draft stage) and the 2018 National Planning Policy Framework. There are no fundamental changes to the London Plan or NPPF which would result in a material change in the assessment of the planning application. The principles of the development therefore remain as approved and in full compliance with the adopted Sites and Policies Plan (2014), Core Planning Strategy (2011), London Plan (2016) & draft London Plan (2017) and NPPF (2018).

(iv) Further Planning History

8.2.8 Following the original 2017 permission, there have been several applications and discharge of condition applications. The two main applications relating to the application site and the adjacent site, Volante, are the following:

Application site

8.2.9 18/P1746 - Application for non-material amendment relating to LBM planning application 14/P4361 (football stadium, commercial and residential). the non-material amendment includes, columns to cantilevered second floor overhang, reduction of curtain walling, removal of roof lights on squash club, raising podium by 250mm, alterations to footprint of Block C, amendments to fenestration, balconies and brick course detailing, removal of stair core overruns and alterations to the top corner of building A.F – Grant - 03/07/2018

Volante

8.2.10 15/P4798 - Demolition of existing buildings and erection of a part 7 (top floor recessed), part 9 (top floor recessed) storey building, comprising 93

flats, 3 associated car parking spaces, 165 cycle parking spaces, hard and soft landscaping and associated works – Grant - 15/08/2017

8.2.11 It is a highly material planning consideration that there is an existing permission that has been implemented on site. Members are advised that it would be inappropriate and unreasonable to revisit the principle of the entire development. There have been no material changes in the context of the site or planning policy from the date of the original planning approval that would result in a material changes of how the application should be considered under the S73 application.

8.2.12 As set out above, there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In this instance, officers consider that given the large scale nature of the original planning permission which included a 11,000 - 20,000 seater football stadium and 604 new homes, the proposed changes under the Section 73 application are not considered to be substantially different from the one which has been approved. Therefore, the proposed changes can be considered under the Section 73 application procedure.

8.3 **Principle of Development**

8.3.1 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.

8.3.2 The principle of development has already been established under planning approval 14/P4361. This permission is extant in perpetuity by virtue of a material start on site having been carried out. One of the key planning considerations under the original application was that the redevelopment of the site was in accordance with its adopted site allocation (Site Proposal 37 – Wimbledon Greyhound Stadium) set out in Merton's Adopted Sites and Policies Plan (2014). The Site Allocation requires intensification of sporting activity (D2 Use Class) with supporting enabling development. The proposed Section 73 application still retains a football stadium, squash and fitness facility, retail unit and now provides additional housing. As set out below, the principle of development is therefore still considered to be in accordance its site allocation policy.

Stadium

8.3.3 The original planning application permitted a 20,000 seater football

stadium (11,000 initially). The proposed Section 73 application would still deliver the football stadium. The proposal simply seeks to alter the design of the stadium elevations and make internal alterations, including the layout of the basement. The proposed Section 73 changes do not affect the delivery of the football stadium. Therefore, in principle there is no objection to the stadium works.

Squash and fitness club

- 8.3.4 The original planning application permitted a 1,730m² squash and fitness facility with 6 squash courts (including 1 show court). The Section 73 application seeks to retain the squash and fitness club, therefore there is no principle objection. The only works affecting this facility is the relocation of the allocated car parking spaces within the basement of Block A. This includes an increase of 1 car parking space and provision of 2 disabled spaces. This is welcomed as originally there was no allocated disabled parking provided in Block A for the squash and fitness facility.

Residential

- 8.3.5 The original planning application permitted 604 new residential units on the brownfield site. The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 8.3.6 The Section 73 application seeks to introduce an additional 18 units and makes internal alterations to the layout of the permitted flats under the original planning approval taking the overall number of residential units from 604 to 632. The net increase of 28 residential units will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policy.

Removal of Crèche & Cafe

- 8.3.7 The S73 application seeks to remove both the crèche and café facilities from the original scheme. On the original scheme, the applicant introduced both uses in response to providing some visual interest and animation through the proposed elevation treatment of the stadium. The applicant is now seeking alternative elevation treatment of the stadium (including a

lighting scheme). From a planning perspective, there is no policy requirement to provide either the crèche or café. Therefore, the Council cannot justify the retention of the uses as part of the redevelopment of the site, despite the objections from neighbours.

8.4 **Urban Design**

8.4.1 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Policies Plan 2014 was considered under the original planning approval and is still relevant under the Section 73 application. The policy seeks to achieve high quality design and protection of amenity within the Borough. Proposals are required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of the surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

8.4.2 The principle design approach has already been considered acceptable under the original planning consent. The proposed changes to the design of the scheme, outlined below, are considered to be in keeping with the original design rationale of the site.

Design Changes

8.4.3 The proposed changes to the design of the scheme are as follows:

- Stadium (Squared corners)
- Stadium (altered east elevation)
- Stadium (flood light alteration)
- Stadium (wall – north elevation)
- Stadium (0.5m increase in height)
- Residential (altered building B elevations)
- Residential (infill block and an additional floor)

Stadium (Squared corners)

8.4.4 Under the approved stadium plans, the corners of the east elevation of the stadium (fronting the new North-South Street) were curved. It is proposed that these are squared off to simplify construction, create additional useable space and facilitate the phased enlargement of the stadium to 20,000 seats. It could be argued that the curved nature of stadium design could be a more aesthetically pleasing design approach, which is often found in new stadia design in English football. However, there is no justification that squaring off of the corners does not respond to the use of the structure as a football stadium or would result in poor design. The overhang roof design of the stadium would remain unaltered and the

design success of the stadium corners would rely on the choice of detailing and materials. Planning Condition 5 (Elevational Detailing) can be updated to include detailing/materials relating to the stadium corners to be submitted and approved in order to ensure a high quality finish.

Stadium (altered east elevation)

8.4.5 Appropriate visual interest and animation of this elevation will be achieved through the proposed elevational treatment and lighting. The East Stand elevation fronting the new North-South Street within the site has in general been subject to design development using the same palette of consented materials and retaining key focal points such as the entrances to the stadium, food and drink concessions and the stadium shop. The design development has also addressed the proposed removal of the café kiosk and crèche, and review of the operational issues associated with the green wall. In respect of the removal of the café kiosk and crèche, these were not included as design focal points (the crèche was only a door into the space behind). Rather their intended purpose was to maximise animation along this elevation. As well as the use of North South Street as the principal pedestrian route through the scheme, the proposed minor amendments continue to ensure appropriate levels of animation through the proposed elevational treatment, including green walls, and the use of lighting. A proposed lighting scheme is submitted with this application. As the principal pedestrian thoroughfare linking the adjoining residential buildings, and the scheme itself to the surrounding area, North-South Street will continue to function as an active, animated and secure pedestrian route.

8.4.6 It is considered that the proposed new lighting would provide suitable animation to the elevation. It should also be noted that the GLA (who raised the original point about animation and outlook from the residential units) have raised no objection to the proposed amendments. It is considered that the proposed lighting treatment would improve the level of animation and the new residential units would still have a suitable outlook.

8.4.7 With regard to the green walls, it is proposed that the green “living” wall element should be at first floor level to prevent any damage or vandalism associated with crowd movements along North South Street on match days. There is no objection to this change.

Stadium (flood light alteration)

8.4.8 The floodlight masts remain one of the key architectural features of the stadium and will form part of the Phase 1 design. However, the details have been amended so that they no longer ‘break through’ the seating bowl but pass adjacent to the junction of each of the now proposed right-

angled corners of the stadium. The masts remain angled. The floodlight lamp layouts have changed from three vertical rows of lamps to two vertical rows following advice from suppliers and the lighting consultant. The amended mast design is still considered to respect the design of the football stadium and wider area.

Stadium Wall – North Elevation

- 8.4.9 The stadium is being constructed in phases, i.e. the First and Final Phase, to deliver the initial and increased seating capacity. The consented (final) height of the wall is 17 metres. It is proposed that the North Wall is constructed as an interim measure to a height of circa 7 metres. Upon completion of the final phase, the interim wall of 7 metres will be demolished and constructed to the approved full height of 17 metres. This is necessary to facilitate construction of the final capacity stadium which will require materials and construction equipment to be transported through the North Wall and onto the pitch. There is no objection to this approach as the 7m high wall would be visually suitable to the site and wider area.

Stadium (0.5m increase in height)

- 8.4.10 The 0.5m increase in the height of the Stadium is considered to have a minimal impact upon on the overall design of the Stadium and the wider design approach for the site. The proposed Stadium sits within the heart of the application site and its height increase would still sit below adjoining buildings. Therefore, the 0.5m increase would not be clearly evident from within or outside the application site. The proposed increase in height is therefore still considered to respect the overall design approach to the site.

Building B Adjustments to Elevations

- 8.4.11 The internal layout changes to Block B have resulted in minor changes to the elevations with altered window and new balconies. The proposed changes are considered to be in keeping with the overall design of the site. A number of new balconies have been added, however there would no undue loss of amenity as the balconies are well distanced away from neighbouring residential properties.

Residential (infill block and an additional floor)

- 8.4.12 During the design of the approved development, the planned development of the adjoining Volante site by its previous owner resulted in the imposition of certain Rights of Light restrictions which affected localised

areas of the approved Wimbledon Stadium scheme. These Rights of Light were a commercial consideration rather than a planning one. However, since the grant of Planning Permission Ref. No. 14/P4361, the Volante site has changed ownership and the previous Rights of Light restrictions have been removed. This has allowed Merton Catalyst LLP to reinstate a previously designed option of an infill block between Blocks A.J and A.N and to deliver an additional floor of residential accommodation on top of Building A.J. The result is the provision of 18 additional private residential units. The proposed infill and additional floor would respond to the overall design approach for the site and infilling the previous gap on the site would not result in any visual harm to the area.

8.5 Landscaping

8.5.1 It was acknowledged previously that the former site was completely built over and somewhat run down in its appearance. The original landscaping scheme was considered to be high quality hard and soft landscaping, which were reflected in the indicative landscaping details. The final detail would be subject to formal approval through a condition. Changes to the landscaping under the S73 application relate to the changes to the stadium elevations and introduction of the infill building linking to the adjoining Volante Site. The proposed hard and soft landscaping are inline with the original landscaping master plan and are therefore considered to be high quality and therefore acceptable. The landscaping condition would remain to ensure that the development delivers the high quality landscaping indicated on the landscaping details.

8.6 Conservation and Archaeology

8.6.1 The site lies within the Wandle Valley Archaeological Priory Area, as defined by LBM, which covers the adjoining Copper Mill Lane area. The site also adjoins the Wandle Valley Conservation Area, which includes the Copper Mill Lane sub-area and covers a small separate area to the north of Plough Lane, isolated from the main Wandle Valley Conservation Areas. Given the modest scale of the changes and their siting within the site, all matters relating to conservation and archaeology remain unaltered. Relevant planning conditions relating to archaeological investigation, archaeological evaluation, and archaeological monitoring would provide an acceptable safeguard.

8.7 Standard of Residential Accommodation

8.7.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing

population and for those with disabilities, whilst offering a mix of unit size reflective of local need.

Number of Residential Units

- 8.7.2 During determination of Planning Application Ref. No. 14/P4361, the application drawings (now approved drawings) for the 6th and 7th floor masterplans were amended to add in units A.A.06.03 and A.A.07.03. The accommodation schedule however was not amended and resubmitted. Consequently, the number of units shown on the approved drawings is 604 total and not 602. Officers have noted the error in the number of units attached to the original permission. This has now been incorporated into the section 73 application, taking the total number of units from 604 to 632 (a 28-unit increase).

Removal of Staircore in Building A.L

- 8.7.3 The applicant states that a review of the consented scheme has confirmed that the flats in Building A.L can be serviced from the staircores in adjacent blocks, giving the opportunity to rationalise common parts and improve efficiency and volume of approved habitable accommodation within the consented building envelope. The results are amended internal layout and a revised mix of residential units. This is considered to be acceptable as housing standards are retained and offers the ability of increasing residential unit numbers on the site.

Density

- 8.7.4 The density of the original scheme based on the site area but excluding the stadium was 590 habitable rooms per hectre. That was higher than the density range as outlined in the London Plan, however, the supporting text of Policy 3.4 of the London Plan seeks to optimise housing potential. The policy also states that it is not appropriate to apply the table in policy 3.4 (table 3.2) mechanistically. The proposed density range of the development with the proposed changes would be 616 habitable rooms per hectare.
- 8.7.5 The London Plan states that development at densities outside table 3.2 will still be considered, however require particularly clear demonstration of exceptional circumstances. It was agreed that the original scheme would deliver a proposed residential quality that is of high enough standard to justify the higher density proposed in this medium PTAL location. Whilst the density range has been raised slightly from 590 to 616, the density range is still considered to be acceptable as the scheme overall has not fundamentally changed in its quality.

Housing Mix

- 8.7.6 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 8.7.7 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

- 8.7.8 The proposed minor amendments include revised internal layouts and a slightly altered residential mix from that approved under planning permission LPA Ref. No.14/P4361. A comparison of the approved and proposed residential mix is included below.

	Studio + 1 Bed	2 Bed	3 Bed	4 Bed	Total
Consented	225 (37.4%)	245 (40.7%)	127 (21.1%)	5 (0.8%)	602
Proposed	251 (39.7%)	244 (38.6%)	133 (21.1%)	4 (0.6%)	632

- 8.7.9 The proposed housing mix of the site is considered to still offer a good range of housing choice with a good proportion of each unit type, including (60.3%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

Unit size and Layout

- 8.7.10 In terms of the quality of residential accommodation proposed, it is considered that the flats would provide a satisfactory standard of

accommodation for future occupiers. The flats would meet minimum London Plan Gross Internal Area and room size standards. Each habitable room would receive suitable light levels, adequate outlook and would be capable of accommodation furniture and fittings in a suitable and adoptable manner.

8.7.11 The Section 73 application still delivers a very high percentage of dual aspect units with an overall percentage of 97.95%. The number of single aspect units have been increase slightly be 0.4% (from 10 to 13 units), however none of these are north facing.

8.7.12 The applicant also confirms that the Section 73 application includes all the principles of Lifetime Homes (no longer a planning requirement) as well as being compliant with the latest Building Regulations Part M. Consented flats not affected by layout changes remain unaltered and in compliance with the prevailing standards. The Councils Design Offices comments regarding the plans showing some effectively unworkable bedroom layouts despite their strict adherence to internal space standards have been noted. However, Officers have carefully assessed the flats in question and do not identify harmful living conditions or layouts for future occupiers.

Private Amenity Space

8.7.13 The London Plan 2016 (London Housing Design Guide) states that all dwellings should provide a minimum of 5 sq m private outdoor space for 1-2 bedroom dwellings and an extra 1 sq m for each additional occupant. The Policy also stipulates that the minimum depth and width for all balconies and other private external spaces should be 1.5m. All new flats would have direct access to private amenity space.

8.7.14 The proposed minor amendments to the consented scheme ensure that all new dwellings comply with the London Plan 2016 and the latest draft London Plan 2017 standards on private outside space. In addition, the proposed amended scheme has sought to take this opportunity to review previously consented areas of private amenity space and, wherever possible, make provision in accordance with the latest standards. Where it has not been possible to do this, approved units remain as consented and have access to areas of public amenity space provided in the large landscaped courtyards throughout the scheme.

Wheelchair Adoptable Units

8.7.15 None of the wheelchair adaptable units are affected by the Section 73 proposals and the scheme will continue to comply with Condition 47 attached to the existing permission.

General Accessibility

8.7.16 The approved accessibility principles contained in the consented scheme are not affected by the minor material amendments contained in the Section 73 application. The scheme will continue to comply with relevant legislation, standards and policy on accessibility as well as incorporating the principles of Lifetime Homes (despite no longer applying) and being fully compliant with the latest Building Regulations Part M.

Vertical Circulation

8.7.17 The scheme continues to provide stair and accessible lift access to all residential levels and stairs will have riser of an appropriate depth and handrails at both sides. The principles of vertical circulation contained in the consented scheme remain unaffected.

Car Parking

8.7.18 Of the wheelchair accessible units within the development none will be specifically provided with a car parking space. The former Lifetime Homes standards required one parking bay for every wheelchair accessible or easily adapted home. Therefore, the development would have had to provide 60 spaces for disabled users, which would have been disproportionate to the overall number of car parking spaces. Lifetime Homes is no longer policy and therefore there is no requirement for allocated disabled spaces. However, as secured on the original planning approval, the Car Parking Management Plan requires details of how blue badge disabled and non-disabled parking spaces will be allocated and managed, and continuously monitored to ensure disabled residents are allocated a parking space if needed. A similar Car Parking Management Strategy is still required for the Stadium. The retail unit and squash and fitness facility will be provided with 2 disabled spaces to be shared and 2 each within their allocated parking areas (basement of Block A), in compliance with London Plan standards.

Daylight, Outlook, and Privacy

8.7.19 The original planning approval acknowledged the constraints of the site and agreed that the units were designed with internal layouts and orientations which allow for acceptable levels of daylight/sunlight and good outlooks and levels of privacy between units. All residential units are considered to have appropriate levels of daylight, outlook and privacy.

Private amenity Space

8.7.20 The development continues to provide private amenity space for each unit in compliance with London Plan and Core Strategy requirements as a minimum. Units are still provided with balconies and/or terraces and the ground floor maisonettes are provided with rear gardens.

Children's Play Space

8.7.21 The strategic planning policy requirement to provide for children's play space is set out at Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities) of the London Plan 2016. This policy uses the Mayor's child yield calculator to determine what amount of play space is required.

8.7.22 The December 2015 Committee Report addressed this aspect of the approved development at paragraph 16.50. It confirmed that the child yield of the consented redevelopment is 69 children which generates a play space requirement of 688 sqm. Of these 69 children, it was estimated that 39 would be under the age of 5 and therefore at least 390 sq m of play space should be provided as doorstep play. The approved scheme makes a significant over-provision on this requirement, including 900 sq m of door-stop play space within the individual residential courtyards which are designed as multifunctional spaces.

8.7.23 In respect of play space for older children (5-11 and 12+ years) it was confirmed that *"given the constrained site and enabling role of the residential development, there is not the opportunity to provide more open space than is currently proposed"* and a financial contribution to the London Borough of Wandsworth for improvement/enhancement of off-site recreational space at Garratt Park is still secured in the completed Section 106 agreement.

8.7.24 This Section 73 application proposes a revised number and mix of residential units. When the child yield calculator is applied to the proposed residential accommodation it estimates that 73 children are expected to live in the development, of which 42 are under 5. This generates a requirement for some 735 sq m of on-site play space for under 5's.

Proportion of Children	Number of Children	%
Under 5	42	57%
5 to 11	21	29%
12+	10	14%
Total	73	100%

8.7.25 Therefore, the difference between the estimated child yield of the consented and proposed amended scheme is minimal (4 children overall). In the context of the significant over-provision of doorstep play space included in the approved development and the agreed financial contribution, it is considered that the proposed minor amendments continue to make good provision of children's play space given the acknowledged constraints of the site.

Noise

8.7.26 The original planning application confirmed that the main source of noise to the proposed residential parts of the development would be traffic from adjoining roads and noise generated from the Stadium on match days. Details relating to sound-proofing or mechanical Heat ventilation, stadium management plan, opening hours of hospitality, and a noise management plan can still ensure that the approved and proposed residential dwellings would still be of a high internal standards and which comply with the relevant baseline and good standards set out within the Mayors Housing SPG.

8.8 **Residential Amenity**

8.8.1 London Plan policies 7.6 and 7.7, CS policy 14, and SPP policy DM D2 seek to ensure new developments do not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties.

Noise and Vibration

8.8.2 The main sources of noise from the development would occur from site clearance and construction of the development and operational noise from the Stadium, retail squash and fitness facility, and residential element.

Site Clearance and Construction

8.8.3 Noise generated from these phases are still likely to be considerable, however can be reduced with adequate mitigation. Construction hours would be limited by condition and a detailed Construction Environmental Management Plan (CEMP) has been secured within the S106 agreement. Whilst there would be an increase of new units on the site, this a modest increase and the fundamentals of the construction of the scheme would remain altered.

Stadium

8.8.4 Concerns were originally raised from interested parties from increased

noise and disturbance levels from the Stadium part of the development. The original application confirms that the properties most likely to be affected by the stadium use are those built as part of the proposed development. There are no plans to increase the number of seats within the Stadium. Whilst the proposal seeks to introduce 28 new residential units on the site, the relationship between the Stadium and new residential units has already been considered to be acceptable. Therefore, there is no fundamental change to the uses of the site that would result in a different outcome.

Retail

- 8.8.5 No change to the function of the retail unit. Planning conditions relating to noise from plant and machinery and restrictions on opening hours will continue to be in place. The proposed car parking for the retail unit would utilise an already granted access point and would be in the basement where other car parking would be present. It is not considered that that change would caused material harm to residential amenity.

Squash and Fitness

- 8.8.6 No change to the function of the squash and fitness facility. Planning conditions relating to noise from plant and machinery and restrictions on opening hours will continue to be in place.

Daylight/Sunlight

- 8.8.7 Residential properties at 10 Summerstown and 99 Summerstown were previously considered as sensitive receptors within the assessment of the consented scheme. However, due to separation distances between these receptors and the proposed amended scheme, the proposed design changes would not affect the conclusions of the previous daylight and sunlight assessments, meaning that previously predicted effects on these properties would remain unchanged and do not require to be re-examined.
- 8.8.8 Since the original planning approval, the adjacent site, Volante, has since received full planning permission, LBM Ref 15/P4798, for a part 7 (top floor recessed), part 9 (top floor recessed) storey building, including accommodation at basement level, comprising 93 flats. The applicants updated daylight and sunlight assessment has taken into consideration the extant planning approval on the Volante site. The report considers that the Volante site is a relevant sensitive receptor.

Volante

- 8.8.9 The assessment concludes that sunlight results are comparable to those

assessed under the consented scheme, with only 2 windows being affected past the BRE guideline targets.

8.8.10 It is noted that neither the Volante development nor the consented scheme has yet been built out, meaning that there are no occupants experiencing the light levels. The overall effect of the implementation of the proposed amended scheme on daylight and sunlight within the Volante development is therefore considered to be negligible. This future relationship between the 2 developments is considered to be acceptable.

Application Site

8.8.11 The assessment concludes that given that the overall level of adherence to the BRE guidelines daylight targets values remain, in most cases, the same as the consented scheme, it is considered that the proposed amended scheme would have a minor adverse effect on daylight within the scheme itself.

8.8.12 With regards to overshadowing, it is considered that the proposed amended scheme would have an acceptable and similarly minor adverse effect on sun lighting within the central courtyard.

Privacy

8.8.13 The proposed infill block and its additional floor are located within the centre of the site and well distanced away from surrounding residential properties. It is considered that the proposed development would still not result in detrimental loss of privacy to the nearest residential properties, which are located at Keble Street and Wimbledon Road (behind commercial units along Summertown), Masket Road (behind commercial units along Riverside Road), Garratt Lane, Coppermill Lane, and Plough Lane.

8.9 **Air Quality**

8.9.1 The applicant has submitted an independent air quality assessment as part of the Environmental Statement Addendum and an additional Technical Note that assesses the likely effects of air quality.

Policy

8.9.2 The following policies and regulations relate to the assessment of air quality:

- National Planning Policy Framework 2018
- National Planning Practice Guidance 2014

- Air Quality Strategy (2007)
- Air Quality (England) Regulations 2000 and the Air Quality (Amendment) (England) Regulations 2002 which prescribed the relevant National Air Quality Objectives.
- The Air Quality Standards (Amendment) Regulations 2016 which amended the Standard Regulations 2010, which implemented the European Union's Directive on ambient air quality and cleaner air for Europe (2008/50/EC)
- Local Air Quality Management Technical Guidance 2016 (LAQM.TG16)
- Institute of Air Quality Management and Environmental Protection UK (EPUK) guidance on Land-use Planning & Development Control: Planning for Air Quality' (Moorcroft and Barrowcliffe et al., 2017)
- Supplementary Planning Guidance (SPG) on 'Sustainable Design and Construction' adopted in April 2014 which forms part of the Implementation Framework for the London Plan.
- SPG on 'The control of dust and emissions during construction and demolition' published by the Greater London Authority in 2014.
- Merton Core Planning Strategy and the Merton Sites and Policies Plan and Policies Map.

Sites and Policies plan (2014)

8.9.3 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development:

a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.

b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.

8.9.4 In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur.

8.9.5 To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA). Therefore, development that may result in an adverse air quality including during construction, may require an Air Quality Impact

Assessment in order for the Council to consider any possible pollution impact linked to development proposals.

- 8.9.6 Necessary mitigation measures will be secured through negotiation on a scheme, or through the use of planning obligations or conditions where appropriate. Permission may be refused for proposals that cannot provide adequate pollution mitigation.

London Plan 2016

- 8.9.7 Planning policy 7.14 (Improving Air Quality) of the London Plan 2016 recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. The London Plan states that the Mayor will work with strategic partners to ensure that the spatial, climate change, transport and design policies of the London Plan support implementation of Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimize public exposure to pollution.

- 8.9.8 The policy states that development proposals should (comply with parts a, b, c, d and e below):

a) minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs) and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans (see Policy 6.3)

Proposal

- 8.9.9 The proposed development incorporated a number of design features from the outset which reduce both the impacts of the scheme in relation to air quality, as well as reducing air quality impacts on future residents. Residential dwellings are not proposed on the ground floor which ensures separation is retained between residents and road traffic and therefore minimises exposure to poor air quality.

- 8.9.10 An energy centre is included in the scheme to provide electrical supply and hot water to the proposed development. The location for the flue has been designed to provide sufficient dispersion of combustion gases, thus reducing the potential for air quality issues to impact residents of the scheme or surrounding air quality. The S.73 Addendum energy strategy has been revised since the 2014 Environmental Statement to incorporate

new technology available and to meet the revised energy demand. The S.73 Energy Centre emissions are lower than in the consented scheme further reducing the exposure of residents and surrounding receptors. Further evidence on how the proposed development promotes greater use of sustainable transport modes is presented in criterion d.

b) promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils' 'The control of dust and emissions from construction and demolition'

Proposal

8.9.11 The control of dust and emissions from construction and demolition' supplementary planning guidance (SPG) requires an Air Quality Statement to be submitted at the time of a planning application; with a detailed dust risk assessment prepared at the time of detailed construction and logistics planning for the site and submitted prior to the commencement of works.

8.9.12 The 2014 Environmental Statement included a detailed dust risk assessment and recommended a number of mitigation measures to be included within a Development Construction Environmental Management Plan (DCEMP). A DCEMP has been prepared and approved as part of the original application, which secures a range of measures to control and reduce emissions from demolition and construction in accordance with the SPG. The DCEMP is retained in the S73 application and therefore the proposed development complies with this criterion.

c) be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs)).

Proposal

8.9.13 The development is considered air quality neutral for both building and transport as NOx and PM10 emissions are below the benchmarks set in Appendix 5 of the SPG. Furthermore, the development does not lead to any additional exceedances of the air quality objectives and therefore is compliant with the above criterion.

d) ensure that where provision needs to be made to reduce emissions from a development, this is usually made on-site. Where it can be demonstrated that on-site provision is impractical or inappropriate, and that it is possible to put in place measures

having clearly demonstrated equivalent air quality benefits, planning obligations or planning conditions should be used as appropriate to ensure this, whether on a scheme by scheme basis or through joint area based approaches

Proposal

8.9.14 The S.73 Addendum showed that the air quality effects of the amended development are considered to be not significant and therefore no additional provision (mitigation) to reduce emissions is required. However, to further ensure that the scheme robustly complies with relevant policies and guidance relating to air quality, several onsite mitigation measures are proposed and secured either as part of the consented development or through the S.73 consent i.e.:

- Provision of secure cycle parking (in accordance with the latest draft London Plan minimum standards) – to be secured by the new planning permission through a planning condition;
- 20% car parking spaces being provided as electric charging points – already secured in the S.106 agreement;
- Travel Plans for the residential and stadium developments – secured by existing Condition 76 (residential) and S.106 Schedule 7, part 2 para 8.4 (stadium);
- Car Club – secured by the S.106 agreement Schedule 6 paras 6.1 to 6.4;

8.9.15 A reduction in residential car parking from 199 (consented) to 186 (proposed) spaces to serve 632 units and the development would be a permit free development as secured within the deed of variation to the S106 agreement.

e) where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations. Permission should only be granted if no adverse air quality impacts from the biomass boiler are identified

Proposal

8.9.16 The 2014 ES and the Addendum air quality assessment forecasted the pollutant concentrations for the energy centre, however, no biomass boilers are proposed and therefore this criterion is not applicable to the proposed development.

Conclusion

8.9.17 The original planning approval secured mitigation measures within planning conditions and S106 agreements. The original conditions and S106 agreements remain and will still ensure that the development seeks to reduce pollutants to an acceptable level. In addition to the original conditions and S106 agreement, the applicant has agreed to additional planning conditions relating to Non-Road Mobile Machinery (NRMM) & gas fired plant (Air Quality) and the two additional heads of terms to be secured in the deed of variation to the S106 Agreement:

Heads of Terms (Air Quality)

Monitoring (air quality)

- £30,000 financial contribution towards ensuring the site operates in accordance with conditions imposed to mitigate the environmental impact from noise, dust and air quality management. Additionally, the regulation of site equipment in accordance with the Councils Air Quality Action Plan and Code of Practice, and the discharge of documentation for the site. The Pollution Team also have a statutory duty to investigate and respond to complaints from surrounding properties. The £30,000 will specifically contribute towards funding the cost of monitoring by the Councils Air Quality Team, each year over a 2-year construction period (maximum contribution of £60,000).

Monitoring station (air quality)

- £35,000 financial contribution towards for the installation of a continuous air quality monitoring station in the vicinity of the development upon completion of construction. The addition of a monitoring station in the north of the borough would enhance Merton's monitoring network and provide valuable real-time information for an area where a significant number of residents are being introduced. Defined within Merton's Air Quality Action Plan is a commitment to seek funding from new developments to update the borough's air quality monitoring network. The £35,000 contribution would be a one off payment.

8.9.18 The Councils Air Quality Officer has confirmed that she has no objection to the application subject to conditions and S106 agreement obligations above. It is therefore considered that the applicant has demonstrated that the proposed development would minimise pollutants and reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environments. The proposed development is

therefore considered to comply with NPPF, London Plan, LBM policy and air quality regulations set out in paragraph 8.8.15 above.

8.10 **Development Operation and Transport**

8.10.1 There are 4 components to the proposed development:

- Football Stadium
- Residential units
- Retail unit
- Squash and fitness facility

These will have different operational requirements, and which must be properly managed and co-ordinated to ensure that the functioning of one element is not unduly compromised by another.

Residential

8.10.2 The up-keep of the blocks and communal area will continue to be the responsibility of a dedicated management company, and internally, the units would be responsibility of the occupiers.

Car Parking

8.10.3 The original planning approval had a car parking allocation of 199 spaces at a ratio of 0.33 spaces per unit. The proposed scheme would now provide a total of 632 dwellings supported by 185 car parking spaces at a ratio of 0.29 spaces per unit. The increase in the number of units will introduce a modest increase to the estimate trip generated (from all sources) by the new residents of the development. However, it is anticipated that the number of car trips generated by the residential development would reduce compared with the consented scheme since the number of residential car parking spaces has been reduced from 199 to 185. The car parking number still satisfy the maximum car parking standards in accordance with the London Plan 2016 and the latest Draft London Plan 2017. The access to and from the car park remains unchanged from Plough Lane. All the units would continue to be subject of a permit free requirement preventing parking permits being obtained. This would be covered within the deed of variation to the S106 agreement.

Cycle Parking

8.10.4 A total of 36 spaces will be provided for the additional residential units and these would be provided in the form of 18 Sheffield stands located within the basement of building A. One Sheffield stand will be provided within the podium level of the development to meet the residential visitor/short stay

requirement. The total number of cycle spaces, including the new residential units would still remain within the London Plan minimum residential cycle parking space standards.

Retail

8.10.5 The consented scheme provides 2 on-street disabled parking bays for retail use located on Copper Mill Lane. These are still provided in addition to 19 new car parking spaces within the basement of Block A.

Car Parking

8.10.6 The proposed scheme introduces 19 car parking spaces within the basement of Building A to serve the retail unit. This has been proposed following advice from commercial agents that retail operators will require an element of short stay parking for their customers to assist in making the retail unit successful. The car parking spaces, which includes 2 disabled parking bays would be within the maximum limits of the London Plan.

8.10.7 The maximum car parking provision for retail proposed is in accordance with The London Plan 2016 and the Draft London Plan 2017 (which reduces maximum parking figures) up to 1 space per 50 sqm gross internal area. The proposed retail unit would have a gross internal area of 1, 273 sqm therefore the maximum car parking standards would be 25 spaces. The provision of 22 car parking bays (19 within the basement of Block A and 2 disabled persons parking on-street bays) is therefore compliant with policy.

8.10.8 Objections have been received regarding the applicant originally emphasising that the retail unit would serve the needs of the local population, was easily accessible on foot or by public transport and will not lead to an increase in vehicle traffic. Whilst the number of car parking spaces has been increased by 19, car parking levels are within maximum space standards set out in the London Plan and therefore is policy compliant.

8.10.9 The applicants Transport Note states that proposed trip generation by the retail unit is expected to generate 210 trip movements a day. The updated trip generation (transport assessment uses comparable retail sites) is comparable to the values reported in the 2014 Transport Assessment (original application). The Council Transport Planner agrees that the trip estimates do not appear unreasonable given the proposed provision of 21 spaces (19 within basement and 2 disabled on-street car parking bays). In addition, the applicants Transport Note considers that 50 % of car driver trips to the retail unit would encompass pass-by trips. It is therefore assumed that passing trade by car will already be on the surrounding

highway network. Given the location of the retail unit and its modest size, the Council's Transport Planner agrees that the unit would attract passing trade and is unlikely to generate a high number of trip generations as a direct sole designation of travel.

- 8.10.10 Trade by footfall is still considered to be high in this location due to the urban location, containing both commercial and residential uses, from the provision of 632 new residential units being built on the application site and from spectators/staff using the stadium.

Cycle Parking

- 8.10.11 The consented scheme provides 6 cycle parking spaces for the retail unit in the public realm adjacent to the unit and this is to remain unchanged and is compliant with policy.

Squash and Fitness Facilities

- 8.10.12 The squash and fitness facility will be serviced in the same way as the original consented scheme, as will cycle parking. Changes to the squash and fitness facility relate to an increase of one car parking space (but now includes two disabled spaces) and its relocation within Block A (located further to the north). Access to the car park will remain unaltered from the southern access on Summerstown.

Car Parking

- 8.10.13 The consented scheme provided 19 car parking spaces within Block A. It is now proposed to provide 20 car parking spaces, still within the basement of Block A but located further to the northwest. The proposal would see an increase of 1 car parking space overall and would include 2 disabled parking bays (original consented had no disabled parking spaces in the basement). The increase of 1 car parking space for the squash and fitness facility would have a limited impact upon trip generation by car, consideration should also be given to the fact that 2 disabled spaces are provided. Therefore, overall there is a net reduction of 1 non-disabled parking space. The slight increase in the overall number of car parking spaces would have a neutral impact on the level of car movement to and from the site when compared to the original consented scheme. The introduction of 2 disabled car parking spaces for the facilities is welcomed as the consented scheme had no dedicated disabled spaces.

Cycle Parking

- 8.10.14 The consented scheme provides 20 cycle parking spaces for the squash and fitness facility within the public realm adjacent to the entrance to the

facility. This is to remain unchanged.

Stadium

Removal of Stadium Semi-Basement/Undercroft

8.10.15 It is proposed to remove the semi-basement/undercroft floor to simplify the stadium design and achieve construction efficiencies of the stands. The principal implications are a reduction in car parking spaces serving the stadium (by some 30 spaces), a minor reduction in back of house facilities and realignment of the internal stadium vehicular route/exit. This change will result in environmental benefits in terms of reduced excavation and transportation of spoil away from the site with associated lorry movements, and fewer car movements due to the reduced car parking.

8.10.16 There would be no change to the following sections contained within the original planning application committee report:

- *Non-match Day Use*
- *Hospitality Suites*
- *AFC Wimbledon Shop*
- *Match Day Use*
- *General Stadium Management*
- *Match Day Stadium Management*

Where necessary, planning conditions and the S106 agreement will continue to secure final details and financial contributions.

Crèche & Café

8.10.17 The crèche and café have now been omitted from the scheme.

Safety and Security

8.10.18 No change to the safety and security of the stadium, other than amendments to cycle parking with the replacement of 100 cycles along the north/south street to a mobile cycle facility on Council Land located opposite the stadium on Plough Lane.

Access and Transport

8.10.19 The day-to-day operation of the stadium would still be tightly controlled through the safety licensing obligation governing all Stadiums in the UK in planning terms, by the retention of conditions and S106 heads of terms attached to the original planning approval.

8.10.20 There would be no change to the following sections contained within the

original planning application committee report:

- Off-Site Parking – LBM and LBW
- Taxis
- Local Bus services
- Rail
- Travel Planning
- Emergency Vehicles
- Noise, Light and Litter
- Crime and Antisocial Behaviour
- Pedestrians

Where necessary, planning conditions and the S106 agreement will continue to secure final details and financial contributions.

Coaches

8.10.21 The access to the Stadium car park remains unchanged, where vehicles enter from Riverside Road and exit from Copper Mill Lane. However, due to the change in the Stadium car parking arrangement, this has changed the path of vehicles through the Stadium and onto Copper Mill Lane. There is no objection to the revised routing of vehicles through the Stadium as the original vehicle access and exit remains unaltered.

Cycle Parking

8.10.22 After consulting regulatory guidance (Guide to Safety at Sports Grounds, Edition 5 - which is given force where Safety Certificates are issued under prevailing legislation) governing safe crowd access to and from the stadium, the Club has confirmed that it is not able to store bicycles along North-South Street as approved. In order to maintain the approved level of consented cycle parking serving the stadium, the proposed change to the existing permission comprises:

- a) Provision of 22 cycle spaces within the stadium for use by staff on non-match days;
- b) on match days, making provision for at least the balance of consented cycle spaces (i.e. 78 spaces) in a mobile storage facility located on adjoining land to directly to the south of Plough Lane.

8.10.23 There can be no objection to the removal of cycle parking along north-south street as this is required for safety reasons associated within the football stadium use. It has been agreed with Merton Council that a mobile cycle storage facility can be provided on Council owned land south of

Plough Lane. The facility would provide at least the same number of cycle spaces as these provided on North-South street. The Council have agreed the proposal in principle. The arrangements will be secured through the a variation to the existing Section 106 agreement.

Car Parking

8.10.24 The proposed car parking to serve the stadium in the First and Final stage of the stadium will change. A reduced number of spaces will be provided in the First Phase and these will remain unchanged in the Final phase (i.e. 20,000 seats). It is now proposed to provide 44 spaces (including 4 disabled spaces) all located at Level 00 (ground). The reduction in car parking spaces will encourage people to use public transport and bicycles and will not impact on the operation of the stadium. It should also be noted that there are no maximum car parking standards for stadiums within the London Plan.

8.11 **Refuse and Recycling**

Residential

8.11.1 No change to the proposed operation. The new residential units will continue to be serviced in the same manner as the original scheme with storage located close to cores and on waste collection days refuse would be taken by building managers to a refuse holding area.

Stadium, Retail, and squash and Fitness

8.11.2 No change to the waste management operation of each use.

8.12 **Inclusive Access**

8.12.1 Policy 7.2 of the London Plan and CS8 of the Core Planning Strategy seek to ensure new development is as accessible as possible to those with disabilities.

Residential

8.12.2 All the residential units under the original consented scheme were designed to comply with lifetime home standards and 10% of the units would be fully wheelchair accessible. Since the original assessment, lifetime homes is no longer relevant. However, the applicant confirms that the scheme will continue to comply with relevant legislation, standards and policy on accessibility as well as incorporating the principles of Lifetime Homes (despite no longer applying) and being fully compliant with the latest Building Regulations Part M. Condition 48 also requires for prior approval of a full Accessibility Strategy prior to occupation of any phase of

the development.

Retail Unit and Squash/Fitness Facilities

8.12.3 No changes to the access of the retail and squash and fitness centre, other than the level of disabled car parking spaces have been increased. The proposal would retain the 2 disabled parking bays on Copper Mill Lane for use of both the retail unit and Squash/fitness facility. In addition, it is now proposed to provide two dedicated disabled parking bays for each use within the designated parking areas in the basement of Block A. This would be an increase of 2 disabled car parking bays for each use which is welcomed.

Stadium

8.12.4 No changes to the Stadiums disabled credentials.

8.13 **Secured by Design and Security**

8.13.1 The Section 73 application has been designed as per the consented scheme to achieve maximum Secure by Design status. This is secured by Condition 78 which requires prior approval to this effect before Above Ground Works commence in any phase.

8.14 **Hydrology and Flooding**

8.14.1 The NPPF and London Plan policies 5.12, 5.13, Merton's policy CS 16 and SPP polices DMF1, DM F2 and DMD2 all seek to ensure that adequate flood risk reduction measures, mitigation, and emergency planning are in place to ensure there is no increase in flood risk offsite or to the proposed development.

8.14.2 The baseline conditions at the site are such that there is a risk of surface Water flooding and fluvial flooding from the River Wandle; there is currently unrestricted drainage discharge to sewers and inadequate surface water drainage within the existing site. The proposed development still incorporates a number of features that are designed to mitigate potential impacts for fluvial flooding and provides betterment in terms of surface water drainage through onsite attenuation (storage).

8.14.3 The main change to the design of the scheme and its potential impact on flood risk is the proposed removal of the basement beneath the South and West stands of the stadium and an additional block of flats. As this design change will impact on the consented flood compensation scheme, a recalculation has been undertaken to determine the losses and gains for floodplain storage from existing to the proposed scenario. It is noted that

the final “as built” height of the stadium as detailed in the Section 73 application, will be 500mm higher than the consented planning drawings.

- 8.14.4 Any adverse impacts with regards to flood risk from such development proposal would need to be satisfactorily assessed and mitigated within the FRA as part of the planning application process. The applicant has provided a Technical Note that reviews the proposed design changes with regards to flood risk and details the results of a re-calculation of the flood compensation scheme for the proposed amended scheme.

Flood Risk

- 8.14.5 The catchment wide hydraulic model of the River Wandle has been updated by the EA since the planning application was submitted. The results of the River Wandle Remodelling Study (2015) show that the flood levels within the Wimbledon Stadium Development site have been reduced in relation to the previous modelling results, this reducing the likely depth of fluvial flooding to the site. However, the site still lies within Flood Zone 3a ‘high probability’ with a 1 in 100 (1%) risk of fluvial flooding in any given year.
- 8.14.6 In addition, the updated River Wandle model has recently been re-run (in 2017) using the latest climate allowances as specified in the EA’s guidance (2016). The results of these updated climate change model runs indicate that even with the increased allowances, in combination with the reduced flood levels resulting from the updated modelling, result in lower levels than the previous climate change allowance flood levels considered under the original application.
- 8.14.7 The proposed removal of the basement beneath the south and west stands of the stadium element of the consented scheme would result in a change to the flood compensation scheme detailed in the 2015 ES Addendum. However, the recalculation provided in the FRA Technical Note demonstrates that there is still an overall netgain in floodplain storage compared to the consented compensation scheme and therefore does not increase flood risk elsewhere.
- 8.14.8 The Councils Flood Risk Officer has confirmed that the re-calculation exercise indicated that the finished floor level of the ground floor beneath the South and West stands should be set no higher than 8.69m aOD in order to maintain a net gain in flood storage within all of the 100mm deep flood storage bands. The re-calculation results show that the overall net gain in flood storage across all depth bands is reduced by 2,488m³ compared to the previous compensation scheme. However, the results demonstrate that there is still a net gain in flood storage within each depth band and an overall net gain of 10,665m³ across all depth bands.

8.14.9 The Environment Agency also confirm that the proposed changes will result in an overall net gain in in flood storage of 10,665m³ from the previously developed site. While this is 2,488m³ less than currently consented scheme it is still a gain in flood storage and is therefore considered acceptable as flood risk is not increased.

8.14.10 Both the Environment Agency and the Council's Flood Officer have confirmed no objection to the application, subject to conditions.

Sequential Test

8.14.11 The original application considered the requirement of Sequential Test. The Council still considers that the sequential test was explored, examined and passed for Site 37 (Wimbledon Greyhound Stadium) via the Local Plan. The site continues to be allocated in the Sites and policies Plan and it is therefore deemed to have passed the Sequential Test in accordance with the NPPF.

Exception Test

8.14.12 The proposal is still considered to meet the requirements of part 1 and part 2 of the Exception Test as set out and agreed within the original planning committee report.

8.14.13 Part 1 of the Exception Test remains unaffected, despite the loss of the café and crèche, the development is still considered to have wider sustainability (social, environmental and economic) benefits to the community.

8.14.14 The applicant has provided evidence that the development will continue to be safe for its lifetime and will not increase flood risk elsewhere. The Environment Agency and the Council's Flood Officer have confirmed no objection to the application subject to conditions. Therefore, the requirements of Part 2 of the Exception Test are considered to have been passed.

8.14.15 Details relating to drainage, impacts during construction, drainage and water quality, impacts during operation, assessment of cumulative effects and utilities as considered under the original planning approval remain unaffected by the proposed Section 73 changes. Matters relating to fluvial flooding has been recalculated due to the change of basement construction. The recalculation confirms that the consented compensation scheme would not be compromised by the proposed changes. This has been supported by the Environment Agency and the Councils Flood Officer who raise no objection.

8.14.16 Planning conditions and S106 agreement would still be retained as part of the Section 73 application. These would ensure that the development maintains a suitable hydrology and flooding strategy.

8.15 **Sustainability**

8.15.1 Local and strategic development plan policy requires that new development achieves a high standard of sustainability, makes efficient use of resources (including land) and minimizes water use and carbon dioxide emissions. These requirements formed a vital part of the brief for the approved development and are embodied in the consented and amended scheme.

8.15.2 However, since the time that the consented scheme was approved by the London Borough of Merton Planning Committee (in October 2015), strategic planning policy seeking to tackle the effects of climate change has evolved and the London Plan 2016 now includes Policy 5.2 (Minimizing Carbon Dioxide Emissions).

8.15.3 Together with Core Strategy Policy CS15, these policies set a framework for developments to achieve a percentage reduction in carbon dioxide emissions on site (through energy efficient design of buildings, use of decentralized energy where feasible and use of on-site renewable energy technologies), with the balance making up “zero carbon” status, through a cash-in-lieu contribution to the Local Planning Authority (i.e. a Carbon Off-Set Payment).

8.15.4 None of the approved sustainability measures incorporated within the approved scheme is affected by the proposed minor amendments. It is proposed to relocate the energy centre serving the residential development to a more accessible location within the basement, but its capacity and technical specification is not altered. The following sections in the original planning committee report therefore remain unaffected:

- Gas-fired Combined Heat and Power (CHP)
- Solar PV panels
- Air Course Heat Pumps (ASHP)
- Mechanical Ventilation Heat Recovery (MVHR)
- Electric Charging points for vehicles
- Water efficiency
- Site Waste Management
- Demolition
- Construction Phase
- Operational Phase
- Ecology

8.15.5 An updated Energy Strategy has been submitted with this Section 73 application. It details the energy and sustainability design features being used within the amended scheme and the how these maintain compliance with current development plan policy. The submitted Energy Strategy confirms that a total on-site carbon reduction of 41.9% can be achieved in respect of the additional residential units proposed, thereby meeting strategic and local carbon reduction targets. On this basis and to achieve compliance with London Plan Policy 5.2, a cash in lieu payment of some £21, 283 will be required and can be secured through a variation to the Section 106 Agreement.

8.15.6 Overall, as detailed in the submitted Energy Statement, the proposed scheme continues to accord with development plan policy on sustainability and tackling climate change. Approved energy and sustainability principles remain unaffected and the proposed new units achieve full compliance with current strategic and local policy on achieving carbon reductions though a combination of on-site measures and cash in lieu payment to the London Borough of Merton.

8.16 **Social Infrastructure**

8.16.1 National, regional and local planning policy requires that the impacts of any development be assessed in terms of their potential impacts on a wide range of issues (material considerations) such as design, transport, residential amenity, sustainability/climate change and social infrastructure (affordable housing, education, health and sport and leisure).

8.16.2 The Section 73 application would still deliver the requirements relating to health, sport and leisure through conditions and S106 agreements (financial contributions) as agreed within the original planning approval. Whilst the proposed crèche is no longer being provided, there is no policy justification to retain the facility. CIL funding would still be available to support demands on school places and potential school expansion programmes, where appropriate.

8.17 **Affordable Housing**

8.17.1 The NPPF, London Plan, and Local Plan emphasise the importance of providing affordable housing. Policy CS 8 and DM H3 require affordable housing to be provide onsite for schemes providing 10 or more residential units. London Plan policy 3.11 states that in order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale.

8.17.2 Policy CS 8 states that the Council will aim for the borough-wide affordable housing target of 40% which is equivalent to the numerical target of 1,920 affordable homes in Merton for the period 2011- 2026. The Council will also expect the following level of affordable housing units to be provided on individual sites:

Threshold	Affordable Housing Target (Units)	Affordable Housing Tenure Split	Provision Requirement
10 units or more	40%	60% Social Rented and 40% intermediate	On-sit: Only in exceptional circumstances will the Council consider the provision of affordable housing off-site or financial contributions in lieu of provision on-site and tis must be justified.

8.17.3 In seeking affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

8.17.4 The approved scheme currently provides 60 affordable dwellings located in Building B. These units (all shared ownership) were fully supported by detailed viability appraisals which were independently assessed and subsequently agreed by stakeholders. The approved level of affordable housing reflected the specific circumstances of the site whereby the residential development is “enabling” development that has generated funds (an agreed and secured sum of £14m) to part fund and ensure delivery of the new football stadium.

8.17.5 The formation of a new joint venture partnership with Catalyst Housing Association has resulted in the opportunity to review the number and tenure of dwellings that can be delivered as part of the approved development. The Section 73 application proposes a new affordable housing offer, which has been secured in the contract by Catalyst Housing Association and which has also been subject to updated viability testing. The proposed affordable housing offer now comprises;

- The 60 intermediate shared ownership units currently secured in the Section 106 agreement (dated 13 December 2017).
- 20 further intermediate shared ownership units to be secured through the deed of variation to the S106 agreement.

- 101 further intermediate shared ownership units to be delivered by Catalyst Housing Association outside of the Section 106 Agreement.

8.17.6 The above package brings the total number of affordable shared ownership dwellings that can be delivered by the proposed development to 181 dwellings compared to the 60 currently agreed. However, it must be noted that the 101 intermediate shared ownership units to be delivered by Catalyst Housing Association would not technically be considered as affordable housing as they would not be secured as part of the S106 agreement. The applicant has stated that the 101 units would be delivered by Catalyst Housing Association, however there is no legal requirement that the units remain as affordable housing units in perpetuity. It must however be noted that the level of affordable housing the site can deliver has been subject of a viability review by the Councils independent viability assessor. Officers recognise that Catalyst Housing Association could deliver the shared ownership units which would be beneficial, however it must also be noted that the units could be changed to private units without any control from the Council.

8.17.7 Despite the above, 20 further intermediate shared ownership units would be secured within the S106 agreement. As set out below, the amount of affordable housing the site can viably deliver has been subject of a viability review. The 20 affordable housing units secured within the S106 agreement has been agreed with the Councils independent viability assessor. Any additional affordable housing the site can deliver is practically welcome and this is a significant benefit in the current proposal. The affordable housing provision to be secured in the S106 agreement would therefore increase from 9.9% to 12.7% under the current scheme (60 to 80 units).

Viability Appraisal

8.17.8 Policy 3.12 of the London Plan states that in negotiating affordable housing in private schemes, boroughs should seek the maximum reasonable amount of affordable housing having regard to their affordable housing targets, the need to encourage rather than restrain residential development, and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy, the implications of phased development including provision for re-appraisal and other scheme requirements.

8.17.9 An independent assessment of the applicants submitted viability assessment has determined that the scheme can viably support additional affordable housing units.

- 8.17.10 Given the below target level of affordable housing that is proposed, it is recommended that a review or “claw back” mechanism be included within any S106 legal agreement, which would require the economic viability of the development to be reviewed and independently assessed at fixed points in the delivery period to allow the Council to maximise the amount of affordable housing by capturing a proportion of any increase in value in the development for provision of affordable housing off-site, via an affordable housing viability review.
- 8.17.11 The applicant has agreed to a review mechanism and if viability increases to an agreed level, then affordable housing contributions will be made.
- 8.17.12 The applicant is supportive of the principle that as part of any S106 agreement any other S106 monies claimed by LBM and LBW and not spent within agreed time periods would be retained and transferred to an account held by LBM to contribute to off-site affordable housing within the borough. This support is on the proviso that the aggregate of the value of the onsite affordable housing provision that is delivered and the payment in-lieu (the “pot” for affordable housing from the scheme) is capped at a maximum value equivalent, in value terms, to policy compliant affordable housing provision, on-site (40%).
- 8.17.13 It would be necessary for the S.106 legal agreement secure any onsite provision, for the proposed 80 units.
- 8.17.14 Overall, the current Section 73 application accords fully with the planning policy objective stated at all levels of planning policy to maximize the provision of affordable housing and ensure that the maximum reasonable level of such housing is being provided.

8.18 **Volante (46 – 76 Summerstown) – Neighbouring Development Site**

- 8.18.1 This neighbouring site is in separate ownership however also part of ‘Site 37’ as defined in the Sites and Policies Plan, this site is also subject to the same policy requirements as the main stadium site.
- 8.18.2 The Volante site will be considered in the context of any approved redevelopment of the main Greyhound site. The site now has an extant planning permission for 93 residential units. As part of the application process, the applicant considered the provision of a new health care facility (as identified in the original planning committee report). However, the applicant and NHS could not reach a positive conclusion to provide a facility on the Volante site. Instead, the Volante development secured a financial contribution towards Health Care (£62,000). As no onsite facility was included on the Volante redevelopment, as set out in the original planning application committee report, the £402, 500 health care

contribution secured under the original planning approval would be held in an account by LBM (along with other S106 monies generated by the development and to be claimed by outside parties) until a location/scheme for additional healthcare facilities within LBM/LBW and within the vicinity of the site comes forward. Should this not occur within 5 years of the completion of the development the monies would be used towards maximising the level of affordable housing provision.

8.19 **Loss of Crèche**

8.19.1 The approved consented scheme included the provision of a crèche within the operational area of the stadium. As already set out in the planning committee report, there is no policy requirement to provide the facility as part of the redevelopment of the site.

8.19.2 There is no policy justification to provide the facility, however, as a matter of background, the applicant states that having investigated the market and operational issues around delivering this use, they consider that it has been confirmed as neither economically or practically realistic. The applicant also highlights that Under OFSTED regulations, all crèche facilities must offer an area of play space. In the case of the approved scheme, this play space is located at ground floor level adjacent to the stadium toilet area and match day access to the stadium concourse and concession stands on North-South Street. However, this area cannot be demised to a crèche operator for dedicated use as play space because it is part of the operational stadium and needed in the event of emergency access. This will prevent any crèche operator from being able to use it as permanent purpose-designed play space. For the reasons above, the constraints of the use will significantly reduce the likelihood of any operator taking the consented space. For these reasons, rather than build a speculative crèche facility that will sit vacant and unused, it is proposed to remove this use from the stadium.

8.20 **Loss of Café**

8.20.1 The approved consented scheme included a small café kiosk within the operational area of the stadium. It was located at ground floor level within the North-South Street stadium frontage, in front of the central food and drink concession stands. Under the approved scheme, the café would be open to the public during the day on non-match days and secured via a shutter system at night and on match days. The aim of these uses is to generate pedestrian activity and interest within the scheme on non-match days.

8.20.2 There is no policy justification to provide the facility, however, as a matter of background, the applicant has stated that having considered in detail

the small floor area of the consented café (circa 30 sq. m), the estimated need/usage (likely to be focussed heavily on take away service due to its size) and the economics around providing it, the Football Club has concluded that this will not be commercially sustainable. Therefore, it is proposed to remove the café/kiosk from the scheme.

8.21 **Condition 20 - (opening hours of stadium/shop)**

8.21.1 Reworded to include provision for extra hour opening (until 23.00) as required by the football authorities (matches requiring extra time & penalties).

8.21.2 There is no objection to the rewording of planning condition 20 as this is a reasonable request given the nature of the proposed stadium use for football matches. It is unlikely that this would be a common event as the additional hour opening time would only be triggered on those matches requiring extra time, such as cup competitions. The applicant have outlined that historically, this is a very rare event and over the last ten seasons in the competitions currently played by AFC Wimbledon, only two games have gone into extra time and none have gone to penalties. Given the short increase in time and the limited frequency when this would be activated it is considered that there would be no adverse harm on neighbouring amenity. The potentially later finish to matches would also still provide adequate public transport facilities locally to enable supporters to travel by public transport. The Councils Transport Planner has considered the 11.00pm finish time and is satisfied that there would remain suitable public transport options for people.

9 **Local Financial Considerations**

9.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

10. **Sustainability and Environmental Impact Assessment Requirements**

10.1.1 The proposal is for a variation of condition to a major, mixed use development, and constitutes a Schedule 2 (EIA) development.

Accordingly, the applicant has submitted an Environmental Statement Addendum 2018, prepared by Peter Brett Associates LLP (PBA), under Section 73 of the Town and Country Planning Act 1990 (as amended).

- 10.1.2 The ES Addendum for the proposed amended scheme updates the findings of the Wimbledon Stadium Development ES originally prepared in 2014 and then updated in 2015 ('the 2015 ES Addendum') in respect of flood risk effects to accompany planning application 14/P4361 for the consented scheme, in order to assess any new or different likely significant effects from the proposed amended scheme. Revised assessments are provided within the ES Addendum only where there is the potential for new or different likely significant effects not previously predicted for the consented scheme to occur from the proposed amended scheme
- 10.1.3 The contents of the Environmental Statement have been duly considered in assessing the proposed development.
- 10.1.4 The sustainability requirements for the proposal and what targets will be achieved have been discussed earlier in this report in section 8 and mitigation measures secured by conditions and the S106 agreement.

11. **CONCLUSION**

- 11.1 The existing Greyhound stadium site presented a number of challenges for any proposed redevelopment however the potential to overcome these challenges and provide a high quality, mixed use, development has been reflected in the site's allocation in the adopted Sites and Policies Plan ('Site 37') for *'Intensification of sporting activity (D2 Use Class) with supporting enabling development. Developments that facilitate more sporting activity may be enabled by more viable uses, subject to meeting planning policy, evidence and consultation.'*
- 11.2 The Section 73 application still secures the delivery of mixed use development comprising an 11, 000 - 20, 000 seat football stadium, which is to be enabled by the proposed 632 residential units, new squash and fitness facility, and new retail unit, with associated parking and landscaping. The proposal would still provide mitigation and contributing to wider enhancements in the surrounding area within LBM and LBW through S106 Agreement and CIL monies.
- 11.3 It is considered that the proposed development is acceptable in national, regional, and local policy terms. It delivers an additional 28 new residential units on the site (including an increase provision of Affordable Housing) and has satisfactorily overcome and addressed the site constraints in respect of flooding and transport and that the mitigation measures

proposed through the design and relevant S106 Agreement and/or Merton CIL will result in a high quality development, which will encourage a much needed regeneration of this area, and provide wider socio-economic and environmental benefits within both Merton and Wandsworth boroughs. The proposed elevation design changes to the Stadium and residential elements of the scheme are considered to be visually acceptable and of high quality.

- 11.4 The proposed changes are considered to be acceptable under Section 73 application and officers recommend permission be granted.

12 **RECOMMENDATION**

- 12.1 GRANT variation of Conditions, subject to conditions and deed of variation to the S106 agreement

12.2 **Variation of S106 legal agreement**

The relevant S106 legal agreement between LBM, AFC Wimbledon, Galliard, Greyhound Racing Acquisitions Ltd, and Greyhound Racing Association Ltd, TfL, continue to include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations).

1. Enabling sporting intensification: the provision for a ready-for-occupation stadium and a ready-for-occupation squash and fitness facilities prior to the occupation of a proportion of residential units and associated provision of 20 car parking spaces in Block A as proposed.
2. Affordable housing: The provision of 80 intermediate units within Block B, to be available in-perpetuity to persons or households who meet Merton's affordable housing eligibility criteria.
3. Affordable housing viability review mechanism: The Council requires the applicant to undertake a viability review, at an advanced stage in the delivery of the residential element of the development. This will identify whether the development generates any financial surplus that could be used to provide additional off-site affordable housing via payment of a financial contribution to the council, in-lieu of on-site provision (the clawback mechanism recommended at head of term number 4 being the tool proposed to secure this).
4. Clawback mechanism (affordable housing): to be undertaken at fixed trigger points following commencement and during or

following the delivery of development in order to recoup surplus funds to be used for off-site affordable housing (capped, so that the total amount clawed back, when added to the value of on-site provision, would not exceed the policy target expressed in the adopted Merton Core Strategy Policy CS8).

5. Health: Proportional financial contribution (£402.5k) towards the provision of offsite health care facilities. If the health care facility is not provided within 1 mile of the site within five years from final residential occupation, then the sum is to be otherwise redirected for off-site affordable housing in accordance with the clawback mechanism.
6. Older children play provision: Provision of £250,000 for a proportional financial contribution for identified enhancements to Garratt Park following a review to be conducted by the London Borough of Wandsworth into current usage levels and facilities of the Park, together with signage improvements to the route between the site and the Park to direct users to the Park entrance accessed via Garratt Lane. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in accordance with the clawback mechanism
7. Bus services contribution: Provision of £1,200,000 to be paid to Transport for London towards increase in bus capacity on AM and PM peak routes from Garratt Lane for a period of 3 years. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in accordance with the clawback mechanism
8. Bus Stop relocation: £8,386.94 for bus stop infrastructure plus Section 278 works associated with moving bus stop known as BP5011. If funds are unapplied to the stated purpose then they are to be (repaid to Merton/) redirected for off-site affordable housing in the first instance in accordance with the clawback mechanism
9. Highways works within London Borough of Merton: to be completed prior to occupation of the development, to be secured by S.278 agreement to be entered into prior to commencement of development.

Works to include:

- a. the provision of the pedestrian lane or the shared pedestrian/cycle lane on the Plough Lane Dedication Land and existing public highway on Plough Lane running from the Wandle Trail to the Development Site;

- b. the relocation of the bus stop known as BP5011 and payment of bus stop infrastructure costs of £8,386.94 via financial contribution as per head of term above;
 - c. the provision of a pelican crossing across Plough Lane at the junction with the proposed Public Access Route;
 - d. the provision of a two lane northbound entry flow from Haydons Road into the junction of Haydons Road, Gap Road, Durnsford Road and Plough Lane, including all associated changes to road markings, parking bays, kerbs, drainage, lighting and signals
 - e. Realignment of the kerb on the corner of Gap Road/Durnsford Road;
 - f. the provision of a pedestrian refuge island, along with associated works, on Plough Lane within close vicinity to Waterside Way
 - g. the removal of all carriageway parking on Plough Lane between Waterside Way and Summerstown Road
 - h. Reconstruction of the highway (carriageway and footway) around the site at Plough Lane and Waterside Way which may include, inter alia
 - i. New footways and carriageway
 - ii. Revised access/crossover arrangements
 - iii. Relocation/replacement of street lighting
 - iv. Relocation of services, if and where necessary
 - v. Road markings and signs and related traffic management orders
 - i. Consultation and implementation costs for any parking management in connection with highways / Secion 278 costs.
10. Works associated with utilities diversion Any works to divert utilities either on or offsite, including Thames Water sewer/s, shall include associated works to LB Merton and LB Wandsworth's highway assets including highway drainage connections.
11. Dedication under S.38 of the Highways Act: of land within the application site boundary, to form part of the public highway on Plough lane to accommodate the cycle/footway connecting the site to the Wandle Trail
12. Highways works within LB Wandsworth: to be completed prior to

occupation of the development, to be secured by S.278 agreement with London Borough of Wandsworth prior to commencement of development. Works to include:

a. Reconstruction of highway abutting the site in Summerstown and Riverside Road which may include, inter alia

- i. New footways and carriageway
- ii. Revised access/crossover arrangements
- iii. Relocation/replacement of street lighting (if required)
- iv. Relocation of services, if and where necessary
- v. Road markings and signs and related traffic management orders

b. Footway and road safety improvements in the direction of Garratt Lane, to include new dropped kerbs, tactile paving and pedestrian signage

13. LB Merton on-street parking controls (CPZs): Provision of funds to LBM to cover the cost of public consultation on changes to identified CPZ's to enable specific controls and the imposition of these controls should the public consultation be in favour. Any funds not spent within a specified period following occupation of the stadium would be redirected for off-site affordable housing in accordance with the clawback mechanism.

Funds

LB Merton on-street parking controls (CPZs) – total £108k, comprising:

- £10k baseline survey contribution
- £10k early occupation survey contribution
- £10k CPZ consultation contribution
- £68k CPZ works contribution

14. LB Wandsworth on-street parking controls (CPZ): Provision of funds (£100k) to LBM to be passed to LBW to enable public consultation on changes to identified CPZ's to enable specific controls and the imposition of these controls should the public consultation be in favour. Any funds within a specified period following occupation of the stadium would be transferred back to LBM to use for off-site affordable housing in accordance with the clawback mechanism.

15. LB Merton on-street parking controls (waiting and loading): Provision of funds (£29.5k) to LBM to cover the costs of alterations to existing waiting and loading restrictions along Waterside Way and Plough Lane. Any funds not spent prior to occupation of the stadium would be transferred to use for off-site affordable housing in accordance with the clawback mechanism.
16. LB Wandsworth on-street parking controls (waiting and loading): Provision of funds (£5k) to LBM to be passed to LBW in respect of and waiting and loading restrictions. Any funds not spent within a specified period following occupation of the stadium would be transferred back to LBM to use for off-site affordable housing in accordance with the clawback mechanism.
17. Public Access Route – North-South Spine Route: public access controls (to be sensitive to any amended Construction Management Plan and Delivery and Servicing plans provisions for Stadium enhancements)
18. Stadium Management Plan: (including (but not exclusive to) Stadium Travel Plan, Local Area Management Plan, Coach Management Plan, Stadium Emergency Evacuation Procedure Plan) (this is to be considered a “stadium document” for the purposes of the below heads)
19. Delivery and Services Plan (for the stadium and all other uses so therefore this is to be considered a “stadium document” for the purposes of the below heads). This will include site waste management plans in respect of the storage and removal of refuse and recycling for all elements of the approved development (including stadium, retail unit, squash and fitness facility and residential units)
20. Car Club spaces to be provided within residential parking area.
21. Electric vehicle charging points: provision for electric vehicle charging points (passive and active provision) to be provided on site in accordance with the agreed plans.
22. Travel plans: travel plans (including annual monitoring and publication of the results) to be provided in respect to the stadium and the residential units
23. Residential units to be ‘permit free’, which means that all users and

occupiers of residential units proposed shall not be entitled to a permit to park a vehicle within a CPZ within the vicinity of the site (blue badge holders excluded).

24. Construction Management Plan: including Construction Logistics Plan, Site Waste Management, and Construction Environmental Management Plan (which shall include a Japanese Knotweed Management Plan) to be submitted to and approved by LBM prior to commencement of development. An updated/or additional Construction Management Plan and associated documents to be submitted and approved prior to work to increase the capacity of the stadium or up to the maximum of 20,000 persons. Development to not be carried out except in accordance with the approved plans.
25. Car Park Management Plans: to cover the Stadium, and residential development and 20 squash and fitness facility car parking spaces. The Stadium Car Park Management Plan comprises a “stadium document” for the purposes of the below head of terms.
26. Provisions required in connection with stadium enhancements: Require the monitoring and review of “stadium documents” required under the S.106 agreement, including
 - a. an updated Transport Assessment (the scope of which to be agreed in advance with LBM)
 - b. a draft schedule of proposed further mitigation measures to be prepared and submitted to the Council for approval, with the final schedule submitted [] (which may include but not be limited to):
 - i. further highways works;
 - ii. further parking controls and associated payments to LB Merton and LB Wandsworth
 - iii. provisions to facilitate the use of Haydon’s Road Station on match days; and
 - iv. amended “stadium documents”)
 - c. delivery timescales for those measures as approved by the Council, 1) prior to commencement of works to increase the capacity of the stadium up to or above 15,000 persons; and, if not part of the aforementioned works to increase the capacity to or beyond 15,000 persons, 2) prior to commencement of works to increase the capacity of the stadium up to or beyond 19,000 persons, with works not to be commenced until such documents are approved, in the form of a written notice, by LBM

27. Further mitigation measures – stadium enhancements: Prior to commencement of the associated stadium enhancement securing agreement between the football club and LB Merton to the further mitigation measures, identified in the aforementioned written approval notice, to be delivered by the football club, and associated delivery timescales.
28. Climate Change (Carbon Off-Set) – Financial contribution of £21,283.
29. Mobile Cycle Storage Facility
30. Monitoring (air quality) - Financial contribution of £60,000 (max) – During construction period (2 years).
31. Monitoring Station (air quality) - Financial contribution of £35,000.
32. Co-ordination Measures
33. The developer agreeing to meet the Councils costs of preparing, drafting, or checking the agreement.
34. The developer agreeing to meet the Council's costs of monitoring the agreement.

12.3 **Conditions**

1. And the following conditions and informatives:

1. Time Limit for Implementation: (Originally condition 1) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of the original planning permission (14/P4361 dated 13/12/2017).

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Phasing Plan: (Originally condition 2) - Development carried out in accordance with the details approved under discharge of condition application 18/P1045.

Reason: To ensure the development progresses in an orderly manner without undue loss of amenity to the surrounding area and that satisfactory facilities are provided to service all stages of the development.

3. Approved Plans: (Originally condition 3) - The development hereby permitted shall be carried out in accordance with the following approved plans & documents that are referenced in Annex A (18/P3354).

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

4. Materials to be approved: (Originally condition 4) - No development above ground shall take place within any phase until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted within that phase, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to, and approved in writing by, the Local Planning Authority. No phase shall be carried out otherwise than in full accordance with the approved details in respect of that phase.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

5. Elevational Detailing: (Originally condition 5) - No Stadium development above ground shall take place until plans showing the final detailing and materials of the Stadium east elevation, details and materials of the proposed feature arches, and proposed podium levels and louvres to the residential blocks shall be submitted to and approved in writing by the Local Planning Authority. The Stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014

6. Internal Detailing (Stadium): (Originally condition 6) - No stadium development above ground shall take place until plans showing the detailing and internal layout of the East concourse, have been submitted to and approved in writing by the Local Planning Authority. The stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

7. Ramped Access Detailing: (Originally condition 7) - No development of Block A above ground shall take place until plans showing the final detailing and materials of the ramped access to residential Block A, located at the juncture of Plough Lane and Summerstown, have been submitted to and approved in writing by the Local Planning Authority. The residential development of Block A shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

8. Stadium and Hospitality Entrance Detailing: (Originally condition 8) - No Stadium development above ground shall take place until plans showing the final detailing and materials of the main Stadium Entrance and Hospitality entrance, have been submitted to and approved in writing by the Local Planning Authority. The stadium development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

9. Samples of Approved Materials: (Originally condition 9) - Samples of all approved materials/finishes to be used within the development of a phase shall be stored on site for the duration of construction of that phase and shall be made available for viewing by the Local Planning Authority at their request, during normal working hours.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3

of Merton's Sites and Polices Plan 2014.

10. Details of Surface Treatment: (Originally condition 10) - No development above ground (except demolition and site clearance) in any phase shall take place until details of the surfacing, including temporary surfacing, of all those parts of the phase not covered by buildings including any parking, service areas or roads, footpaths, hard and soft landscaping have been submitted to, and approved in writing by the Local Planning Authority. No part of a phase shall be occupied / brought into use until the works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

11. Details of Walls/Fences: (Originally condition 11) - No development above ground (except demolition and site clearance) in any phase shall take place until details of all boundary walls or fences within that phase have been submitted to, and approved in writing by, the Local Planning Authority. No part of a phase shall be occupied / brought into use until the works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014

12. Levels: (Originally condition 12) - (Stadium) No development except demolition and site clearance shall take place in any phase until details of the proposed finished floor levels of the stadium, together with existing and proposed levels in that phase, have been submitted to and approved in writing by the Local Planning Authority, and no phase shall be carried out except in strict accordance with the approved levels and details for that phase.

(Residential) – Development carried out in accordance with the details approved under discharge of condition application 18/P3202.

Reason: To safeguard the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014

13. Window Openings: (Originally condition 13) - The window openings for the approved retail units and Squash and Fitness facility shall be glazed in clear glass and retained as such and nothing shall be applied or fixed to the windows 1m above ground level so as to obscure views into and out of the retail units.

Reason: To provide visual interest to the shopping frontage, to maintain the vitality and viability of the town centre and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D7 of Merton's Sites and Polices Plan 2014.

14. Foundation/Piling Design: (Originally condition 14) - Development carried out in accordance with the details approved under discharge of condition application 18/P3203.

Reason: To ensure that the piling design is protective of above and below ground utility infrastructure assets and controlled waters, and to comply with the following Development Plan policies for Merton: policy 5.15 and 5.21 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

15. No Cables, Flue, and Meter Boxes: (Originally condition 15) - No cables, wires, aerials, pipework (except any rainwater downpipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

16. No Satellite Dishes: (Originally condition 16) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no Satellite dishes or

Aerials shall be installed on any part of the approved development without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

17. No Use of Flat Roofs: (Originally condition 17) - Other than any approved designated roof terraces, access to the flat roofed areas of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roofed areas shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

18. Opening Hours (Retail unit): (Originally condition 18) - The retail use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the retail unit.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

19. Opening Hours (Squash and fitness facility): (Originally condition 19) - The squash and fitness facility use hereby permitted shall not be open to customers except between the hours of 06:00 and 22:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the squash and fitness facility.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

20. Opening Hours (Stadium and Stadium Shop): (Originally condition 20) - The stadium and stadium shop use hereby shall not be open to customers except between the hours of 08:00 and 22:00 on any day (save where extended hours of opening to 23:00 are necessary to meet the requirements of the football authorities) and no staff shall be present at the relevant premises 1 hour after the closing time.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

21. Opening Hours (Stadium hospitality suites): (Originally condition 21) - The stadium hospitality use, including the ground floor area of the stadium hereby permitted, shall not be open to customers except between the hours of 08:00 and 01:00 on any day and no staff shall be present at the premises 1 hour after the closing time of the stadium hospitality use.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

22. No Amplified Sound (Hospitality suites): (Originally condition 24) - No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

23. No Amplified Sound (Squash and fitness facility): (Originally condition 25) - No music or other amplified sound generated from the squash and fitness facility shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of

Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

24. Noise Levels (Plant and Machinery): (Originally condition 26) - Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

25. Noise Levels (Mechanical Ventilation): (Originally condition 27) - Noise levels (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any mechanical ventilation, heat recovery/combined heat and power, air source heat pumps, or lift gear associated with the development shall not exceed LA90-10dB at the boundary with the nearest residential boundary.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014

26. Kitchen Ventilation Systems (Originally condition 28)

(a) The Stadium use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the Stadium have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the Stadium use commences and shall be permanently retained as such thereafter.

(b) The retail use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the retail use have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in

accordance with the approved plans and specifications before the retail use commences and shall be permanently retained as such thereafter.

(c) The squash and fitness facility use hereby permitted shall not commence until detailed plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures for the squash and fitness facility use have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the squash and fitness use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

27. Details of Mechanical Ventilation Heat Recovery: (Originally condition 29) - No development above ground of Block B and Block A shall take place until details of the residential units within Block B and Block A to be fitted with a Mechanical Heat Ventilation (MHV) system as outlined in the Environmental Statement and Energy and Sustainability Statements have been submitted to, and approved in writing by, the Local Planning Authority. The MVH system shall be installed to those units in accordance with the approved details and permanently retained and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of those properties and ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014

28. Noise Management Plan (Deliveries Non-Residential Uses): (Originally condition 30) - Due to the potential impact of the surrounding locality and approved commercial uses on the residential development, a Noise Management Plan for protecting residents within the residential development from noise (including but not limited to, sound attenuation of low frequency tonal noise (principally 100Hz, 200Hz and harmonics) controls on delivery times, white noise reversing beepers, rubber mats to minimise

noise from cages, improved sound insulation to dwellings if required, use of conveyor belts for loading and unloading) shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground commencing. The scheme is to include acoustic data for the glazing system and ventilation system to the residential units. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

29. Odour Control: (Originally condition 31)

(a) No development above ground of the Stadium shall take place until details of measures to control odour from all mechanical systems serving any individual food premises within the Stadium Land have been submitted to and approved in writing to the Local Planning Authority. The odour control measures shall be designed so as to limit the impact on neighbouring residential units from any odours generated by the approved Stadium use and the approved measures shall be implemented prior to occupation of any individual food premises within the Stadium Land and permanently retained and maintained as such.

(b) No development above ground of Block C shall take place until details of measures to control odour from all mechanical systems serving any individual food premises within Block C have been submitted to and approved in writing to the Local Planning Authority. The odour control measures shall be designed so as to limit the impact on neighbouring residential units from any odours generated by the approved retail use within Block C and the approved measures shall be implemented prior to occupation of any of the residential development and permanently retained and maintained as such

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of

Merton's Sites and Polices Plan 2014.

30. Healthy Catering and Healthy Work Places Schemes: (Originally condition 32) - Prior to occupation of the Stadium, details confirming exploration of, and accreditation from, the London Borough of Merton's 'Healthy Catering Commitment' and the Greater London Authority's 'Healthy Workplaces' scheme shall be submitted to the Local Planning Authority.

Reason: In the interests of contributing towards the improvement of public health within the London Borough of Merton and in compliance with policy 3.2 of the London Plan 2016.

31. Scheme of Lighting: (Originally condition 33) - No development above ground in a phase shall take place until a scheme of lighting for that phase has been submitted to and approved in writing by the Local Planning Authority and any such approved external lighting in respect of a phase, shall be positioned and angled to prevent/minimise any light spillage or glare that will affect any existing or new residential premises. The approved scheme of lighting for a phase shall be implemented prior to occupation of any part of that phase.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

32. CCTV Details: (Originally condition 34)

(a) No development above ground in a phase (other than a phase which includes the above ground development of the Stadium) shall take place until details of all CCTV and security lighting within/serving that phase and its linkages with any external CCTV system has been submitted to and approved in writing by the Local Planning Authority and thereafter permanently maintained and retained as such. The approved scheme of CCTV and security lighting in respect of a phase (other than a phase which includes the above ground development of the Stadium) shall be implemented prior to occupation of that Phase.

(b) No part of a phase which includes the above ground development of the Stadium shall be occupied until CCTV and security lighting in respect of that phase has been implemented in accordance with details approved in writing by the Local Planning

Authority and thereafter permanently maintained and retained as such.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

33. Contamination (study): (Originally condition 35) - Development carried out in accordance with the details approved under discharge of condition application 18/P1199.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

34. Contamination Remediation: (Originally condition 36) - Development carried out in accordance with the details approved under discharge of condition application 18/P1564.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

35. Contamination Remediation Verification: (Originally condition 37)

(a) Following the completion of any measures identified in an approved remediation scheme for the stadium land or non-stadium land, a verification report that demonstrates the effectiveness of the remediation carried out on the stadium land or non-stadium land (as the case may be) shall be submitted to and approved in writing by the Local Planning Authority.

(b) In the event that contamination is found at any time whilst implementing the approved development on the stadium land or non-stadium land, which was not previously identified, details of the contamination on the relevant land must immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken on the stadium land or non-stadium land (as the case may be) 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 in respect of the relevant land must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 5.21 and 7.14 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

36. Electro-Magnetic Radiation: (Originally condition 38) - Prior to the occupation of the development the applicant shall provide written evidence to the Local Planning Authority that electro-magnetic radiation emissions from the adjacent sub-station do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 360 microteslas and 5 kilovolts per metre within the residential properties and Squash and fitness facility.

Subject to the findings of site investigation, if necessary, a detailed remediation scheme to bring any electro-magnetic radiation emission levels to within ICNRP guidance levels of 360 microteslas and 5 kilovolts per metre shall be submitted to, and be subject to, the approval in writing of the Local Planning Authority.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of above ground works of development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

37. Stadium Use(s): (Originally condition 39) - The approved Stadium pitch and seating bowl shall only be used for general sporting uses and football matches up to an average of twice weekly, and for no other commercial sport or public events.

Reason: To allow the Local Planning Authority to control the level of sporting and hospitality use within the site to safeguard the amenities of the occupiers of the adjoining and surrounding properties, local transport conditions, and ensure compliance with

the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016 and policies DM EP2, EP4, T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

38. Stadium Capacity: (Originally condition 40) - The approved Stadium (including hospitality suites) shall not exceed a total operational spectator capacity of 20,000.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

39. Employment Strategy: (Originally condition 41) - Development carried out in accordance with the details approved under discharge of condition application 18/P1127.

Reason: To ensure opportunities for local residents and businesses to apply for employment and other opportunities during the construction of developments and in the resultant end-use and compliance with the following Development Plan policies for Merton: policy 4.12 of the London Plan 2016, policy CS 12 of Merton's Core Planning Strategy 2011 and policy DM E4 of Merton's Sites and Polices Plan 2014.

40. Squash and Fitness Facilities (Use): (Originally condition 42) - The Squash and fitness premises shall only be used for Squash and general fitness and ancillary purposes and for no other purpose, (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the site's 'Site 37' SPP policy allocation, residential amenities of adjoining properties, the transport conditions of the area, and to ensure compliance with the following Development Plan policies for Merton: policy 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

41. Retail Unit (use): (Originally condition 43) - The retail floor space shall not exceed 1,273sqm gross internal area. The retail premises

shall only be used for food/convenience retail and for no other purpose, (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Any food store / convenience goods use shall not use any more than 15% of the retail sales area for the sale of comparison goods

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant's retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2016, policy CS 7 of Merton's Core Planning Strategy 2011 and policy DM R2 Merton's Sites and Polices Plan 2014.

42. Hospitality Suites (Uses): (Originally condition 45) - The hospitality suite premises (including ground floor accommodation areas within the Stadium) shall only be used for uses associated with the occupation of a stadium by a sporting club and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with the following Development Plan policies for Merton: policy 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

43. Wheelchair Accessible Units: (Originally condition 47) - During construction of each agreed residential phase for occupation, a proportional amount of the approved, fully wheelchair accessible, units shall also be completed for occupation.

Not less than 10% of the dwelling units hereby permitted shall be constructed as wheelchair accessible throughout or easily adaptable for residents who are wheelchair users and shall be retained as such unless otherwise agreed in writing with the Local planning Authority.

Reason: In the interests of providing fully wheelchair accessible residential units during all phases of the development and compliance with the following Development Plan policies for

Merton: policy 3.8 of the London Plan 2016, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

44. Accessibility Strategy: (Originally condition 48) - Prior to the occupation of any phase, details of a full 'Accessibility Strategy' for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. No phase shall be carried out otherwise than in accordance with the approved details for that phase.

Reason: In the interests of providing wheelchair access units during all phases of the development and compliance with the following Development Plan policies for Merton: policy 3.8 of the London Plan 2016, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

45. Temporary/Mobile Food/Drink Sales: (Originally condition 49) - No temporary or permanent mobile food/drink/alcohol sales facilities shall be established or carried out within the site or public highways other than in the designated food/drink areas within the approved Stadium unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining a high standard of appearance of the development and the amenities of the occupiers of the adjoining and surrounding residential properties and to ensure compliance with the following Development Plan policies for Merton: policy 7.5, 6.3 and 7.15 of the London Plan 2016, policy CS 14 and CS 20 of Merton's Core Planning Strategy 2011 and policy DM D1, DM D2, DM EP2 and DM T2 of Merton's Sites and Polices Plan 2014.

46. Landscaping/Planting Scheme: (Originally condition 50) - No development above ground in any phase comprising residential development shall take place until full details of a landscaping and planting scheme for that phase, including details of the door-step play spaces for under 5 year olds, has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved with that phase, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, play equipment, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection

during the course of development within that phase.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 3.6, 3.16, 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS11, CS13, CS14, CS16, and CS20 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

47. Landscape Management Plan: (Originally condition 51) - Prior to the occupation of any part of a phase comprising residential development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan for that phase shall be carried out in accordance with the approved details for that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

48. Street Furniture and Signage: (Originally condition 52) - Prior to the occupation of any part of a phase, full details of all street furniture and signage within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. No further street furniture or signage shall be installed in a phase without the approval in writing of the Local Planning Authority. No phase shall be carried out otherwise that in accordance with the approved details for that phase.

Reason: In the interests of maintaining a high standard of appearance of the development and to ensure compliance with the following Development Plan policies for Merton: policy 7.5 and 7.6 of the London Plan 2016, policy CS 14 of Merton's Core Planning Strategy 2011 and policy DM D1 and DM D2 of Merton's Sites and Polices Plan 2014.

49. 'Green' Roofs and Walls: (Originally condition 53) - No development above ground in a phase shall take place until full details, including a management strategy, of the approved Sedum and Substrate 'green' roofs and 'green' walls for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved 'green' roofs in respect of a phase shall be installed and permanently maintained in accordance with the approved details for that phase.

Reason: In the interests of maintaining a high standard of appearance, ensuring net biodiversity gains and to ensure compliance with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2016, policy CS 14 and CS 13 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

50. Biodiversity Enhancements: (Originally condition 54) - No development above ground in a phase shall take place until details (including a programme of implementation) of the biodiversity enhancement features such as the provision of bat boxes and bird nesting, as recommended in the approved of Ecological Appraisal by BSG Ecology for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Once installed, the approved measures in respect of a phase shall be permanently retained and maintained in accordance with the approved details for that phase.

Reason: In the interests of enhancing the ecological value of the site and surrounds and to ensure compliance with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014.

51. Advertisements: (Originally condition 55) - No externally visible advertisement is to be displayed within the site without the approval in writing of the Local Planning Authority and without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In the interests of maintaining a high standard of appearance of the development and in the interests of the amenities of the occupiers of the residential units within the site and to ensure compliance with the following Development Plan policies for Merton: policy 7.5 and 7.6 of the London Plan 2016, policy CS 14 of Merton's Core Planning Strategy 2011 and policy DM D5 and DM D7of Merton's Sites and Polices Plan 2014.

52. Flood Risk Assessment: (Originally condition 56) - The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates LLP dated October 2014, supported by the Flood Risk Assessment - Addendum by Peter Brett Associates LLP dated April 2015 and the Technical Note No. TN14A by Peter Brett Associates LLP dated 2nd September 2015 (plus updated information contained in Environmental Statement Addendum (2018) Volumes 1 & 2 and Technical Note (29th November 2018)). The mitigation measures shall be fully implemented prior to occupation of any part of the development and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users, to ensure flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 and 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 and DM F2 of Merton's Sites and Polices Plan 2014.

53. Flood Plain Compensation Scheme: (Originally condition 57) - The development hereby permitted shall not be occupied until such time as a floodplain compensation scheme is implemented which ensures that the flood risk is not increased, as detailed in Section 4.4 of the submitted FRA and supported by Section 4.1, Section 4.2 and Appendix B of the submitted FRA Addendum (plus updated information contained in Environmental Statement Addendum (2018) Volumes 1 & 2 and Technical Note (29th November 2018)). The implemented scheme shall include flood openings (voids) and these voids must be maintained and remain operational for the lifetime of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of river flooding to the proposed development and future users, to ensure flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

54. Finished Floor Levels: (Originally condition 58) - The residential development hereby permitted by this planning permission shall ensure that finished floor levels for all residential units shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) as detailed in Section 4.1 of the submitted Flood Risk Assessment and Addendum. The measures shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the Flood Risk Assessment and Addendum or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Policies Plan 2014.

55. Scheme for Surface and Foul Water Drainage: (Originally condition 59) - No below ground works aside from piling, foundations and all associated works up to basement / lowest slab in any phase and the diversion of the culvert in accordance with Thames Water's approval dated 7 July 2017 drawing number 22445-D20 Rev P7 (or any such amendment as may be agreed with Thames Water) approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final drainage scheme shall be designed in accordance with the details submitted in the Flood Risk Assessment – Addendum by Peter Brett Associates LLP dated April 2015, including the Price and Myers Surface Water Drainage Strategy (Re-issue Civil Engineer's Statement – Below Ground Drainage (Rev P6 – For Planning)) and the Momentum Structural Engineer's Drainage Strategy Addendum (AFC Wimbledon Foul and Surface Water Drainage Strategy – Addendum (13th Feb 2015, Ref: 1785)).

The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a

sustainable drainage scheme is to be provided, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site at a maximum rate of 180.19l/s for the 1 in 100 year climate change event. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;

(ii) include a timetable for its implementation; and

(iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption (where required) and any other arrangements to secure the operation of the scheme throughout its lifetime.”

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, to ensure surface water and foul flood risk does not increase offsite and to ensure compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

56. Site Contamination (Water): (Originally condition 60) - Development carried out in accordance with the details approved under discharge of condition application 18/P1775.

Reason: To protect Controlled Waters because the site is located over a Secondary Aquifer and no information has been provided on the potential for contamination gains and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

57. Site Contamination Remediation (Water): (Originally condition 61) - If, during development, contamination not previously identified is found to be present at the stadium land or non-stadium land then no further development on that part of the stadium land or non-stadium land (as the case may be) (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval has been obtained from the Local Planning Authority for a remediation strategy in respect of that part of the stadium land or non-stadium land detailing how this unsuspected

contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure that the Environment Agency is consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters, and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

58. Site Contamination Remediation Verification (Water): (Originally condition 62) - Prior to occupation of each of the stadium and non-stadium development, a verification report demonstrating completion of the works set out in the approved remediation strategy in respect of the relevant land and the effectiveness of the remediation on the relevant land shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan insofar as it relates to the stadium land or non-stadium land (as the case may be) to demonstrate that the site remediation criteria in respect of the relevant land have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan insofar as it relates to the stadium land or non-stadium land, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan in respect of the stadium land or non-stadium land shall be implemented as approved in respect of that land.

Reason: To ensure that, if remediation be deemed necessary, the applicant demonstrates that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use, and to ensure compliance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

59. No Infiltration of Surface Drainage: (Originally condition 63) - Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of

the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltrating water, which has the potential to cause remobilisation of contaminants present in shallow soil/made ground, does not ultimately cause pollution of groundwater and to ensure compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM EP4 and DM F2 of Merton's Sites and Polices Plan 2014.

60. Flood Warning and Evacuation Plan: (Originally condition 64) - With respect to any phase of development hereby permitted it shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing for that phase to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan for that phase shall be implemented in accordance with the submitted document included within Appendix D of the FRA Addendum by Peter Brett Associates (FWEP Issue 2, Ref:21533_020 dated March 2015) and the procedures contained within the plan for that phase shall be reviewed annually for the lifetime of the development. Consultation of the plan for that phase shall take place with the Local Planning Authority and Emergency Services.

Reason: To reduce the risk of flooding to the proposed development and to ensure compliance with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2016, policy CS 16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

61. Archaeology Scheme of Investigation: (Originally condition 65) - Development carried out in accordance with the details approved under discharge of condition application 18/P1467.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with section 12 of the NPPF, policy 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 and D4 of Merton's Sites and Polices Plan 2014.

62. Renewable Energy Feasibility: (Originally condition 66) - Prior to

the commencement of above ground works a further renewable energy feasibility study shall be submitted to and approved by the Local Planning Authority, including a prediction for energy demands for Phase 2 of the approved stadium and an assessment of the feasibility of connecting the commercial units to the site-wide CHP network.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

63. Sustainability: (Originally condition 67) - Unless otherwise agreed in writing with the Local Planning Authority, no part of the residential development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L Regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

64. Energy Strategy Objectives: (Originally condition 68) - No phase of the development hereby approved shall be occupied until evidence for that phase has been submitted to the Local Planning Authority confirming that the completed phase of the development has achieved the sustainability objectives identified in the applicants' Energy Strategy (06/11/2014) and sustainability statement (24/10/2014) (plus updated Energy Strategy - Rev 2 (02/11/2018)). This should include all post-construction certificates for the sustainable design and construction standards (both domestic and non-domestic) discussed in the approved energy strategy and sustainability statement.

Reason: To ensure that the development has been delivered in accordance with the approved Energy Strategy and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

65. Sound Insulation: (Originally condition 69) - No phase of the residential development hereby approved shall be occupied until evidence has been submitted for that phase to the Local Planning Authority confirming that the residential development has achieved airborne sound insulation values at least 5db higher, and impact sound values at least 5db lower, than the performance standards set out in the Building regulations approved document E (2003 edition with amendments 2004) for each sub-group of flats. Evidence should comprise of pre-completion testing carried out post-construction based on the Normal programme of testing described in approved document E. Copies of the sound insulation field test results and a letter of confirmation that the required sound insulation performance standards have been achieved along with evidence that the test have been carried out by a Compliant Test Body.

Reason: To ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

66. New Vehicle Accesses: (Originally condition 70) - No development above ground level in a phase shall commence until details of the proposed vehicular access to serve that phase have been submitted and approved in writing by the Local Planning Authority. No part of a phase shall be occupied until the works in respect of a phase have been completed in accordance with the approved details for that phase.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

67. Vehicle Access to be Provided: (Originally condition 71) - No phase hereby approved shall be occupied until the proposed vehicle access for that phase has been sited and laid out in accordance with the approved plans for that phase

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

68. Redundant Cross-Overs: (Originally condition 72) - No phase shall

be occupied until the existing redundant crossover/s within that phase have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

69. Visibility Splays: (Originally condition 73) - Prior to the occupation of any phase, 2.4 metre by 43metre (or other dimension agreed in writing in accordance with standards specified in Manual for Streets) pedestrian and vehicular visibility splays within that phase shall be provided either side of the vehicular access to the that phase. Any objects within the visibility splays shall not exceed a height of 0.6 metres.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014

70. Cycle Parking Details: (Originally condition 74) - No above ground works in a phase shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of that phase and thereafter retained for such use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

71. Cycle Parking Implementation: (Originally condition 75) No phase hereby permitted shall be occupied until the cycle parking hereby approved under condition 74 has been provided and made available for use for that phase. These facilities shall be retained for the occupants of and visitors to the relevant phase at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

72. Travel Plan (Residential): (Originally condition 76) - Prior to the occupation of the residential development hereby permitted, a Travel Plan for the residential development shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:

(i) Targets for sustainable travel arrangements;

(ii) Effective measures for the on-going monitoring of the Plan;

(i) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;

(ii) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The residential development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2016, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

73. Doors and Gates: (Originally condition 77) - The doors and gates hereby approved shall not open over the public highway.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2016 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

74. Secure by Design Plan: (Originally condition 78) - Prior to above ground works in a phase commencing a Secure by Design Plan in respect of that phase, demonstrating that the phase has incorporated the optimal applicable Metropolitan Police 'Secure by Design' principles/measures as possible, shall be submitted to, and

approved by, the Local Planning Authority. No phase shall be carried out otherwise than in accordance with the approved details.

Reason: In the interests of the safety of occupiers and visitors to the approved development and residents in the vicinity of the site and to comply with the following Development Plan policies for Merton: policies 7.3 of the London Plan 2016, policy CS14 and CS 18 of Merton's Core Planning Strategy 2011 and policies DM D1 and DM D2 of Merton's Sites and Polices Plan 2014.

75. Water Supply Infrastructure: (Originally condition 79) -
Development carried out in accordance with the details approved under discharge of condition application 18/P4064.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

76. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in Chapter 7 of the GLA's Supplementary Planning Guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: Policy 7.14 of the London Plan 2016 and policies DM D2, DM D3, DM EP3 and DM EP4 of Merton's Sites and Policies Plan 2014.

77. Gas fired plant (Air Quality)

Part 1: Combustion plant shall comply with the following emission standards in accordance with the Mayor of London's Supplementary Planning Guidance 'Sustainable Design and Construction' April 2014:

- i) Gas fired boilers shall not exceed a NO_x rating of 40 mgNO_x/kWh.
- ii) Combined heat and power plant shall not exceed NO_x emissions for Band B Combustion Plant. Where this is to be achieved by abatement technology, details of the reductions

to be achieved at varying operational conditions are required to be submitted for approval by the Local Planning Authority.

Part 2: Prior to occupation CHP plant emissions shall be tested by an accredited laboratory to confirm compliance with emission standards Part 1(ii), the details of which shall be provided to the Local Planning Authority.

Reason: To safeguard public health and ensure compliance with the following Development Plan policies for Merton: Policy 5.3 of the London Plan 2016 and policies DM EP4 of Merton's Sites and Policies Plan 2014.

INFORMATIVES

1. Reference to original planning approval (14/P4361 dated 13/12/2017):

14/P4361 - Proposed demolition of existing buildings and erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality, crèche, café, and coach parking, pedestrian street, 1,273m² retail unit, 1,730m² squash and fitness club, 602 residential units with basement parking, refuse storage, 296 car parking spaces, 1130 cycle parking spaces, and associated landscaping/open space and servicing.
2. The developer is advised to contact Thames Water Developer Services prior to the commencement of any works on site.
3. The developer is made aware that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.
4. The developer is made aware that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921
5. The developer is made aware that there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for

future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The developer is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

6. The developer is made aware that Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
7. The developer is made aware that there are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
8. The developer is made aware that they are required to submit a Section 185 Diversion application indicating a proposed diversion route for the sewer. Once the application has been received, a decision as to how best handle the diversion will be made.
9. The developer is advised to contact to Metropolitan Police Designing Out Crime Officer prior to developing the required Secure by Design Plan.
10. The developer is advised to contact the National Grid Asset Protection Team and National Grid Plant Protection Team prior to the commencement of any works on site.
11. The developer is made aware that written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
12. The developer is made aware of their responsibilities under the Wildlife and Countryside Act 1981.

13. The developer is made aware that any detailed landscape plan should be informed by the advice of an Ecologist, as recommended in paragraph 5.27 of the submitted Ecological Appraisal by BSG Ecology.
14. The developer is advised to contact and consult with Merton Council Waste Services prior to developing the required Site Waste Management Plans.
15. Details on Merton Council's 'Health Catering Commitment' scheme can be found here: http://www.merton.gov.uk/health-social-care/health/foodsafety/healthier_catering_commitment.htm
16. Details on the Greater London Authority's 'Healthy Workplace' scheme can be found here: <http://www.london.gov.uk/priorities/health/focus-issues/london-healthy-workplace-charter>
17. The coordination of matters related to conditions that may require consideration on a phase by phase basis is set out in the S.106 agreement for this planning permission.
18. CIL INFORMATIVE - A chargeable amount calculation will be undertaken (with one liability notice) for each Strategic Development Phase as soon as reasonably practicable from the day (under Regulation 8(3A)(b)) that planning permission first permits development of a Strategic Development Phase (final approval under a Precommencement Condition for the phase), in accordance with Regulation 40 of the CIL Regulations. Chargeable amount calculations may be reviewed and appealed in accordance with Regulations 113 and 114 of the CIL Regulations.

Payment of CIL liabilities with respect of a Strategic Development Phase will be due upon commencement of that phase, and subject to compliance with the pre-commencement requirements under the CIL Regulations, may qualified for payment by instalments under Merton's CIL instalment policy.

For information on notification requirements to be met prior to commencement of development including with respect of phases please see government planning practice guidance with respect of CIL and the CIL Regulations..

The meaning of "Precommencement Condition": with reference to Regulation 8 - Time at which planning permission first permits

development - and for the purposes of the operation of Regulation 40 - Calculation of Chargeable Amount, of Community Infrastructure Levy Regulations 2010 (as amended) (the "CIL Regulations") with respect of this development is any condition that requires an approval prior to commencement of a Strategic Development Phase. Precommencement Conditions with respect of the Strategic Development Phases within this development and which are yet to be subject of the final approval for the purposes of Regulation 8, are as follows:

- " Phase 1 Demolition entire Site: Final approval under Regulation 8 given. No CIL payable.
- " Phase 2 Culvert and below Ground Services: Final approval under Regulation 8 given. No CIL payable.
- " Phase 3 Construction of Stadium (Initial 11,000 seat stadium): Condition 12 - Levels; remaining precommencement conditions approvals given
- " Phase 4 Construction of Block B: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission. Updated Social Housing Relief claim required.
- " Phase 5 Construction of Block C: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission.
- " Phase 6 Construction of Bloc A: Final approval under Regulation 8 given. Liability to be updated in accordance with this planning permission. Updated Social Housing Relief claim required.
- " Phase 7 Enlargement of Stadium: as per Phase 3

19. Informative for Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- " Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).

OR, where applicable:

- " A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs, AND
- " Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in

the calculation

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

" Detailed documentary evidence representing the dwellings 'As Built'; showing:

- o the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
- o the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling;

Along with one of the following:

- " Water Efficiency Calculator for New Dwellings; OR
- " Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; or
- " Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

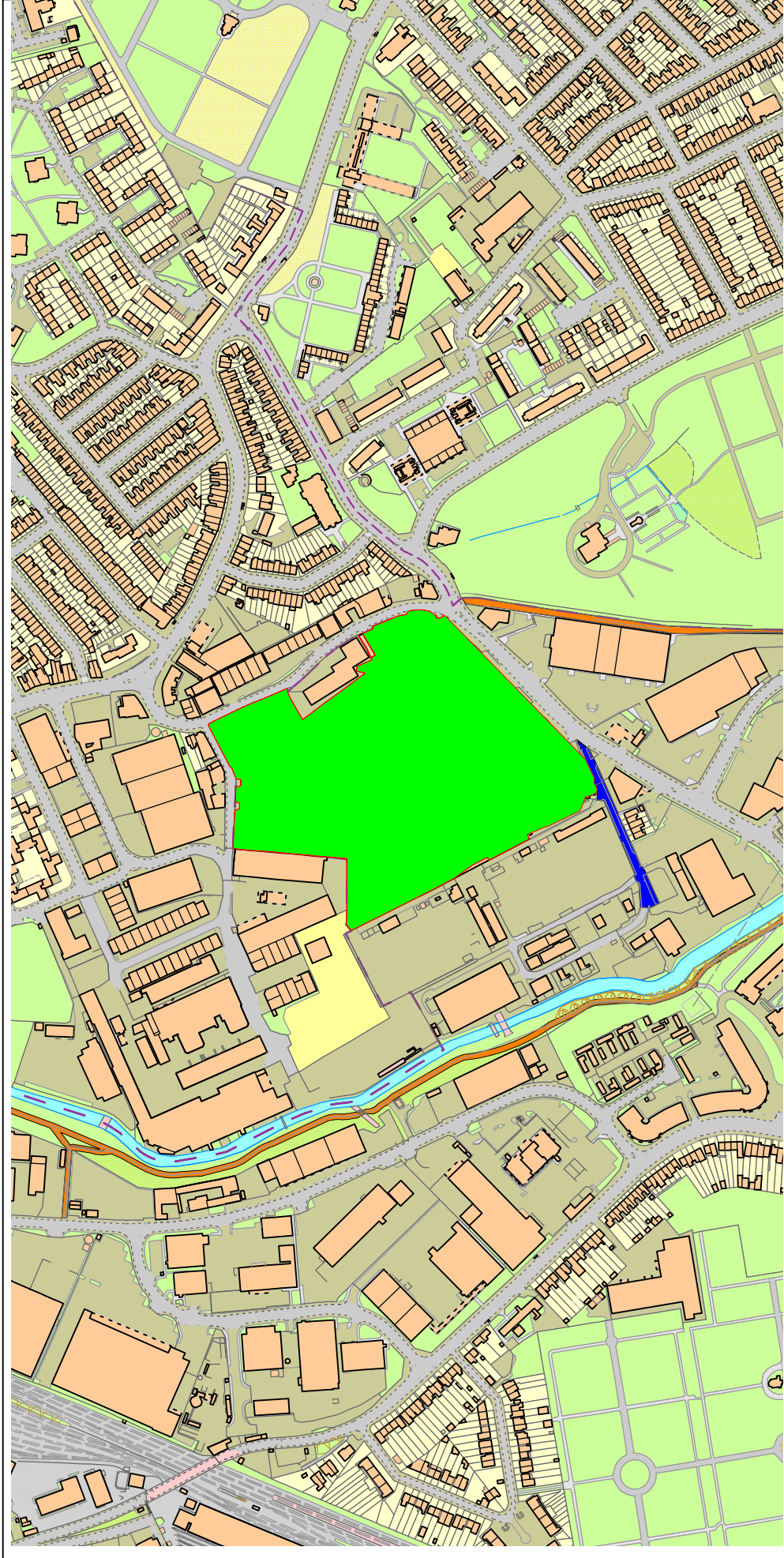
20. Any reference to the stadium land and non-stadium land within this permission shall be taken to be a reference to the land edged blue and red, respectively, on drawing number 4740-00-001 Rev C
21. They strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017 following the Gren fell Tower Fire.
22. The MET state that as some of the car park would now not be for sole residential use, retail car parking along with any deliveries should be segregated from the residential parking facilities by appropriate security mesh and secondary access control roller shutters to LPSII75 SR 1 or STS 202 BR 1 to prevent uncontrolled access for those with possible criminal intent throughout residential areas.
23. The MET strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice

issued by the Department for Communities and Local Government
on 22nd June 2017 following the Grenfell Tower Fire.

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **Wimbledon Stadium**

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PLANNING APPLICATIONS COMMITTEE

21 March 2019

APPLICATION NO.

18/P3386

DATE VALID

05/09/2018

Address/Site: Land adjacent to 65 Sherwood Park Road, Mitcham
CR4 1NB

Ward: Pollards Hill

Proposal: Erection of a two storey (with basement level) end-of-terrace property comprising 2 x self-contained flats.

Drawing No.'s: 18-458-EX01; 18-458-A-PR01A; 18-458-A-PR02; 18-458-A-PR03A; 18-458-A-PR04; 18-458-A-PR05 & 18-458-A-PR06A.

Contact Officer: Tony Smith (020 8545 3144)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 8
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood risk zone: No
- Designated Open Space: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination due to the number and nature of objections received.

2. SITE AND SURROUNDINGS

2.1 The application site comprises approximately 132.sq.m of garden land to the

side and rear of 56 Sherwood Park Road, Mitcham. The land appears to have originally been part of the garden to 65 Sherwood Park Road, but upon inspection has been subdivided with 1.5m high timber fencing. A brick boundary wall currently encloses the boundary along the edge of the pavement on Franklin Crescent reducing from around 1.8 m to 0.9 m towards the corner with Sherwood Park Road. Another parcel of land exists to the north east of the site, between the flank boundary of an end-of-terrace dwelling at no. 28 Franklin Crescent and the northern end of the application site. The plot is unkempt and a single storey garage is located towards the rear.

- 2.2 The abovementioned dwellings are both two storey in height, with two storey front bay projections and hipped roofs; a specific character of this part of Sherwood Park Road and Franklin Crescent as a whole. No.28 Franklin Crescent has been extended by way of a single storey side extension and no. 65 Sherwood Park road has not been previously extended.
- 2.3 The site has a public transport accessibility level (PTAL) of 1b which is considered poor (with 0 being the lowest and 6b being the highest).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of a new two storey, end of terrace building which would accommodate two self-contained flats over basement, ground and first floor levels, with associated hard and soft landscaping to the front side and rear.
- 3.2 The proposal would adjoin the eastern flank of 65 Sherwood Park Rd, with the new end of terrace property extending the roofline, culminating in a hipped roof similar to No 65. The property would continue the front building line and would incorporate a part single part two storey rear and side projection with a crown roof.
- 3.3 The proposed building would have the following dimensions: 4.6m – 5.6m, 9.7m depth at ground floor, 9m depth at first floor, 5.7m eaves height, 7.8m ridge height and 6.5m height to crown roof. The proposal would have a separation distance from the eastern boundary with highway ranging from 0.6m to 1.7m.
- 3.4 The building would feature a two storey front bay projection and single storey porch to match properties within the terrace and would include window openings in the front side and rear elevations, consistent with the terrace. Internally, the property would be split into a 2 bed, 3 person flat over ground and basement levels with a 1 bed, 1 person flat on the first floor. Garden spaces (Flat 1 - 18.7 sq.m, Flat 2 - 24.1 sq.m) with cycle storage for each unit would be provided to the rear each with their own independent access with a refuse storage area, and secure cycle store located against the northern boundary. A mixture of soft and hard landscaping would be implemented to the front and side. A lightwell (7.4 sq.m) is proposed adjacent to the front bay window. A 1.1m high glass balustrade would enclose the edge of the light well. Boundary treatment would be re-modelled with part of the higher brick boundary wall alongside the flank boundary reduced in height to the equivalent of the lower part of the boundary wall.

3.5 The proposal would utilise brickwork, pebbledash render, roof tiles and UPVC windows to match that of the original dwelling.

3.6 It should be noted that the application has been amended to increase the size of the front lightwell and an internal daylight report has been submitted to confirm the basement level would receive adequate light for future occupiers.

4. PLANNING HISTORY

4.1 MER822/75 - ERECTION OF A GARAGE. Permitted Development 31/12/1975.

4.2 19/P0116 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION AND A SINGLE STOREY REAR EXTENSION. Certificate Issued 08/02/2019.

5. CONSULTATION

5.1 Public consultation was undertaken by way of post sent to neighbouring properties. The outcome of the consultation is summarised as follows:

5.2 Representations were received from 8 individuals who raised the following concerns:

- Bulk and massing too large.
- Loss of daylight.
- Eyesore to surrounding houses.
- House was not built to have flats next to it.
- Privacy concerns.
- Development would look out of place.
- Population density too great for site.
- Long established mature garden will be removed.
- Car parking on street is limited and construction vehicles and new residents will further worsen this.
- Disruption from construction.
- Dust & debris from construction.
- Sewer system capacity concerns.
- Original house was split into 3 separate plots by developers.
- Devaluation of property prices.

5.3 LBM Climate Change Officer: No objection. The development would need achieve the relevant sustainability requirements, being a 19% improvement on Part L of the Building Regulations 2013 and an internal water usage not exceeding 105 litres per person per day; these requirements should be secured by condition and an informative should be included detailing this.

5.4 LBM Transport and Highways Officers: No objection. The site is not within a CPZ and has a low PTAL rating (1b) with no off-street car parking. The moderate occupancy would not unduly impact car parking pressure in the area. The site provides adequate cycle and refuse storage, and a condition is requested for further details of cycle storage. A detailed Construction & Traffic

Management Plan is required and should be secured by way of a pre-commencement condition.

- 5.5 LBM Structural Engineer: No objection. The supplied basement construction method statements demonstrate that the works can be undertaken safely without adversely affecting the surrounding natural and built environment and a pre-commencement condition is requested requiring further details to ensure this is achieved.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2018)

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

6.2 London Plan (2016)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 8.3 Community Infrastructure Levy

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS11 Infrastructure
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Active Transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DMEP2
- DM T1 Support for sustainable transport
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

- 6.5 Supplementary planning considerations
London Housing SPG – 2016
London Character and Context SPG -2014
DCLG - Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Basement construction
- Sustainable design and construction
- Community Infrastructure Levy
- Response to objections

Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2018 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.
- 7.3 The existing use of the site is residential, the site is within a residential area and has a public transport accessibility level (PTAL) of 1b (with 0 the worst and 6b being excellent). The proposals would result in two additional units for 4 people, thereby meeting NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities.
- 7.4 Given the above, it is considered the proposal is acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents as detailed in the relevant sections below.

Need for additional housing

- 7.5 The National Planning Policy Framework (March 2018) requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.6 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.
- 7.7 The Council's planning policies commit to working with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025 (a minimum of 411 new dwellings to be provided annually). This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The emerging London Plan is likely to increase this annual target, however, only limited weight can be attributed at this stage.
- 7.8 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:
- All the main housing targets have been met for 2017/18.
 - 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
 - 2013-18 provision: 2,686 net units (813 homes above target)
 - For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.
- 7.9 The current housing target for the London Borough of Merton is 411 annually. Last year's published AMR figures are: "688 additional new homes were built during the monitoring period, 277 above Merton's target of 411 new homes per year (in London Plan 2015)."
- 7.10 Against this background officers consider that while new dwellings are welcomed, the delivery of new housing does not override the need for comprehensive scrutiny of the proposals to ensure compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon the character and appearance of the area

- 7.11 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals

which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

- 7.12 The proposal would utilise an integrated approach, maintaining the same architectural style and features of the existing terrace row in the form of a ground floor front projection, first floor bay windows and a hipped roof. The building would incorporate fenestration consistent with the terrace and would utilise matching materials. The part single part two storey rear and side element would be appropriate in size and would utilise a crown roof which is considered to be sympathetic to the character of adjacent dwelling. It is considered the proposal would incorporate appropriate set-backs from the highway.
- 7.13 While lightwells are not characteristic of the area, the front boundary wall would be retained and would mask longer range views of the plot, thereby maintaining the semblance of a more conventional end of terrace property. Conversely, while the lightwell and associated balustrade would be more prominent when viewed from close quarters as a matter of judgement officers consider that it would be unreasonable to assert that this was harmful to the visual amenities or character of the wider area.
- 7.14 As a whole, whilst being in a prominent siting, officers consider the proposal would be broadly in keeping with the character of the surrounding area, would be appropriate in scale and bulk and would incorporate appropriate set-ins from the side boundary with Franklin Crescent. It is therefore considered that the proposal would not result in a harmful impact to the street scene.
- 7.15 The proposal is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 in this regard.

Impact upon neighbouring amenity

- 7.16 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.17 Given the siting of the proposal on a corner plot against a highway, the main neighbours to be considered in this case would be the adjoining dwelling at no.65 Sherwood Park Road and the dwelling to the rear at no.28 Franklin Crescent.
- 7.18 The proposal would continue the rear building line with a part single, part two storey rear/side addition. The single storey element would be sited against the shared boundary with no.65, effectively stepping the two storey element away from this neighbour by 1.m. Given the set back from the shared boundary and modest depth of 1.75m, it is not considered that this would result in a materially

harmful impact to this neighbour's amenity in terms of visual intrusion, loss of light, loss of outlook or sense of overbearing.

- 7.19 With regard to No.28 Franklin Crescent, this neighbour's orientation is such that the proposal's rear elevation faces its flank wall and would have a separation distance of 17m. Given the separation and orientation of the properties, it is not considered this neighbour would be significantly impacted.
- 7.20 The primary outlook from the proposed units would be directed toward the front & side into the public highway and towards the rear into their own amenity space. As such, it is not considered there would be a materially harmful impact to the privacy of neighbouring amenities.
- 7.21 The proposal is considered to be acceptable in terms of the impact on residential amenity, in compliance with London Plan policies 7.6 and 7.15 and SPP Policy DMD2 and DMEP2 in this regard.

Standard of accommodation

- 7.22 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCGL – Technical Housing Standards 2015.

Flat No.	No. of beds	No. of persons	No. of storey's	Required GIA	Proposed GIA	Compliant
F1	2	3	2	70.sq.m	70 sq.m	Yes
F2	1	1	1	37.sq.m	39 sq.m	Yes

- 7.23 As shown by the table above, each unit would satisfy the minimum internal space standards. It is noted that single bedrooms would require 7.5sqm and double bedrooms would require 11.5sqm; the proposed bedrooms would meet these minimum requirements.
- 7.24 Policy DM D2 of the Council's Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants. It is considered the enlarged lightwell, use of a glass balustrade and use of white painted walls would allow for sufficient light, outlook and ventilation to the basement bedroom. An assessment of daylight has been submitted by the applicant. The applicant's study uses the methodology prescribed by the Building Research establishment and assess the average daylight factor (ADF) or the natural internal luminance (daylight) in particular rooms. The study calculates that the average daylight for the basement bedroom would exceed the BRE's minimum requirements. The basement bedroom, with an outlook into the lightwell, is the smaller (single bed) of the two bedrooms for the flat and having regard to the

evidence submitted to the Council, officers consider it would be unreasonable to resist the proposals on the basis of light and outlook.

- 7.25 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant.

The lower floor (3 person) flat would be provided with 24 sq.m of private outdoor amenity space to the rear and the first floor unit would have 18.7sq.m. The provision of private amenity would therefore far exceed minimum standards.

- 7.26 As outlined above, the scheme as a whole is considered to offer an acceptable standard of living for prospective occupants. And the proposal is considered to comply with London Plan policies 3.5 and 3.8 and SPP policy DMD2.

Transport, highway network, parking and sustainable travel

- 7.27 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).

- 7.28 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.

- 7.29 The site is not within a controlled parking zone and has a PTAL of 1b which is considered poor. The proposal would not provide off-street car parking. The London Plan Standard 3.3.1 (amended March 2016) sets out maximum parking standards for residential development. This specifies that a 1 bedroom dwelling should provide less than 1 parking space per unit and a 2 bedroom dwelling should provide less than 1.5 spaces - the standards do not set out minimum car parking standards. As such, given the proposal is not within a CPZ, it is not considered the proposed occupancy would significantly impact parking pressure in the local area and lack of off-street parking would not warrant a reason for refusal.

- 7.30 Given the location of the site, Transport Officers recommend a pre-commencement condition is included requiring the applicant to provide a construction and traffic management plan to ensure the safety of pedestrians and vehicles and the amenities of the surrounding area during construction.

- 7.31 In accordance with London Plan policy 6.9 and table 6.3, 3 cycle storage space would be required for the development; cycle storage for residential units should be secure, sheltered and adequately lit, with convenient access to the street. It is noted that the plans indicate a cycle storage shed for each unit within their respective amenity spaces which can be accessed from the street. This provision is considered to be acceptable and LBM Transport Officers

recommend a condition requiring further details of the cycle storage prior to occupation and for this to be retained thereafter.

Refuse storage

- 7.32 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.33 A communal storage area for bins is shown on the plans to the rear. This location and size is considered to be appropriate and the applicant has shown there would be enough space to accommodate the new bin sizes for both units as of the Council's standards adopted in August 2018.

Basement Construction

- 7.34 Policy DMD2 of the Merton Sites and Policies Plan seek to ensure basement constructions are suitable in terms structural impacts to the highway and the host or neighbouring properties.
- 7.35 LBM Structural Engineers have reviewed this application and their comments are integrated into the assessment below.
- 7.36 Given the proposals proximity to the highway, careful attention must be given to the construction of the basement not only in relation to the property and neighbouring dwellings, but to the highway. The applicant has provided a Subterranean Construction Method Statement to demonstrate how the proposed basement would be safely and effectively excavated and constructed without a significant impact upon the public highway or neighbouring properties. LBM Structural Engineers have reviewed the proposal and related documents and are satisfied that the development can be delivered in respect of the above. Officers have requested a pre-commencement condition requiring further, specific details and calculations to ensure the integrity of the highway and neighbouring properties is maintained.
- 7.37 The site is not within Flood Zones 2 or 3 and there is no indication that the site has critical drainage issues. However, as a precautionary approach, officers recommend two pre-commencement conditions, one for a detailed drainage strategy to be submitted and implemented and one for further details regarding the permeable paving serving the off-street car parking. The proposed basement would also require the necessary Building Control approval prior to commencement to further ensure the works would not result in a harmful impact to the surrounding area.

Sustainable design and construction

- 7.38 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.39 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water

consumption should not exceed 105 litres per person per day. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Community Infrastructure Levy

- 7.40 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor. Further information on this can be found at:

<http://www.merton.gov.uk/environment/planning/cil.htm>

7.41 Responses to objections

The majority of the issues raised by objectors are addressed in the body of the report but in addition the following response is provided:

- The impact on the character of the area is a material planning consideration but the impact on property prices is not.
- Any increased impact on local infrastructure is intended to be addressed by CIL contributions and it would not be reasonable to refuse on this basis.
- A Construction & Traffic Management plan is to be provided by the applicant prior to any works starting and working hours will be restricted to minimise impacts upon neighbours during construction.

8. CONCLUSION

- 8.1 Officers consider the proposal is acceptable in principle, providing a residential development at an increased density, in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials and would not have a harmful impact on the visual amenities of the area. The proposal would not unduly impact upon neighboring amenity. The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse and cycle storage provisions.

- 8.2 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION

Grant planning permission subject to the following conditions:

Conditions:

- 1) Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

- 3) Amended standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified in the application form and approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Standard condition (site and surface treatment) No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 5) The flats shall not be occupied until all boundary walls or fences as shown on the approved plans have been carried out. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development, and to ensure adequate garden space is provided for the flats, in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 6) Standard condition [Refuse storage] The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 7) Amended standard condition [Cycle storage]: The development hereby permitted shall not be occupied until further details of the proposed cycle parking have been submitted to and approved by the Local Authority. The approved cycle parking must be provided and made available for use prior to occupation and these facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 8) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 9) Non-standard condition [Basement Construction Method Statement]: Development shall not commence on site until the below documents have been submitted to and approved in writing by the planning authority:
- a) Geotechnical Investigation Report with site specific borehole information and the Allowable Bearing Capacity of soil at basement floor level and other soil parameters used in the design of the basement retaining walls.
 - b) Ground Movement Analysis (Vertical and Horizontal) including any heave or settlement analysis, and Damage Category Assessment with detailed calculations in relation to the highway and adjacent buildings.
 - c) Detailed Construction Method Statement produced by the respective Contractor/s responsible for underpinning, piling, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
 - d) Design calculations of the piled retaining wall supporting the highway and adjoining properties and any temporary works to facilitate excavation. The calculations shall be carried out in accordance with Eurocodes. We recommend assuming full hydrostatic pressure to ground level and using a highway surcharge of 10 KN/m² for the design of the retaining wall supporting the highway.
 - e) Plan, Section, Sequence drawings of the piling and underpinning works.

- f) Temporary works drawings.
- g) Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from start to completion of the project works. The report should include the proposed locations of the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the actions required for different trigger alarms

Reason: To ensure that the structural stability of the surrounding built environment is safeguarded and neighbour amenity is not harmed and to comply with policy DM D2 of Merton's Sites and Policies Plan 2014.

- 10) Amended standard condition [Construction vehicles/storage]: Development shall not commence until a Construction Traffic Management Plan has been submitted to and is approved in writing by the Local Planning Authority to accommodate:
- Parking of vehicles of site workers and visitors
 - Loading and unloading of plant and materials
 - Storage of construction plant and materials;
 - Wheel cleaning facilities
 - Control of dust, smell and other effluvia;
 - Control of surface water runoff.

The approved details must be implemented and complied with for the duration of the construction process.

Reasons: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 11) Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 12) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed restricted rate of no more than 2l/s in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

Informatives:

1) **INFORMATIVE**

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2018, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

2) **INFORMATIVE**

Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

3) **INFORMATIVE**

Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**

- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

4) INFORMATIVE

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

5) INFORMATIVE

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

6) INFORMATIVE

This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

[Click here](#) for full plans and documents related to this application.

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PLANNING APPLICATIONS COMMITTEE

21 March 2019

APPLICATION NO.

18/P3780

DATE VALID

10/10/2018

Address/Site

52 – 54 Wandle Bank, Colliers Wood, , SW19 1DW

Ward

Abbey

Proposal:

Application to vary condition 2 (approved plans) attached to LBM planning permission 15/P4741 (34 x residential units and 459 sqm of office space). The changes relate to reconfiguring the layout of Block A to create 11 new units (taking total to 45), alterations to fenestration/terrace and additional cycle parking spaces across the development.

Drawing Nos

1720/PL/210, WDB-DS-01-GF-DR-A-P011 Rev P4, 1720/PL2/GF/201 H, 202 I, 203 I, 1720/PL2/3F/204 K, 1720/PL2/4F/205 H, 206A, 1720/PL/210, WDB-DS-01-ZZ-DR-A-P212 Rev P7, WDB-DS-01-ZZ-DR-A-P301 Rev P0, 1720/PL2/S-AA/810 B, 1720/PL2/S 1&2/811, 1720 PL2-901-1 D, 1720 PL2-902 B, 903 and 904.

Contact Officer:

Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Variation of condition, subject to conditions and deed of variation to the S106 agreement.

CHECKLIST INFORMATION.

Heads of agreement: - Affordable housing, car club, permit free, land transfer, Wandle Trail contribution & permissive path (Heads of terms are secured in any variation of condition application by the original S106 legal agreement)

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 155

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Application Committee for consideration in light of the number of objections received against the application and officer recommendation of grant variation of condition subject to conditions and deed of variation to the S106 agreement. The application has also been called in by Councilor Neep.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site has an approximate area of 0.31ha and is currently occupied by a group of industrial units that have been subdivided to offer small light industrial and storage lets comprising 1, 812 sqm in total.
- 2.2 To the north, the site is bounded by residential properties and to the south by a bus depot. The site is bounded to the west by East Road and on the opposite side of the road is All Saints Church of England Primary School as well as the flank wall and side garden boundary of 89 All Saints Road. On the eastern boundary, the site abuts the rear gardens of terraced houses in Wandle Bank. The existing commercial buildings are generally two storey in height on the road frontages with a pitched roof single storey commercial height building abutting the rear of properties in Wandle Bank.
- 2.3 The site has 2 existing vehicular and pedestrian access points – one from Wandle Bank to the east and the other by East Road to the west, which are both used for servicing and delivery. The Wandle River and Wandle Park run parallel on the opposite side of Wandle Bank. A pedestrian footbridge across the River Wandle is almost directly opposite the application site's Wandle Bank entrance. East Road is a no through road, with its south section providing access only to the site, to the Primary School and to the bus depot.
- 2.3 The surrounding buildings vary between two to four storeys in height. The terraced houses to the south in Wandle Bank and in East Road and All Saints Road are predominantly 2 storeys high. The height of the buildings increases to the north in Wandle Bank, South Road and Bygrove Road) to the south with a number of newer 4-storey flatted developments.
- 2.4 Wandle Bank connects the site to Merton High Street which has access to the main public transport network and other amenities including retail, educational and cultural facilities and local cafes and restaurants. The site has a PTAL between 3 and 4. The site also benefits from its proximity to

the River Wandle and Wandle Park, designated a local Site of Importance for Nature Conservation.

- 2.5 The Wandle Valley corridor is identified in LDF - Core Planning Strategy: July 2011 as a strategic corridor for regeneration. Colliers Wood has been identified within the Further Alterations to the London Plan (FALP) 2015 as a strategic Area of Intensification, listed as 'Site 44 South Wimbledon/ Colliers Wood'. The site is not a designated Employment Site or Industrial Site within Merton's Local Plan. The site is not within a designated Conservation Area and does not include any statutory or locally listed buildings. The north-east part of the site falls within Flood Zone 2.

3. **CURRENT PROPOSAL**

- 3.1.1 The proposal is an application to vary condition 2 (approved plans) attached to LBM planning permission 15/P4741 (34 x residential units and 459 sqm of office space). The changes relate to reconfiguring the layout of Block A to create 11 new units (taking total to 45), alterations to fenestration/terrace and additional cycle parking spaces across the development.
- 3.1.2 The proposal seeks to reconfigure the internal layout of Block A to provide an additional 11 flats;
- The previous level identified as the terrace level (within existing roof void) is now identified as the fourth floor and much of the former terrace area is proposed to be enclosed as internal space for units;
 - Internal reconfiguration of other floors;
 - Each of the new units would comply with the London Plan space standards;
 - Private external amenity space in the forms of terraces and balconies would also be provided for each of the units;
 - Minor associated fenestration/terrace amendments to Block A in association with the above; and
 - Additional cycle parking spaces across the development.

Design

- 3.1.3 The proposed amendments do not seek to substantially alter the approved design of the 2017 scheme. The materials to be used will be the same, and there will be no major changes to the shape and form of the buildings. Key features, such as the strong roof shape and character on the main building (Block A) are retained, and there will be no diminution or dilution of the strong form of the buildings approved previously.

3.3.4 No changes are proposed to the elevations of Block A from the ground to the third floor. At the fourth floor, the solid brickwork will be replaced with glazed balconies to emphasise the roof's 'floating' character. It is proposed to use obscured glazing to the front of these balconies, in order to maintain the prevention of view provided by the previous brickwork. Furthermore, planter boxes containing evergreen hedging interspersed with flowering shrubs will be used to prevent overlooking further. An inner steel railing will prevent close approach to the edge of the terrace, setting occupants further back from the edge of the building when compared to the approved plan.

Cycle Spaces

3.3.5 The approved development provides 73 cycle spaces. This is in excess of the adopted London Plan requirements which require 70 cycle spaces. On the basis of the additional 11 units, and in the context of the draft London Plan, an additional 20 cycle spaces would be required as per the emerging strategic guidance. Therefore, a total of 90 cycle spaces would be required by policy, with this number being provided across the development. This incorporates the requirements of residential and commercial long-stay and short-stay cycle parking spaces.

Unit Type	Unit Quantity	Adopted London Plan requirements	Emerging London Plan Requirements	Proposed cycle parking
1 bedroom	13	13 spaces (1 space per studio/1 bed)	20 spaces (1.5 spaces per 1 bed)	
2+ bedrooms	32	64 spaces (2 spaces per 2+beds)	64 spaces (2 spaces per 2+ beds)	
Commercial Floorspace	452sqm	3 spaces (1 space per 200sqm)	3 spaces (1 space per 200sqm)	
N/A – Residents Visitor Parking	N/A	2 spaces (1 space per 40 units)	3 spaces (2 space per 5-40 units, thereafter 1 space per 40 units)	
Total	45	82	90	90

Housing Mix

Housing Mix	Number	Percentage	Merton's policy
1 bed	13	28.8%	33%
2 bed	13	28.8%	33%
3 bed	18	40%	33%
4 bed	1	2.2%	

Amended Plans

- 3.3.5 The internal layout of the flats was amended so that each unit complied within minimum London Plan GIA standards. The amendments included reducing one double bedroom in units A302, A304, A305, A306, A307, A308, A311 and A312 to single bedroom (single bedroom between 7.5sqm and 11.5sqm). The change to a single bedroom reduces the number of persons the flat has been designed for (now in accordance with the London Plan).
- 3.3.6 As the amended were internal alterations only, it was not necessary to re-consult neighbours as the proposed changes have no material impact upon neighbours.

Additional Parking Survey

- 3.3.7 Following a request from the Councils Transport Officer, the applicant undertook an additional (up-to-date) parking survey (dated 6th February 2019). The updated parking survey took data collected on Thursday 31st January 2019, at 00:30 and between 08:00-19:00 on roads within 400m of the application site. As the report simply provides technical data, it was not necessary to re-consult neighbours.

4. PLANNING HISTORY

- 4.1 18/P3780 – Application to discharge conditions 3 (materials), 5 (boundary treatments), 6 (refuse), 10 (screening) & 23 (cycle) attached to LBM planning application 15/P4741 relating to the demolition of existing industrial buildings (Class B2 & B8) and erection of a part 2, part 3, part 4 storey buildings and associated works (parking & landscaping etc) to provide 34 x residential units and 459 sqm of office space (Class B1a).
- 4.2 15/P4741 - demolition of existing industrial buildings (Class B2 & B8) and erection of a part 2, part 3, part 4 storey buildings and associated works (parking & landscaping etc) to provide 34 x residential units and 459 sqm of office space (Class B1a) – Grant - 24/08/2017

- 4.2 00/P0698 - Redevelopment of site involving demolition of the existing buildings and the erection of 14 x 3 bedroom houses and 8 x 1 bedroom houses in 2-storey buildings fronting east road and Wandle bank and to the rear of 41-51 Wandle Bank (outline application) – refused on 21/07/2000 for the following reasons:

The proposed development would be contrary to Council policy resulting in the loss of existing employment uses on this site, thereby undermining the future of existing/prospective business uses contrary to policies W.9 of the Adopted Unitary Development Plan (April 1996) and E.9 of the Deposit Draft Unitary Development Plan (September 1999).

&

The proposal would represent a cramped over development of the site which would result in a loss of amenity to neighbouring dwellings in Wandle Bank by virtue of visual intrusion and overshadowing, and a poor standard of residential accommodation for future occupiers due to poor outlook, environment and a lack of privacy, contrary to policies EB.17 and EB.18 of the Adopted Unitary Development Plan (April 1996) and HS.1, BE.22 and BE.28 of the Deposit Draft Unitary Development Plan (September 1999).

- 4.3 MER622/77 - retrospective permission for use for dismantling motor vehicles and the storage / sale of motor vehicle parts – Refused - 03/01/1978
- 4.3 MER230/77 - Re-building of factory workshop due to fire damage – Grant - 24/08/1977
- 4.4 MER293/68 - Erection of extension to factory for storage purposes – Grant - 02/05/1968
- 4.5 WIM7512 - Retention of single storey building for a limited period – Grant - 11/06/1964
- 4.6 WIM6016 - Erection of 2 storey building at rear of factory – Grant - 30/11/1961
- 4.7 WIM4959 - Erection of single storey factory for use as bolting house – Grant - 06/05/1960
- 4.8 WIM4903 - Construction of 5,000 gallon water tank over existing tank room on north side of factory building – Grant - 07/04/1960.
- 4.9 WIM4524 - 2 Storey extension – Refused- 03/09/1959

- 4.10 WIM4013 - Erection of single storey building in place of nissen hut – Grant - 04/12/1958
- 4.11 WIM3791 - Erection of 2 storey office and store block replacing single storey office building – Grant - 05/06/1958
- 4.12 WIM3452 - Additional storey to office block – Grant - 09/10/1957
- 4.13 WIM2169 - Erection of lorry shelter – Grant - 12/01/1955

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to consultation, 1 letter of comment and 5 letters of objection received.

Objections

- 5.1.2 The letters of objection raise the following points:

Highways

- While this may not be making this development any larger it will mean even more people in what is a fairly small space
- Parking is a big problem in this area and contrary to the developers stating the amount of parking available is in the hundreds and there is plenty of empty parking places, this is not the case in the evenings or at the weekends. It can only assume they picked to take their figures at the quietest part of a week day.
- Evening and weekend parking is not restricted.
- Even if residents are not able to have parking permits it will not help the people living here.
- Has the Council taken into consideration the more realistic amount of cars required by new tenants taking ownership/tenancy once the development has been built, not to mention any increase in car parking spaces required if friends or family come to visit.
- Suggestion that development includes underground parking spaces
- Note that they intend to provide extra cycle spaces but what if the home-owners are too elderly to cycle?

Neighbour Amenity

- Loss of light
- Need to know whether the large block of flats is actually higher than it was in the first application? If higher, it will cut off yet more of our light.

- Has the same consideration of sight lines for the east facing balconies been considered like the west facing balconies? Would like assurance that all the balconies facing the east (Wandle Bank) of the development will be designed with the same if not better restrictions proposed as per the west facing (East Road) balconies.
- Concern with the terraces on the 1st floor of the properties that back into Wandle Bank. In none of the documents does it show if there are full height privacy screens on the terraces. Other privacy screens are described but these have been omitted.
- Overlooking

Design

- The development is much too dense with the extra homes
- The change of roof terraces to units represents an additional storey to Block A in a building which already dwarfs the surrounding residential dwellings.

Flooding

- Merton Council and the Environment Agency seem to think there is no risk of flooding but we fear that adding 11 extra homes to the development will make the site even more high risk than it is now.

Other

- Development built right up to the south boarder of the site. Concern that if a fire occurs in the middle of the development, there would be no safe exit to the south of the development. Only access would be via the North exit of the development. Suggestion that the development along the south side be reduced to allow for a significant space for human emergency exit (min of 3 meters from the south boarder)
- Are some of these extra units taking the space previously allocated as office space?
- Strain on local amenities
- The building at the back of Wandle Bank and right on the boundary with the bus garages, the proposed new scheme appears altered and larger but there is no mention of this in the application.
- For the original planning permission the Council accepted £200,00 in lieu of affordable housing, representing four units. Will the developer be required to make a payment for the additional offset quota of affordable housing and will it be at a more realistic market level?
- Why does Merton Council feel the need to give into the developers by granting permission to include these extra units. I understood Merton had fulfilled its housing quotas, so it must be because it wants the extra Council tax. It's absurd to cram so many people into such a small site.

Comment

5.2.3 The letter of comment raises the following questions:

- Request for elevation 3 & 4
- Confirmation of Block A
- Any increase in massing?
- Does the proposal affect daylight in any way?

5.3 Council Transport Planning Officer

Car Parking

5.3.1 Parking levels are proposed to retain the 2 on-site spaces and 10 on-street car parking spaces.

5.3.2 Four parking spaces, two of which include electric charging point would be located within the mews. These spaces would be allocated to both the proposed residential units and commercial units (two each). 10 car parking spaces would be provided on East Road. Some of the car parking spaces on East Road sit outside the land ownership of the applicant (on public highway), therefore in order to facilitate the proposed car parking arrangement, a land swap between private and public land is required. The 10 car parking spaces would then be split between private and public use. Three unallocated bays will be for public use and 7 allocated to the proposed new residential units.

5.3.3 The proposed land swap would enable 7 of the proposed parking bays to be designated to the proposed family dwellings. The process would form part of the Section 106 agreement and would require the affected public highway to be stopped up before the land transfer could take place. A separate traffic order would be required to designate the new disabled parking bays. Materials and construction of the parking bay needs to be conditioned so that a clear distinction between private and public parking can be made. It is also noted a new footpath (private) is provided behind the parking where at present none exists.

Car Club

5.3.4 To further encourage sustainable modes of transport and help establish travel patterns for future occupiers, the development would also be subject to a free, three-year car club membership. This can be controlled via a S106 agreement.

Traffic Generation

5.3.5 It is expected to be a reduction in vehicle trips as any new journeys will be off-set from the existing site traffic, in particular the number of larger

goods/commercial vehicles should be reduced. The traffic conditions for the school opposite should remain similar to the present situation.

- 5.3.6 The car ownership census data within London Borough Merton is taken around 0.581 vehicles, per flat, throughout the London Borough of Merton. Consequently, the approved development proposals could generate a total demand of 18 cars, with the additional 11 units demanding a further six.
- 5.3.7 Using TEMPRO (TEMPRO is the industry standard tool for estimating traffic growth, which is required when assessing the traffic impact of a development on the local highway network) to estimate future car ownership levels, in 2020 it is projected that each dwelling would own approximately 0.632 cars. This equates to a demand of 19 cars for the approved scheme and a potential requirement for seven additional spaces if 11 further residential units are implemented.
- 5.3.8 Therefore, an estimated total of 26 vehicles could be added to the local parking demand, which is considered to be a nominal figure.
As set out above, this potential demand is set in the context of a provision of 2 on site spaces and the formalisation of 10 on-street spaces.
- 5.3.9 The consultant's methodology of traffic generation is acceptable.

Parking Surveys

- 5.3.10 Parking surveys for the original application were carried out in November 2015. The applicant has undertaken an updated parking surveys (6th February 2019) with the addition of a daytime survey (half hourly beats) to consider the implications of the scheme on the local roads during the day (and particularly with regard to the school activity).
- 5.3.11 The results from this survey revealed that in both the daytime and night-time, a significant number of parking spaces around the application site remained available. In summary, overnight, up to 116 parking spaces were available within the survey area. During the day, it was identified that 77 spaces were available during peak hours of the day. Outside of this peak parking demand, there were up to a further 20 spare parking spaces available.
- 5.3.12 The survey results are considered satisfactory and suggest that the increase residential by 11 units is unlikely to have a significant impact on the surrounding highway network.

Permit Free

- 5.3.13 The site is located partially within the CW1 Controlled Parking Zone, (CPZ) which prohibits parking Monday to Saturday, 08:30-18:30.

5.3.14 Permit-holder car parking bays are located along Wandle Bank which can also be utilised as Pay & Display parking, providing a maximum stay of 10 hours. East Road is located outside the CW1 CPZ, although, due to the position of driveways along the road, the majority of on-street kerbside parking spaces cannot be utilised as they would block vehicular access to the properties.

5.3.15 As the site scores a PTAL rate of 4 (good accessibility) it is appropriate that the development is designated as permit free (this needs to be included in the title deeds). Close scrutiny of the existing CPZ boundaries shows that the existing development was not included in either zone S3 and CW1. Therefore, future residents/businesses would still not qualify for parking permits. However, making the development permit free would remove any doubt and thereby help to mitigate parking pressure in East Road, which remains outside the adjoining CPZ's.

Disabled Parking

5.3.16 The approved scheme includes 10% of units (i.e. 3.4 units rounded to 4 units) to be wheelchair accessible. The proposed scheme would retain these 4 wheelchair accessible units in the same location and unit types as previously granted and add one more additional unit. On the basis of 45 dwellings, 10% of units would equate to 5 units.

Cycle Parking

5.3.17 The proposal provides 84 long stay and 3 short stay cycle parking for residential and 3 spaces for B1(a) use. The increase number of cycle spaces satisfies the draft London Plan standards.

Construction Management Plan

5.3.18 Construction management needs to outline specific steps to liaise with school to avoid heavy plant/deliveries visiting the site or manoeuvring close by during school start and finish times.

5.3.19 The existing access/loading space onto Wandle Bank needs to be removed and a new footway provided to link the existing footways (up to the existing tree)

Recommendation

5.3.20 Raise no objection for the addition of 11 new units, taking a total to 45. Previous conditions apply.

5.5 Environment Agency

5.5.1 No objection as the changes only relate to the 4th floor.

5.6 Council Climate Officer - No objection subject to conditions.

5.7 Council Environmental Health – No objection subject to conditions

5.8 Historic England – No objection subject to conditions.

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)

CS8 – Housing Choice

CS9 – Housing Provision

CS12 – Economic Development

CS14 - Design

CS15 – Climate Change

CS18 – Active Transport

CS19 – Public Transport

CS20 - Parking, Servicing and Delivery

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM H2 Housing Mix

DM H3 Support for affordable housing

DM E1 Employment areas in Merton

DM E3 Protection of scattered employment sites

DM E4 Local employment opportunities

DM O2 Nature conservation, trees, hedges and landscape features

DM D2 Design Considerations in All Developments

DM EP2 Reducing and Mitigating Noise

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DMR2 Development of town centre type uses outside town centres

6.3 London Plan (2016)

3.1 (Ensuring Equal Life Changes for All)

3.2 Improving Health and addressing health inequalities)

3.3 (Increasing Housing Supply),

3.4 (Optimising Housing Potential),

3.5 (Quality and Design of Housing Developments),

3.6 (Children and young people's play and informal; recreational facilities)

3.7 (Large residential developments)

3.8 (Housing Choice),

3.9 (Mixed and balanced communities)

3.10 (Definition of affordable housing)

3.11 (Affordable housing targets)

3.12 (Negotiating affordable housing on individual private residential and mixed use schemes)

3.13 (Affordable housing thresholds)

3.15 (Co-ordination of housing development and investment)

- 3.16 (Protection and enhancement of social infrastructure)
- 4.1 (Developing London's economy)
- 4.12 (Improving opportunities for all)
- 5.1 (Climate Change Mitigation),
- 5.2 (Minimising carbon dioxide emissions)
- 5.3 (Sustainable Design and Construction)
- 5.5 (Decentralised Energy Networks)
- 5.6 (Decentralised Energy in development proposals)
- 5.7 (Renewable energy)
- 5.8 (Innovative energy technologies)
- 5.9 (Overheating and cooling)
- 5.10 (Urban greening)
- 5.11 (Green roofs and development site environs)
- 5.12 (Flood risk management)
- 5.13 (Sustainable drainage)
- 5.14 (Water quality and wastewater infrastructure)
- 5.21 (Contaminated land)
- 6.3 (Assessing effects of development on transport capacity)
- 6.5 (Funding crossrail and other strategically important transport infrastructure)
- 6.7 (Better streets and surface transport)
- 6.9 (Cycling)
- 6.10 (Walking)
- 6.11 (Smoothing traffic flow and tackling congestion)
- 6.12 (Road network capacity)
- 6.13 (Parking)
- 7.1 (Lifetime neighbourhoods)
- 7.2 (An Inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.5 (Public Realm)
- 7.6 (Architecture)

- 7.14 (Improving Air Quality)
- 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 8.1 (Implementation)
- 8.2 (Planning obligations)
- 8.3 (Community infrastructure Levy)
- 8.4 (Monitoring and review)

- 6.4 Other
 - National Planning Policy Framework 2018
 - National Planning Practice Guidance 2014
 - Planning and Compulsory Purchase Act – 2004
 - London Plan 2016 - Housing SPG 2016

- Draft London Plan 2017
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1.1 The principle of redeveloping the application site has already been established under planning approval 15/P4741. The proposed changes relate to the introduction of 11 new residential units within Block A as a result of internal and external alterations, including replacing the amenity space at third floor level with new residential units. The planning committee report will only consider those aspects of the scheme that are affected by the proposed changes. For the sake of clarification, the following subject matters and S106 agreements set out in the 15/P4741 committee report will remain unaffected:

- Archaeology
- Land Swap
- Permissive Path
- Wandle Trail

7.1.2 The principle planning considerations in this instance therefore relate to design, impact on neighbour amenity, standard of residential accommodation, highways and parking, climate change, standard of residential accommodation and affordable housing.

7.2 **Section 73 applications**

7.2.1 The principle of development was established by the granting of planning permission 15/P4741. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

7.2.3 The National Planning Practice Guidance 2014 provides guidance on Section 73 applications, which outlines that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

7.2.4 In considering the current application the Council needs to have regard to any material changes in planning circumstances since the granting of that original permission. These include (i) site circumstances, (ii) application, (iii) changes in planning policy and (iv) further planning history.

(i) Site Circumstances

- 7.2.5 Officers note that there has been no change in site circumstances other than the former uses ceasing operation.

(ii) Application

- 7.2.6 The differences between the current proposal and the original application are shown in section 3 of the committee report.

(iii) Changes in Planning Policy

- 7.2.7 The local level planning policies considered under the original planning application remain unaltered. The London Plan 2015 and National Planning Policy Framework (NPPF) 2012 have since been replaced by The London Plan 2016 (2017 London Plan at draft stage) and the 2018 National Planning Policy Framework. There are no fundamental changes to the London Plan or NPPF which would result in a material change in the assessment of the planning application. The principles of the development are considered to remain as approved and in full compliance with the adopted Sites and Policies Plan (2104), Core Planning Strategy (2011), London Plan (2016) & draft London Plan (2017) and NPPF (2018).

(iv) Further Planning History

- 7.2.8 Following the original 2017 permission, there has been an application to discharge conditions 3 (materials), 5 (boundary treatments), 6 (refuse), 10 (screening) & 23 (cycle) on the original planning permission.
- 7.2.9 Members are advised that it would be inappropriate and unreasonable to revisit the principle of the entire development. There have been no material changes to the context of the site or planning policy from the date of the original planning approval.
- 7.2.10 As set out above, there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In this instance, officers consider that given the large scale of the original planning permission which included 34 new homes and that the current proposal seeks to utilise the already granted Block A, the proposed changes under the Section 73 application are not considered to be substantially different from the one which has been approved. Therefore, the proposed changes can be considered under the Section 73 application procedure.

7.3 Principle of Development

- 7.3.1 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

- 7.3.2 The principle of development has already been established under planning approval 15P4741. One of the key planning considerations under the original application was that the redevelopment of the site was in accordance with both employment and residential policies set out in Merton's Adopted Sites and Policies Plan.

Commercial

- 7.3.3 The proposed Section 73 application still retains 459sqm of new office space (Class B1a). Therefore, there is no change to the employment on the site.

Residential

- 7.3.4 The original planning application permitted 34 new residential units on the brownfield site. The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton has also increased by more than 30% to 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.3.5 The Section 73 application seeks to introduce an additional 11 units taking the overall number of residential units from 34 to 45. The net increase of 11 residential units will make a modest contribution to meeting housing targets and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policy.

Conclusion

- 7.3.6 The proposed Section 73 application still retains 459sqm of new office space (Class B1a) and provides an additional 11 residential units (taking total to 45). The principle of development is therefore still considered to be in accordance with adopted policy.

7.4 Design

- 7.4.1 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Polices Plan 2014 requires all development to relate positively and appropriately to the siting, rhythm, scale, density,

proportions, heights, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

7.4.2 The additional residential units would be incorporated into Block A by internal alterations and the infilling of the roof area formerly approved as private amenity space for the flats below. From a design perspective, the proposed changes are considered to have a minimal effect on the overall quality of the scheme. The distinctive floating roof of the original approval is still retained as part of the changes. The roof overhang and large amounts of glazing retain the floating roof appearance.

7.4.3 The revised National Planning Policy Framework (NPPF) (2018) sets out at Paragraph 130 that decision-making bodies should ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the approved scheme.

7.4.4 Given that the amended scheme seeks to retain the original design intent, the proposals are considered to be in accordance with Paragraph 130 and are still considered to relate positively and appropriately to the siting, rhythm, scale, density, proportions, heights, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. The revised design and amendments are considered to be visually suitable and comply with policy CS14 and DMD2.

7.5 **Neighbour Amenity**

7.5.1 The proposed new units would be created by internal and external alterations and conversion of former garden roof space into new units. The proposed development, with the exception of an alteration to the siting of flat A301 at third floor level, would sit within the envelope of the approved building. Even with the alteration of the layout to flat A301 at third floor level, the proposed development would have no greater overall mass when compared to the original scheme.

Sun and Daylight

7.5.2 As the proposed new units would be incorporated into the envelope of the approved building and there would be no greater massing, there would be no material changes to sun and day light beyond those already agreed under planning approval 15/P4741.

Overlooking

7.5.3 The angled fins on the front of building block A and the screening elsewhere on the site would still be retained as part of the amended

scheme. Planning conditions would ensure that these design features are retained.

- 7.5.4 The proposed new units within the former roof space would include front and rear facing windows and balconies/terraces. The proposed new units are well distanced away from adjoining residential properties. External balconies would be fitted with fixed plants to restrict downward views towards gardens. Majority of windows at this level are set back from elevations below by 1.5m. Thereby reducing the impact of overlooking. A planning condition requiring details of screening to the terrace areas would also ensure that there would be no undue loss of privacy or overlooking.

Outlook

- 7.5.4 As the proposed new units would be incorporated into the envelope of the approved building, there would be no changes to outlook from neighbouring properties beyond those already considered to be acceptable under planning approval 15/P4741.

7.6 **Standard of Residential Accommodation**

- 7.6.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.

- 7.6.2 In terms of the quality of the accommodation proposed, it is considered that the proposed flats would provide a satisfactory standard of accommodation for future occupiers. The proposed flats would exceed/meet minimum London Plan Gross Internal Area, room size and amenity space standards. Each habitable room would receive suitable light levels and adequate outlook. A number of flats would be split level, which provides good quality flexible accommodation.

7.7 **Playspace**

- 7.7.1 The proposed scheme would meet London Plan minimum requirements for on-site private amenity space provision and a small communal amenity space is proposed. The small communal space would remain the same as previously approved. As the site is approximately 150m (actual walking distance) from an existing play space and 20m from a large public park, the proposals are acceptable with regards to play space provision.

7.8 **Housing Mix**

- 7.8.1 Planning policy DM D2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.8.2 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM D2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 13 x 1 bedroom, 13 x 2 bedroom, 18 x 3 bedroom and 1 x 4 bedroom units.

Number of Bedrooms	Percentage of units
One	29%
Two	29%
Three +	42%

- 7.8.3 The proposed housing mix of the site, would not strictly meet the Council percentage ratio set out in Policy DM H2 (Housing Mix), however these are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including (71%) of the total offering family type accommodation (2 bedroom or more) which is welcomed.

7.9 **Highways**

Context

- 7.9.1 The applicant site is located within an area of good public transport accessibility (PTAL score of 4). Within the vicinity of the site there are 5

bus services, Colliers Wood under ground station is 550m from the site; Haydon's Road train station is 1.3km from the site (16 mins walk) and the site is 600m from the cycle superhighway 7 which provides passage to Central London.

- 7.9.2 The applicant site is not located within a Controlled Park Zone (CPZ), however the application site is located close to CPZ's S3 (North/South/West of East Road - Monday to Saturday between 8.30am and 6.30pm) and CW1 (Wandle Bank - Monday to Saturday between 8.30am and 6.30pm).
- 7.9.3 There are no servicing restrictions adjacent to the site along Wandle Bank and East Road. Existing servicing arrangements are via kerbside along East Road and Wandle Bank. There is however no stopping allowed from 07.30 – 9.00 and 15.00 – 17.00 Monday to Friday at the entrance to the Church of England All Saints Primary School opposite the site.
- 7.9.4 The application site currently has an informal arrangement of car parking on site and on East Road. Cars and vans did park on the access road on the southern end of the site and the access way between the existing industrial. Additional car parking for the units and general public is provided for on East Road in an informal arrangement next to the wooden fence along East Road.
- 7.9.5 The proposal for 45 residential units and 459 sqm of office space is considered to a modest sized development within an urban setting. The proposal would provide a total of 14 car parking space with a new vehicle access serving the site from East Road and a new pedestrian access through the site from East Road to Wandle Bank.
- 7.9.6 Of the 14 car parking spaces, 9 spaces would continue to be allocated directly to the new residential units. These spaces would be managed by a parking management plan which would be subject of a planning condition and approval from the Council. Of the 9 allocated car parking spaces for the new residential units, 2 spaces with electric charging points would be located within the site and 7 spaces along the southern end of East Road.
- 7.9.7 The proposed commercial units would continue to have 2 allocated car parking spaces within the site close to the units. A new double yellow line opposite the pedestrian access on Wandle Bank is proposed to improve potential servicing of the commercial units from Wandle Bank (40-45m carry distance). The 3 car parking spaces on the northern end of East Road would be unallocated car parking spaces with peak parking restrictions between 8.30-10am & 4.00pm – 6.30pm. This would prevent commuter parking during peak hours and would allow for visitor parking and servicing requirements for both residential and commercial units.

Residential Parking

7.9.10 Neighbours have raised concerns with the level of car parking and impact upon surrounding streets. The applicant has provided an updated parking survey (January 2019). The updated parking survey indicates that the proposed development would generate 26 car parking spaces. The parking survey states that within 400m of the site, when surveyed, there is up to 116 available parking spaces available overnight and 77 spaces available during daytime peak hours (14:00pm), plus a further 20 spaces available off peak. The potential generation of 26 cars created by the proposed development would therefore be able to be satisfactorily accommodated in surrounding streets. The Councils Transport Planning Officer has raised no objection to the proposed application and updated parking survey, subject to conditions and S106 agreement.

7.9.11 Given the parking restrictions and the site having good accessibility to public transport, it is expected that the majority of travel would be by public transport. The London Plan states that there can be up to 1.5 car parking spaces per unit. The proposal would provide 9 car parking spaces for residential use which would be in line with the London Plan 2016 parking standards. The London Plan also notes that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. The level of car parking is therefore in line with the objectives the London Plan.

7.9.12 The Council does acknowledge the concerns from neighbours in terms of car parking, however the proposals would meet London Plan policy requirements, is a modest scale development and application site has a PTAL score of 4 which indicates good levels of public transport within close proximity of the site. In order to ensure limited impact upon surrounding area, place no additional pressure on the operation of surrounding CPZ's and to promote sustainable modes of transport, the development is considered suitable as a permit free development whereby preventing car parking permits being issued for the residential and commercial units.

Car Club

7.9.13 To further encourage sustainable modes of transport and help establish travel patterns for future occupiers, the development would also be subject to a free, three year car club membership. This can be controlled via a deed of variation to the S106 agreement.

Commercial Parking/Serviceing

7.9.14 As stated above the application site is located within an area of good

public transport accessibility and given the amount of parking available, travel by staff and visitors is likely to be made from public transport thereby promoting sustainable modes of travel and limiting impact upon surrounding highway network.

7.9.15 The three commercial units would be allocated 2 car parking space within the site close to the units. The 3 unallocated parking bays on East Road would provide additional parking for visitors and servicing arrangements. The applicant states that servicing would continue on East Road and Wandle Bank. Plans provide improved parking and servicing arrangements with allocated car parking and new double yellow lines opposite the pedestrian access on Wandle Bank. The proposed car parking and servicing arrangement are considered suitable for the proposed employment units, which remains as per the original scheme.

7.10 Flooding

7.10.1 The proposed changes relate to internal changes to the envelope of the approved building, therefore there would be no change to flooding on the site. The Environmental Agency and the Councils Flood Officer have confirmed that there is no objection subject to conditions.

8 **Affordable Housing**

8.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision, the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.

8.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. The original scheme proposed an off-site contribution of £200, 000. The current scheme has been subject to a new viability appraisal, taking into account the additional 11 units proposed. Following extensive discussions, the Councils independent viability assessor stated that a policy compliant 40% affordable scheme is not viable. It has been agreed with the applicant and the Councils viability assessor that 4 affordable housing units can be delivered onsite. This would include three social rent units (unit B101, B102 and B004) and one shared ownership unit (unit B001). This equates to the delivery of 8.9% affordable housing units on the site (36% of the additional 11 units created by the Section 73 application). The provision of onsite affordable housing is considered to be acceptable in this instance and meets the objectives of planning policy CS 8 (Housing Choice). The provision of on-site affordable

units is considered positive in comparison to the off-site contribution secured previously.

- 8.1.3 In light of the scale of the development and the possible lengthy timescales involved in implementing and constructing the development, the affordable housing contribution would be subject of review mechanisms (early and late stage reviews) in accordance with the accordance with the London Plan and Mayors Affordable Housing and Viability SPG and Councils Viability SPD.

9. **Sustainability**

- 9.1 London Plan Policy 5.2 requires new development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green; use renewable energy

- 9.2 The applicant's energy consultant has confirmed that the new units have been designed to meet the original planning conditions relating to achieving minimum 35% reduction over the part L and internal water usage rates of no greater than 105l/p/day. Further, the Councils Climate Change Officer has confirmed that the current proposal is acceptable, subject to the applicant meeting the requirements of the original conditions.

10. **Local Financial Considerations**

- 10.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

11. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 11.1.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

11.1.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

12. **CONCLUSION**

12.1.1 The proposed development will provide 11 new residential units to an existing scheme of 34 units and retain the 459 sqm office floor space. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes. The design of the development is considered to be of high quality in terms of appearance and accommodation being proposed. The proposed buildings would respect the context of the site and would have no undue impact upon neighbouring amenity, flooding or highway considerations. The proposal is considered to accord with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and deed of variation to the S106 agreement.

13. **RECOMMENDATION**

13.1 GRANT variation of Conditions, subject to conditions and deed of variation to the S106 agreement

13.1 Variation of S106 legal agreement

1. 4 Affordable housing units delivered onsite (3 social rent and 1 shared ownership) – including review mechanism.
2. Permit Free Development (residential and business)
3. Wandle Trail contribution (10k)
4. Land Transfer
5. Car Club
6. Permissive path
7. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

13.2 And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B1 Materials to be approved
4. B4 Details of Surface Treatment
5. B5 Details of boundary treatment
6. C06 Details of refuse & recycling
7. C07 Refuse implementation
8. C08 Use of Flat Roofs (other than those approved)
9. C09 Balcony Screening
10. No development shall take place until a scheme of details of screening (including obscured glazed screens) of the balconies and terraces has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining 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.

11. D11 Construction Times
12. The premises shall only be used for Class B1 a (offices) and for no other purpose, (including any other purpose within Class B1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with the following Development Plan policies for Merton: policy

CS12 of Merton's Core Planning Strategy 2011 and policies DM E1 & DM E3 of Merton's Sites and Policies Plan 2014.

13. No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: To protect and safeguard the existing neighbouring trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

14. Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing neighbouring trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

15. No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the

interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

17. The foundation to be used in connection with Block C001 shall be constructed using pile and beam foundation.

Reason - To protect and safeguard the existing neighbouring Sycamore tree in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014

18. Prior to occupation of the development hereby permitted details of Electric Vehicle Charging Points (minimum of 20% active, plus 20% passive) in line with the London Plan shall be submitted to and approved by the Local Planning Authority and implemented prior to the first use of the development and permanently retained thereafter.

Reason: To ensure the provision of an appropriate level of car parking and minimise the effect of the development on local air

quality in line with policy CS20 of the Merton Core Planning Strategy and policies 6.13 and 7.14 of the London Plan.

19. No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

20. The development hereby approved shall not be occupied until the proposed vehicle access has been sited and laid out in accordance with the approved plans

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

21. The commercial parking spaces shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for commercial parking purposes for occupiers and users of the development and for no other purpose.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

22. The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To ensure the safety of pedestrians and vehicles and the

amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

23. No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

24. The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

25. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

26. Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

27. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated: 30 November 2015, REF: 3083 Issue 4 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 12.75 m above Ordnance Datum (AOD).
2. The development will not increase flood risk to areas adjacent to the site, the wider area or downstream of the site for the lifetime of the development.

The above mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

28. Prior to the installation of the biomass boiler, an air quality assessment shall be undertaken and submitted to the Council for approval which should include dispersion modelling for the CHP boiler, and the CHP boiler shall only be installed if the Local Planning Authority considers the results of the assessment and any recommended measures to be acceptable. The boiler shall be installed in full accordance with any such measures.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

29. Due to the potential impact of the surrounding locality on the residential use a noise survey undertaken by a competent person is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise. The survey shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme for sound insulation and noise control measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to the occupation of the residential properties.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

30. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new plant/machinery, including the CHP boiler from the proposed development use shall not exceed LA90-10dB at the boundary with the closest residential property.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014

31. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

32. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk

assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

33. Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

34. Any approved 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014

35. 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 safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

36. 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 safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

37. 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
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2

and DM EP4 of Merton's Sites and Polices Plan 2014.

38. No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development has achieved not less than a CO2 emissions reductions outlined in Policy 5.2 of the London Plan (35% reduction over the Part L 2013), and internal water usage rates of no greater than 105l/p/day (equivalent to Code for Sustainable Homes Level 4).

Evidence requirements are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010). Evidence to demonstrate a Co2 emissions reduction compared to 2010 Part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason - To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

39. No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).

Reason - To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic) and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan policies 5.5 and 5.6.

40. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council that the developer has uploaded the appropriate information pertaining to the sites Combined Heat and Power (CHP) system has been uploaded onto the London Heat Map (<http://www.londonheatmap.org.uk/>)

Reason - To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning. Development Plan policies for Merton: policy 5.2,5.5 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

41. The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the Flood Risk Assessment and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's CS16 and policy DM F1 and the London Plan policy 5.12.

42. Stage 1 - No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

Reason: In order to provide the opportunity to record the history of the site and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D4 of Merton's Sites and Policies Plan 2014.

43. Stage 2 - If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to

undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: In order to provide the opportunity to record the history of the site and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D4 of Merton's Sites and Policies Plan 2014.

44. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

45. The development hereby permitted by this planning permission shall ensure that finished floor levels for all residential units shall be set no lower than +300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) and include flood resilient materials for the ground floor construction. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

46. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final

drainage scheme shall be designed in accordance with the details submitted in the Flood Risk Assessment. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to both the River Wandle and the surface water sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- iv. A CCTV of the existing sewer and drainage network to establish its condition and any remedial works;
- v. Include a sequencing of works and construction method statement for any sewer diversions and new connections
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

47. Development shall not commence until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for

Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

48. The internal ceiling height of the commercial units hereby permitted shall be constructed no lower than 2.7m.

Reason - To ensure satisfactory conditions for the success of the units for commercial purposes and to comply with the following Development Plan policies for Merton: policy CS12 of Merton's Core Planning Strategy 2011 and policies DM E1 and DM E3 of Merton's Sites and Policies Plan 2014.

49. 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 extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future 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.

50. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, rooflight or door other than those expressly authorised by this permission shall be constructed in the upper levels without planning permission first 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.

51. No development [other than demolition] pursuant to this consent shall commence until details of the proposed green roofs (including: species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green

roof; and a maintenance plan) are submitted to an approved in writing by the Local Planning Authority. The measures shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011

Planning Informatives

1. The written schemes of investigation as required by conditions 42 and 43 will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Further information on archaeology and planning in Greater London including Archaeological Priority Areas is available on the Historic England website. Please also see consultation response from Historic England (19th October 2016) under LBM Ref 15/P4741 on the Councils Website for the level of detail required to satisfy conditions 42 and 43.

2. The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:
<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>
3. It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification

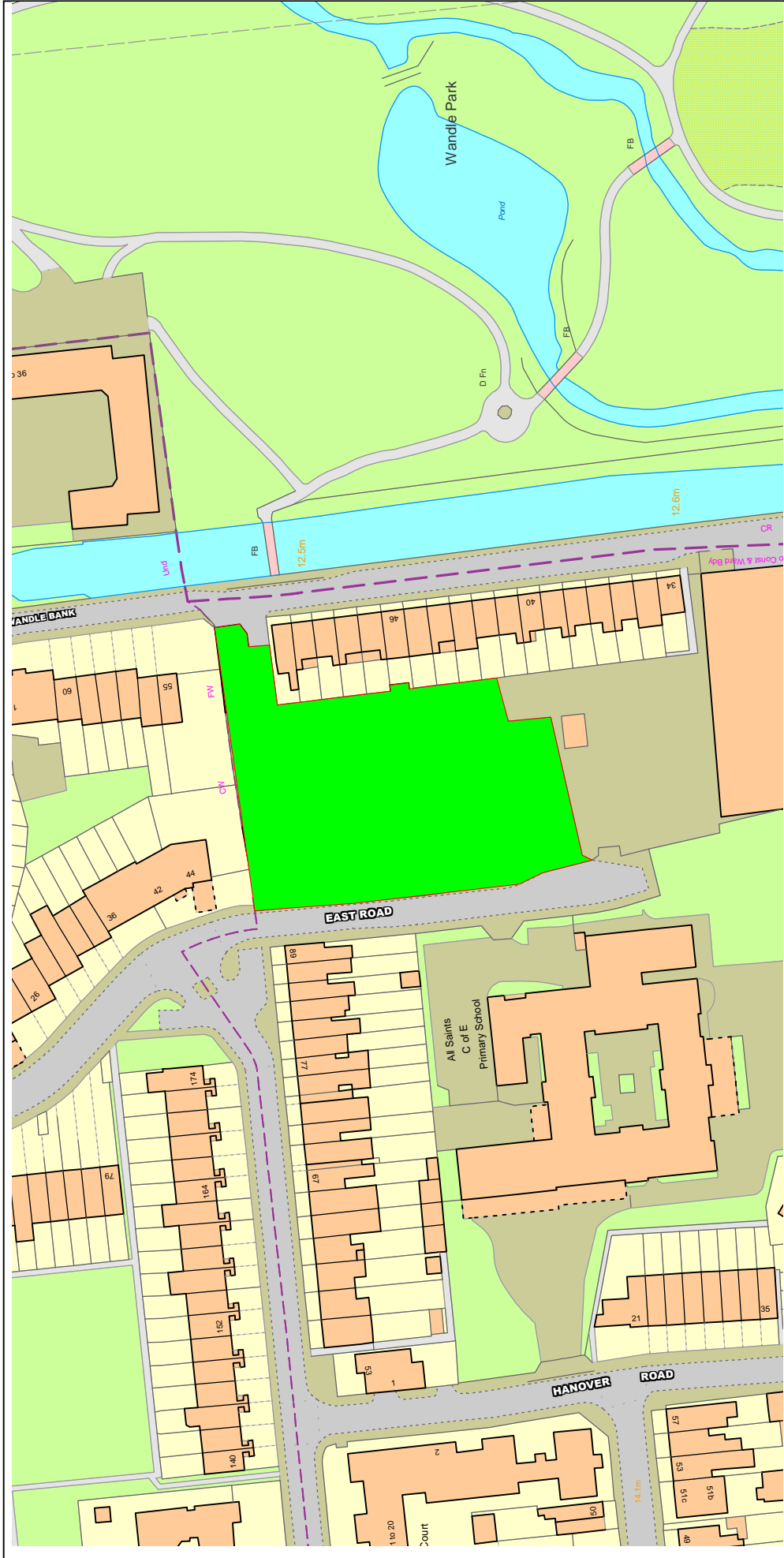
4. You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

 5. Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.
-

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **Wandle Bank**

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Committee: Planning Applications

Date: 21 March 2019

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

[LINK TO COMMITTEE PAGE](#)

DETAILS

Application Numbers: **17/P3701**
Site: 35 Borough Road, Mitcham CR4 3DX
Development: Erection of a bungalow in rear garden
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 7th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P4283**
Site: 35 London Road, Morden SM4 5HT
Development: Erection of 3 story residential block comprising 2 x flats, cycle & bin storage and retail storage.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 8th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2254**
Site: Garages R/O 4 Cavendish Road, Colliers Wood SW19 2EU
Development: Demolition of garages and erection of 1 x 2 storey dwelling with cycle parking.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 8th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2424**
Site: 123 Monkleigh Road, Morden, SM4 4EQ
Development: Erection of a 2 bed detached dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 7th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P3013**
Site: 223 South Park Road, Wimbledon SW19 8RY
Development: Erection of a part single, part two storey rear extension and a rear roof extension, raising the ridge height
Recommendation: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1805**
Site: Land between 47-51 Blanchland Road, Morden SM4 5ND
Development: Erection of a 1 bed dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1981**
Site: 7 Streatham Road, Mitcham CR4 2AD
Development: Lawful development certificate for rear & side roof extension
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1170**
Site: Former Marquis of Lorne Pub, 117 Haydons Road SW19 1HH
Development: Partial demolition and development of site to create 8 x flats retaining pub's original front and side façade.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1683**
Site: 79-83A Love Lane, Mitcham CR4 3AW
Development: Erection of 2 x front dormer roof extensions to create 2 x flats in roof space
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 5th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1739**
Site: 17 Bodmin Grove, Morden SM4 5LU
Development: Demolition of garage and erection of a two storey end of terrace dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1883**
Site: Flat 3, 32 Thornton Hill, London, SW19 4HS
Development: Alteration to roof pitch and erection of 2 x rear dormer windows to convert of roof space into habitable rooms
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P1975**
Site: 109 Cherrywood Lane, Morden SM4 4HD
Development: Conversion of dwellinghouse into 2 X self-contained flats
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2631**
Site: 64 Drax Avenue, West Wimbledon SW20 0EY
Development: Variation of condition 2 (approved plans)
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P2922**
Site: 76 South Park Road, Wimbledon SW19 8SZ
Development: Erection of a single storey rear and side infill extension
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2019

[Link to Appeal Decision Notice](#)

Application Numbers: **18/P3063**
Site: 181 Westway, London, SW20 9LR
Development: Erection of a single storey rear extension and rear roof extension
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd February 2019

[Link to Appeal Decision Notice](#)

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

1.1. None required for the purposes of this report.

2 TIMETABLE

2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Committee: Planning Applications Committee

Date: 21st March 2019

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND
TRANSPORT COUNCILLOR MARTIN WHELTON and
COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Ray Littlefield: 0208 545 3911
Ray.Littlefield@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	889	¹ (868)	New Appeals:	(1)	(0)
New Complaints	41	(37)	Instructions to Legal	0	(0)
Cases Closed	29		Existing Appeals	1	(1)
No Breach:	14		<hr/>		
Breach Ceased:	15		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	69	(34)
Total	29	(18)	% Determined within time limits:	100%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	2	(0)
New Enforcement Notice issued	1	(0)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	(0)
Others (PCN, TSN)	0	(0)			
Total	1	(0)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period from 2nd February 2019 to 12th March 2019*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.0 New Enforcement Actions

20A Mitcham Park, CR4 4EG. An Enforcement Notice was issued on 8th March 2019 relating to a high fence enclosing the front garden. The Notice requires the reduction of the height of the fence to no higher than 1 metre to any part of the adjacent to the highway. The Notice will take effect on 10th April 2019, with a compliance period of 1 month, unless an appeal is made.

74 Beeleigh Road, Morden, SM4 5JW. An Enforcement Notice was issued on the property on 17th December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and will take effect on 21st January 2019 with a compliance period of four months of this date unless an appeal is made. No appeal has been made to date.

227 London Road SM4 5PU. An Enforcement Notice was issued on the property on 20th December 2018 for 'Without planning permission, the formation of a hardstanding and the parking of vehicles, on the front garden of the land'. The notice requires the owner to cease use of the front garden for the parking of vehicles and to remove the unauthorised hardstanding; and will take effect on 24th January 2019 with a compliance period of three months of this date unless an appeal is made. No appeal has been made to date.

228 Lynmouth Avenue, SM4 4RP. The Council issued a S215 notice on 23rd July 2018 to require the following steps to "trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the property". The notice came into effect on 23/08/18.

The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ. Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. Instructions have been sent to legal services for the service of a planning enforcement requiring either the demolition of the development or build to the approved scheme. The Planning Enforcement Notice was issued on 11th October 2018. The Notice will take effect on 18th November 2018 with a compliance period of 12 calendar months, unless an appeal is made to the Planning Inspectorate before 18th November 2018. An appeal was made but withdrawn the following day.

100 The Broadway, Wimbledon SW19 1RH. This matter concerns a dilapidated shopfront. A s215 Notice was issued and served on 28th June 2018, the Notice took effect 28 days after this date with a further compliance period of 28 days requiring the shop front to be restored and tidied up. The shop front has been improved, however not to the satisfaction of Officers.

37 Montgomery Close, Mitcham, CR4 1XT. This concerns unauthorised extra single storey wooden extension with a height of approx. 2.7m a depth of 2.4m. Extending the width of the whole rear of the property. A Planning Enforcement Notice was issued on 16th March 2018 requiring the demolition of the single story wooden extension, with a one month compliance period. The Notice has not been complied with and to date no notification of an appeal has been received.

22 St George's Road, Mitcham, CR4 1EB. The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. The notice has taken effect however; the legal team has been informed that the ownership details have changed. The new owners' details are pending and therefore

we have to wait for the full detail update before we can enforce the notice. An appeal has been received on grounds (c) only (that planning permission is not required). The Council will submit its statement in due course.

29 Belgrave Walk, Mitcham, CR4 3QQ. The Council issued a Planning Enforcement Notice on 24th August 2018 requiring the removal of a first floor rear extension. The Notice came into effect on 30th September 2018 with a 3 months compliance period unless an appeal was made before 30th September 2018. The first floor extension has now been removed and the Notice complied with.

17 Burley Close, Streatham, SW16 4QQ. The Council issued a Planning Enforcement Notice on 24th August 2018 requiring the removal of a tree house. The Notice came into effect on 30th September 2018 with a 2 months compliance period unless an appeal was made before 30th September 2018.

Some Recent Enforcement Actions

33 Sutherland Drive, Colliers Wood, SW19. This matter concerns abandoned cars and general rubbish in the front, side and rear of the property. A s215 Notice has been authorised and was served on 18th October 2018, the Notice will take effect 28 days after this date unless an appeal is made (to the Local Magistrates Court) with a compliance period of a further 28 days from the date the Notice takes effect. The Notice has now been complied with.

- **39 West Barnes Lanes, SW20 0BL.** The council issued a S215 notice on 23rd July 2018 to requiring the land be cleared of rubbish. The notice came into effect on 23/08/18. The Land has now been cleared and the Notice complied with.
- **117 Haydons Road South Wimbledon SW19.** The Council re-served an Enforcement Notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action.

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

242 – 244 LONDON ROAD, MITCHAM, LONDON, CR4 3HD

- The council issued an Enforcement Notice on the 12th January 2018 for 'erection of 3 air conditioning units at the side of the ground floor of the Land. The notice requires the removal of the 3 air conditioning units on the side of the ground floor; and will take effect on 12th February 2018 with a compliance period of one month of this date unless an appeal is made. No appeal has been made. The Notice has now been complied with. The owner has complied, no further action.
- **1 Cambridge Road, Mitcham, CR4 1DW.** The council issued a S215 notice on 21st August 2017 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice took effect on the 21st September 2017. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13th November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.
- **19 Fernlea Road, Mitcham, CR4 2HF.** The council served an enforcement notice on the 19th June 2018 to require the following steps; - Cease the use of the Outbuilding as a self-contained residential unit; and remove all those fixtures and fittings that facilitate the unauthorised use of the Outbuilding including the permanent removal of the toilet and bath/shower facilities all cooking facilities, kitchen units, sinks, appliances, fridge, cooking facilities and food preparation areas. Remove from the Property all materials, machinery, apparatus and installations used in connection with or resulting from compliance with steps 5(i) and 5(ii) above. Due to the officer shortage, the compliance visit was delayed. However, this has now taken place and the enforcement notice was complied with. The case has now been closed.

3.0 New Enforcement Appeals - 0

3.1 Existing enforcement appeals - 1

3.2 Appeals determined - 0

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. The appeal was dismissed by

Decision letter date 25th August 2018, the enforcement Notice was upheld in its entirety.

- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018. The Notice was varied extending the compliance period from two calendar months to ten calendar months from 1st February 2018. Awaits for compliance

18 Morton Road Morden SM4 the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council was notified of an appeal. The compliance period is two calendar months. The appeal site visit was held on 29th January 2018. The appeal was dismissed and the Notice upheld by Decision Letter dated 1st February 2018 with a three months compliance period from 1st February 2018.

3 Aberconway Road Morden SM4 –

The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. The Structure is still present. No compliance, awaiting prosecution.

Land at Wyke Road, Raynes Park SW20. The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal was submitted. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th May 2017, however an acceptable scheme has now been approved.

18 Warminster Way, Mitcham, CR4 1AD. The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal site visit took place 28th February 2018. The appeal was dismissed by Decision Letter dated 7th March 2018. The period of time for compliance with the Enforcement Notice was extended from three months to six months from 7th March 2018. Awaiting prosecution proceedings

3.3 Prosecution cases.

Land, at 93 Rowan Crescent Streatham, SW16 5JA. The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal

proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.

55-61 Manor Road, Mitcham. An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

The people involved have been summoned to attend Lavender Hill Magistrates' Court on 10th July 2018. The defendants are required to attend the court and enter a plea to the offence of failing to comply with the requirements of a Planning Enforcement notice.

The defendant's appeared at Lavender Hill Magistrates Court. But the case was deferred and sent to the Crown Court as the penalties available to the Magistrates Court were considered by the court, to be insufficient, should the defendants be found to be guilty. It is likely that this case will be heard at the Crown Court in August 2018. The Court has imposed a £1,000 fine plus costs of £1,500. The occupier was instructed to comply with the notice within one week by 15/08/2018. Officer's will visit and check for compliance. A second prosecution is now underway.

3.4 Requested update from PAC – None

- 4. Consultation undertaken or proposed - None required for the purposes of this report**
- 5 Timetable - N/A**
- 6. Financial, resource and property implications - N/A**
- 7. Legal and statutory implications - N/A**
- 8. Human rights, equalities and community cohesion implications - N/A**
- 9. Crime and disorder implications – N/A**
- 10. Risk Management and Health and Safety implications. - N/A**
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers - N/A**
- 12. Background Papers**