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Merton Council Planning Applications Committee

Membership

Councillors Substitute Members:

Linda Kirby (Chair)

Najeeb Latif (Vice-Chair)

Billy Christie

David Chung

Stephen Crowe

David Dean

John Dehaney

Joan Henry Edward Foley
Rebecca Lanning Daniel Holden

Russell Makin Simon McGrath Peter Southgate

Dave Ward

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

Date: 20 August 2020

Time: 7.15 pm

Venue: This will be a virtual meeting and therefore will not take place in

a physical location, in accordance with S78 of the Coronavirus

Act 2020

This is a public meeting and can be viewed at www.youtube.com/user/MertonCouncil.

If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3616

Press enquiries: communications@merton.gov.uk or telephone 020 8545 3181.

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Planning Applications Committee 20 August 2020

1	Apologies for absence	
2	Declarations of Pecuniary Interest	
3	Minutes of the previous meeting	1 - 10
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	3 Alan Road, Wimbledon, SW19 7PT	11 - 50
	Application number: 20/P1701 Ward: Village Recommendation: GRANT Planning permission subject to conditions	
6	Tooting & Mitcham FC, Bishopsford Road, SM4 6BF	51 - 138
	Application number: 19/P4094	
	Ward: Ravensbury	
	Recommendation: grant permission subject to conditions and s106 legal agreement.	
7	159 Commonside East, Mitcham, CR4 2QB	139 - 196
	Application number: 20/P1060	
	Ward: Figges Marsh	
	Recommendation: Grant planning permission subject to a section 106 agreement for off-site affordable housing contribution, permit free development and carbon offsetting and relevant conditions.	
8	37-39 Cottenham Park Road, West Wimbledon, SW20 0SB	197 - 286
	Application number: 20/P1463	
	Ward: Raynes Park	
	Recommendation: Grant planning permission subject to conditions and the completion of a s106 unilateral undertaking to secure:	

1. 5 of the 8 new units are to be parking permit

2. The developer agreeing to meet the

free residential units.

	council's costs of reviewing [including legal fees] the unilateral undertaking. 3. The developer agreeing to meet the council's costs of monitoring the unilateral undertaking.				
9	115 Graham Road, Wimbledon, SW19 3SP	287 - 314			
	Application number: 20/P1275				
	Ward: Dundonald				
	Recommendation: Grant planning permission subject to a S106 agreement and conditions				
10	64-76 Kingston Road, Wimbledon, SW19 1LA	315 - 394			
	Application number: 19/P2120				
	Ward: Abbey				
	Recommendation: Grant planning permission subject to conditions and S106 agreement.				
11	8 Preshaw Crescent, Mitcham, CR4 3GA	395 - 428			
	Application number: 19/P4118				
	Ward: Cricket Green				
	Recommendation: the application is subject to appeal for non-determination. Officers recommend to inform the Planning Inspectorate that the Council would have granted planning permission subject to conditions.				
12	50 Tybenham Road, Merton Park, SW19 3LA	429 - 452			
	Application number: 20/P1732				
	Ward: Merton Park				
	Recommendation: Grant planning permission subject to conditions.				
13	33-39 Upper Green East, Mitcham, CR4 2PF	453 - 550			
	<u>Application number</u> : 19/P2747				
	Ward: Figges Marsh				
	Recommendation: Grant permission subject to Section 106 obligation or any other enabling agreement, and relevant conditions.				
14	Planning Enforcement - Summary of Current Cases	551 - 556			
	Officer Recommendation: That Members note the contents of the report.				
	That Members hole the contents of the report.				

and current MHCLG consultation

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 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 Managing Director, South London Legal Partnership.

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

<u>Agents/Applicants</u> 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)

<u>Ward Councillors/Other Councillors</u> 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:

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES please contact Democratic Services:

Phone - 020 8545 3356

e-mail – democratic.services@merton.gov.uk

Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE 16 JULY 2020

(7.15 pm - 11.42 pm)

PRESENT: Councillor Najeeb Latif (in the Chair), Councillor Billy Christie,

Councillor David Dean, Councillor John Dehaney, Councillor Joan Henry, Councillor Rebecca Lanning, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate and Councillor Dave Ward

ALSO PRESENT: Councillor Nigel Benbow

Neil Milligan (Development Control Manager, ENVR), Sarath Attanayake (Transport Planning Project Officer), Tim Bryson (Development Control Team Leader (North)), Jonathan Lewis (Development Control Team Leader (South)), Catarina Cheung (Planning Officer), Tim Lipscomb (Planning Officer), Louise Fleming (Senior Democratic Services Officer) and Amy

Dumitrescu (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from the Chair, Councillor Linda Kirby. The Vice-Chair, Councillor Najeeb Latif chaired the meeting in her absence and Councillor John Dehaney was present as a substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

The Committee noted that Councillor Najeeb Latif from time to time chaired Design Review Panel meetings. At these meetings he did not take any part in the debate nor vote on the proposals.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 2 July 2020 are 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, 6, 7, 8 and 11.

The Chair advised those present and viewing the meeting of the procedure for considering the applications and that the order of items would be as they appeared in the agenda.

5 ABBEY WALL WORKS, STATION ROAD, COLLIERS WOOD, SW19 2LP (Agenda Item 5)

Proposal: (1) Demolition of existing buildings and redevelopment of site to provide a part three, part four, part five storey block of 54 flats and a commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1 and D1 uses) and associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall.

(2) Listed Building Consent for demolition of existing buildings and redevelopment of site to provide a part three, part four, part five storey block of 54 flats and a commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1 and D1 uses) and an associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall.

The Committee noted the report and presentation of the Planning officer, and the modifications contained in the supplementary agenda.

Two objectors had registered to speak in objection and at the invitation of the Chair, made the following points:

- The application would result in a loss of privacy due to overdevelopment. The
 road was narrow and there would be limited parking. The application
 conflicted with development plan policies. The concerns of the committee in
 relation to the previous application for this site had not been addressed by the
 new application.
- The application would have a negative impact on the Wandle Valley area and the historical value of Merton Priory. The number of affordable homes proposed was too low and too many were single aspect. The development would be overbearing and contrary to planning policy.
- The impact of the proposed residential development on the Eddie Katz site should also be taken into consideration.

The applicant's agent spoke in support, addressing the concerns of the objectors and outlining the benefits of the proposal.

The Development Control Team Leader (North) advised that there was no live application on the Eddie Katz site. The listed building consent application in respect of the Priory wall had received no objection from the Council's conservation officer. He drew Members' attention to the changes to the scheme and the previous reasons for refusal.

At the invitation of the Chair, the Senior Democratic Services Officer read out a written statement on behalf of Councillor Nigel Benbow, submitted on behalf of the ward residents. The statement made the following points:

- The new application still demonstrated height and mass and had not been scaled back enough since the previous application.
- The area had historical links to Merton Priory and should be preserved.

- There were concerns over the inclusion of a commercial unit, noise and pollution from Merantun Way, loss of light to residents on Station Road.
- The forthcoming application at the Eddie Katz site should be taken into consideration.

In response to Member questions, the Development Control Team Leader (North) advised that:

- The application was 16.5m at its tallest point, and the previous scheme was 19.5 at its tallest height.
- The scheme had been subject to a viability assessment which had concluded that the inclusion of affordable housing was not viable. Despite this the developer was offering 3 affordable units.
- Although single aspect units are discouraged, it is difficult in a development of this size to not have any and this point was addressed in the officer report.
- Each unit would have good natural light. The light would be better on the south side than the north, however large windows and glazed doors were proposed to mitigate.
- The appeal against the previous refusal was currently going through the
 process of being considered by the Planning Inspectorate. If the current
 application was approved it would not prejudice the previous decision, and
 there had been no indication from the applicant that the appeal would be
 withdrawn.
- Supermarket had been specifically excluded from the A1 commercial use and this had been agreed with the applicant.
- The affordable units would be 3 3-bed social rented properties on the eastern side of the building, 2 at ground floor level and 1 at first floor above.
- Overlooking was a matter of judgement. The previous reasons for refusal did not include overlooking as a specific issue.

Members made the following comments:

- There was not enough difference between this and the previous scheme and there was concern that the issues had not been resolved. Single aspect units were not reasonable and the number of affordable homes was too low. The application should be rejected on the grounds of bulk, massing and height. Current residents should be respected and also those residents who will live there in the future. The site was a difficult site to develop.
- The applicant had thought about how to address previous concerns. Although
 it was regrettable that the number of affordable homes was so low, the viability
 has been affected due to the reduction in size of development. It was
 welcomed that the applicant was still offering 3 social rented units despite it
 not being viable and therefore the application should be supported.
- Although it was a shame that the number of affordable units was lower, if the Committee is minded to refuse bigger developments then it must accept that a smaller application will include less. The application should be supported.
- It was welcomed that the developers had taken previous concerns into consideration and therefore the application should be approved.
- It was felt that the applicant had made changes to the application and the appearance of the wall would be improved by the application. There were

- concerns over finding a registered provider willing to take such a low number of units on. It was welcomed that the affordable units were 3-bed properties.
- The applicant should be invited not to progress with the previous appeal as a gesture of goodwill in the event that Committee was minded to approve.
- It was noted that the Committee did not have the authority to request that the applicant not progress with the previous appeal.

At the conclusion of the debate, the Chair called for a vote and it was

RESOLVED that

- 1. Application 20/P1412 be GRANTED Planning Permission subject S106 agreement and conditions.
- 2. Application 20/P1672 be GRANTED Listed Building Consent subject to conditions
- 6 300 BEVERLEY WAY AND 265 BURLINGTON ROAD NEW MALDEN KT3 4PJ (Agenda Item 6)

Proposal: Partial demolition of b1 office building and change of use of part of office building car park to facilitate the reconfiguration of supermarket car park to provide a total of 684 car parking spaces (a loss of 19 car parking spaces), to provide trolley parking shelters, changes to white line marking and provision of a new servicing area and alterations to office car park with a loss of 29 car parking spaces. The alterations to the supermarket car park layout and associated works have been submitted in connection with the concurrent planning application 19/p2387 for the erection of a mixed use development comprising 456 flats and 499 sq.m of b1 floor space.

The Committee noted the report and presentation of the Planning officer, and the modifications contained in the supplementary agenda.

The Chair moved to a vote and it was

RESOLVED that Application 19/P3085 be GRANTED Planning Permission subject to conditions.

7 247 BURLINGTON ROAD, NEW MALDEN, KT3 4NF (Agenda Item 7)

Proposal: Demolition of building and formation of temporary road for the tesco car park (2 year period), providing pedestrian and bicycle access plus vehicular egress, with associated works including the relocation of bus stop.

The Committee noted the report and presentation of the Planning officer, and the modifications contained in the supplementary agenda.

In response to Member questions, the Planning officer advised that there was no restriction on the start of the construction which could begin immediately. There would be no need for the access road until the point that an application was approved for a wider development.

A Member made a comment that there was concern that granting this application could prejudice future consideration of applications for the wider development.

Another Member felt that the application should be approved.

At the conclusion of the debate, the Chair moved to a vote and it was

RESOLVED that Application 19/P2578 be GRANTED Planning Permission subject to conditions and s.106 legal agreement.

The Development Control Team Leader (South) presented item 12 before the consideration of items 8, 9, 10 and 11. For ease of reference, the items are listed below as they appeared in the agenda.

8 ELM NURSERY CAR PARK, LONDON ROAD, MITCHAM, (Agenda Item 8)

Proposal: Erection of a five storey building to create 21 new residential units. Comprising of one and two bedroom apartments, associate cycle parking, disabled parking bays and public realm enhancements.

The Committee noted the report and presentation of the Planning officer, and the modifications contained in the supplementary agenda.

An objector had registered to speak in objection and at the invitation of the Chair made the following points:

There was a lack of parking in the area for businesses and the application site
was currently used by patients of the GP surgery and the local businesses.
The nearby multi-storey car park was not considered safe. The proposal was
out of character and there were other suitable brownfield sites which could be
redeveloped.

The applicant's agent spoke in support of the application, addressing the concerns of the objector and stated that the site had been designated for residential use and had a PTAL rating of 5 with spare capacity for parking in the area.

The Development Control Team Leader (South) advised that the Government's national planning guidance stated that developments must be determined in accordance with the area's local development plan. The Merton Plan had designated the site for residential use. In response to Member questions, he advised the following:

 As the quantum of affordable housing was across all four applications as a package then if one or two of the applications were refused, the viability assessment would need to be re-examined.

In response to a Member question, the Transport Planning Officer explained the PTAL rating and how this was calculated. A PTAL rating of 5 was considered to be

high and access to public transport in the area was good and therefore less parking was required.

In response to a Member question, the Development Control Team Leader (South) advised that

- the route from the dwellings to London Road will remain. The report set out proposed improvements to the footpath.
- The presence of the flats on the site would create surveillance on the footpath which could improve the sense of security for its users.
- The designation of the site for housing would have been the subject of significant consultation as part of the development of the current and draft local plan. The traffic and parking issues had been addressed in the report.
- Each application must be determined on its own merits, however the package
 of affordable housing was based on all four applications being approved and if
 Members were minded to refuse one or more of the applications, then the
 financial viability of the package of four applications would be affected.

Some Members were concerned that each application should be considered on its own merits and the ability of the developer to deliver affordable housing separately should not be a concern of the Committee.

One Member welcomed the strategic approach of Mertantun Development Ltd and the achievement of 21 affordable homes in Mitcham if approved. They felt that the application was a good one which added positively to the neighbourhood.

At the conclusion of the debate, the Chair moved to a vote and it was

RESOLVED that Application 19/P4047 be GRANTED Planning Permission subject to the completion of any enabling agreement and conditions.

9 FARM ROAD CHURCH, FARM ROAD, MORDEN, SM4 6RA (Agenda Item 9)

Proposal: Demolition of existing church buildings and erection of a four storey development comprising 15 self-contained units (9x 1b and 6x 2b units), and erection of 3 x three storey dwellinghouses (1x 5b and 2x 4b); provided with associated cycle parking, refuse stores, parking bays and landscaping.

The Committee noted the report and presentation of the Planning officer.

At the invitation of the Chair, the Senior Democratic Services Officer read out a written statement on behalf of an objector, making the following points:

 The proposed development would be too high and would result in a loss of privacy.

The applicant's agent addressed the concerns of the objector, highlighting the distance between the two properties and addressed the approach taken by the developer.

The Development Control Team Leader (South) advised that the officer report addressed the overlooking point and set out the separation distances.

In response to Members' questions, the Transport Planning officer advised that the area had a PTAL rating of two, however a car free development was proposed due to existing pressures on parking in the area. The London Plan standard was to discourage additional parking.

Members made the following comments:

- The development should be subject to a CPZ with all residents being treated the same way in relation to access to parking permits.
- The architects had created a good development for the site.
- Occupiers should be able to purchase permits. There was no point in having PTAL ratings for developments if they were to be ignored.
- The 9 1-bed and 6 2-bed units should not all be given parking permits as this would impact the already busy roads nearby.

A proposal was made to approve the application but to remove the restriction on residents being able to apply for parking permits.

In response to a Member question of clarification, the Development Control Team Leader (South) advised that if Members were minded, officers could negotiate with the Transport Planning officer, and a short report brought back to Members on the parking permit issue. The Council had declared a climate emergency and a commitment to reducing carbon emissions, and it was important that if an approach was taken that was not in line with Council policy, then this should be balanced. The recommendation of officers was that there was a restriction on parking permits, however there may be some flexibility on this point and officers requested an opportunity to consult with colleagues and report back to the Committee.

Following that clarification, a proposal was made to vote on the officer recommendation with no amendment.

The Chair moved to a vote and it was

RESOLVED that Application 19/P4046 be GRANTED Planning Permission subject to the completion of any enabling agreement and conditions.

The Chair adjourned the meeting at 9.47pm and the meeting resumed at 9.57pm.

10 DEVELOPMENT SITE NORTH OF 11 TO 17 MADEIRA ROAD, MITCHAM (Agenda Item 10)

Proposal: Erection of a three storey development comprising 11 self-contained units (7x 1b and 4x 2b), and erection of 7 x three storey townhouses (4b); with associated cycle parking, refuse stores, 4 x parking bays (2 disabled bays) and landscaping.

The Committee noted the report and presentation of the Planning officer.

An objector had registered to speak in objection and at the invitation of the Chair made the following points:

 The development would break the link with the Canons and its historic grounds. It was a poorly conceived design and visually intrusive and would have a negative impact on the conservation area. Proposed amenity space was not policy compliant. The pergoda tree would be pruned by 50%.

The applicant's agents responded to the objections as follows:

 The site was underused and inaccessible and this development was an opportunity to open this up. No objection had been received from Heritage Lottery and the tree would be made a central point of the development. Care had been taken to create a design sensitive to the conservation area.

The Development Control Team Leader addressed the comments in the report of the Design Review Panel and responded to Members' questions as follows:

- The tree would need to be properly maintained so as not to impact on neighbouring properties, however the development had been designed to make a feature of the tree.
- The officer report addressed the access to the site and the advice received from the Transport officer on restricting parking on the site.
- Conditions were proposed in relation to landscaping and these could be adjusted to incorporate in relation to management of the tree.
- The officer report addressed the shortfall in garden space. The developer had sought to address through a unique design. In the round, the development was considered to be positive.

In response to a Member question, the Planning officer advised that low level planting was proposed at the boundary with Park Place to stop people stepping over from the car park.

Members made the following comments:

- Mitcham Cricket Green and the oldest building in the borough was very close to the site and the Council had worked to secure funding to enhance the area. To destroy the vista would be highly damaging. It was felt that the style was not in keeping with the area and the Design Review Panel had not awarded the scheme a green rating. The scheme did not respect the Council's own values.
- Part of what the Council stood for was delivering affordable family homes and that is what this scheme delivered. The design is sensitive to the area and the Design Review Panel had commended the application.
- The current site was underused and the proposal was sensitive to the area. The scheme would deliver much needed affordable units which was central to the Council's aims and values and would be supported.
- There was some concern that the developer was using a small space to create new homes, however the application would be supported due to the need for new housing and the current condition of the site.

At the conclusion of the debate, the Chair moved to a vote and it was

RESOLVED that Application 19/P4050 be GRANTED Planning Permission subject to the completion of any enabling agreement and conditions.

11 CAR PARK, RALEIGH GARDENS, MITCHAM (Agenda Item 11)

Proposal: Redevelopment of existing car park to allow for the erection of a part five, part six storey development comprising 36 self-contained units (29x 1b and 7x 2b); with associated cycle parking, refuse store, 3x disabled parking bays and landscaping.

The Committee noted the report and presentation of the Planning officer, and the modifications contained in the supplementary agenda.

Two objectors had registered to speak in objection and at the invitation of the Chair, made the following points:

 The need for development on this site and the provision of housing was accepted, however the proposed development did not include any affordable housing. The design was poor and the site would represent overdevelopment. There would be a loss of light to the residents of Glebe Court, harm to the conservation area and contrary to Council policy.

The applicant's agents spoke in support of the application and addressed the objections. The site was designated for residential and it was not felt that a commercial use would be viable. The affordable housing provided on the other sites allowed this site to be developed for private rent in a busy town centre location. It was considered that the degree of loss of light was acceptable in a town centre setting. The design had been developed in consultation with planning officers and was considered to be sensitive.

The Development Control Team Leader (South) responded to the points raised by the objectors and advised that the officer report addressed the light to Glebe Court. The proposal did not deliver affordable housing but did diversify the Borough's housing stock and the overall package of affordable housing across the sites should be kept in mind.

At the invitation of the Chair, the Senior Democratic Services Officer read out a written statement on behalf of Councillor Owen Pritchard on behalf of the ward. While sympathetic to the concerns of residents, he felt that the positives outweighed the negatives and was in support. Part of his statement was given to a statement of the Glebe Court residents association which set out concerns relating to loss of light, density, height and overdevelopment.

In response to Members' questions, the Development Control Team Leader (South) advised as follows:

• The original pitched roofs on the site had been amended on the advice of planning officers to reduce the height and it was felt that the design of the flat roof was acceptable.

• Designers had created layouts with internal bathrooms to ensure that the most used habitable rooms had the most light.

In response to a Member question, the Transport Planning officer advised that the area had a PTAL rating of 4 due to it being a sustainable location. The multi-storey car park could offer alternative parking provision.

Members made the comments:

- Residents in London Road used to have spaces until the CPZ was introduced so used the car park at Raleigh Gardens. Something should be done to improve St Marks multi storey car park as it was not currently fit for purpose. The residents' concerns were acknowledged however agreed with the comments made by Councillor Pritchard and the proposal should be supported.
- The Committee had received the views of all three ward members, and it was recognised that there are issues but all were in support and the application should be supported.
- The multi-storey car park was well used over the Christmas period.
- There was concern that the proposal did not make the contribution to the public realm that should be hoped for and it did appear to be overdevelopment. There had been much justification for elements that Members were not happy with. Members were in a difficult position as the Borough needed the affordable housing.
- Reassurance was sought that the multi-storey car park would be made secure.
- The proposal was not reasonable for the residents of Glebe Road and should be looked at again.

At the conclusion of the debate, the Chair moved to the vote and it was

RESOLVED that Application 19/P4048 be GRANTED Planning Permission subject to the completion of any enabling agreement and conditions.

12 MERANTUN AFFORDABLE HOUSING REPORT (Agenda Item 12)

The Committee noted the contents of the report.

13 PLANNING APPEAL DECISIONS (Agenda Item 13)

The Committee noted the contents of the report.

PLANNING APPLICATIONS COMMITTEE

20 AUGUST 2020

APPLICATION NO. DATE VALID

20/P1701 27/05/2020

Site Address: 3 Alan Road, Wimbledon, SW19 7PT

Ward: Village

Proposal: NEW BASEMENT EXTENSION, SINGLE STOREY

REAR EXTENSION WITH ROOF LANTERN,

REPLACEMENT OF SIDE GARAGE, REPLACEMENT WINDOWS ON FRONT AND REAR ELEVATION, NEW WINDOWS IN SIDE ELEVATIONS, ERECTION OF DORMER ON FRONT ROOF SLOPE, REPLACEMENT OF ROOF LIGHTS, REPLACEMENT OF TWO STOREY REAR BAY WINDOWS AND FORMATION OF NEW

ORIEL WINDOW.

Drawing Nos: PL401 (Rev B), PL402, PL403, PL405, PL406, PL407,

PL407, PL411 (Rev A).

Contact Officer: Calum McCulloch

RECOMMENDATION

GRANT Planning permission subject to conditions

CHECKLIST INFORMATION

Is a screening opinion required No

Is an Environmental Statement required No

Press notice Yes

Site notice Yes

Design Review Panel consulted No

Number of neighbours consulted 10

External consultations 0

Internal consultations 2

Controlled Parking Zone Yes - VOn

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

2.1 The application site comprise a large detached dwelling on the north side of Alan Road, Wimbledon Village. Permission was obtained in September 2017 to convert the flats back to one dwelling. The property is within the Merton (Wimbledon North) Conservation Area and the building is locally listed. A former air raid shelter was located at the rear of the property but has already undergone demolition.

3. CURRENT PROPOSAL

- Alterations to the roof including:
- Replacement of like for like roof lantern
- Installation of skylight serving the hall
- Replacement of three rooflights located on the front and rear rooflslope with conservation grade rooflights
- New dormer on front roof slope
- New chimney pots
- New and replacement windows including:
- East elevation three new timber windows and one replacement window at first floor level
- North elevation New oriel window replacing existing casement window, replacement bay window with French doors beneath.
- West Elevation replacement first floor windows reduced in size.
- Single storey rear extension with roof lantern finished in brick, crittal windows
- Replacement side extension with pitched roof running from front to rear.
 Involves retention of the wall on boundary of no. 1 but raising this 150mm to the rear and 600mm toward the front. The ridge height would measure 6.23m from front to rear.
- Excavation of Basement extension partly under the house, and under the rear terrace and new extensions.

4. PLANNING HISTORY

- 4.1 19/P0415- ERECTION OF FRONT GARDEN WALL, PEDESTRIAN AND VEHICULAR GATES-Grant Permission subject to Conditions- 20/03/2019
- 4.2 17/P3899 ERECTION OF A SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION-Refuse Permission-15/12/2017. Reasons for refusal:

- The proposed single storey rear extension by virtue of its bulk, scale and
 positioning is an incongruous addition which would result in material harm to
 the appearance of the locally listed building and the Wimbledon North
 Conservation Area.
- The proposed two-storey side extension, by virtue of its bulk, scale, form, design and positioning would result in an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to the visual amenity of Alan Road as a whole, and the Wimbledon North Conservation Area.
- 4.3 17/P3898-ERECTION OF A SINGLE STOREY REAR EXTENSION-Grant Permission subject to Conditions-25/01/2018
- 4.4 17/P1610 REVERSION OF 3 X FLATS INTO 1 X DWELLINGHOUSE AS ORIGINALLY BUILT INCLUDING THE REPLACEMENT OF WINDOWS TO MATCH ORIGINAL HOUSE Grant Permission subject to conditions 13/09/2017

5. CONSULTATION

External

5.1 A total of 6 objections were received on the proposed application, including objections from the adjoining occupiers nos. 1 and 5 Alan Road. Below summarises the main points made by neighbours and the Wimbledon Society.

Neighbours

- The Heritage Statement included in the application is of poor quality and factually incorrect:
- Inaccurate description of chronological development of Alan Road
- Unlike number 1, and the other original properties in Alan Road, number 3 Alan Road is not 'a very good example of the arts and crafts style of architecture but rather an example of domestic revival style architecture likely designed by Amos Faulkner or Ernest Newton. The architecture of 3 Alan Road bares strong similarities to the Grade II listed 8 Belvedere Avenue designed by Amos F Faulkner. There is, arguably, a very good case for it to be placed on the National Register and Grade II listed.
- Errors in Design and Access Statement:
- The assertion that 'No. 1 has a gap to (its east) side for rear access (it touches the corner building on Belvedere Road' on page 3. No. 1 does not have a 'gap' because the space was enclosed by a single-storey flat -roofed garage in the 1930s.
- The front part of this is a still a garage, but the back is a gym that was added in 2008 and is accessed from the back garden. The corner house referred to is on Belvedere Avenue. Belvedere Road does not exist.
- Adverse impact on heritage assets, conservation area and streetscape, with the following concerns:

- Development would result in the loss of the original 1909 motor car house, a rare example of its type.
 - The original motorcar house is 4.5m wide, it is 4.8m tall to the highest point of its gable, (but lower to the shallow roofline) and is 5.4m long. The nearby 1908-built suburban motor house at Good Hope, 2 Highbury Road (parallel to Alan Road) was considered so exceptionally rare and important that it was Grade II listed by English Heritage.
 - The demolition of the original motor house means it is both disingenuous and wrong for the applicant to claim that 'these proposals make a very positive contribution to the heritage asset and the conservation area. 'No harm is done, minimal historic material is lost and the functioning, plan, form and public views all remain unchanged'. It is also incorrect to state that, if permission is granted 'the front façade is improved and unsightly alterations are removed.' (Heritage Statement). The front façade would be damaged irrevocably.
- Scale and form of the proposed side extension
 - Proposed side extension would be 1.5m higher than the apex of the original, however, and more importantly, unlike the shallow roofs of motor house at one end and the outbuilding at the other, this would run unbroken along the entire length of the boundary and beyond, into the garden.
 - The building would be bulky and more than twice the height the existing boundary wall (which runs for two thirds of the length of the boundary and which (currently only 2.5metres). It would be an enormous double-height brick construction extending into the garden beyond the end of the original house. It is also proposed that the massive roof structure be studded with nine new top-hung Velux rooflights (presumably powder-coated aluminium frames), five of which will face directly onto our property. These rooflights are architecturally insensitive and the roof will obstruct the space between no. 1 and 3 Alan Road. It is strongly suspect the applicant plans to insert a floor into the 'garage' at a larger date and thereby create a second storey 'attic space'. The side extension would effectively eliminate the important 'gap' that exists between our properties and is referenced in the Character Assessment. The rhythm of the streetscape would be ruined.
 - The proposed side extension is bulkier and is disproportionately large if it is only a garage.
- The proposed rear extension has no architectural merit. The roof lantern would be a dated pastiche feature and the choice of building materials, especially the juxtaposition of huge industrial-style crittal garden doors with traditional stone mullions surrounding them is architecturally absurd and completely inappropriate for an ornamental and decorative heritage asset.
- This application proposes numerous alterations (widening some and shortening others) that will change the character of the property.
 Furthermore it includes the addition of several 'new' windows on the east

- elevation that are unnecessary and without architectural merit, and would damage irreparably the fabric of the building.
- Objection to demolition of four original gateposts. Although it does not form part of this application, It is very sad that permission to demolish and replace the four original gateposts to the property, one bearing the name 'Cranmore' was granted by Merton Council in 19/P0415 on 20 March 2019. We were unaware of that application and would have objected to it if we had been because of the proximity of one to our property and their historical importance.
- The development would remove the gaps between properties and the associated sense of spaciousness which is important for the character of the Conservation Area.
- Adverse impact on neighbour amenity:
- The proposals are excessive in bulk, scale and massing that would have an overbearing impact and resulting in a sense of enclosure at 1 Alan Road.
- Adverse impact on light. Number 1 Alan Road has 12 windows facing the boundary where construction of this 6 metre high 'garage' is proposed. There is only one window on the east so it depends on that elevation for light. No Daylight and Sunlight assessment or Right of Light Assessments have been made to calculate its impact on amenity of 1 Alan Road. We believe these plans are in contravention of policies DM D2 and D3. The applicant should provide these reports.
- Failure to provide section drawings creates a false impression of impact of sense of enclosure on 1 Alan Road (the boundary wall will be 3.5 metres tall and NOT 2.5metres along its whole 15 metre length). The false impression of height, bulk and mass of this 'garage' disguises the overbearing impact and sense of enclosure that would make 1 Alan Road feel cramped, dark and overlooked. It would ruin our privacy and damage our mental health.
- Addition of 9 metal roof lights and reduction is size of originals. The metal Velux roof lights would be over 5 meters above ground (too tall to open or close), overlook our property, enable us to look into theirs and are architecturally insensitive.
- Proposed basement would have a negative impact from drilling and dust neighbouring windows could not be opened nor gardens enjoyed for, we understand, 24 months, two years. Proposed full-height basement at 1250sq ft, under the whole house, is huge (not 'modest'), would create approximately 500 cubic metres of waste/soil. No Traffic Construction Management Programme is provided, but additional traffic horrendous on a residential road with a serious 'rat-running' problem already. Huge lorries would cause unacceptable pollution, noise and dirt affecting the physical and mental health of neighbours We strongly urge that this proposal be rejected and no basement of any size under this listed asset be allowed in future.
- The occupier of no. 5 Alan Road expresses concern that the developer shall not take due care when it comes to i) damage to the environment; and ii)) the negative affect on neighbouring properties.
- Concern over the extent of vibration and noise from the construction of the basement, particularly on the ability of the occupiers' very young children to sleep.

- The single storey rear extension will have an adverse impact on the outlook of no. 5. The occupier of no. 5 note they currently have a clear view of the sky and the landscape will be compromised by the bulk of the building.
- The proposed windows on the east side elevation.
- Sustainability:
- These plans do not include an Environmental Impact Assessment or any reference to plans to mitigate their impact on the environment or of climate change by meeting the carbon reduction requirement of the London Plan.
- There does not appear to be an attempt to upgrade the house in energy terms.
- Justification of basement:
- The occupiers of no. 5 question the need for a proposed basement in a property that is already 7000 square foot. It seems to go beyond the needs of a family and aimed towards maximising floor space and thus the value of the property.
- Concern over supporting material:
- Basement Impact Assessment by Ground and Water at Appendix C appeared to be missing.
- The Arboriculture Report at annex D of the report makes comment about the large Magnolia tree at the front out property that site near the east boundary. Occupiers of no. 5 object to the RPA being adjusted on the basis of a presumption particularly as the roots of this tree may be at grave risk given its proximity of the area that is intended to be excavated for the proposed basement.
- Traffic and noise:
- Concern the development will end up with even more traffic and blockages on Alan Road particularly the removal of soil in digging the basement along, which will result in numerous heavy load vehicles frequenting the property.
 Concern that the path of no. 5 will be blocked up, particularly in times of emergent.
- Noise and disruption will have an adverse impact on health of surrounding residents.

Wimbledon Society

- Character and appearance:
- The high garage overfills the important street gap and appears to have a first floor: the height should be significantly reduced. Additionally, the garage eaves side wall on the site boundary is some 3.5m high and over 16m in length: this could be considered very oppressive to the ajoining property. Normal design guidance would limit this height to 2.5m (as now exists).
- The placing of new windows in the boundary side wall, and facing directly onto the neighbour property seems to be a gross invasion of privacy and should never be countenanced.

- Proposed garage structure fails to respect the form of the main house on the front elevation. The garage face should be set back a metre from the front façade.
- Any rear/side extension should also keep the important rear corner clear, so that the character of the main 'heritage' building is fully evident and not compromised.
- The large proposed rear extensions is not convincing stylistically and does not pick up on the more exuberant arts and crafts character of the building.
- Basement construction
- Introducing a basement to a Local List building raises major issues some of which are set out in the Council's policy DM D2 (b) and (c).
- No cross sectional drawings were provided noting the basement levels and how this relates to the buildings main structural elements.
- Sustainability:
- There is no attempt to upgrade the house for energy efficiency e.g. PV panels, triple standard glazing, heat pumps and energy plan.

Internal

- 5.2 Environmental Health Officer: no objections subject to conditions
- 5.3 Conservation Officer:
 - Supportive of aspects of the application including the restoration of timber windows and conservation rooflights. They note the design of the rear extension is goof as it only goes partly cross the rear elevation noting this is different to what has been proposed before.
 - Concerns over other aspects. They note the set back of the garage is
 positive but would benefit from being set back 30cm more to be more
 subservient. They have concern over the height of the garage roof which is
 rather dominant and will have an impact on the neighbours. No mention is
 made with regard to the air raid shelter. The CO tried to get this Listed but it
 was not interesting enough for Historic England. CO Officer requests a
 recording condition put on the air raid prior to demolition.
- 5.4 Flood Risk Officer: no objections subject to conditions
- 5.5 Tree Officer: no objections subject to conditions

6. POLICY CONTEXT

London Plan (2016)

- Policy 5.12 Flooding
- Policy 7.4 Local Character
- Policy 7.6 Architecture

Merton Core Strategy (2011)

- CS 14 Design
- CS 16 Flood Risk Management

Merton Sites and Policies Plan (2014)

- DM D2 Design considerations
- DM D3 Alterations and extensions to existing buildings
- DM D4 Managing heritage assets
- DM F1 Support for flood risk management
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

National Planning Policy Framework (2019)

- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 Conserving and enhancing the historic environment

7. PLANNING CONSIDERATIONS

7.1 The key planning considerations for the proposed development include the impact on the character and appearance of the Conservation Area, host building, impact on neighbouring amenity, basement construction and trees.

Basement Construction

- 7.2 Merton Sites and Policies Plan DM D2 (Design Considerations in all Developments) outlines the following criteria for basement and subterranean developments. Basements must:
 - Be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings;
 - Not harm heritage assets;
 - Not involve excavation under a listed building or any garden of a listed building or any nearby excavation that could affect the integrity of the listed building, except on sites where the basement would be substantially separate from the listed building and would not involve modification to the

- foundation of the listed building such as may result in any destabilisation of the listed structure:
- Not exceed 50% of either the front, rear or side garden of the property and result in the unaffected garden being a usable single area;
- Include a sustainable urban drainage scheme, including 1.0 metre of permeable soil depth above any part of the basement beneath a garden;
- Not cause loss, damage or long term threat to trees of townscape or amenity value;
- Accord with the recommendations of BS 5837:2012 'Trees in relation to design, demolition and construction recommendations';
- Ensure that any externally visible elements such as light wells, roof lights and fire escapes are sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity;
- 7.3 With regard to the above criteria, the proposed basement would be located within the curtilage of the application site. The applicant has provided a construction method statement which demonstrates there would not be damage to adjoining structures or public road as a consequence of the proposed works with the use of competent contractors.
- 7.4 The basement would be positioned under the existing footprint and to the rear and would not exceed more than 50% of the front, rear or side garden of the property. The Council's Flood Officer is satisfied that the basement would not have an adverse impact on flooding subject to surface and foul water drainage scheme, and a drainage and groundwater management plan submitted and approved by the Council prior to commencement.
- 7.5 The Council's Tree Officer is satisfied that the proposed development would not harm important trees onsite subject to conditions met.
- 7.6 Overall, the basement would remain largely concealed from view and the light well is of a modest size located to the rear. Therefore, once complete, the basement is not considered to cause undue harm to the appearance of the locally listed building or the visual amenity in the wider context.
- 7.7 Whilst basement excavations are restricted under statutory listed buildings they are not restricted under locally listed buildings.
- 7.8 For the points outlined above, the proposed basement is considered compliant with the criteria set out in Policy DM D2 and is deemed acceptable.
- 7.9 Case officers are sympathetic to objections regarding potential disturbance from noise associated with the basement development. However, Officers are mindful that there is no development plan policy barrier that can refuse basement development on the basis of disturbance associated with construction. A construction management plan is conditioned to minimise disruption to neighbouring properties, along with standard condition restricting hours and days of construction.

Heritage, Character and appearance

- 7.10 Policy DM D2 and DM D4 of Merton's Sites and Policies Plan requires development 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 (including conservation areas), urban layout and landscape features of the surrounding area and to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design and protection of heritage assets is further supported by the London Plan London Plan Policies 7.4 and 7.6, 7.8 and Merton's Core Strategy Policy CS14. Policy DMD4 specifically requires developments not to adversely impact the significance of heritage assets and their settings.
- No. 3 Alan Road is locally listed and is located in the Wimbledon North Conservation Area. The dwelling is a handsome early 19th century building with ornate features but has been somewhat let down by unsympathetic alterations, notably the white PVC windows. The wider area is characterised by similarly sized detached two storey dwellings with accommodation in the roof and gaps between dwellings. The Conservation Area Appraisal notes "Predominant design features are the hipped and ridged roofs, some with curved pitches, the tall chimneys, gable projections and bay windows. Dormers, barge-boards, raked buttresses, porches and attached garages also feature, although the latter are not always sympathetic in design terms. Again, there are varied sizes and styles of windows, including arched, angled, square and curved bays, mullion and small paned windows, and the use of leaded and stained glass" (Wimbledon North Conservation Area Appraisal: Sub-Area 4: Belvedere).
- 7.12 The key elements of the proposal are discussed in turn below with regard to their impact on heritage, character and appearance.
- 7.13 As noted above, the proposed basement would not have a significant impact on the visual amenity of the dwelling itself or the wider conservation area and a modestly sized single lightwell is proposed at the rear of the site.
- 7.14 Particular concern has been made with regard to the addition of the two-storey side extension which will replace the existing garage. The proposed garage would have a gable roof. The height of apex would be 6.23m with a parapet wall height of 4.12m on the front elevation. As such, the height of the garage would be 1.39m higher than the existing when viewed from the street. The proposed garage would be set back by approximately 0.4m. The front elevation of the garage would be finished in brick with stone coping to match the existing dwelling. Unlike the existing garage, the ridge height would be consistent from front to rear and a rear gable would project roughly 3.2m beyond the rear elevation of the main dwelling. From front to rear, the eaves height would vary from 3.41m at the front (for 5.35m in length) to 3.27m in height at the rear.
- 7.15 The architectural style would appear sympathetic to the appearance of the surrounding area and the ridge height would retain suitable airspace above so that a legible gap would remain between no. 1 and 3 Alan Road. The projection of the roof to the rear would result in some change to character but given its design and the fact that the rear elevation would not project beyond the building

line of the existing side extension, this change is not considered harmful. Taking into consideration the above, the overall scale, form and design of the side extension would not cause material harm to the character and appearance of the locally listed dwelling or the wider Conservation Area.

- 7.16 The single storey rear extension features brick façade (to match existing), a roof lantern and crittal windows. The extension would have an eaves height of 4.39m, depth of 6.81m and width of 6.95m. The proposed extension is considered acceptable in respect of its appearance and given it would only adjoin just under half the length of the rear elevation would appear subservient to the proportions of the original dwelling.
- 7.17 The remaining alterations proposed comprise:
 - Replacing a number of UPVC windows with traditional timber windows with leaded casements on all elevations
 - Four new windows on east elevation
 - New dormer window on the front elevation
 - New bay window and French doors, as well as new window above single storey rear extension on rear elevation.
- 7.18 The above alterations are considered sympathetic to the appearance of the locally listed building and acceptable in respect of heritage character and appearance.
- 7.19 For the reasons above the proposed development is not considered to cause material harm to the character and appearance and heritage significance of the host dwelling or Wimbledon North Conservation Area. The proposal is therefore compliant with Policy DM D2 and DM D4 of Merton's Sites and Policies Plan.

Impact upon neighbouring amenity

7.20 SPP Policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.

Impact on No. 1 Alan Road

Proposed side extension

- 7.21 As noted above, the side extension would have a ridge height of 6.23m running from front to rear projecting approximately 3.2m beyond the rear of the main dwelling. From front to rear, the eaves height would vary from 3.41m (for 5.35m in length) to 3.27m in height.
- 7.22 Effort has been made to keep the eaves broadly similar to the existing garage, although they would still be higher with the existing eaves which currently measure 3.18m towards the front and 2.7m towards the rear. The increasing in massing towards the boundary with no. 1 will primarily result from the new gable roof which replaces a part gable, part flat, part hipped roof (please refer to existing and proposed west elevation).

- 7.23 During the site visit, both 1 and 3 Alan Road were visited allowing officers to gain a thorough understanding of the conditions along the boundary. There is currently a gap between the eastern side elevation of no. 1 and the boundary with no. 3. There are four windows located along the east side elevation of no. 1. Two of these windows serve a WC and Utility Room. Officers have no particular concern over these windows given they serve non-habitable rooms. The two remaining windows serve a TV/Study room. There would be some increased sense of enclosure and loss of light here from the increase in massing of the proposed roof. However, some consideration has to be made to the fact these side windows are enclosed to some extent already by the main block of no. 3 and by the existing side extension. Furthermore, No. 1 benefits from a principle living room space in the south western part of the house. Taking this in to consideration with the proposed eaves height and pitched roof, the impact on light and outlook is not considered significant enough to warrant refusal of the application and is not considered materially harmful.
- At first floor level no. 1 Alan Road has four east facing windows along its eastern side elevation. Three of these windows serve a laundry room, linen room and landing. The remaining window serves a first floor bedroom which benefits from dual aspect with an additional window facing the rear. The side extension would result in a change in outlook in respect of the first floor side facing bedroom window. However, the proposed pitch roof would maintain a suitable degree of openness at first floor level and given the bedroom is dual aspect, there is not considered to be any material harm to the amenity in respect of these first floor rooms. There will similarly be some change in outlook for the two second floor side facing windows at no. 1. These windows would be located above the ridge line of the side extension therefore would not be significantly impacted by the side extension.
- 7.25 Five rooflights are proposed on the pitched roof of the proposed side extension facing number 1. Given the side extension shall be used as a garage and is single storey, the rooflights are not considered to cause a harmful overlooking relationship. That said, case officers recognise concerns over the potential to incorporate a second storey within the building. The application can be judged on proposed plans only, however should a second storey be incorporated this could change the overlooking relationship in respect of the rooflights. Therefore a condition is attached which requiring the occupier to obtain planning permission from the council for such a change.
- 7.26 Two replacement side facing windows are proposed within the ground floor of the side extension. A condition is attached requiring these to be obscure glazed to match the existing obscure windows and maintain the existing overlooking relationship.

Proposed single rear extension

- 7.27 The proposed single storey rear extension would be set 5.25m away from the boundary no. 1 and although it would cause some change in outlook, due to the gap to the boundary, there would be no material harm to the amenity of no. 1 from the rear extension.
- 7.28 There remaining alterations in proximity to no. 1, including the replacement windows and lightwell would not have any significant impact on the amenity of

no. 1.

Impact on no. 5 Alan Road

Proposed new windows on eastern side elevation of no.

7.29 Three new windows and one replacement window are proposed at first floor level on the proposed eastern side elevation. Two of these new windows would serve a first floor bedroom and the remaining two would serve a dressing room. Given the use of these rooms, a condition is attached to ensure the bottom panels of all four windows would be obscure glazed thereby avoiding a harmful overlooking relationship with the adjoining neighbour.

Proposed single storey rear extension

7.30 The proposed basement would cause some change in visual outlook from the rear of no. 5 however, given the distance of the rear extension from the boundary with no. 5 of approximately 12m, this impact is not harmful.

Impact on other surrounding properties

7.31 The proposed alterations to the front and rear of the dwelling would increase overlooking towards the rear of properties on Church road and towards the front of properties on the opposite side of Alan Road. This is a common relationship already and this impact is not considered harmful. The restoration to front elevation will likely benefit the outlook of residents on Alan Road and improve the street scene.

Sustainability and Flooding

7.32 Policy CS15 requires developments creating new dwellings to implement specific measures to address climate changes e.g. by meeting energy and water efficiency targets. However, there are no sustainability requirements required for householder applications of this type, with the exception of demonstrating suitable sustainable drainage in relation to the construction of basements in accordance with SPP DMD2, DMF1 and DMF2. This is addressed by way of condition in accordance with guidance received from the Council's Flooding Officer. Therefore, the proposal is acceptable in respect of sustainability and flooding.

Trees

- 7.33 London Plan Policy 7.1 and Policy 7.21, Merton Core Strategy Policy CS1 and Sites and Policies Plan Policy DMO2 require development proposals to conserve and enhance biodiversity and trees.
- An arboricultural report was submitted with the application. Two ornamental hedges are proposed to be removed at the front of the site to facilitate works which has been approved already (18/T3134). The tree officer has reviewed the supporting arboricultural information and is satisfied the proposals would not cause material harm to trees of value subject to conditions met.

8. CONCLUSION

8.1 The proposed development would serve to improve the overall aesthetic of the locally listed building which has, over the years, been subject to unsympathetic alterations. The proposed basement is compliant with Council's policies in this regard. The proposals are considered to be acceptable in respect of character and appearance, neighbouring amenity, sustainability and flooding and trees. Therefore it is recommended to grant planning permission, subject to conditions.

9. RECOMMENDATION

9.1 Grant permission subject to conditions

Conditions

- 1. A1 Commencement of development (full application)
- 2. **A7 Approved Plans:** The development hereby permitted shall be carried out in accordance with the following approved plans: PL401 (Rev B), PL402, PL403, PL405, PL406, PL407, PL407, PL411 (Rev A)

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

3. B1 External Materials: No development shall take place 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. **D11 Construction Times:** 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.

5. **Obscure Glazing:** Before the development hereby permitted is first occupied, the bottom panels of the first floor windows in the eastern side elevation, with the exception of the sidelights serving the rear bay window, shall be glazed with obscured glass 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. **Demolition and Construction Method Statement:** 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 protect the amenities of future occupiers and those in the local vicinity.

7. **Tree Protection:** The details and measures for the protection of the existing trees as specified in the hereby approved document 'Trees and Construction BS5837:2012 Tree Survey, Arboricultural Implications Assessment and Method Statement and Tree Protection Plan' reference '20171/A2_AIA AMS' and dated 'March 2020' shall be fully complied with. The methods for the protection of the existing trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

Reason: To protect and safeguard the existing retained 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 policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

8. **F8 Site supervision:** The details of the approved 'Trees and Construction BS 5837:2012 Tree Survey, Arboricultural Implications Assessment and Method Statement' shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. A final Certificate of Completion shall be submitted to the Local Planning Authority at the conclusion of all site works. The works shall be carried

out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.

9. Surface and foul water drainage scheme: Prior to the commencement of development, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for both phases of the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (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.

10. Drainage and groundwater scheme: Prior to the commencement of development, the applicant shall submit a detailed proposal on how drainage and groundwater will be managed and mitigated during and post construction (permanent phase), for example through the implementation of passive drainage measures around the basement structure.

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

11. C02 No Permitted Development (windows and doors): Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, door or other opening other than those expressly authorised by this permission shall be constructed in the side elevations without planning permission first being obtained from the Local Planning Authority.

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

12. **First floor restriction:** A first floor shall not be installed within the side extension herby permitted containing the garage and scullery unless first otherwise approved in writing by 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 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. **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).
- 14. **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.
- 15. Informative: 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/current legislation/partywallact



NORTHGATE SE GIS Print Template



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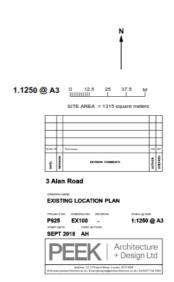
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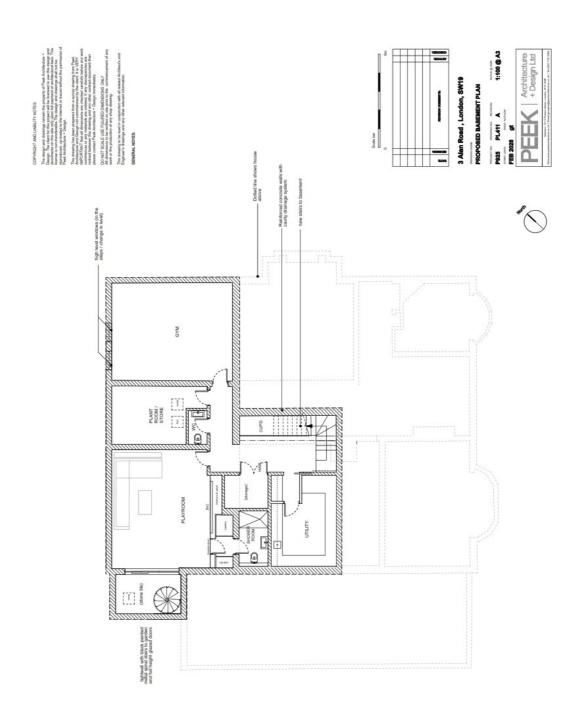
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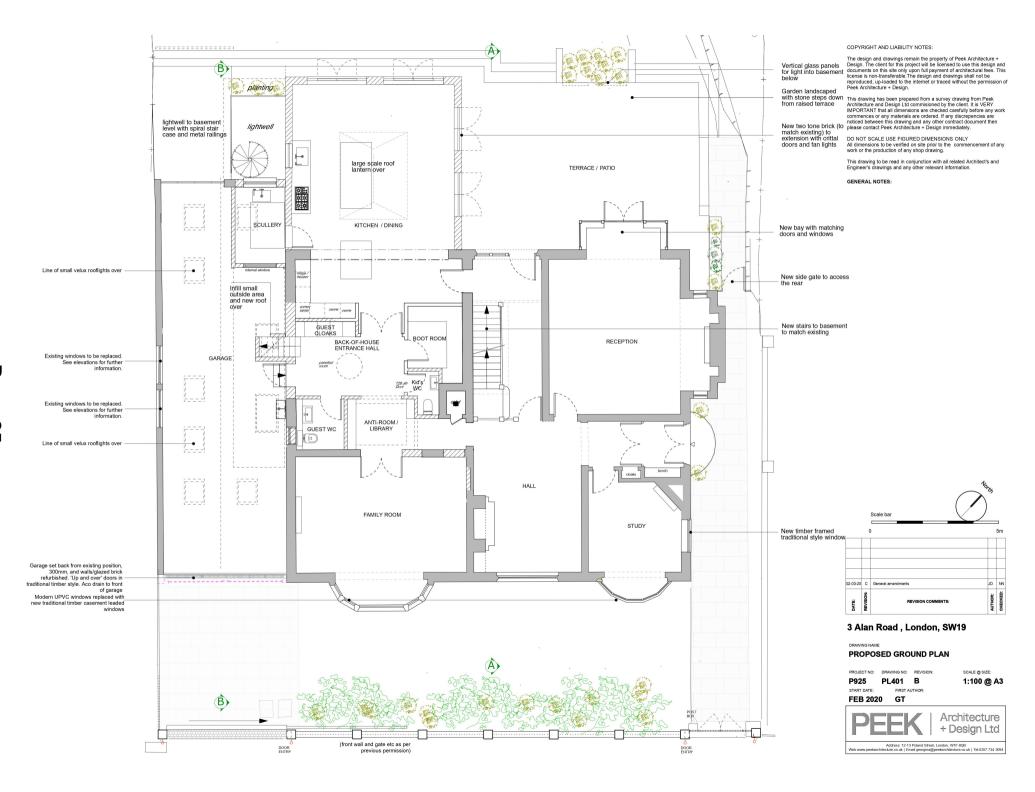




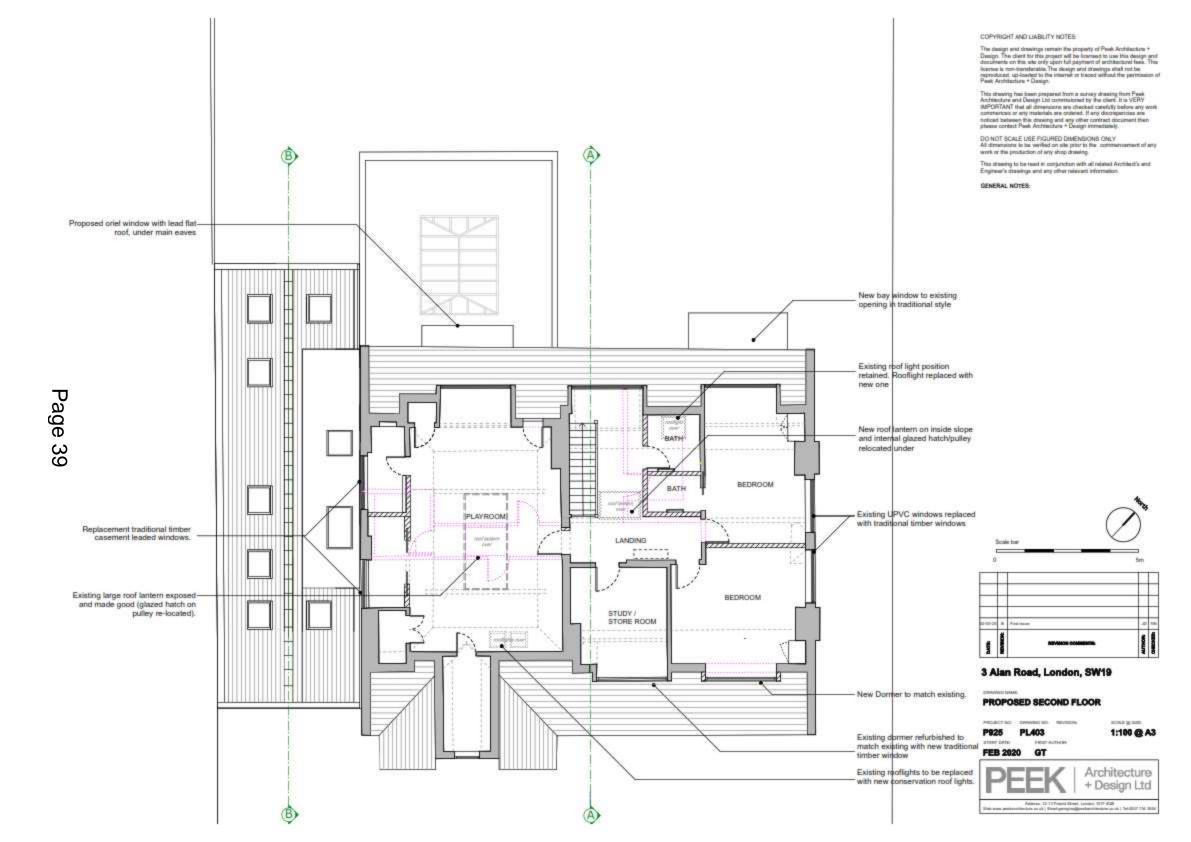








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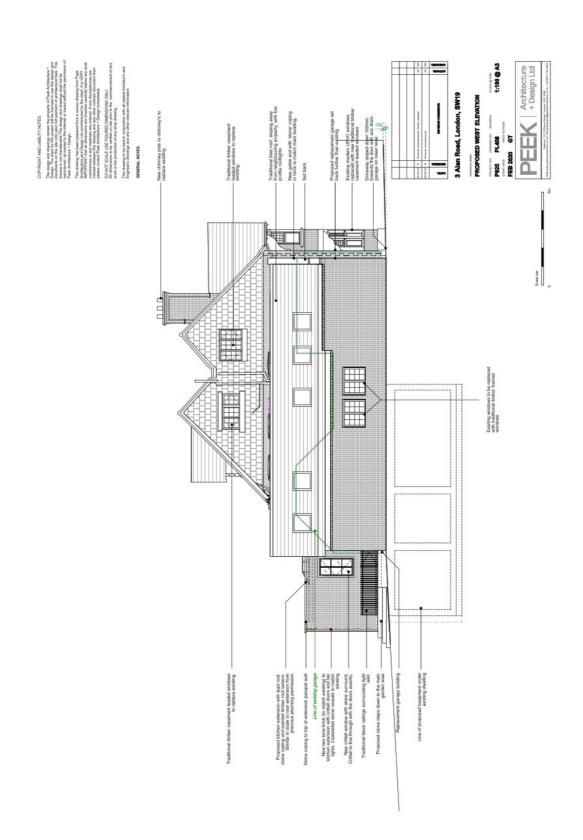
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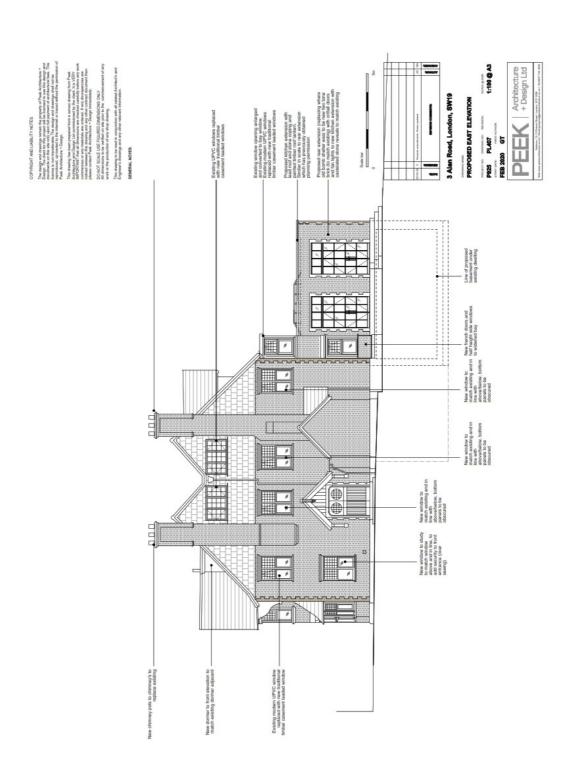
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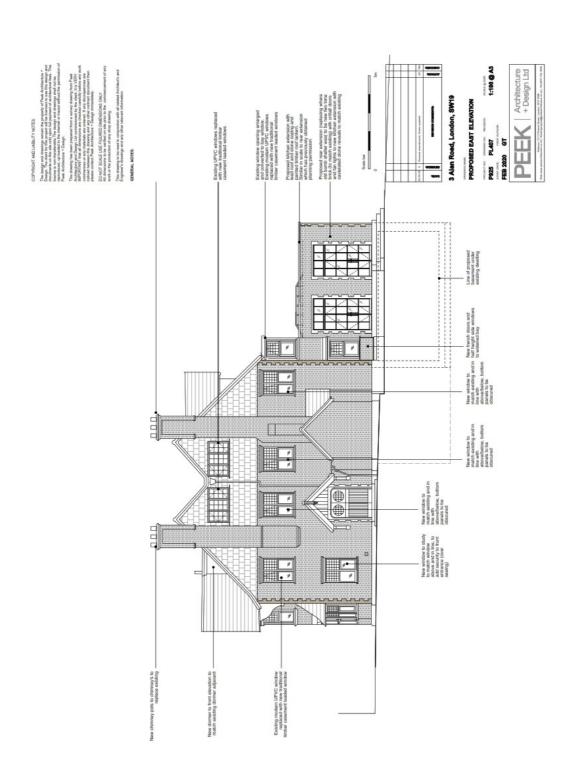
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PLANNING APPLICATIONS COMMITTEE

20th August 2020.

Item No:

UPRN APPLICATION NO. DATE VALID

19/P4094 22.11.2019

Address/Site Imperial Fields Tooting & Mitcham Football Club

Bishopsford Road

Morden SM4 6BF

(Ward) Ravensbury

Proposal: ERECTION OF 6 STOREY RESIDENTIAL BUILDING

COMPRISING 77 RESIDENTIAL UNITS WITH ASSOCIATED

PARKING AND LANDCAPING

Drawing Nos; Site location plan and drawings 17/640/P006 Rev E,

17/640/P600 Rev B, 17/640/P601 Rev A, 17/640/P602 Rev A, 17/640/P603 Rev B, 17/640/P604, 17/640/P605, 17/640/P606

Rev D, 17/640/P008 Rev B 17/640/P610, 17/640/P611, 17/640/P612, 17/640/P613, 17/640/P614, 17/640/P615 &

17/640/P620A Rev A.

Contact Officer: Neil Milligan

RECOMMENDATION

1) Grant Permission subject to conditions and S106 legal agreement.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes,
- Number of neighbours consulted: 116

- Press notice Yes
- Site notice Yes
- External consultations: Yes. LB Sutton, GLA, Metropolitan Police, Thames Water, Environment Agency, National Trust, Bat Conservation Trust, GLAAS, Sport England
- Archaeological Priority Zone Yes
- Flood risk zone No
- Controlled Parking Zone No
- Number of jobs created: N/A
- Density 157 Dwellings per hectare
- PTAL 2 (Poor) on a scale of 0 to 6B where 6B is highest.
- Adjacent to the Wandle Valley Conservation Area

1 INTRODUCTION

1.1 The application has been brought before the Committee at the request of Councillor Martin Whelton. The application was due for determination by members at the June 18th 2020 meeting but was withdrawn from the agenda by the applicant. For the time being, the decision of Merton's Planning Committee is not the final decision as the major application is required to be referred to the Mayor of London for any direction.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is an undeveloped parcel of land with an area of approx. 0.4847 hectares and is located at the western corner of the wider TM United Hub site facing the A217 Bishopsford Road. The site has the clubs' sporting facilities directly to the north and is surrounded to the east and south east by Poulters Park, which as with the application site are designated as Metropolitan Open Land. Housing located within the LB of Sutton on Hillfield Avenue is located to the south of the site whilst a mixture of houses, flats and commercial premises face the site along Bishopsford Road.
- 2.2 The site provides a number of sporting facilities and is a Registered Ofsted provider for ages 14-16 and id a dept for Education Accredited Alternative Education Provider. The applicants have won a number of awards including;
 - 2019 Playfinder Outstanding Sports Facility Award
 - December 2018 Playfinder Outstanding Facility of the Month Award
 - Merit Award Centre
 - Fair Train Bronze Award for work experience placements
 - 2007 MJ Local Government Achievement Awards Best public-private partnership

- 2.3 The site has recently hosted a number of events including;
 - Mental Health First Aid Imagine Independence
 - Gangs, County Lines and Systematic Youth Violence and Interventions MVSC
 - First Aid Job Centre
 - Job entry Job Centre
 - Adverse Childhood Experiences Film Metropolitan police
- 2.4 The applicant requested that members be aware of the following facilities on site

• Merton College, Aurora Centre

The Aurora Centre work with young adults with learning disabilities and /or ASD. TM united provide work experience opportunities for the students in gardening and cleaning.

Merton Council

TMCSC works with Mellissa Stewart, Commissioning Manager for Alternative Education and RPA to provide career advice for academy students. Member of Merton Council economic and wellbeing committee.

Merton Voluntary Service Council

TMCSC works in partnership with MVSC and sits on the local youth partnership group. Venue for the start/finish of the inaugural Wandle 2.5k walk/fun run for Homestart Merton

Mitcham Job Centre

Mitcham Job Centre utilise the venue for training courses and annual disability job fair.

National Trust

TM United has worked in partnership with the National Trust on their Green Academies project both at Imperial Fields and Farm Road. They offer training via the AQA Merit Award System to unaccompanied asylum seekers; students form the Aurora Centre and Generate a local disability group.

Sutton and District Training

Vocational training and qualifications for the TM United football scholarship programme are run through Sutton and District training.

Sutton Young Care Leavers

Activity and workshop sessions for Sutton Young Care Leavers.

United Living

Delivering vocational training and qualifications for the community from Farm Road.

Functions, training & events at TM United

The function room caters for up to 200 people and is used for meetings, courses, workshops, functions and events. The facility has provided a space

for funeral and wakes for the local Tamil, Hindu and Nepalese community, teacher training, South London Nepalese Gurkha Association cultural events, Ghanaian Independence celebration, Friends in St Helier parties, Merton Volunteer Service Council workshops and awards evening, Club presentations evenings, Christenings, Weddings and Birthday parties.

TM United Kickers

Fun football sessions run by TMCSC for 4-10-year-olds every Tues eve 5-6 pm and Sat morning 9-10 am. Average attendance 15.

• TM United Youth

Mixed youth football teams run by TMCSC for children aged 11 to 16-Year-Olds, teams have training from qualified coaches one night a week and play in the Tandridge League on a Sunday. This season teams included 2 x U12, 2x U13, 2 x U14, 2 x U15, 1 x U16 totalling 250 children.

• TM United Football Scholarship Programme

A full-time education programme delivered by TMCSC for 16-18-Year-Olds providing opportunities to study BTEC Sport level 2 or 3 or vocational qualifications in plumbing or construction. The current programme has 62 boys registered. Next year the programme will expand to include a degree programme.

Tooting and Mitcham Under 18's

The students within the academy programme have opportunities to play for Tooting & Mitcham United FC at U18 level in the Tandridge League, Isthmian Youth League and in the Virtual Learning UK (VLuk) league.

Tooting and Mitcham Under 23's

Providing a pathway from the youth teams into the first team the U23's team bridges the gap and provides competitive opportunities playing in the Isthmian Development League. The U23's squad consists of 35 players.

Tooting and Mitcham United FC

The senior team at TMUFC play Step 4 football in the Isthmian South Central League, with home games taking place at Imperial Fields 3 pm on Saturday and 7:45 pm on a Tuesday evening. Average attendances to games this season have been over 200. The club has a track record of developing young players to a good standard as demonstrated by the progress of the following players, Abraham Odoh (Charlton Academy), Lexus Beeden (Reading Academy), Saidou Khan (Maidstone first team) and Tope Fadahunsi (Loughborough University).

TM Walking Football

Walking football delivered by TMUFC takes place every Monday evening from 5:30-6:30 pm providing physical and social activity for adults over the age of 50. Average attendance 15.

Tooting Bec FC

Tooting Bec FC ground share with TMUFC, with their first team play at Step 6 in the Combined Counties League. They run 2 other adult men's teams, a women's team, playing in the Greater London Women's League, and a veteran's side.

AFC Wimbledon

AFC Wimbledon delivers training for their scholars aged 13-16 years at Imperial fields 3 times a week.

AFC Wimbledon Girls and Ladies

Various youth teams train at Imperial Fields totalling 3 sessions a week.

AFC Wimbledon Foundation

AFC Foundation uses the facilities at Imperial fields to deliver various activities including Walking Football on a Wednesday evening (20) and a Friday Night League (Kicks sessions) for 14 to 21-year-olds.

Fulham Foundation

Fulham delivers a Saturday Skills Training session for 5-11-year-olds every Saturday.

Elite 10 Coaching

Run a Development Centre every Tuesday 5-6:30 pm and an Elite Centre every Thursday 5-6:30 pm at Imperial Fields as well as an Academy programme for 16-19 years olds which has 40 students.

• St George's Medical School

St George's Medical School use the artificial pitches for training and matches for their 4 men's teams on the at Imperial Fields

Disability Football

Several disability organisations use the facilities at Imperial fields for training and matches including Care Management Group (Adult Male Learning Group), Generate (Adult Male Learning disability) and St Georges Mental Health team. In partnership with AFC Wimbledon, a pan-disability league operates from the facility 4 times a year providing local competition.

Annual charity match

Held at the end of the season TMUFC organise a charity match to raise fund for Bloodwise, the UK's leading blood cancer research charity

Football Training for local clubs

The artificial pitches at Imperial fields enable local clubs to run training sessions including, Ahmadiyya Muslim Youth (AMY) FC (Adult Male), Cheam Sports (Adult Male), KFC Club (Adult Male), Morden Shooting Stars FC (Male 11-16 yrs), PRL White Eagles (Polish group, Adult Male), Wimbledon Town FC (Youth), Worcester Park Colts (Youth Male).

Merton School Sports Partnership

Merton SSP uses the facilities to host their primary school games competitions including the Year 5/6 Tag Rugby finals (16 teams), Key Stage 2 Inclusive Football Festival (30 teams), Year 5/6 Football Finals (16 Boys and 16 girls teams).

Schools

Several schools use the facilities for PE curricular sessions, extra-curricular activities and matches including Graveney school (male & female matches), Glenthorne High School (PE sessions, summer term), Cricket Green School (disability coaching with AFC Wimbledon)

DSActive

DSActive run a multisport summer camp for people with Down's Syndrome aged 5+ increasing their physical activity, confidence, social skills & Wellbeingengaging over 50 participants (see case study 1)

Rugby at TM United

Harlequins and Old Rutlishians regularly use the facilities at Imperial Fields for training sessions.

Lacrosse at TM United

The artificial pitches are also suitable for Lacrosse and several teams use Imperial Fields for matches and training. Hillcroft Lacrosse Club has their home games at Imperial Fields using the front artificial pitch. They have 3 men's teams and 1 women's team using the facilities on a regular basis. Putney Ladies and English Lacrosse team request use the facilities on an adhoc basis for matches or training.

Cycling Proficiency

3. **CURRENT PROPOSAL**

- 3.1 This application involves the erection of a 6 STOREY RESIDENTIAL BUILDING COMPRISING 77 RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND LANDCAPING. During the application process the quantum of parking to be provided on site has been reduced from 77 to 55 spaces.
- 3.2 This proposed brick finished block has four storeys facing Bishopsford Road rising to six storeys towards the rear. The block would be surrounded to the east and south by a revised layout of 55 parking spaces including disabled and EV facilities. The parking would be split into smaller sections through the provision of landscape features with most of the landscaping in the form of trees being located to the north and west of the block with 160sqm playground to the east. A 375sqm communal roof terrace is also proposed at fourth floor level to provide a variety of uses with the remainder of the roof on the higher levels being used to provide PV panels.

- 3.3 Although originally stated as providing 31 affordable units and 46 private units the proposals are now stated to be 100% affordable on the basis of all the units being shared ownership. The unit mix is indicated as being 15 x1 bed 2 person, 16x 2b3p and 46x 2b4p with 8 as wheelchair accessible or easily adapted for wheelchair use with three of these units at ground floor level, three at first floor and two at second floor level.
- 3.4 The applicant states that the proposals are to be an enabling development to provide new sports facilities on site, namely; 1)A New Entrance Block/Sports Hall:- This is proposed to house the main reception. The ground floor will incorporate changing rooms and amenity space for the front All Weather Pitch (AWP). The first floor is proposed to be a flexible space which will cater for a wide range of sporting activities including:- basketball; futsal; volleyball; badminton; netball; indoor cricket; handball; gymnastics; dance; martial arts and aerobics. & 2) A New Changing Block and education facility:- This would provide changing facilities for the AWP at the rear of the site, together with a clubroom and changing room for a local running club, training, seminar and common rooms for in house education, volunteering and apprenticeships. The applicant also states that the proposals would facilitate funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site. The viability has now been independently verified and shown that the proposals can enable the provision of the sports facilities. The relevant partially implemented planning consents are 07/P0258, 10/P0390 and 14/P2487.
 - 3.5 Refuse facilities in the form of 9x 1100ltr Eurobins would be located at the rear of the site. 86 Cycle storage spaces would be provided in a mixture of open and secure stores.

4. RELEVANT PLANNING HISTORY

- 4.1 **19/P3061** pre-application advice for the erection of a 6 storey residential apartment block comprising 77x self-contained flats with associated car parking and landscaping.
- 4.2 17/P2550 Non Material Amendment approved to vary condition 2 of 16/P2204
- 4.3 **17/P0592** Planning permission granted for erection of a stand with canopy along the southern boundary of the south eastern pitch.
- 4.4 **16/P2204** Planning permission granted for erection of dome structure for gymnastics use (three year temporary period sought).
- 4.5 **16/P1486** Planning permission granted for replacement of existing grass football pitch with artificial surface.

- 4.6 **14/P2487** Planning permission granted for replacement of existing grass football pitch with artificial surface.
- 4.7 **14/P2478** Application granted for non-material amendments to LBM planning permission 07/P0258 (dated 20/07/2009) comprising at ground floor; the replacement of open hall on north elevation with 12 pitch side storage rooms and the provision of new atriums, and at first floor; the reduction in number of seats from 620 to 616 and positioning of seats across full length of north frontage, alterations to corporate/sports boxes including omission of north facing gallery and relocation of galleries and studios to south elevation.
- 4.8 **10/P0390** Planning permission granted for Proposed amendment to application 07/P0258/FUL (set out below) granted 16-7-09 comprising a) Extension of the multi purpose sports facility by 3m towards Bishopsford Road:
 - b) Extension of the changing rooms by 30m2.
- 4.9 **10/P0389** Planning permission granted for extensions to the gym and function room to the front of the stadium facing the pitch adding an additional 170m2 floorspace to the existing stadium
- 4.10 **07/P0258** Planning permission granted for;
 - 1) Erection of a sports hall to the north of the existing artificial pitch and two storey building for use as a health centre/sport injury clinic or for other community and recreation/leisure purposes to the south adjacent to Bishopsford Road.
 - 2) Erection of a second stand to the south of the existing football pitch to incorporate multi-function sports and social facilities.
 - 3) Creation of a second artificial multi-purpose pitch and changing rooms towards south eastern end of site.
 - 4) Associated works involving the relocation of existing utilities facilities and new vehicular access onto Bishopsford Road at the north eastern corner of the site.

5. CONSULTATION

- 5.1 The application was advertised by means of a Major Site Notice and Press Notice, letters to Merton residents in the vicinity of the site and a cross border consultation notification to LB Sutton.
- 5.2 **PUBLIC OBJECTIONS**

In response to the consultation 26 letters of objection and a petition signed by 63 **residents** was received and further objections received after the parking was reduced and more information submitted by the applicant. The objections raised the following concerns relating to;

- The site is MOL and not appropriate for residential development. It will take away from the openness currently available.
- Development is in a conservation area and results in a loss of greenbelt
- The proposed site was wild grassland enjoyed by the local community before it was fenced off by the applicant.
- The MOL is for playing sport and recreation and the scheme is mostly for the benefit of T&M FC.
- The application fails to demonstrate the Very Special Circumstances.
- The proposed plans changes the intended purpose and mission of The Hub which is currently a not for profit organisation.
- Tooting & Mitcham Football Club Ltd is a "not for profit" organisation that provides sports, recreation and related community facilities to increase health, well-being and sports participation in a Borough. However, the Applicant for the scheme is a Director and the ultimate controlling party of the sister Company Tooting & Mitcham Sports & Leisure Limited by virtue of his shareholding. The principal business of this Company is renting and operating Investment properties to earn rentals and capital gains. Therefore, the Scheme is not set out for the ultimate benefit of local communities but for the long-term benefit of related parties, one of which is the Director of Tooting & Mitcham Sports & Leisure Limited. He is also associated with Goodwin Associates Limited as he is the ultimate controlling party of that Company. In its last filed accounts for Tooting & Mitcham Sports & Leisure Limited, for 2018 financial year, the Company owes Goodwin Associates Limited £1.8 million plus the interest showing a related party transaction.
- Tooting & Mitcham Sports and leisure Ltd is a private company limited by shares rather than a not for profit organisation. The Company's nature of business at Companies House is listed as 'renting and operating of Housing Association real estate'. Further checks on the company status show that there is one Director with "significant control", Steven Adkins. Mr Adkins is a "property developer" and is the "ultimate controlling party". The company is only a going concern by virtue of related party loans. There is an outstanding loan of £1.16m from Steven Adkins by virtue of his control of Goodwin Associates which provides the loan to Tooting and Mitcham Sports and Leisure Ltd according to

Note 12 of the accounts submitted on 2 May 2019. This does not seem a sound basis on which to use development to fund further work on sports facilities.

- Area does not need more homes and tarmac, more trees and greenery instead
- Proposals too high and will block light, completely engulfing properties on Hillfield Avenue
- Size and height is overly dominant and unsympathetic to the character of the local area. Does not respect the character of the immediate area, will be too dense, over developed and visually over-bearing.
- The design is unattractive, out of proportion and character with the immediate area.
- Applicant has failed to address Merton's policy on 'Street Scene' showing the relationship between the proposed building and the existing buildings on Hillfield Avenue.
- Misleading to compare the flats to an approved geodesic sports dome which
 a temporary sports use with the same hours as the club. It does not compare
 in size or proposed purpose.
- Misleading claims in relation views from Sutton with pictures depicting lots of green space which is not shown on the drawings.
- Misleading of their website to describe the site as 'unused scrubland', failing to give its true designation or why it is protected
- Misleading claim that the site sits 1.5m below the Sutton Council land to the south, this is not true for Hillfield Avenue.
- Misleading to say that the scheme has carefully considered residents on Hillfield Avenue, they are not on the list of neighbours and were not consulted at any stage.
- Misleading for The applicant to state in the detail of its application that the
 development will not fund all of the work it proposes, yet in the public
 information at its web site is very unclear about this, and it would be easy to
 infer that the new build would fund all of the work. This could easily influence
 some people to support the scheme on the basis of a false impression given
 by the applicant.
- Overlooking and loss of privacy for Hillfield Avenue including directly into bedrooms, bathrooms, dining rooms gardens.

- Accessway between the site and neighbours is only an 11 foot wide track, not a road as suggested by the applicant.
- Very little space for and no detail of border landscaping to the south of the site
- Not in keeping with the beauty of the meadowlands park
- Deprives the neighbourhood of their playing fields
- Devalues properties nearby
- The development will bring the area down further, the area needs more trees, coffee shops, restaurants and facilities that local residents might actually like to use.
- We need more 3 bedroom units and family homes
- No lifts provided for the upper five floors
- There are restrictive covenants but these are not mentioned in the application
- Lack of pre application consultation with residents, residents in Hillfield Avenue did not receive the two stage consultations (Oct 17 to Jan 18 & Oct 18 to Jan 19).
- Failed to meet the requirements for community involvement.
- Increased pressure on public transport, parking, drainage and local services such as schools and GP surgeries
- 1 parking space per flat is not enough
- Increased safety risk with two busy vehicle entrances to the overall site.
- Increased noise and pollution during the construction phase.
- Existing Hub noise can be excessive and can be operating until 2am
- Noise of 262 potential residents and 77 cars along with delivery and service vehicles will create unacceptable amounts of noise, light pollution and disturbance. Contravenes Human Rights Act.
- Increased smell from large quantity of refuse that would be collected fortnightly.
- Increased risk of anti social behaviour
- Insufficient space for more than one fire tender to access the rear of the site

- It will have a negative impact on people and wildlife and reduce the amount of green space
- Will the building be at risk from flooding.
- Large building and hardstanding around it will increase risk of flooding. The Risk of Flooding from Surface Water, the Risk of flooding from the Groundwater and the Risk of Flooding from Sewers was not addressed by the Flood Risk assessment
- No concern provided there would be no impact on the provision of the football pitches
- Many previous promised developments never came to fruition
- Needs green credentials, acoustic fencing and more tree planting
- The proposals are to make money not enhance lives, the neighbourhood and environment

5.2.1 **Objections to the latest revisions**

- We disagree with comments that the Scheme has carefully considered to respect the local occupiers of houses especially those along Hillfield Avenue. The proposed development is going to negatively impact the quality of life of the current residents of the area on many levels - primarily light and noise pollution 24 hours a day 7 days a week, this is NOT ACCEPTABLE and these concerns are still not addressed:
- <u>Noise pollution</u> the reduction of a number of car parking spaces from 77 to 55 is not sufficient. The car park will be c. 2 meters from the Hillfield Avenue fence line. Our bedrooms and living accommodation face the proposed site. It will be too intrusive.
- <u>Light pollution</u> the pictures of views from Hillfield Avenue now depict trees that are 10 meters high. Is the Applicant planting trees that are 10 meters high? This should be put as a condition of any unfortunate planning approval and applicant's legal obligation. The Applicant has previously not lived to his promises.
- When they were upgrading the Hub with one million pounds of public money in 2013, the designs promised replanting trees removed during the build and luscious flowers and trees round the perimeter. It also promised acoustic baffles. What the area ended up with was the removal of 30 or 40 mature trees which masked the noise and pollution from the road and the site and instead they planted gorse twigs which they did not water or maintain in any way so most are dead.

- There were also issues with the collapsed Willow Tree which fell down in August of 2014, on the site immediately next to Bishopsford Road. The Applicant has not made any effort to clean up despite Bishopsford House Residents Association approaching them as well as Merton MP.
- The application for the DOME was only approved without objection because even on that occasion we were not notified by either the London Borough of Sutton or Merton, the same scenario as the current application about which we learned through 2019 Christmas Card. The light and noise pollution from the Dome or 6 storey 77 dwelling is not comparable on any level. It is farcical to even draw comparison of the two as both would produce different noise and light pollution at different times, except the residential dwelling will be here 24 hours a day 7 days a week.
- The footprint of the 6-storey development is still too big and still not in keeping with the immediate surrounding post war houses. The Applicant should look to the neighbouring Bishopsford House in Poulter Park for a sympathetic style of development rather than something which resembles 1970s student accommodation block.
- The quoted 6 storey examples are NOWHERE near the immediate area. The closest examples are only 4 storeys high.
- The development is still on the Metropolitan Open Land Merton's Open Land Policy DMO1 and London Plan Policy 7.17 and Policy G3 Metropolitan Open Land (New London Plan) all state that the Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt.
- The development still does not demonstrate "very special circumstances" as only the small part of the plan will be financed from the scheme, any development should be <u>entirely</u> for the community benefit. Therefore, MOL boundary should not be changed under any circumstances.
- We disagree with comments about closeness to shops there are no "real shops" on our doorstep and closest big shops are a car or a bus ride away, therefore encouraging more traffic and pollution in already busy and built up area.
- We also wanted to point out that a number of disparaging and derogatory comments and references have been made about the area in a number of documents which is very unprofessional. As mentioned above the Applicant has not been a good neighbour and has not delivered on any of his past promises or made any effort to improve the area.

 Because of all of the above, the local residents still strongly object to this Application.

5.3 The London Borough of Sutton's Strategic Director for the Environment, Housing and Regeneration objected to the proposals on the grounds;

- The applicant should have to demonstrate 'very special circumstance' which clearly outweigh the substantial harm to the MOL or Green belt. London Borough of Sutton does not consider that the applicant has in this instance demonstrated very special circumstances which clearly outweigh the harm to the openness of the MOL. From the accompanying Planning Statement, amongst other things, the 'enabling development would allow for the "clearing the Organisation's outstanding financial obligations". It is acknowledged that one of the applicant's subsidiaries is a charity and the other a sports club, however financial support of such organisations should never amount to very special circumstances. No details have been provided of the "Biodiversity Enhancements" so it cannot be ascertained whether these would offset the loss of ecological value of the site, nor have any other details been provided in relation to the other benefits. Whilst it is acknowledged that these would be secured by a S106 legal agreement, some indicative details of these works should be submitted with the application to provide comfort that the cumulative benefits of the enabling development amount to very special circumstances as required by national regional and local policy.
- The proposal would step up in scale towards the MOL making the taller elements of the development, the most conspicuous and visible from the MOL and adjacent MOL in Sutton.6 stories would be a scale completely out of character with the surrounding area and would be readily visible from both the MOL in Merton and MOL in Sutton.
- This represents substantial harm to the openness of the MOL and associated Metropolitan Green Chain and the Wandle Valley Regional Park and the design in no way tries to alleviate any harm to the openness of the MOL. As such the London Borough of Sutton considers that the proposal is inappropriate development and the scale, massing, siting of the development results in significant harm to the openness of the MOL.
- 5.4 **Campaign for the Preservation of Rural England** objected strongly on the grounds that;
 - Residential development is inappropriate on MOL

- Impact views of the MOL from both Sutton and Merton and supports LBM Sutton's view that it will harm its essential openness.
- Will reduce the ecological value and amenity of the Green chain.
- No clear assessment made of harm to the green chain, only benefits are discussed.
- There are no 'very special circumstances' to justify the development. Enabling sets a precedence that undermines the principle of permanence.
- Not clear if alternatives to the proposals have been thoroughly investigated, could funds have been raised through foundations, lottery funding etc.
- 5.5 **Mitcham Cricket Green Community & Heritage Group** objected to the proposals on the grounds that;
 - The applicant has not engaged with the local community prior to submission of the planning application.
 - The applicant's subsequent approach to consultation by hosting events at their own venue will fundamentally distort the results, with a higher level of attendance from those advocating the development and a one-sided promotion of its benefits.
 - The proposals have not been reviewed by the Design Review Panel
 - A six storey residential development is clearly inappropriate development for the purposes of Metropolitan Open Land and so must demonstrate "very special circumstances". We can find no very special circumstances for the proposals.
 - In planning policy terms there is a world of difference between the consent in 1997 for sports facilities and associated built infrastructure which might be considered an appropriate use for open land and the development of a six storey block of residential flats which is clearly "inappropriate". The reasons for recognising "very special circumstances" for sports facilities in 1997 do not apply to a major residential development in 2020.
 - We also do not believe that "very special circumstances" exist in respect of
 the investment that may be provided for delivery of TM United's strategic plan.
 The applicant's Planning Statement confirms that the residential development
 will in reality only fund a small part of the strategic plan comprising a new

entrance block, changing block and club room. It will not provide for the new south stand, additional seating or "pods" for starter businesses despite the prominence of these aspects in the publicity associated with the scheme. The development proposal will therefore bring only a small part of the benefit envisaged by the TM United strategic plan which, given the stated view that this development is the only means by which it can be funded, must therefore be considered undeliverable.

- The Planning Statement and the promotional video and other documentation also reference the role of Tooting and Mitcham Community Sports Club as "a 'not for profit' organisation with charitable aims". Instead, Companies House shows this to be a "private company limited by guarantee without share capital." It has a sole director with significant control, Jackie Watkins. The stated "charitable aims" of this private company are unclear and it is not registered with the Charity Commission. Despite the impression given in its publicity Tooting and Mitcham Community Sports Club is not a charity.
- There is a lack of detail on the commitment to reinvest funds. The applicant
 has not even brought forward in the same application those aspects of the
 strategic plan which could be delivered through the returns on this
 development in order to allow the proposals to be considered together.
- We do not support the allocation of land within the draft local plan and the development is premature and would result in a net loss of Metropolitan Open Land.
- The proposals are not policy compliant and even in the absence of Metropolitan Open Land designation, they are based on flawed consultation, convincing evidence of public benefit is lacking, they are of limited design quality and they have not been brought forward in a single application.
- The proposed scheme presents an incongruous, bulky elevation to Bishopsford Road. It will also be visually damaging to the open spaces of both The Hub and Poulter Park and disrupt the visual relationship between these open spaces.
- The proposed six storey development has no local precedent and would manifestly be visually intrusive.
- The design approach lacks distinction and does not respond to the character of the surrounding neighbourhood. It will not add positively to the area.

- Extensive surface car parking will dominate the setting of the new buildings and further reduce the area of green land. The provision of electric charging points is meagre.
- The internal design is poor with a significant number of single aspect dwellings in conflict with emerging London Plan Policy D6 which states that "Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings."
- The provision of limited green walls appears tokenistic, does not extend to the use of the large area of roof, and is no compensation for the significant loss of green space.
- 5.5.1 The group made additional comments following the withdrawal of the application from the June 18th agenda.
 - We welcome the Heads of Terms for core and potential s106 obligations agreed by the GLA. But they do not, however, address objections to the scheme or make it policy compliant.
 - The matters addressed by the Heads of Terms do not amount to demonstrating the "very special circumstances" necessary to permit inappropriate development on Metropolitan Open Land.
 - The scheme cannot provide both affordable homes in a policy compliant manner and the investment in sports facilities which underpins the claimed "very special circumstances".
 - The investment in sports facilities is modest and even the ability to secure this
 has not been independently verified. It will not provide the south stand,
 additional seating or starter business pods which feature so strongly in the
 scheme publicity
 - It would establish a precedent resulting in further applications for inappropriate development of Metropolitan Open Land to fund delivery of other aspects of the strategic plan. There is no evidence supporting the claim by the applicant that other funding will become available if the investment provided by this enabling development proceeds.
 - It is of inadequate design, visually intrusive, overbearing by virtue of its bulk and height and harms the Wandle Valley Conservation Area and protective designations including Protected Open Land, Green Corridor and the Wandle Valley Regional Park.
 - Sutton Council has highlighted the particular impact of the scheme on Poulter Park.

- The scheme also fails to provide affordable housing in a policy compliant
 manner and it does not meet the Agent of Change principle (London Plan
 Intend to Publish Policy D13). Sport England's assessment demonstrates a
 clear risk of the development resulting in "a noise abatement order and result
 in reduced playing capacity on the AGP "if the specification changes or there
 are construction issues
- Sport England's acoustic assessment confirms that the residential balconies could not be used at the same time as the adjacent sports facilities
- It is notable that the scheme has not been considered by Merton Council's
 Design Review Panel and it is our understanding that this is an expectation of
 any major scheme considered by the Mayor.
- Neither Merton Council's Design Officer nor the Council's Conservation Officer support the design.
- Around half of the flats to be provided are single aspect, it should provide dual aspect homes as a minimum throughout. The scheme has also failed to demonstrate it will avoid overheating
- 5.5.2 The applicants rebutted the group's comments stating;
 - The objection has not considered the proposals in the context of Mo3 (the emerging allocation for 'enabling' residential development) and the new draft Local Plan which has been through two extensive consultation exercises
 - The site has received significant community support through this process so far and is firmly in line with 'the direction of travel' of the Council's emerging Local Plan. This should be given significant weight in favour of the proposals; the objection does not acknowledge this.
 - Site is not in either the Mitcham Cricket Green or Wandle Valet Conservation Areas.
 - Claims of setting a precedent is misfounded, their case does not acknowledge that there is already a precedent established at the subject site for release of MOL land in terms of the stadium development and masterplan.
 - proposed release is specific to the circumstances of this site and the 'harm' versus 'benefits' of developing in this particular location
 - criticism of lack of community consultation is unfounded over 300 leaflets delivered and three community events hosted.
 - Applicant has been very clear about the very special circumstances which involve the delivery of two specific community building elements

- criticised for referencing the history of the site and the 1997 planning permission in particular; the objector however fails to highlight the more recent planning history and the 2007 masterplan consent.
- The structures of the organisation and 'not for profit' status will be addressed within the forthcoming viability report. The Section 106 agreement will provide the safeguards that the objector is concerned about.
- It is alleged that the proposals are of an excessive height and mass; the applicant does not accept this. There are many other tall building blocks nearby (ranging from four to six storeys in height) and the proposals will sit comfortably within the street scene.
- Proposal seeks to make the most efficient and effective use of the land
- the profile and footprint of the building has been designed to minimise its impact on the openness of the MOL, and it has maximised the amount of green space and landscaping within it. It has been designed by an awardwinning architectural practice who have integrated sustainable design features at the outset of their work and incorporated the use of high-quality materials throughout.
- the use of brickwork specifically responds to the advice received at the preapplication stage.
- objection also fails to acknowledge the existence of the houses along Hillfield Avenue and the physical break that those houses already creates with nearby open land, noting that the open space in Poulter Park doesn't physically adjoin the application site until beyond the rear façade of the proposed new building. The views from the adjoining MOL have been carefully considered as demonstrated within the D&A.

5.6 **Wandle Valley Forum** raised objections;

- Concerns at the precedent that would be set by permitting enabling development on this kind of MOL
- The applicant claims it is a not for profit organisation which will invest profits from the development in enhanced community and sporting facilities at The Hub. In reality the applicant is a private company which is neither not for profit nor charitable. There is no guarantee of the investment being put into local sporting and community facilities and the funds generated will only support a small part of what is needed to deliver the strategic plan for The Hub. The

application does not include those elements of the strategic plan for The Hub which it is stated it will fund.

- We are also concerned by the visual impact of the proposed scheme on Metropolitan Open Land in both Sutton and Merton and support the view expressed by Sutton Council that this will harm its essential openness. This network of green space is integral to the character and value of the Wandle Valley
- We note the applicant's consideration of future management of land between The Hub and the river and its intention to collaborate with the National Trust. We welcome the opportunities this provides but there is a lack of detail for what is proposed in an area with sensitive recreational and wildlife considerations. The land also lies outside the ownership of either the applicant or the National Trust.
- 5.7 **Elliot Colburn MP** representing the Sutton residents wrote objecting to the proposals on the grounds of;
 - Negative impact on MOL
 - Unacceptable loss of biodiversity to the area and impact on the Wandle Valley Regional Park,
 - Unsound building design and impact on residential amenity.
- 5.8 The applicant undertook their own consultation after the application was submitted. Over 3,000 leaflets were distributed to local residents and business on Wednesday 11th and Thursday 12th December 2019. A consultation session took place on Saturday 14th December from 12-6 pm, which coincided with a free festive football event and 84 people completed forms. Further sessions took place on Friday 10th January 4-8 pm and Thursday 16th January 4-8 pm and took place in the café bar, A further 18 people attended one of these sessions. An online survey was available from 12th December 2019 until 17th January 2020 and received 33 responses. The applicant also undertook a diversity survey.

5.8 **PUBLIC SUPPORT**

156 letters of support were received following the applicants' own consultation commenting; (8 from Morden SM4)

- The development will improve the facilities for the disabled
- Support additional housing that will enable community facilities to be built
- Support more affordable housing and feel this type of accommodation will provide a good opportunity for young people to get onto the housing ladder.
- Provides affordable housing in a deprived area

- More community facilities will be built at The Hub which will be a welcome addition to the site.
- Benefit the local community
- New Sports Hall is a great idea
- It is a real step forward
- The proposed low cost housing is on a currently overgrown area and would provide much needed accommodation in the borough. It meets both the Borough's housing plan and wider needs across London.
- Land will otherwise go unused and become a waste land.
- Land is unused piece of scrubland with no landscape or ecological value.
- Logical piece of land to release from MOL.
- Site has good accessibility to public transport.
- It will provide greater opportunities and new facilities that are much needed in the borough.
- The sense of community is fantastic and all are made welcome.
- Investment in these facilities can provide opportunities for local youths.
- Bringing different backgrounds together
- There will be a drop in crime and Anti-Social behaviour
- It will enable the development of two further community based buildings (new entrance block/sports hall and new changing block with educational facilities.
- Provides financial stability for T&M
- Will bring in money to the club which benefits lower league teams
- It will increase positivity and health and well being to the entire area and people that use it.
- Helps support our children's education and give them a better environment to study and learn.
- Benefit to local small businesses.
- They have supported my small business to develop and grow.
- Strengthen enterprise opportunities through the facilities.
- Great opportunity for LBM to enhance its community facilities.
- Proposed sports hall educational suite will help provide more opportunities for young people with disadvantaged backgrounds
- There are simply no negatives to the local community
- They spend money on football boots and food for disadvantaged youngsters
- It will provide the financial stability required to deliver TM United's Strategic plan including the significant community benefits and facilitating social enterprise.
- More grass pitches would be great
- Supports grass roots football
- 5.9 **Siobhan McDonagh MP** wrote stating her support for the provision of housing and sporting facilities.

5.10 **AFC Wimbledon Foundation** stated their support

- 5.11 **Tooting Bec FC** stated the proposals would;
 - Allow for more teams to be provided and increase club membership
 - Will provide more homes and better facilities for local youth opportunities
 - New changing block will help with overuse of current facilities
 - New business pods will bring in more business & facility will become a community hub.
 - Land serves no purpose and is wasteland with no environmental benefit.
- 5.12 The **Surrey FA** supported the proposals;
 - The area needs further football facilities.
 - The existing pitches on site exceed the amount of changing provision on offer and this prohibits the participation of plays particularly women and girls which has seen an exponential growth in the area.
 - TMFC is a large part of the community and offers football for many young people in the area.
 - 5.13 **Hillcroft Lacrosse Club** listed the same benefits as the circular letter and that it is a unique opportunity to deliver a truly sustainable development that hugely benefits the Merton community.
 - 5.14 Merton School Sport Partnership also signed the circular letter
 - 5.15 **Councillor Nick Draper** supported the proposals stating;
 - The application covers 72 apartments in an attractive block to the roadside south of the pitches. The intention is that all the accommodation should be affordable, and the number of flats is entirely in keeping with Merton's and London's needs: I believe that negotiations have met with enthusiastic responses from across the Housing Association sector. The selling of the land will also help to finance a transformation of the facilities available at the ground,

making it even more reflective of the needs of the local community, in particular children, people with special needs, and the financially disadvantaged. Should the project go ahead it will make an enormous positive difference to our community in Morden and beyond.

- I believe there have been objections to the application over its massing. I personally don't see any alternative to Merton building upwards if it is to comply with the Mayor's, and our, aspiration to house the people of London; but a staggered 6 storeys in this location, mirroring in height developments on the other side of Bishopsford Road, is scarcely massing on the scale that London is used to. I believe that architecturally it fits well with the rest of the planned development.
- I also see the opportunity to provide residents with decent, affordable accommodation as one not to be turned down lightly and would ask Planning to approve the application.

He did however raise concerns that there is an over–emphasis on parking spaces stating "I would like to see a reduction of the space allocated to parking, and instead use that part of the land to enhance what is currently a nondescript piece of MOL into a natural vista that the residents of the flats and their neighbours will truly cherish".

5.16 STATUTORY EXTERNAL CONSULTEES

5.16.1 GLA Comments

On March 23rd 2020 the GLA issued a Stage 1 report which concluded; London Plan and the Mayor's Intend to Publish London Plan policies on; Metropolitan Open Land, sports facilities, the agent of change principle, housing, affordable housing, urban design, inclusive access, heritage, sustainable development and transport are relevant to this application. The application complies with some of these policies but not with others as set out below:

- Principle of development: The housing proposal on Metropolitan Open Land is inappropriate development as it does not preserve the openness of the MOL. The applicant's very special circumstances case including the need for 'enabling development' to fund the new sports and community facilities, could outweigh the harm caused, but further information is needed on these matters. The applicant must demonstrate that the 77 housing units are the minimum necessary to 'enable development' and demonstrate how the value generated by its proposals would be fully used towards the delivery of enhanced sports and community facilitates.
- Affordable housing: The applicant's confirmation that it is proposing a 100% affordable housing scheme without grant is welcomed, but different tenure

- splits should be explored to comply with London Plan policy. All affordable housing products must meet London Plan definitions, and these and their delivery must be secured through a S106 agreement.
- Urban design: The scheme must deliver high quality design and minimise impact on its MOL setting.
- Heritage: The applicant must submit a heritage impact assessment and the mitigation measures it proposes, which should be secured.
- Sustainable development: Additional energy efficiency measures and a calculated urban greening factor must be provided; all measures must be conditioned.
- Transport: A manual PTAL assessment and changes to onsite parking must be agreed, cycle parking should be increased, and a CLP and DSP must be secured.
- 5.16.2 The applicants have stated that the 'GLA have now provided their full support (subject to the necessary s106)'. The GLA have actually stated that "very significant progress has been made since March to address the Mayor's Stage 1 concerns to the extent that a positive recommendation to the Mayor might now be possible. However the issues involved are complex and require careful balancing, and GLA Officers have not reached a settled view on the application as a whole which would only be possible for example when the final terms and detail of any S106 had been agreed and all consultation comments received and fully considered."
- 5.17 **Sport England** were consulted and stated an interim position of issuing a holding objection on the grounds that there was not enough information provided by means of an acoustic report to show that the occupiers of the new dwellings would not be adversely affected by the existing artificial grass pitch. Following the submission of further noise reports the objection was removed on the proviso that appropriate conditions were attached to any consent relating to noise impact mitigation.
- 5.18 **Historic England** confirmed that they considered that there would be no harm to Archaeology as a result of the proposals.
- 5.19 **The Environment Agency** raised no objections to the proposals subject to the imposition of appropriate conditions relating to contamination, SUDS and piling.
- 5.20 **Thames Water** raised no objection subject to suitable conditions.
- 5.21 The **Metropolitan Police** Safer by design officer commented;
 - The orientation of the ground floor units should be reconsidered so the front doors promote activity

- Ground floor unit amenity spaces are easy to access and susceptible to burglary
- Areas of undercroft parking lack natural surveillance and should be eliminated from the design.
- Bin and bike store walls susceptible to graffiti and bike store doors are not well overlooked
- No mention of car parking management
- Access control systems and CCTV are needed to prevent anti social behaviour

5.22 LB MERTON Internal consultees

5.23 The Council's **Conservation Officer** commented;

- It's a big thing, the loss of MOL when the original permission was to allow sports use on the land. Residential is quite a different matter. It is a massive development adjacent to conservation area, open land and a nature reserve.
- If we were to allow any residential development on this site what is
 proposed is out of proportion to anything in the vicinity. The height for
 a start. They quote other developments but they are a long distance
 away and visually out of site. The closest residential are two stories.
 Blocks of flats up Bishopsford Road are only four stories. Therefore to
 build anything to relate to the context it should not be more than four
 stories.
- I disagree with their heritage statement where they state the proposal will not impact on any Listed or Locally Listed buildings. The Grade II Listed cottages are just across the Wandle and their views out of the conservation area will be negatively impacted. Views, generally, out of the conservation area will be negatively impacted by such a dominant large development.
- The letters of support undervalue the value of the open land that will be lost by referring to it as scrubland which sustains wild life. The adjacent Astroturf pitch will have already caused a loss of wildlife. This development will cause further damage.
- The development seems to lack communal outside space, play space for example, I like the green walls. how will they be maintained?
- It is my opinion that this proposed development will cause harm to the open aspect of the site and wider area and should be refused despite the social arguments in support of it. Once this open land is lost there is no reclaiming it.

- 5.24 Merton's **Design Officer** described the proposal as "an office block surrounded by a car park" and had particular concern relating to the number of single aspect units especially given the North-South facing arrangement of the block.
 - (Officer comment: it is acknowledged that the design officers comments do not discuss the proposals in great detail. See the design considerations section of the report below)
- 5.25.1 The Council's **Climate change officer** commented that "The applicant has provided all the supporting SAP outputs and conversion spreadsheet as requested. However, the applicant has not addressed the following comments from the email I sent in March:
 - Be Lean the applicant states that it is not possible to achieve the 10% improvement against Building Regulations through energy efficiency alone at this stage in the design. Savings from energy efficiency are not limited to fabric efficiency. The applicant should consider other measures such as waste water heat recovery which could help improve the energy efficiency of the units.
 - Overheating the applicant has requested to undertake the overheating analysis as part of a planning condition. However, given that there are such a high number of single aspect units and that the outcome of the overheating analysis could potentially have design and energy use implications, the dynamic overheating modelling should be carried out before permission is granted.
- 5.25.2 "My main concern at this stage is the lack of dynamic overheating modelling given that the proposed scheme has a number of single aspect units and uses a communal heating system which can increase the risk of overheating. The GLA's comments echo my points regarding the requirement to meet the Mayor's energy efficiency target and to undertake dynamic overheating modelling.
- 5.25.3 The applicant is saying that they aren't able to improve the fabric efficiency due to space limitations within the unit. However, the applicant will need to clarify why they cannot extend the units outward to meet the requirements.
- 5.25.4 The applicant should address these issues before the scheme is approved given that the potential mitigation measures required could result in fundamental changes to the design. Pre-commencement conditions to secure the evidence demonstrating that the applicant has mitigated the risk

- of overheating and maximised savings through energy efficiency will be required..
- 5.25.4 A pre-occupation condition will also need to be attached to ensure that the applicant delivers the development in accordance with the updated energy statement dated April 2020 which sets out the improvements they have already made in response to my other comments. Please note, this pre-occupation condition will need to be reviewed at pre-commencement stage once the overheating and energy efficiency comments have been addressed, as the energy statement will have been updated.
- 5.25.5 In addition, the applicant has not provided internal water use calculations to demonstrate that the proposed development will achieve internal water usage rates not in excess of 105 litres per person per day so this will need to be secured with a pre-commencement condition.
- 5.25.6 The GLA has also recommended including a condition to secure postconstruction monitoring for the heat pumps to ensure that they are achieving the expected performance approved during planning.
- 5.25.7 If the pre-commencement assessments result in the scheme requiring design changes to achieve the energy efficiency target or to mitigate the risk of overheating (or both), then there is potential for the Section 106 carbon offset to change.
- Future Merton's open space policy team commented that, the site is designated as MOL, open space, green corridor and is within the Wandle Valley Regional Park and 400m buffer area. It is also adjacent to the Upper River Wandle SINC and a green chain. The applicant would need to demonstrate very special circumstances in order to outweigh the harm the proposed development would have on the land designated as MOL. Merton Playing Pitch Strategy Action Plan (adopted in October 2019) identifies the following opportunity for the site "The main priority for the site at the moment is to establish a two storey DDA compliant ancillary facility for the AGP at the rear of the site" with an indicative cost of £240,000 £400,000. While the applicant has stated that the proposed residential development will enable a number of strategic items to be delivered on site, there is limited information or details provided on such proposals.
- 5.26.1 In response, The applicants have stated 'The comments from Future Merton's open space policy team are both surprising and disappointing. The Playing Pitch Strategy (PPS) is factually incorrect and the applicant has made formal requests (both in person and in writing) to amend it, based on analysis undertaken by the former CEO of Surrey FA. There has been no acknowledgement from the Council. The reference to Farm Road is completely irrelevant to the subject planning application.' Merton's

playing pitch strategy is jointly prepared with Sport England, the National Governing Bodies for sport and Merton Council. Many different sporting clubs including Tooting and Mitcham Hub participated in its creation. It was published in October 2019. In October 2019 the applicant received a response from the Football Foundation which covered many of the concerns they raised, including the applicant's promotion of the Farm Road site. The inclusion of the Farm Road site in the officer's report is relevant as the applicant has recommended this site be included in various strategies for investment including Merton's Playing Pitch Strategy'.

- 5.26.2 The PPS also identifies that the T&M Hub lease and manage a second site in the borough for football at Farm Road, Morden. From the information provided, it is not clear exactly how the applicant is proposing to use any funds from the proposed development to invest in the sporting facilities on the main site or on the Farm Road site. The applicant should be asked to demonstrate why the proposed development is required, given the use of this second site for sporting purposes and how any profits from the proposed development will be used to fund sporting facilities at one or both sites, specifically the DDA complaint ancillary facility identified in the PPS.
- 5.26.3 The Planning Statement describes a "Biodiversity Area" in the south east corner of the T&M hub site, for which the annual management and maintenance costs will be funded through profits from the proposed development. The applicant refers to a "joint management plan between TM United, The Environmental Agency and National trust", however has not provided any details for these works. Further details should be sought to indicate how the proposal will be minimising impacts on and providing net gains for biodiversity, in accordance with NPPF 170(d). Any biodiversity maintenance and management costs should be checked with the viability assessment review and would need to be secured through a relevant s106 agreement, should the application be approved.
- 5.27 **Highways**. No objections received
- 5.28 **Transport planning** commented that the proposal is unlikely to have significant impact on the adjoining highway and raised no objection subject to:
 - · Car parking as shown maintained.
 - · The condition requiring cycle parking.
 - · The condition requiring Refuse collection.

- · Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- 5.29 **Flood Risk Manager: no objection** . Initial concerns were raised but following protracted discussions with the applicant's flood risk consultants and the submission of new details for the realignment of the water course the officer has no objection
- 5.30 **Future Merton Housing** officers commented In principle the proposal for 100% shared ownership does not appear to accord with the council's adopted statutory development plan. In particular Core Strategy Policy CS8 (housing choice) and Sites and Policies DM H3 (support for affordable housing) requires an affordable housing tenure split of 60% social and affordable rent and 40% intermediate rent or sale. This policy requirement reflects and supports addressing Merton's local housing needs as set out in Merton's Strategic Housing Needs Assessment published in July 2019, which acknowledges that whilst affordable home ownership helps address identified housing needs excessive provision would impact the delivery of affordable housing for those in a more acute need.
- 5.30.1 The council's affordable housing provision requirements are caveated by the council needing to have regard to a number of relevant considerations which include financial viability issues and other planning obligations, therefore the submission by the applicants of the viability appraisal for independent assessment will be an important consideration in determining the acceptability or not of the proposal's departure from these requirements

6. **POLICY CONTEXT**

- 6.1 NPPF (2019). Key sections:
 - 5. Delivering a sufficient supply of homes.
 - 12. Achieving well-designed places.
 - 16. 'Conserving and enhancing the historic environment'. Paragraph 189
- 6.2 Relevant policies in the London Plan 2016 are; 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 space), 3.19 (Sports facilities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 5.17 (Waste Capacity), 6.9 (Cycling), 7.5 (Public realm), 7.6(Architecture), 7.8 (Heritage assets), 7.17 (Metropolitan Open Land) & 7.21 (Trees and woodlands).

- 6.3 London Housing Supplementary Planning Guidance 2016
- 6.4 GLA Guidance on Preparing Energy Assessments (2018).
- 6.5 DCLG Technical standards 2015
- 6.6 Relevant polices in the Merton Core Strategy 2011 are; CS 9 (Housing targets), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).
- 6.7 The relevant policies in the Merton Sites and Policies Plan 2014 are; DM C1 Community facilities, DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Heritage assets), DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).
- 6.8 Intend to Publish 2020 London Plan policies include: GG2 Making the best use of land, GG3 Creating a healthy city, D 2 Infrastructure requirements for sustainable densities, D 3 Optimising site capacity through design-led approach, D 4 Delivering good design, D 5 Inclusive design, D 6 Housing quality and standards, D 7 Affordable housing, D 8 Public realm, D 12 Fire safety, D 13 Agent of change, H 1 Increasing housing supply, H 4 Delivering affordable housing, H 5 Threshold approach to applications, H 6 Affordable housing tenure, H7 Monitoring of affordable housing, S 1 Developing London's social infrastructure, S 4 Play and informal recreation, S 5 Sports and Recreation, HC 1 Heritage conservation and growth, G 4 Open space, G 5 Urban greening, G 6 Biodiversity, G 7 Trees, SI 1 Improving air quality, SI 2 Minimising greenhouse gas emissions, SI 3 Energy infrastructure, SI 8 Waste capacity, SI 12 Flood risk management, T 3 Transport capacity, connectivity and safeguarding, T 4 Assessing and mitigating transport impacts, T 5 Cycling, T 6 Car parking, T 6.1 Residential parking & T 7 Deliveries, servicing and construction.

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the principle of the use of Metropolitan Open Land for residential purposes, the impact on the MOL of such use, the design and appearance of the proposed building, quality of accommodation provided, affordable housing provision, provision of sports facilities and the impact on neighbour amenity.

7.2 Use of Metropolitan Open Land

Issues related to the appearance and impact on the appearance of the MOL are discussed further on in the report.

- London Plan policy 7.17 states that the strongest protection should be given to London's MOL and inappropriate development should be refused, except in very special circumstances giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.
- 7.3 Merton Policy CS13(a) aims to "protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces." Due to the large amount of green and open space in the borough, the emphasis is on protection and long term management of the existing space (21.2).
- 7.4 Under the Sites & Policies Plan Policy DMO1 Open space states:
 - b) In accordance with the NPPF (74), 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 <u>surplus to requirements</u>; 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.
 - c) Development proposals within designated open spaces, which have met the conditions set in part b) above, will be required to meet all 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.
- 7.5 The applicant is justifying the application with reference to site proposals in the Draft Local Plan which have identified the site as being potentially suitable for residential development provided that the development is able to demonstrate very special circumstances through the provision of greater sporting facilities. However this is only a Draft proposal and officers in Future Merton have advised that only very limited weight can be given to the principle of development and

that any future development would also have to meet other policy requirements in relation to the quality and standard of the design and its visual impact on the MOL as well as neighbour amenity. However, it is also recognised that the Draft plan has been in preparation for several years now and has gone through 2 major publication exercises. The NPPF is clear that greater weight can be attached as a plan is advanced through the stages.

- 7.6 The applicant claims this part of the subject land does not perform any of these functions and has already been released for development and it would therefore not cause any harm to the wider character and function of the borough's MOL.
- 7.7 In their Stage 1 report the GLA noted "The applicant asserts that the principle of development in this part of the MOL was established by the Secretary of State's decision in 1997 and that the very special circumstances that were demonstrated at that time still exist. This is not accepted as the application the Secretary of State found acceptable did not include housing and was fora different development. The present application must also be assessed against the current development plan and other relevant material considerations
- 7.8 It is also noted that the applicant has cross-referenced the Council's emerging 'New Local Plan 2020'. However, as this plan is at an early stage, it has only limited weight and cannot be accepted as a very special circumstance in its own right. Furthermore, the nature of any enabling development is not confirmed in the draft plan and is envisaged as only contributing towards sporting facilities. Furthermore, the Mayor objected to Merton's proposed site allocation as it did not set out any very special circumstances case when he commented on the draft plan in January 2019
- 7.9 The applicant has also asserted that the proposed development will be located within previously developed land. However, the proposal will be located on an open space which appears as a formal or informal playing field, which cannot be classified as previously developed.
- 7.9.1 The applicant states that at no stage, have they ever asserted that the' proposed development is sited on previously developed land (pdl). Rather, the application site is part of the wider hub site that does include pdl'. However in their stage 1 response the GLA stated in section 21 that 'The applicant has also asserted that the proposed development will be located within previously developed land. However, the proposal will be located on an open space which appears as a formal or informal playing field, which cannot be classified as previously developed'.
- 7.9.2 It is acknowledged that the GLA have sent a further update to their stage 1 response which is more supportive of the development subject to a

secured S106.However, the stage 1 formal comments are still relevant in the context of the overall scheme

- 7.10 Finally, the applicant argues that the proposed 77 homes would help meet the increased housing target identified in the Mayor's Intend to Publish London Plan and has referred to the provision of 'a purely affordable housing scheme in excess of normal policy requirement'. However, these arguments are not accepted as Merton Council's housing target did not presume building on MOL.
- 7.10.1 The applicant has stated 'The Council's projected housing targets must surely be aligned with its new emerging Local Plan work, of which the application site is a fundamental part of. For Officers' to suggest otherwise and that the affordable housing proposal does not contribute towards meeting housing needs in the borough is simply bizarre'. One of the reasons that 100% shared ownership does not meet Merton policy requirements on this specific scheme is that the 100% shared ownership is modelled on having an income of £51,000 £71,000 per annum. The average income in the Mitcham area is £35,000 per annum so not very affordable. 100% shared ownership modelled on an annual income of at least over £50,000 does not meet with current policy requirements.
- 7.11 In relation to the issue of Very special circumstances the GLA concluded "The housing proposal on Metropolitan Open Land is inappropriate development, as it does not preserve openness. The applicant's very special circumstances case including the need for 'enabling development' to fund the new sports and community facilities, could outweigh the harm caused. However, further information and clarifications are required on the extent of and means by which the intended community benefits will be guaranteed and tied into any potential planning permission. The applicant must also demonstrate that the 77 housing units are the minimum necessary to fund specified sports and community facilities. As set out below, it will also be necessary to understand and ensure that the proposed housing would be of the highest possible standard and design, and fully accords with design policies of the London Plan and the Mayor's Intend to Publish London Plan".
- 7.12 Several weeks after the submission of the planning application the applicant submitted a viability report which states that the proposals, subject to grant funding for the affordable housing, could generate sufficient funds to enable the provision of the additional sports facilities in the form of a new Entrance Block/Sports Hall and new Changing Block and Education facility. The independent viability assessment confirmed that the proposals could enable the provision of the sports facilities and provide a level of affordable housing

7.12.1 The GLA advised that the proposals could not be based on Grant funding for the affordable housing and consequently a further viability appraisal was submitted. This confirms that a section 106 could secure the sport facilities based on the viability of the housing being provided and this could therefore consitute very special circumstances

7.14 Affordable housing

A residential development of this scale would be required to provide 40% affordable housing provision in order to be policy compliant. The applicants own initial viability assessment showed "A development providing 35% affordable housing is not financially viable and that a development providing 100% affordable housing for London Shared Ownership tenure is not viable without recourse to GLA grant funding, as this results in a negative Residual Land Value. In order to produce a viable position, this option would require a saving of approximately 15% in the construction costs relating to the Community Hub facilities'. The initial viability report provided by the applicants was based on grant funding being forthcoming. The applicants were reminded that the provision had to be based on no funding and provide 35% affordable housing and that funding should be used to increase the level of provision beyond that. The applicants submitted a further viability assessment that stated that 100% Shared ownership would now be viable and that with funding the proposal could then provide 17% of the units for London Affordable Rent and 83% Shared Ownership.

- 7.14.1 Policy officers noted that In principle the proposal for 100% shared ownership does not appear to accord with the council's adopted statutory development plan. In particular Core Strategy Policy CS8 (housing choice) and Sites and Policies DM H3 (support for affordable housing) requires an affordable housing tenure split of 60% social and affordable rent and 40% intermediate rent or sale. This policy requirement reflects and supports addressing Merton's local housing needs as set out in Merton's Strategic Housing Needs Assessment published in July 2019, which acknowledges that whilst affordable home ownership helps address identified housing needs excessive provision would impact the delivery of affordable housing for those in a more acute need.
- 7.14.2 The independent viability assessment considered the applicant's build costs for the sports facilities to be excessive and even allowing for costs for the repositioning of the watercourse the proposals could provide that 3x London Affordable Rent homes and 74x Shared Ownership homes which should form the base position for the enabling development. If grant becomes available the position should change to 21x LAR homes and 56xshared ownership. The report advises that the based position and the grant funded position should be secured by way of a legal agreement. The report also recommends the

application viability review mechanisms at early and late stage of development as outlined in the Draft London Plan and Mayor's SPG and this is considered appropriate in this case.

7.15 The GLA has commented that "officers will continue to engage with the applicant and the Council to explore the implications of different tenure splits and grant to deliver a more diverse affordable housing mix in line with Policy H6 of the Mayor's Intend to Publish London Plan. An early stage review must also be secured in any S106 agreement and a late stage review may also be required depending on the final level and form of affordable housing."

7.16 **Need for additional housing**

The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. While AMR date shows the Council has exceeded its current 411 target, the target of 918 units per year will prove considerably more challenging. The relaxation of the earlier target (1300+ units) for Merton following the Inspector's finding following the London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019 was predicated on not adopting a particular GLA formula to delivering significant new housing on small sites, with larger opportunity sites such as the application site rising in importance.

- 7.17 The National Planning Policy Framework 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.
- 7.18 Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year. This significant increase will require a step change in housing delivery within the LBM.
- 7.19 Policy H1 'Increasing housing supply' (Draft London Plan Policy) and Table 4.1 of the draft London Plan sets Merton a ten-year housing completion target of 13,280 units between 2019/20 and 2028/29 (increased from the existing 10-year target of 4,107 in the current London Plan). However, following the Examination in Public this figure of 13,280 has been reduced to 9,180. Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report 2018/19). The latest Monitoring report confirms that all of the completions this financial year were on small sites of less than 0.25 hectares in size. All of the schemes except one delivered 10 homes or fewer, with one

scheme of 11 homes. There were no large schemes that completed this year, which resulted in a lower number of new homes built in the borough. Merton has always exceeded the London Plan target apart from 2009/10 and this year 2018/19 where there was a 34% shortfall although in total Merton has exceeded the London Plan target by 987 homes during this period 2004/5-2018/19.

- 7.20 Policy H1 of the emerging London Plan sets out that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: b) mixed-use redevelopment of car parks and low-density retail parks.
- 7.21 Members may consider that the proposal to introduce residential use to this MOL site responds positively to London Plan, draft London Plan and Core Strategy planning policies to increase housing supply and optimise sites and support the application to provide additional housing.

7.22 Residential density

Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating. The area has a public transport accessibility level (PTAL) of 2, where 1 is poor and 6 is excellent. It is considered that the site is located within an suburban area for the purposes of Table 3.2 of the London Plan, given the nature of surrounding built form and the criteria set out in the supporting text to Table 3.2 (density matrix) of the London Plan.

- 7.23 The proposed development would have a density of 157 dwellings per hectare with a Ptal of 2 and smaller sized units the density of 157 u/ha is significantly above the London Plan policy 3.4 recommendation of 50-95 u/ha which may be considered to demonstrate an over development of the site.
- 7.24 In terms of the emerging London Plan, Policy D6 (Draft London plan Policy) sets out that: "Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:
 - 1. the site context
 - 2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
 - 3. the capacity of surrounding infrastructure"

- 7.25 The emerging London Plan does not include a density matrix as it does not necessarily provide a consistent means of comparing proposals. Density has been measured and monitored in London over recent years in units per hectare (u/ha). Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower Hamlets at 488 u/ha. However, comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units. Planning application boundaries are determined by the applicant. These boundaries may be drawn very close to the proposed buildings, missing out adjacent areas of open space, which results in a density which belies the real character of a scheme. Alternatively, the application boundary may include a large site area so that a tall building appears to be a relatively low-density scheme while its physical form is more akin to schemes with a much higher density.
- 7.26 Therefore, whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable; London Plan paragraph 3.28 states that it is not appropriate to apply the density ranges mechanically. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.
- 7.27 Whilst the density is above the suggested range in the London Plan Table 3.2, density guidelines should not be applied mechanically and a more suitable approach to assessing whether the scheme is appropriate in this location and following the direction of travel of emerging London plan policies, which no longer rely on the density matrix, requires further and more detailed consideration of context, connectivity and local infrastructure. It is a matter of judgement for members to decide whether the significant community and sporting benefits of the scheme would justify the quantum of development proposed.

7.28 **Housing mix**

London Plan Policy 3.8 'Housing Choice', draft London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments. London Plan Policy 3.11 states that priority should be given to the provision of affordable family housing. The GLA commented "The applicant is proposing 15 one-bed and 62 two-bed homes; hence, no family housing is proposed and the Council should confirm whether the scheme's housing mix would meet its identified needs and the scheme's ability to deliver a mixed and inclusive neighbourhood."

Proposed	Sqm	GF	1 st	2 nd	3 rd	4 th	5 th	Total	%
2 Bed flat (2B4P)	70	8	9	10	10	7	2	46	59.74
2 Bed flat (2B3P)	61	0	4	4	4	2	2	16	20.78
1 Bed flat (1B2P)	50	2	2	2	2	2	5	15	19.58
Total		10	15	16	16	11	9	77	100

7.29 Design/Bulk and massing/Appearance/Layout.

Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).

7.30 Bulk and massing.

London Plan policy 7.4 and SPP policy DM D2 require developments to relate positively and appropriately to the siting, rhythm, scale, density and proportions of surrounding buildings and the pattern and grain of existing streets.

7.31 . Housing in the local area is predominantly low rise in the form of two storey suburban housing although there are some higher four storey blocks opposite the site. This proposal would have four storeys closest to Bishopsford Road but would increase to six storeys towards the back of the building. Whilst this may mitigate some of the impact from Bishopsford Road, the six storeys would still be visible when viewed side-on from Bishopsford Road and would be readily visible from the houses in Hillfield Avenue and from the MOL in Poulters Park. The application has generated a number of concerns and objections from neighbouring residents, the LB Sutton and the CPRE who consider that the bulk and massing of the proposals are inappropriate and overly dominant in this setting. Officers consider the scheme has been designed with the local context considered and the stepped back approach reduces the overall impact. It is a matter of judgement whether the provision of new housing and sports facilities outweighs these concerns.

7.32 **Design-Appearance**.

The proposals have been designed using a light-coloured palette of materials and it may be considered that the use of landscaping would mitigate the impact of the lower level whilst the upper levels are set back to reduce the impression of bulk and two sections of green walls are proposed on the southern elevation to break up the massing. A significant concern relating to the design was the car parking proposals. The London Housing SPG Standard 19 – states that 'Careful consideration should be given to the siting and organisation of car parking within an overall design for open space so that car parking does not negatively affect the use and appearance of open spaces'. Following officer concerns that the site was dominated by the level of proposed parking surrounding the block revised drawings were submitted for 55 spaces with planting breaking these into smaller bays of typically 4 or 5 bays. The applicants did not request the proposals be considered by the Design Review Panel and neither the Council's Design officer or Conservation officer were supportive of the design of the proposals in this location.

- 7.32.1 Members may consider that the dominance of the car parking is not considered to have a detrimental impact on the appearance of the proposal, exacerbated by its setting in the MOL. It is a matter of judgement whether the identified issues with design, size and bulk is outweighed by the benefits in terms of the provision of housing and sports facilities being provided.
- 7.32.2 Since the withdrawn June report the applicants state "Significant changes have been incorporated into the design to mitigate the issue of the 'single aspect' units as set out in the updated Design & Access Statement (see Section 9). These have not been reflected in the Officer's report". Officers considre that these mitigations relate to making a smaller footprint and keeping it away from neighbours. They do not address issues of resultant over heating, monotony of the view etc which can result from single aspect units.
- 7.32.2 It is accepted that alternative designs could allow for less single aspect units. Courtyards for instance would assist, however it is acknowleded that they would significantly increase the footprint of the building and consequently its visual impact on the MOL

7.33 **Design layout**

Although the proposed units all meet the minimum space standards for GIA and amenity space, SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation including the provision of a safe and secure layout.

- 7.34 The applicants were advised at the pre application stage that officers were concerned about the single aspect nature of most of the units, London Housing SPG Standard 29 states 'Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.' Around half the units are single aspect. Concerns were also raised about the use of long internal corridors, London Housing SPG. Standard 14 states 'Where dwellings are accessed via an internal corridor, the corridor should receive natural light and adequate ventilation where possible.' The corridors and the cores receive no natural light or ventilation, however these have now been reduced in length to 30m. It is acknowledged that the design of the scheme has its shortfalls. However, again, it is a matter of judgement whether the provision of housing and sports facilities outweighs these considerations
- 7.35 A number of issues were identified by the Metropolitan Police Safer by Design Officer; The orientation of the ground floor units should be reconsidered so the front doors promote activity, Ground floor unit amenity spaces are easy to access and susceptible to burglary, areas of undercroft parking lack natural surveillance and should be eliminated from the design, Bin and bike store walls susceptible to graffiti and bike store doors are not well overlooked. These design flaws were not addressed by the applicant but members may consider that the provision of housing and sports facilities outweighs these considerations.
- 7.36 Playspace and amenity space provision. London Housing SPG Standard 5 (and London Plan Policy 3.6) For developments with an estimated occupancy of ten children or more, development proposals should make appropriate play provision in accordance with the Mayor's Play and Informal Recreation SPG which expects a minimum of 10 sq.m. per child to be provided in new developments, and makes clear that play space should not be segregated by tenure. In accordance with the above, the scheme has been calculated to generate a child yield of 32, given this there is a requirement to provide 320 sq.m. of play space across all age groups. The proposals the minimum of 160 sq.m. of play space for 0-4-yearolds, which given the location of the development within playing fields which may be suitable for the other age groups
- 7.37 In addition to the playground the proposals provide 495sqm of amenity space, as shaded dark green on drawing 006 E, which comprises of the garden spaces to the back of the accommodation block and the park area. The ground floor units would all have self-contained amenity spaces of around 30sqm whilst all the upper floor flats would have policy compliant balconies in addition to which there would be 375sqm of Communal roof terrace. The 1255sqm of general landscaping is shown as the lighter green spaces on the updated plan 006 E. A

calculation has been undertaken by the applicant to show that the site achieves a 0.4 Urban Greening Factor, and as such complies with the London Plan.

7.38 **Neighbour Amenity.**

London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to amenity impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.

- 7.39 A large number of objections were received in relation to the impact of the block on the amenity of neighbouring residents. Residents overlooking the site currently enjoy relatively open views across the site. It is acknowledged that the block has been located as far from the houses on Hillfield Avenue as possible. The block will still be clearly visible with 4, 5 and 6 storey elements.
- 7.40 Concerns were raised in relation to loss of privacy. The communal terrace would be located to the front of the site and the distance between the Communal Terrace and the back gardens of the houses on Hillview is 30m. Amenity balconies for the flats on the south side of the building would look towards neighbours on Hillfield Avenue at a distance of between 38-40m from the rear garden fences of those properties. Officers consider that at this distance issues of privacy, overlooking and loss of light would not warrant a refusal of the application.
- 7.41 Objections were received raising concerns that the proposals would result in a loss of light to neighbouring properties. However a combination of the separation distance and relative positioning of the block to the north of the closest neighbouring properties means that officers consider that the proposals would not materially harm the amenity of neighbours from a loss of light.

7.42 Parking, servicing and deliveries.

Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.43 The revised proposals involve the provision of 55 car parking spaces including 8 dedicated for disabled parking and 11 for electric vehicle charging. The GLA noted the applicant should provide 20% of all car spaces with active electric vehicle charging points (EVCP), with the remainder provided with passive provision.

7.44 With a proposed 168 cycle spaces the proposals exceed the required 147 long stay cycle parking spaces and 3 short stay spaces. All cycle parking should be provided in line with the London Cycle Design Standards (LCDS), short stay spaces should be located close to building entrances and integrated into the public realm. A minimum of 25% of cycle parking provided should be Sheffield stands at the conventional spacing of 1.2 metres. A further 5% of the parking should be Sheffield stands spaced more widely (1.8 metres between stands) to accommodate larger cycles. A condition requiring details of the cycle parking should be provided, which reflect both the Mayor's Intend to Publish London Plan policy and the LCDS is recommended.

7.45 Communal and sports facilities

London Plan Policy 3.19 (Sports facilities) encourages the provision of sporting facilities and the proposals have generated a lot of support from users of the current facility as well as local sports bodies who would welcome the provision of new facilities that the applicant states can be provided as a direct result of this enabling development which were approved but never fully implemented.

7.46 The GLA recommended full details of the affordable and accessible usage of the new facilities must be agreed with and secured by the Council. This should include details of pricing and levels of provision in the form of a draft community use agreement which should be submitted prior to any Stage 2 referral to the Mayor.

7.47 Flood risk and drainage

Following the submission of revised details and information and subject to the imposition of appropriate conditions there are no longer any objections to the proposals on the grounds of flood risk.

7.48 **Heritage impact**.

Chapter 16 'Conserving and enhancing the historic environment'. Paragraph 189 of the NPPF 2019 states:- 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

7.48.1 The applicants submitted a Heritage Impact Assessment that they compiled themselves as the proposals have the potential to impact views from the

Wandle Valley Conservation Area and a very small section of the CA is within the applicant's wider site ownership. This area of land is occupied by a biodiversity sanctuary area where the club are working in partnership with the National Trust to maintain an area of refuge for wildlife that has been created, particularly focusing on habitats for local species of importance.

- 7.48.2 The HIA includes a set of 12 views from the CA towards the site and determined that "from 5 out of the 12 locations, the new development will not be seen. There are only two views (at locations 2 and 4), where the new development will be reasonably prominent, but those views are not harmful to the WVCA or its setting".
- 7.48.3 The applicants' own HIA concluded "For all of these reasons, we conclude that the relevant conservation policies, both at local and national level, are satisfied and accordingly no harm will be caused to the heritage asset of WVCA".
- 7.48.4 There have been a large number of objections from various officers, local people, local interest groups, Sutton council and National organisations such as the Campaign for the Preservation of Rural England but Members many consider the provision of affordable housing and sports facilities outweighs the impact on this heritage asset.

7.49 **Noise impact**

Sports England raised concerns relating to the impact of noise from the All Weather Pitch on the amenity of the occupiers of the new units. A noise impact assessment was therefore commissioned and this sets out mitigation measures that can be taken to allow all flats and residents within the scheme not to be adversely impacted by the proximity to the AWP and how all apartments will comply with the Sport England Guidelines

- 7.49.1 The Sport England's acoustic data was derived from 9 separate measurements including Hockey, football and rugby matches. The use of the Sport England Guidance and associated data included within it addressed the concerns of the Sport England objection.
- 7.49.2 An area source was therefore plotted and calculated (prior to the introduction of the buildings) within the IMMI noise modelling software and calibrated to ensure that the sound source, ie the AWP pitch met 58dB LAeq, 1 hour. Residential properties as well as boundary conditions, were then added to the model to ensure that it was as robust and realistic as possible. With the residential receptors of the proposed scheme placed into the mapping software, reception points were added at the Northern façade closest to the AWP, as well as East, West and Southern positions for comparison. Due to

the limited traffic flow because of the nearby bridge collapse In order to overcome this, the Calculation of Road Traffic Noise (CRTN) dated 1988 was used within the IMMI noise modelling software. Specific inputs included a 2018 road traffic count (18 hour) to be 161,186 vehicles, with 5.5% heavy goods vehicles and using 50kph, as detailed in the reference documents for roads lower than 30mph. With closed windows utilising triple glazing, all habitable spaces (ie bedrooms and living room areas) will meet the reduced criterion discussed in Section 2 of the report. Rapid/Purge ventilation and background ventilation will be provided by mechanical ventilation as detailed within the accompanying Calford Seaden Energy report dated November 2019.

- 7.49.3 The report concluded that noise modelling approach demonstrates that future residents within the scheme, with the mitigation measures recommended, will not be impacted by sport related sounds from the AWP and/or road traffic noise from the A217.It is suggested that to provide background ventilation of the residential scheme, MVHR will be considered, avoiding the need for residents to open windows. Additionally, there will be a requirement to upgrade the glazing to protect future occupants from noise with an Rw of 33 dB and an RTraffic value of up to 37 dB depending on the location of the habitable spaces. This should future proof the development.
- 7.49.4 If members are minded to recommend approval of the application a condition that the works are undertaken in accordance with the recommendations of the Noise Impact Assessment compiled by Acoustic Associates dated January 2020 and those required by Sports England is recommended.

7.50 Fire safety and resilience

In accordance with Policy D12 'Fire safety' of the Mayor's Intend to Publish London Plan, all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The GLA have stated that the Council should ensure this statement is submitted, shared with GLA officers and secured through appropriate planning conditions and/or S106 clauses.

- 7.50.1 The application was submitted with a Fire Strategy which made a number of design recommendations including;
 - As the escape route from the apartments bordering the atrium on the first floor is not separated from the void each apartment should be provided with an alternative exit which can be an escape window.
 - The common corridor should be separated from the atrium by an FD30S fire door.
 - The problem with this design is that it creates 4 single end corridors each that would have to be independently vented with a 1.5m2 natural shaft as

- none have access to an outside wall allowing fitting of a simple AOV. Venting would also be needed to the longer corridor i.e. 5 shafts in total.
- A more advantageous layout principle is shown in the sketch below involving the use of a linking corridor. (this can be reflected at the other end as well).
- 7.50.2 Given that over half the wheelchair accessible units are not on the ground floor, which is not referenced in the strategy and design changes would be required, the need for a full Fire Statement is self evident for occupier and fire fighter safety and a condition is recommended.

8. SUSTAINABILITY AND 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.
- 8.2 The GLA were satisfied that the applicant has provided the relevant modelling output sheets for the Be Lean and Green stage of the energy hierarchy. The carbon dioxide savings meet the on-site target set within Policy 5.2 of the London Plan for domestic uses.
- 8.3 However, despite the application being submitted with an Energy Statement the Council's Climate change officer considered that the proposals failed to demonstrate the required 10% improvement through energy efficiency. This requirement has been flagged in the GLA's guidance on preparing energy assessments since 2018. However, the proposed development would only achieve a 6.43% improvement through energy efficiency measures.
- 8.4 The applicant has not adequately assessed the risk of overheating and has requested to undertake the overheating analysis as part of a condition which is reomended. However, if the overheating analysis finds that the risk of overheating is unacceptable with the current design, significant changes to the scheme may be required, which would then have knock-on effects on the energy statement and the carbon offset contributions.

9. CONCLUSION

9.1 The site is located on land designated as Metropolitan Open Land and as such any development on the land is required to demonstrate Very Special Circumstances to justify this. Sutton Council and others are of the opinion

that the applicant has failed to demonstrate that the test of very special circumstances has been met and concerns relating to the harm to the openness and character of the MOL have also been raised by neighbouring residents as well as the Campaign for the Preservation of Rural England, The Wandle Valley Forum and the Mitcham Cricket Green Community and Heritage Group as well as neighbouring residents. Others support the application due to the benefits of the scheme. It is also acknowledged that the site has provided significant community facilities over the years to the benefit of residents. The applicant states that the proposals would be able to provide a 100% affordable shared ownership housing development that would also enable the provision of;

- i) A New Entrance Block/Sports Hall incorporating changing rooms and amenity space with a flexible space which will cater for a wide range of sporting activities including:- basketball; futsal; volleyball; badminton; netball; indoor cricket; handball; gymnastics; dance; martial arts and aerobics
- ii) A New Changing Block and education facility:- This would provide changing facilities for the AWP at the rear of the site, together with a clubroom and changing room for a local running club, training, seminar and common rooms for in house education, volunteering and apprenticeships.
- iii) The applicant also states that the proposals would facilitate funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site.
- 9.2 Following independent verification of the viability of these proposals it has been confirmed that they would enable the provision of the sports facilities and at least 3x LAR units and the remainder in shared ownership. If members consider that the tests for very special circumstances have been met then it is recommended that the provision of these enabled projects be subject to a legally binding s106 agreement.
- 9.3 It is acknowledged that the scale, bulk and massing of the proposed block at up to six storeys has been considered by some to be excessive for this sensitive location. It is clearly visible and will be seen in the context of the relative openness of the MOL
- 9.4 The proposals will however provide 77 predominantly shared ownership affordable housing units and subject to a legally binding s106 a number of previously approved but not fully implemented sports facilities will be provided for the benefit of the overall community. As is always the case with planning applications the relative benefits of a proposal needs to be weighed against any detrimental impacts. This report has demonstrated that these issues in relation to this site are finely balanced and officers consider that significant weight can be attached to the provision of housing and the

sporting facilities to be provided. It is a matter for Members to judge whether those competing interests outlined in the report are sufficiently reconciled to follow the officer recommendation

- 9.5 **Approval is recommended:** subject to conditions and s106 agreement.
- 10 Conditions and Legal Agreement Heads of Terms
- 10.1 s106 Heads of terms
 - Affordable housing provision including early and late stage review mechanisms.
 - A New Entrance Block/Sports Hall
 - A New Changing Block and education facility
 - funds to cover the associated annual costs with managing and maintaining a biodiversity area in the south east corner of the site.
 - The carbon offset contribution proposed is £78,392 in accordance with the applicant's latest Energy Strategy dated April 2020.
 - Subject to the results of the planning condition number 16 relating to energy
 efficiency and overheating, the applicant may review the carbon offset
 contribution in line with the new Energy Statement. This sum will be agreed at
 the time of the assessment and would need to be agreed prior to
 commencement of development as this would allow the applicant to amend
 the scheme to optimise energy efficiency and mitigate overheating.
 - full details of the affordable and accessible usage of the new facilities must be agreed with and secured by the Council. This should include details of pricing and levels of provision in the form of a draft community use agreement which should be submitted prior to any Stage 2 referral to the Mayor.
 - Fire Statement
- 10.1.1 The GLA recommended the following heads of terms if Members were minded to recommend approval;

Core s106 issues:

- A guarantee that the full value of the enabling housing would be used to deliver identifiable and agreed new sports and community facilities – which might be best achieved by an updated viability assessment being submitted to Merton Council prior to implementation to transparently demonstrate this.
- Delivery of the sports and community benefits prior to occupation/housing start on site and robustly secured going forward.

- Any additional sports or community funding would be used to provide additional facilities, not to part fund those elements that it had been agreed would be funded from the profits from the housing.
- The submission of a new or updated Community Use Agreement that included full details of the affordable and accessible usage of the new facilities prepared in conjunction with Sport England.
- The delivery of the 3xLAR units and 74 shared ownership affordable housing units (without grant).
- A requirement to seek affordable housing grant to "improve" the AH tenures through a named Registered Provider ideally to deliver at least 35% affordable rented or social rented accommodation.
- Full incorporation of London Plan affordable housing definitions and requirements.
- Payment of any carbon off-setting contribution.

Other potential S106 matters and/or conditions:

- Provision of 8 wheelchair accessible units across all floors and close to lifts.
- Provision of the children's play space.
- Delivery of safe and secure pedestrian routes through the site.
- Implementation of mitigation measures as outlined in the Fire Strategy Statement.
- Implementation of all energy, drainage and UGF (0.4) measures.
- Delivery of Blue Badge parking, cycle parking and Heathy Streets initiatives in accordance with relevant Mayoral standards.

The applicant agreed these matters as potential Heads of Terms for any S106 agreement to in order to address Mayoral concerns. The GLA strongly suggested the applicants discuss them with you as LPA.

10.2 Conditions

- A1 Commencement Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2) A7 Built to plans Site location plan and drawings 17/640/P006 Rev E, 17/640/P600 Rev B, 17/640/P601 Rev A, 17/640/P602 Rev A, 17/640/P603 Rev B, 17/640/P604, 17/640/P605, 17/640/P606 Rev D, 17/640/P008 Rev B, 17/640/P610, 17/640/P611, 17/640/P612, 17/640/P613, 17/640/P614, 17/640/P615 & 17/640/P620A Rev A
 - Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified in the 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 [Landscaping]: Full details of a landscaping scheme shall be submitted to and approved in writing by the LPA and these 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. The details shall include on a plan, the size, species, spacing, quantities and location of the plants, such details shall include the replacement TPO tree. Any trees which die within a period of 5 years form 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 the same approved specification, unless the LPA gives written consent to any variation. 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 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.
- 5) Standard condition [Hardstandings]: The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason: Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system 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.
- 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) Standard condition [Cycle storage]: 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.
- 8) Parking facilities to be implement prior to occupation including 20% of all car spaces with active electric vehicle charging points (EVCP), with the remainder provided with passive provision. 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) 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 Page 35 Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
- 10) Details of site access and road junction layout to be approved: 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
 - 11) H12 Delivery and Servicing Plan to be Submitted
- 12) H13 Construction Logistics Plan to be Submitted (major development)
- 13) The development hereby approved shall be undertaken in accordance with the recommendations of the Noise Impact Assessment compiled by Acoustic Associates dated January 2020. Reason to protect the amenity of occupiers in accordance with Policy DM EP 2 of the Merton Sites and Polices Plan 2014
- 14) Prior to the practical completion certificate being issued, sound testing shall take place inside the flats which face on to the Artificial Grass Pitch and are most exposed to pitch activity noise to ensure that the sound levels do not exceed 30dB LAeq,16hr or 31.3dB LAeq,1hour, whichever is higher. If the

results fail to meet those set out in the report, remedial work will be carried out and retesting will be carried out in the affected area(s), prior to the occupation of the affected flat(s).

Reason: To protect the Artificial Grass Pitch's availability of use and to accord with Development Plan Policy DM EP 2 of the Sites and Policies Plan 2014

15) The mechanical ventilation system to provide background and purge ventilation mentioned in the planning application is to be commissioned and tested prior to occupation of the flats, and thereafter maintained in accordance with the manufacturers" instructions.

Reason: To protect the Artificial Grass Pitch's availability of use and to accord with Development Plan Policy DM EP 2 of the Sites and Policies Plan 2014

16) Energy Strategy & Overheating Assessment

'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority an updated energy strategy and supporting evidence demonstrating that the proposed development has maximised savings through energy efficiency and mitigated the risk of overheating in line with the GLA's guidance on preparing energy assessments (2018)

REASON:

To ensure that the development achieves a high standard of sustainability, makes efficient use of resources and minimises the risk of overheating, and to comply with the following Development Plan policies for Merton: Policies 5.2 and 5.9 of the London Plan 2016, and Policy CS15 of Merton's Core Planning Strategy 2011.

17) District Heat Networks – London Heat Networks Manual 'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority 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.

18) Internal water usage rates

No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve internal water usage 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 5.15 of the London Plan 2016, and with Merton's Core Planning Strategy 2011.

19) Carbon reductions and internal water usage rates

'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 in accordance with those
outlined in the Applicant's Energy Strategy dated April 2020, and internal
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 5.15 of the London Plan 2016, and with Merton's Core Planning Strategy 2011.

- 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) as agreed in 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 occupants.
- 21) Prior to the commencement of development, a detailed drainage investigation and inspection (via CCTV survey) of the existing drainage ditch shall be undertaken to check its capacity, condition and any lateral connections and flow direction. As the proposed scheme includes realignment of the drainage ditch, no culverting must be undertaken and this inspection is required to be done before any realignment or diversion work to ditch takes place. **Reason:** To reduce the risk of flooding to the proposed development is not increased and the capacity and condition of the ditch is not compromised before any diversion takes place.

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage scheme will include detailed drainage layout construction drawings and dispose of surface water by means of a sustainable drainage system (including green roofs, permeable paving, SuDS tree pits and Raingardens) at a restricted runoff rate (no more than 3l/s) and attenuation provision of no less than 328m3, 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:

The prior written consent of Merton Council as Lead Local Flood Authority, under the Land Drainage Act is required for any proposed works to the existing ditches (Ordinary Watercourse) including any proposed realignment or diversions. Any proposal for culverting other than for access via a small bridge will not be permitted.

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).

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



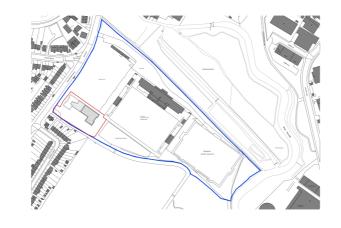
NORTHGATE SE GIS Print Template



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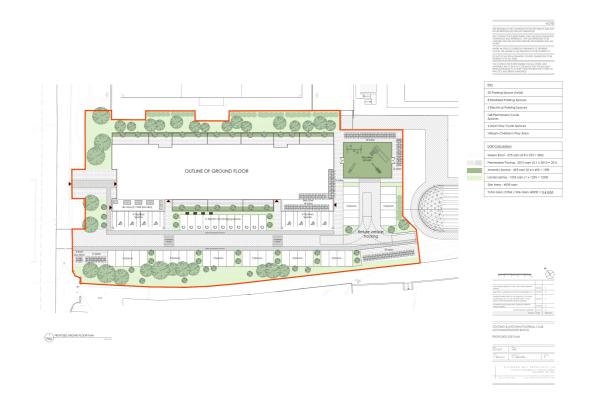










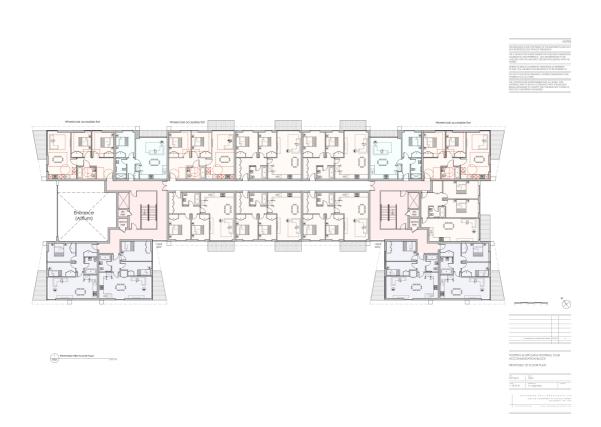






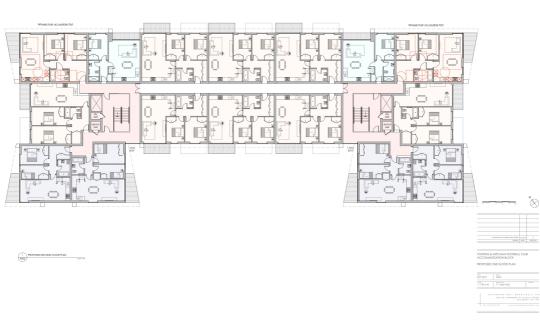






















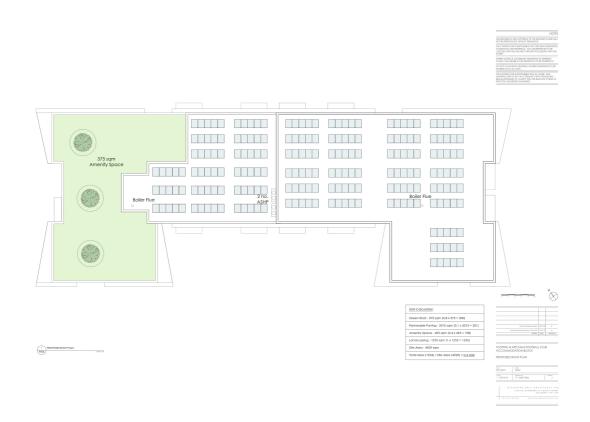


























































PLANNING APPLICATIONS COMMITTEE 20th August 2020.

Item No:

UPRN APPLICATION NO. DATE VALID

20/P1060 07.04.2020

Address/Site Former Sparrowhawk site, 159 Commonside East, Mitcham,

CR4 2QB

Ward: Figges Marsh

Proposal: DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION

OF BUILDINGS TO CREATE 25 SELF-CONTAINED

RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND

LANDSCAPING

Drawing Nos; Site location plan and drawings P101C, P102B, P103B, P104,

P105, P201B, P202A, P301A, P601, P602A, P701, SH/SP103 &

SH/SP101

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to a section 106 agreement for off-site affordable housing contribution, permit free development and carbon offsetting and relevant conditions.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes at Pre App stage
- Number of neighbours consulted: 85
- Press notice Yes
- Site notice Yes
- External consultations: Metropolitan Police & Historic England

- Archaeological Priority Zone Yes
- Controlled Parking Zone Yes, along Commonside East frontage
- Number of jobs created: N/A
- Density 131 Dwellings per hectare

1 INTRODUCTION

1.1 The application has been brought before the Committee due to the level of public interest.

2. **SITE AND SURROUNDINGS**

2.1 The site is an irregular shaped plot of land located at the junction of Commonside East and Hallowell Close in Mitcham. The site comprises a detached house and a disused scrap yard. The site is surrounded by predominantly residential properties with two storey interwar terraced houses and a garage area along Hallowell Close and a converted public house on Commonside East and a block of flats being the adjacent neighbours whilst the bridge on Commonside East screens much of the site from Mitcham Common which is opposite the site. The site is now adjacent to a CPZ that has been implemented along Commonside East and prohibits parking for non-permit holders between the hours of 8.30am and 6.30pm. The site is adjacent to the Mitcham Cricket Green Conservation Area. It is located within a Tier 2 Archaeological Priority Zone and has a Ptal rating of 3. The site is within Flood Risk Zone 1 and therefore deemed to be at low risk of flooding.

3. **CURRENT PROPOSAL**

- 3.1 Following a previous refusal of permission for flats on this site, this application seeks planning permission for the demolition of all buildings on the site and the erection of a new part three storey part four storey apartment block. With a proposed quantum of 25 units the proposals represent a reduction in numbers by three units over the refused scheme.
- 3.2 The vehicular access to the site leading to 17 parking spaces and including 2 disabled and 4 EV capable spaces will be from Commonside East via a gated entrance which also serves the cycle storage for 35 bicycles in a secured bike storage shed. The refuse store would also be located alongside this access.
- 3.3 The main pedestrian entrance to the block would also be via Commonside East . At ground floor level this elevation provides three x 1 bedroom units (2x wheelchair capable) with ground floor amenity gardens to the rear with a two bedroom (also wheelchair capable) unit with ground floor garden in the south

east corner of the block. Four x duplex units would face the Hallowell Close elevation all set behind small front gardens and with rear ground floor gardens. As submitted, the existing pavement configuration would have been be altered to provide 6 parking spaces to replace the more informal on pavement parking along Hallowell Close in front of the site. The applicant has since confirmed that whilst they will pass that land to the control of the Council they consider paying £25k towards providing the bays unreasonable and therefore will not be providing those spaces.

- 3.4 Access to the upper floors would be via a combined stairwell and lift shaft accessed at the end of the main pedestrian entrance. At first floor level these open out onto an access deck that serves the five units facing Commonside East. There being no access from here to the duplex units on Hallowell Close.
- 3.5 At second floor level the deck access would serve five units facing the common and to the four one bedroom units facing Hallowell Close.
- 3.6 At third floor level the deck access would serve the top three units facing Commonside East along with a communal roof terrace area in the south east corner of the building.
- 3.7 The block would be finished in a mixed palette of materials including the predominant finish of light buff brickwork with light coloured mortar, fluted pale concrete panels and grey-green zinc for the roofs with this colour carried over into the door and window framing.

3.8 Accommodation Mix

Unit type	Number	%
Studio	1	4
1 Bed 2 Persons	13	52
2 Bed 3 Persons	1	4
2 Bed 4 Persons	4	16
3 Bed 4 Persons	2	8
4 Bed 6 Persons	4	16
Total	25	100

4. PLANNING HISTORY

- 4.1 06/P1778- Planning permission granted for erection of single storey rear extension
- 4.2 90/P1098 1136 Planning permission granted for the construction of a monopitch roof above existing flat roof of warehouse building.
- 4.3 17/P2574 Planning permission refused by PAC and appeal dismissed for DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF BUILDING TO CREATE 28 X SELF CONTAINED RESIDENTIAL UNITS WITH ASSOCIATED PARKING AND LANDSCAPING.

Reasons; The proposals by reason of their size, siting massing and bulk would result in an unneighbourly overdevelopment of the site, and would be unduly dominant and unduly prominent, failing to relate positively and appropriately to local character to the detriment of neighbouring occupiers and the visual amenities of the area. The proposals would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2015), policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).

The proposals by reason of their design and layout would fail to provide a satisfactory standard of accommodation for future occupiers arising from a failure to provide adequate outdoor amenity space for all units, and failing to demonstrate to the satisfaction of the Council that the number of single aspect units has been minimised. The proposals would be contrary to policy 3.5 of the London Plan (2015), policy DM.D2 of the Merton Sites and Policies Plan and Standards 26 and 29 of the Mayor's Housing SPG 2016 (as amended in 2017).

The proposals by reason of the number of units proposed would be likely to exacerbate pressure on kerbside parking locally to the detriment of the amenities of existing residents. The proposals would be contrary to policy CS20 of the Merton Core Planning Strategy (2011).

In dismissing the appeal the Inspector concluded; 'I have found that the proposal would contribute toward the supply of housing in the area, re-use a brownfield site, the traffic and parking relating to the proposed flats would not harm the safe and efficient operation of the highway network and there would be contributions toward carbon offset projects and to the local highway. However, these factors are not sufficient to outweigh the harmful effect the works would have on the character and appearance of the area and the flats would not provide adequate living conditions for prospective occupiers. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed'.

5. CONSULTATION

- 5.1 The applicants undertook their own public engagement on the scheme comprising of the delivery of 127 consultation leaflets to homes in the immediate area surrounding the site. Face to face meetings and discussions have also been held with Ward Councillors, including a meeting with Councillor Stanford and Councillor Akyingyina. The application was accompanied by a Statement of Community involvement
- 5.2 The application was advertised by means of Press and site notices and letters to 85 neighbouring occupiers. As a result 14 neighbouring residents objected raising concerns relating to;

BULK AND MASSING

- As with previous applications the height of the building is still too high, The 4 storey building (GROUND ,1st , 2nd and 3rd) Makes this higher than any neighbouring structure.
- Reducing the height of the building would mean fewer residence and this may mean they would have enough spaces.
 The communal balcony compromises the privacy of at least the first three houses on Hallowell close as the balcony will allow residents to look straight into the bedroom windows.
- This development as planned is not suitable for the plot, a far smaller and lower development is required.
- the property proposed is still too high for this residential street
- It is a 4 tier building including the ground floor
- The building is still too tall in relation to its environment. The area of Commonside East and Hallowell Close is obviously not a high rise area
- The front axonometric diagram shows how much the development dwarfs surrounding houses. Therefore, as noted in the previous appeal rejection letter 'The impact of the proposed development on the character and appearance of the surrounding area' remains unchanged, and the reduction in the number of dwellings has not been reflected in a reduction in the developments height.
- The reduced number of units still leaves the development vastly overpopulated, the area cannot cope with the overcrowding
- The structure is still too high it will be totally out of character with the surrounding houses which ae mainly 1930's terrace houses and even older cottages,
- Just setting back the flats on the third floor does nothing to alter the fact it is still far too high and it will overshadow most of Hallowell Close and be leaving half of the residents having to look out at this obscene structure.

DESIGN & APPEARANCE

- The corner of the building on the very junction of Hallowell Close and Commonside East is a wall that sticks out and is 9-10m in height, this needs to be shaped better to fit more with the building:
- The lift shaft that is used for the flats on the 4th floor is not settled into the design of the building looks more like an after thought. This is an eyesore as this also creates a pillar wall that reaches 12-13m in height
- The new plans show less entrances to the flats from Hallowell close than the
 previous plans. This was one of the designs ideas that came with praise for
 the idea that private entrance doors would allow for more of a community feel
 of these flats that are on Hallowell Close, as the main entrance to the building
 in on Commonside East.
- The building would have a harmful effect on the character and appearance of the surrounding area even though the plans have been amended.
- It is our opinion that the current vista has not been taken into consideration of the developers.
- the new build will be out of character and be far too big
- These 'penthouses' look like sheds, and while they would provide those who purchase them views of the common over beehive bridge, they add to the height of the building, again illustrated in the south elevation drawing.
- They appear to be served by a lift shaft between the blocks, which extends to the roof dwellings. I have looked at other blocks locally, eg at Bond Road, and note that they do not have these rooftop constructions.

PRIVACY

- With a communal space we envisage gatherings here which will have an impact on local residents, this should be removed.
- This building will impose hugely on their human right to privacy, also blocking out the sunshine we enjoy now making it very dark and depressing.

PARKING

- Since the previous application double yellow lines are down the full length of one side of the street so parking has become even more cramped. The spaces allocated to development wouldn't be enough and it should be stated that the new development shouldn't have access to permits for the surrounding streets
- Even without permits residents and their visitors would still park in the Close, there is not enough room for the residents now.
- Not enough spaces are available

- They have not planned for enough parking to accommodate that number of dwellings. There is enough pressure on parking in this street.
- Potentially, there could be 50 additional cars.
- this will impact on the already overcrowded parking
- There is no facility for deliveries of materials and the large plant that would be needed to carry out this development
- Refuse collections are already hampered by residual traffic. This could be further hampered by parked material delivery vehicles
- The 17 onsite parking spaces are also inadequate, two are reserved as disabled bays bringing it down in real terms to 15, which is nowhere near enough,
- We have already had the benefit of pavement parking taken away by Merton Council and the shortage of on street parking will most definitely lead to an altercation between a once friendly community.

OTHER COMMENTS

- The actual proposed images of the development are attractive but the number of units should be reduced to a more realistic proposal that accommodates parking for say 2 vehicles per unit.
- How are they intending to compensate the current residents for the disruption caused by the endless comings and goings of truckloads of building materials? They have not specified a projected time for completion. It could go on for months and months.
- The land should be developed but do they really have to shoehorn people in at such high density? It should be done sympathetically with the surroundings here. These plans smack of maximising every last buck and they have not considered people's welfare.
- Without the 4th storey, the roof dwellings this is an acceptable development. It is good that it has been confirmed that the residents will be unable to apply for residential parking permits. Even with parking restrictions in place, parking is still difficult on the road and is a major concern for those living there already.
- Suspect that the timing for submitting this highly controversial planning application forward now is G&L homes know that whilst the country is in the middle of a global pandemic and is in lockdown, it will be extremely difficult for the residents of Commonside East and Hallowell Close to be able to talk, and hold any meetings or to take action, as we have previously to get this application rejected, as it has been twice before at both council appeal level, and housing and regeneration level.
- As we border the Mitcham conservation area this will change the character of the whole area, and possibly ruin the close community spirit the residents have now.

- Merton council should reject this development or at least suspend it until the current pandemic is over and residents have the opportunity to unite against it, something the developers are trying to avoid.
- Policy CS8 in the council's core planning strategy sets a borough-wide affordable housing target of 40% for developments of 10 or more units. The applicant's application form states that none of the 25 units will be affordable housing. We ask the Council to require that its 40% target be met.

5.3 The Mitcham Cricket Green Community & Heritage;

- No objection to a residential use.
- Design welcomed for additional design details, use of recessed balconies and dual aspect units throughout.
- Massing & height remains excessive and will still be as prominent as the refused scheme
- Only marginally lower and retains issues of a flat roof above ridge line of 145 Commonside East and incongruous relationship with houses on Hallowell Close that lead to appeal being dismissed
- Intrudes negatively on the Conservation area and detracts from No 145 which makes appositive contribution to the CA
- Fails to provide any affordable housing relying on a flawed assessment
- Fails to address impact on parking and should not assume that the Town Green can be legally parked on.
- Poor quality blank frontage on N & E elevations
- This is an Archaeological Priority Zone and consent should be conditional on archaeological investigations.

5.4 The Metropolitan Police Safer by Design Officer

The site is on the periphery of Mitcham Town Centre which is Merton Boroughs crime hot spot having a high volume of crime and antisocial behaviour. Security should be of paramount concern with robust security measures incorporated into the design and build. There is no mention of security or crime considerations within the Design and Access Statement. The Officer's recommendations are addressed in the design section of this report

5.5 English Heritage-

The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.

However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard.

This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. I therefore recommend attaching a pre-commencement condition which is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

5.6 <u>Design Review Panel.</u>

On 30th January 2020 the pre application drawings were submitted and the design received a GREEN verdict

The Panel were unanimous in their praise for the appearance and architecture of the proposed design. They felt was it carefully thought through and well considered. It had good levels of detailing and responded well to the two different streets. The Panel also liked the proposed materials and reserved palette, though did question the white colour of the railings. The dual aspect nature of the flats was praised. However one deck did have bedrooms directly onto the deck without a privacy buffer and it was felt this should be provided. The Panel did also note the relatively high level of parking provided, despite no policy requirement for this amount. This issue was discussed and in the context of a possible CPZ being introduced. It was felt there was a possible alternative which reconfigured the rear layout. This could provide less parking and more private amenity space as well as some communal space. Reducing parking could also effect a more significant change by maximising the number of units facing the common by rationalising internal flat shapes and relocating the vehicular access to Hallowell Close. This could also bring more efficiencies with bin and cycle provision.

INTERNAL CONSULTEES

5.11 Transport planning officer

- Permit free option would be acceptable subject to the applicant enters into a
 Unilateral Undertaking which would restrict future occupiers of the units from
 obtaining an on-street residential parking permit to park in the surrounding
 controlled parking zones to be secured by via S106 legal agreement.
- The development proposals are set back along the Hallowell Close site frontage. The set back has allowed for the introduction of a 2m wide footway that will connect with the existing footway provision. This will allow the existing footway provision to be converted to on-street car parking, which can form part of the recently introduced CPZ, ensuring residents of the site will not be able to access the spaces if supported by a parking permit restriction, which is accepted by the Applicant.

- The layout would entail the reconfiguration of the pavement and carriageway
 in front of the site in order to provide for a safe and continuous footpath and
 for loading/unloading. This would require the dedication of land as highway
 and for the applicant to cover the Council's costs of such works and any
 necessary road traffic orders.
- The proposal is unlikely to have a significant impact on the adjoining highway.

The officer raised no objection subject to conditions and agreements requiring:

- Car & cycle parking to be maintained.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- Prior to occupation of the development the applicant shall enter into and complete an agreement under S278/S38 of the Highways Act with the Council as local highway authority, to provide for a scheme of works to deliver the layby and footway as shown on plan.
- The applicant is willing to dedicate land to allow highways improvements but not fund them.

5.12 <u>Environmental Health</u>

No objections subject to the imposition of conditions relating to site contamination given the use of the site for scrap dealing, noise impact on future residents, construction management and hours of construction and external lighting.

5.13 Climate change officers

Satisfied the proposals would meet current policy requirements for a 35% reduction in CO2 emissions although London Plan policy seeks for major developments to achieve 100% improvement. Where that can't be achieved through savings on site a cash contribution for carbon offset can be secured through a s106 agreement which in this instance equates to £35,460.

5.14 Arboricultural officer.

Initial concerns relating to the impact of the proposals on the Ash tree at the adjoining property on Hallowell Close and that to leave it in place and construct this block would render the tree a safety hazard. The applicant has provided evidence that they have attempted to contact the owner of the tree to agree its removal, with the applicant willing to meet the costs of removal but no response was received from that neighbouring owner in this regard. The

officer was otherwise satisfied with the proposals and considered the landscaping would enhance the locality.

5.15 Council's Flood Risk Manager

I have reviewed this application in terms of flood risk and drainage and find the report acceptable and in accordance with policy.

Nimbus Engineering have produced a SuDS report to accompany the application. The proposed development will include an increase in impermeable drainage area in the form of buildings, access and car parking. In order to comply with policy, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.

Surface water will be discharged into the 229mm public surface sewer located immediately north of the site at a rate of 2 l/s. A gravity connection appears feasible subject to utilising shallow depth attenuation storage techniques. Attenuation will be provided within the sub-grade of permeable paving. The sub-grade can be formed from geo-cellular units to limit the depth and facilitate gravity drainage".

5.16 Council's Design officer.

This remains a generally good scheme although with some differences with the scheme presented to DRP.

5.17 Following the submission of revised elevations on the Hallowell Close elevation the proposals were reconsulted upon. No further neighbour responses were received.

Metropolitan Police Safer by Design Officer.

- Amendments to the window design would be of benefit security wise increasing the chance of natural surveillance onto the street scene. Safety
 design features should include;
- The residential entrance lobby should be 'air locked' by a second set of access controlled.
- Mailbox provision needs to be considered in the entrance lobby, preferably externally delivered and internally collected.
- A zoned encrypted fob controlled system should be installed to control access throughout the block..
- the design of the cycle storage should be to LPS1175; STS202 or LPS2081 standards.
- The design of the bike store and the bin store should eliminate the chance of seating.

- The gardens that abut the rear parking area should have a boundary treatment of a 1.5 metre fence supplemented by trellis to a height of 1.8 metre to promote natural surveillance.
- Access control should be applied to the vehicular and pedestrian gates to
 prevent unauthorized access into the car park and the rear of the block. The
 rear car park gates should be automated, capable of being operated remotely
 by the driver whilst sitting in the vehicle, the operation speed of the gates
 should be as quick as possible to avoid tailgating by other vehicles.
- Plants should be selected to have a mature growth height no higher than 1 metre, trees should have no foliage, shoots or lower branches below 2 metres, thereby allowing a 1 metre clear field of vision.
- Theft of motorcycles, scooters and mopeds is a major problem in the Mitcham
 area and dedicated motorcycle parking facilities should be designed into the
 car parking area. The incorporation of ground anchors and/or metal support
 stays can provide a firm and immovable object to affix the rear wheel where
 the rider can add their secondary measures.
- Space should be created between any seating and any footpaths to help reduce the fear associated with having to walk past and also all seating should be located where there will be a chance for natural surveillance.
- Any seating should be designed to include centrally positioned arm rest dividers to assist those with mobility issues.
- CCTV would be of benefit for this development. Any lighting fixtures should not be in conflict with the CCTV cameras field of view. All CCTV systems should have a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that standard
- Lighting across the entire development should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare), the public space lighting should also meet the current council requirements.
- 5.17.1 The officer is concerned about the safety of the development given the high crime figures for the area and therefore suitable secure by design conditions are recommended.

6 POLICY CONTEXT

- 6.1 NPPF (2019). Key sections:
 - 6. Delivering a wide choice of high quality homes.
 - 7. Requiring good design.
- 6.2 Relevant policies in the London Plan 2016 are; 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 5.1 (Climate change mitigation), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 6.9 (Cycling), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).
- 6.3 London Housing Supplementary Planning Guidance 2016

- 6.4 DCLG Technical standards 2015
- 6.5 Relevant polices in the Core Strategy 2011 are; CS8 (Housing choice), CS 9 (Housing targets), CS 11(Infrastructure), CS 12 (Economic Development), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 16 (Flood risk), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).
- 6.6 The relevant policies in the Sites and Policies Plan 2014 are; DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Heritage Assets), DM E3 Protection of scattered employment sites, DM EP4 Pollutants, DM F1 (Flood risk management), DM F2 Sustainable urban drainage systems DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the loss of the scattered employment site, the principle of development, the suitability of accommodation and design of the new flats, the impact on occupier and neighbour amenity, the impact on the character and appearance of the local area and servicing of the development.

7.2 Loss of the scattered employment site

Sites and Policies Plan policy DM E3 Protection of scattered employment sites seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough. For the purposes of this policy 'employment' and business refers to premises or land that operates within the B1 (a), B1 (b), B1 (c), B2 and B8 Use Classes.

- 7.3 Applications proposing a loss of a scattered employment site will have to show that full and proper marketing has been undertaken to demonstrate that employment uses are no longer viable on the site. Applicants should demonstrate that:
 - the site has been marketed for 30 months unless otherwise agreed with the council:
 - Site is in a predominantly residential area
 - Size, configuration and access make it unsuitable and financially unviable for whole site employment use.

- the site has been marketed using new (on the internet) and traditional marketing tools available; and
- the site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).
- 7.4 Based on information submitted with the 2017 application officers are satisfied that the site has been marketed for more than 5 years. The site is within a residential area and its use as a scrap yard is not one that would now be considered suitable for such a location and the constrained access limit its suitability for regular traffic from larger commercial vehicles. There were no concerns at the loss of the scrapyard use on the previous application and therefore in view of these considerations there would be no justification for resisting the change of use to a residential one.

7.5 Provision of and need for housing.

The emerging 'intend to Publish London Plan', now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. While AMR data shows the Council has exceeded its current 411 target, the target of 918 units per year will prove considerably more challenging. The relaxation of the earlier target (1300+units) for Merton (following the Inspector's finding following the London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019) was predicated on not adopting a particular GLA formula to delivering significant new housing on small sites, with larger opportunity sites such as the application site rising in importance.

- 7.5.1 The National Planning Policy Framework 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.
- 7.5.2 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report 2018/19). The latest Monitoring report confirms that all of the completions this financial year were on small sites of less than 0.25 hectares in size. All of the schemes except one delivered 10 homes or fewer, with one scheme of 11 homes. There were no large schemes that completed this year, which resulted in a lower number of new homes built in the borough. Merton has always exceeded the London Plan target apart from 2009/10 and this year 2018/19 where there was a 34% shortfall although in total Merton has exceeded the London Plan target by 987 homes during this period 2004/5-2018/19

- 7.5.3 The proposal to introduce residential use to this site is considered to respond positively to London Plan, draft London Plan policies and Core Strategy planning policies to increase housing supply and optimise sites, is supported by Officers and the Planning Inspector who commented "the proposed development would contribute an additional 27 dwellings toward the mix and supply of housing, including a financial contribution to the supply of affordable housing, and this is a material consideration of considerable weight in favour of the proposed development."
- 7.5.4 The proposals currently before members would provide 25 new dwellings in a variety of units sizes including family sized units of accommodation on the site given the demolition of the existing vacant house on the site. With increased housing targets for the borough the ability of the site to deliver a meaningful contribution to future housing supply is significant.
- 7.5.5 In relation to unit mix 56% would be studio and 1 bed units, 20% 2 bed and 24% 3 and 4 bed units. Whist it is acknowledged that this differs from policy goals for approximately 33% for each size type officers consider that this mix would optimise the development potential for the site helping to deliver flats of a variety of sizes to meet the requirements of a range of households in a part of the borough where there is currently a greater concentration of three bedroom family housing.

Density/Bulk/Massing/Design/Appearance/Layout.

- 7.6.1 **Density.** Policy on development density seeks to optimise housing output on sites.
- 7.6.2 The proposals involve a density of 131 dwellings per hectare. With a ptal of 3 in a suburban setting this does exceed the current recommended range of 50-95 units set out in the current London Plan.
- 7.6.3 Whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The density would be higher due to the development being flats but the scale and massing are considered acceptable, the appearance along the Hallowell Close elevation is softened with the set back gardens and duplex units and these factors are considered to combine to mitigate any harm from the higher density whilst still optimising the use of the site.
- 7.6.4 Design-Appearance Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping

with the character of the local area. Given that the application is for a block of flats and the majority of the housing in the area is terraced family homes and form of development that is not terraces of houses will be at odds with the character of the area. However new developments of flats in areas such as this are becoming increasingly common and are blending into the new character of those areas. To reduce the visual impact of the building the proposals incorporate the use of lighter coloured brickwork and exterior materials whilst the planting and set back along Hallowell Close is considered to help tie this elevation into the existing street. A condition requiring samples of proposed materials to be approved is recommended.

- 7.6.5 The design of the proposals at pre application stage secured a Green from the Design Review Panel and the applicants made a small number of changes from that design to the one currently before members that included;
 - Relocating of secondary windows to improve privacy;
 - Colour of boundary treatment;
 - Suggestion that the scheme should be future proofed so that there is potential
 to reduce the number of car parking spaces and change this to amenity space
 in the future if required
 - More prominent windows on the Hallowell Close elevation.
 The changes are not considered to detract from the design to the degree that they would warrant a refusal of the proposals.

7.6.6 **Design-Layout**

Safety and design

SPP policy DM D2 requires proposals to provide a safe and secure layout. To this end the Safer by Design officer has advised that a number of safety features be incorporated into any finished design and conditions are recommended to ensure this.

7.6.7 **Design-Bulk and Massing**

In determining the appeal the Inspector made comments that the flat roof above the third storey would be higher than the ridge of the neighbouring former public house, separated from the building by the access to the car park. This would result in the building being prominent in views along Commonside East. Although the height remains the same with this application the use of horizontally wider balconies and the set back from the front elevation and a much smaller width of the third-floor element. mean that visually the structure will have a greater horizontal rather than vertical emphasis.

7.6.8 The Inspector also raised concerns about the bulky nature of the proposed statement building but officers consider that as stated above the changes to the third floor have made a significant reduction in the bulk of the scheme to the degree that the block could not sit suitably in this position with no detrimental impact on the character and appearance of the wider setting.

7.7 Standard of accommodation and the amenity of future occupiers.

- 7.7.1 SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide additional good quality residential accommodation.
- 7.7.2 In determining the appeal the Inspector considered that as eighteen of the proposed units were single aspect or were not provided with outside amenity space in accordance with the standards that this would provide a poor standard of accommodation and this was cited in his dismissal of the appeal. The applicants has now revised the design such that there are no single aspect units and all units exceed the minimum external space standards and as shown in the table below all units exceed the minimum internal space standards. In view of that officers consider that the proposals will provide a high standard of residential amenity for future occupiers.

7.7.3 Schedule of accommodation

Unit	Туре	Proposed GIA	Minimum Req'd GIA	Proposed Amenity	Min Req'd Amenity
GF 1	1B/2P	56m2	50m2	8m2	5m2
GF 2	1B/2P	68m2	50m2	14m2	5m2
GF 3	1B/2P	66m2	50m2	8m2	5m2
GF 4	2B/4P	93m2	70m2	74m2	7m2
GF 5	4B/6P	142m2	106m2	6+18m2	5m2
GF 6	4B/6P	124m2	106m2	6+21m2	9m2
GF 7	4B/6P	122m2	106m2	5+21m2	9m2
GF 8	4B/6P	140m2	106m2	8+34m2	9m2
1 st F 9	3B/4P	77m2	74m2	7m2	7m2
1 st F 10	1B/2P	55m2	50m2	6m2	5m2

1st F 11	1B/2P	55m2	50m2	6m2	5m2
1 st F 12	2B/4P	72m2	70m2	11m2	7m2
1 st F 13	2B/4P	71m3	70m2	7m2	7m2
2 nd F 14	3B/4P	77m3	74m2	7m2	7m2
2 nd F 15	1B/2P	55m2	50m2	6m2	5m2
2 nd F 16	1B/2P	55m2	50m2	6m2	5m2
2 ND F 17	2B/3P	72m2	61m2	10m2	6m2
2 ND F 18	1B/2P	51m2	50m2	29m2	7m2
2 ND F 19	1B/2P	51m2	50m2	10m2	5m2
2 ND F 20	1B/2P	50m2	50m2	8m2	5m2
2 ND F21	1B/2P	51m2	50m2	8m2	5m2
2 ND F22	Studio	40m2	37m2	10m2	5m2
3 RD F23	1B/2P	55m2	50m2	22m2	5m2
3 RD F24	1B/2P	56m2	50m2	18m2	5m2
3 RD F25	2B/4P	74m2	70m2	25m2	7m2
Comm' terrace				85m2	

7.8 Neighbour Amenity.

The application has been assessed against adopted planning policies London Plan policy 7.6 and SPP policy DM D2 which require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, privacy visual intrusion or noise and disturbance.

- 7.8.1 The proposals were accompanied by a daylight sunlight assessment. As part of the initial assessment two existing neighbouring properties were identified that could be affected from the proposed development. Calculations confirmed that the existing properties will still receive adequate annual probable sunlight hours and adequate sunlight hours during the winter period.
- 7.8.2 In relation to summer sunlight the report found that from all neighbouring properties only one window, located at 147 Commonside East at ground floor level will not receive the recommended sunlight hours throughout the year. The proposed development can still be considered as appropriate for the site due to the fact that a total of 37 neighbouring windows comply with the BRE requirement of receiving more than 371.5hours of sunlight during the year. For winter sunlight results showed that only one window will not

- achieve the recommended 74.3hours of sunlight during the winter period. However, the window does achieve 72 hours and therefore the difference has been kept to a minimum.
- 7.8.3 An open space/garden was also identified at the rear of the neighbouring residential property and therefore, an overshadowing assessment was carried out. A detailed model study in Ecotect Analysis demonstrated that more than 50% of the rear garden will receive a total of 6.25hrs of sunlight on the 21st March. Therefore, the proposed development will not have an impact on the amenity space.
- 7.8.4 In relation to neighbours the assessment of daylight, sunlight and overshadowing indicates that the proposed residential units will not cause a change in light levels to existing occupants and therefore, the proposal is considered appropriate for the specific site.
- 7.8.5 For future occupiers the final analysis also showed that the proposed habitable internal spaces of the residential scheme will achieve all the minimum daylight factor standards set by BRE and will be adequately daylit
- 7.8.6 In view of these considerations the proposals are not considered detrimental to the amenity of neighbouring residents or future occupiers
- 7.8.7 With regard to loss of outlook the combination of the reduced quantum of third floor accommodation and its set back positioning mean that the proposal would not therefore be considered visually intrusive.
- 7.9 Parking, servicing and deliveries.

Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. The proposals did generate objections regarding parking however the scheme will provide 19 on site parking bays and this ratio of 0.68 cars per unit is the same ratio as that found to be acceptable by the Planning Inspector. Given the introduction of a CPZ since the last decision by members, officers consider it would be unreasonable to resist the latest proposals on the grounds of parking impact.

7.9.1 The applicant is willing to pass ownership of some of the land along Hallowell Close in order to provide bays for up to six cars to park as noted by the Inspector but will now not offer a contribution of £25,000 towards the cost of these works. Notwithstanding the applicant's refusal to pay for the highway improvement the dedication of the land will allow the Council the opportunity to make those improvements in the future if conditions permit.

7.9.2 In view of these factors members may consider the parking provision for the development is acceptable.

7.10 Cycle Parking:

The London Plan cycle parking standards for residential development are one space per one bed units and two spaces per unit for all other dwellings. The proposal provides 33 resident's spaces and 3 visitor cycle parking spaces in the form of stacked cycle stands, within an external shelter accessed via the parking area / access road. The no. of cycle spaces provided is satisfactory.

7.11 Refuse Collection:

Refuse collection at the site will take place on-street.

The bin storage areas for the apartments are located on the ground floor adjacent to the main flat entrance. A separate door provides access to the bin store, allowing the bins to be located within 10m of the public highway. Each flat / house with a front door onto Commonside East and Hallowell Close is provided with their own refuse storage area, outside the property allowing onstreet collection to occur.

7.12 Sustainable design and construction.

Any new building must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage as set out in policies in the London Plan (2016) – Chapter 5 and the Council's LDF Core Planning Strategy (2011) policies CS15 and CS16). Climate change officers were satisfied the design was policy complaint in terms of achieving a 35% reduction in CO2 emissions whilst the carbon offset contribution will assist towards the Mayor's zero carbon goals .

7.13 Affordable Housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was submitted with an Economic Viability Assessment that has been independently assessed. Based on the information supplied, the assessors agreed with the applicant that delivering 40% affordable housing on a policy basis is unviable; and the revised sales values indicate no affordable housing can be provided on site save for a contribution of £61,000 towards affordable housing to be paid on implementation of the scheme.

The assessors recommend the following in accordance with the Mayors SPG and the intention of the government consultation on ground rents:

- Early and late stage reviews to be included within the s106 agreement based on the Altair appraisal;
- Homes to be identified by plans to be delivered on site in event viability allows for affordable housing delivery;
- Restrictive obligation that ground rents are not be charged on the development.

7.14 Flood risk

The application was submitted with a drainage strategy that has been assessed by the Council's Flood Risk manager who is satisfied that, subject to the imposition of suitable conditions, the proposals involve no risk to flooding or issues in relation to surface drainage of the site and are therefore considered acceptable in this regard.

7.15 Archaeology

The site is located within an archaeological priority zone and Historic England consider that the scale of the works would be such that they could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Their officers recommend mitigating precommencement conditions be imposed to ensure that the site is thoroughly investigated in order to record any information and finds that may be on site are not lost.

8. SUSTAINABILITY AND 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.
- 8.2 In order to ensure that the development is policy compliant a condition to that effect requiring CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended in addition to the carbon offset payment that would be included within the s106 agreement.

9. CONCLUSION

9.1 The proposed development will provide 25 new flats of which 6 would be 3 and 4 bedroom family units for which there is an identified need in the Borough. The previous partial use of the land for a scrap merchants, whilst historic, would not be a use that would now be considered acceptable in such close proximity to residential properties and the site has been marketed

without success and the issue of residential use for the site is considered acceptable.

- 9.2 The proposals provide each unit with excess of the minimum internal floor area and unlike the previous application there are no single aspect units. Additionally the scheme now provides each unit with private amenity space. Although a large development, supporting documentation demonstrates that there should not be an unacceptable impact on neighbour amenity in terms of loss of light and outlook.
- 9.3 The site is in a location with high levels of on street parking stress but the proposals will provide 19 parking spaces (which the Inspector has previously deemed to be acceptable) so that all the larger units would have a parking space and cycle space provision meets the required standard.
- 9.4 The issue of affordable housing has been independently assessed and only a small off site contribution would be viable. As part of the relevant s106 clause this would require viability review mechanisms at early and late stages of development including a review of viability if a future application is made to amend the number of unit. A contribution towards carbon offsetting would also be dealt with by means of the section 106 agreement.
- 9.5 The applicants have agreed the dedication of land to the Council but will not pay for the provision of parking bays. In order to ensure the integrity of the highway and the appearance of the finished development the s106 agreement should ensure that the applicant pays for upgrading the pavement area on the dedicated land in front of the building to LBM standards before the land is transferred to the LBM control. The applicant will have to cover the cost of hardsurfacing this area even if they do not dedicate it. If they refuse to undertake this they can keep the land and maintain it themselves.
- 9.6 Subject to the completion of the section 106 agreement and the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

10. **RECOMMENDATION**

GRANT PERMISSION SUBJECT TO SECT 106 AGREEMENT FOR CARBON OFFSETTING, AFFORDABLE HOUSING AND CONDITIONS Heads of terms

- That the developer makes a contribution of £35,460 towards carbon offsetting
- ii) Affordable housing contribution of £61,000 in lieu of on site provision
- iii) Affordable housing- viability review mechanisms at early and late stages of development, including if future permission is sought for changes to unit numbers
- iv) Dedication of land to the council including the cost of upgrading the pavement on this land in front of the building up to LBM standards before a transfer takes place.
- v) Permit free development
- vi)
- vii) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

Conditions

- 1 Commencement of works
- 2 In accordance with plans; P101C, P102B, P103B, P104, P105, P201B, P202A, P301A, P601, P602A, P701, SH/SP103 & SH/SP101
- 3. B1 External materials to be approved;
- 4. B5 Boundary treatments to be approved;
- 5. D11 Construction Times
- 6. H9 Construction Vehicles Prior to the commencement of the development a working method statement (Construction Environmental Management Plan) (compliant with Chapter 8 of the Road Signs Manual for temporary Works) shall be submitted to and approved in writing by the Local Planning Authority to accommodate:
 - (i)Parking of vehicles of site workers and visitors;
 - (ii)Loading and unloading of plant and materials;
 - (iii)Storage of construction plant and materials;
 - (iv)Wheel cleaning facilities;
 - (v)Control of dust, smell and other effluvia;
 - (vi)Control of surface water run-off;
 - (vii)Removal of waste materials from site.

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

7. F1 Landscaping

- 8. F5 Tree protection
- 9. F8. Site supervision
- 10. Non standard Noise Prior to the occupation of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development. The standards should comply with BS8233:2014 as a minimum. Reason; To safeguard the amenities of the future occupiers of the development and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
 - 11.A desk study, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's sites and policies plan 2014.
 - 12. The approached remediation shall be completed in accordance with the details approved by the Council and a verification report, demonstrating the effectiveness of the remediation shall be provided to the Council for approval by the LPA prior to occupation. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's sites and policies plan 2014.

13. Non standard Contaminated Land

If during construction works, contamination is encountered which has not previously been identified and considered, the Council's Environmental Health Section shall be notified immediately and no further development on that part of the site shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

14. External lighting 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.
- 15. Provision of vehicle parking The vehicle parking areas shown on the approved plans shall be provided before the occupation of the development hereby permitted 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 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
- 16. H1 New vehicle access
- 17. H3 Redundant crossover
- 18. H6 Cycle storage
- 19. Prior to any works commencing on site a detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the steps that will be taken to minimise the impacts of deliveries and waste transport. It shall demonstrate compliance with Transport for London's guidance on Construction Logistics Plans July 2017 v3.0 and the Borough's Air Quality Supplementary Planning Guidance, and shall be implemented for the duration of the construction of the development. 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 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Polices Plan 2014.
- 20.All Non-Road Mobile Machinery (NRMM) used on site during the course of the demolition, site preparation and construction phases shall comply with the emissions standards set out in the Borough's Construction Code of Practice and 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. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at https://nrmm.london/ Reason: To ensure the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with the following Development Plan policy for Merton: policy CS20 of Merton's Core Planning Strategy 2011

21. H 11 Parking management strategy

22. No development_other than demolition approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage scheme will include construction level drawings showing drainage layout, attenuation calculations and will dispose of surface

water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 2 l/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.

- 23. Prior to installation, the detailed design and specification for the permeable paving and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The design shall be carried out as approved, retained and maintained by the applicant 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.
- 24. No development other than demolition approved by this permission shall be commenced until a 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 LPA. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 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 (attenuation provision of no less than 13m3) and control the rate of surface water discharged from the site to greenfield runoff rates (no more than 5l/s), and the measures 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 authority and any other arrangements.

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.

25. '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 CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and internal water usage rates 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
- 26.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. 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. Where appropriate, details of a programme for delivering related positive public benefits.
 - c. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
 - D. The post-investigation assessment shall be submitted to and approved in writing by the local planning authority prior occupation.
- 27. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement_(excluding demolition, groundworks and substructure)_of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

28. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

Informatives:

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'

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).

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.

Informative:

The applicant is advised of the need to enter into a s38 Agreement with the Local Highways Authority in relation to the adoption of the footway on Hallowell Close.

Informative:

The applicant is advised of the need to enter into a s278 Agreement with the Local Highways Authority in relation to new waiting and loading restrictions that will be required near the main site access and for the undertaking of the works to the existing and proposed vehicle access ways to the site and the parking bays on Hallowell Close

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.

NPPF informative.



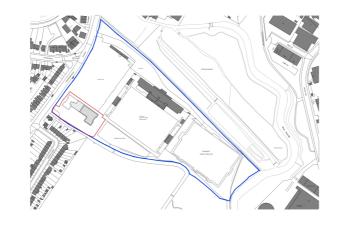
NORTHGATE SE GIS Print Template



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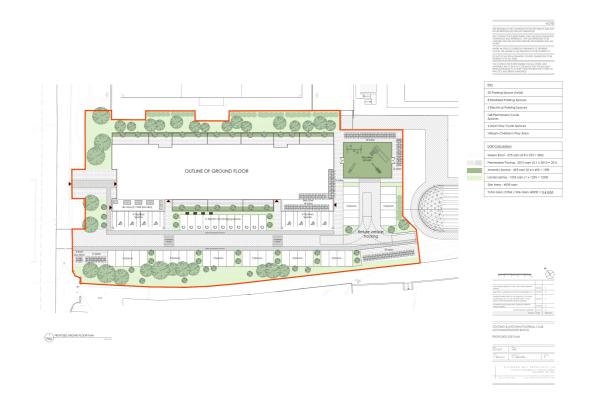




















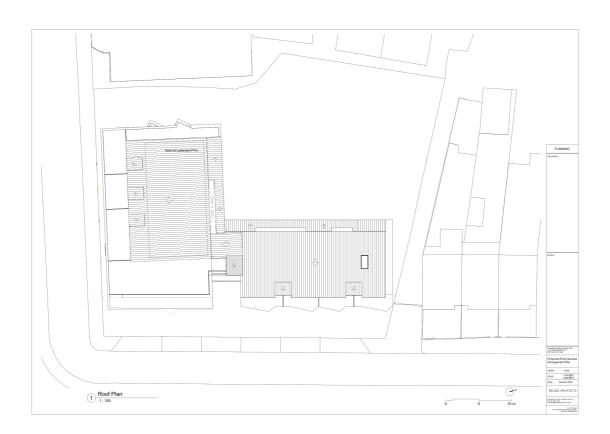




















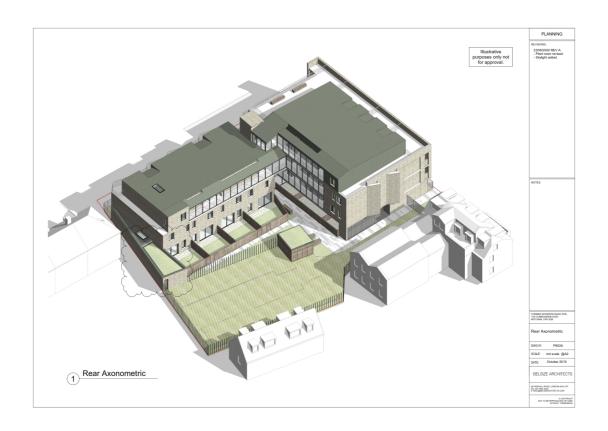


















PLANNING APPLICATIONS COMMITTEE

APPLICATION NO. 20/P1463 **DATE VALID** 08/04/2020

Address/Site: 37 & 39 Cottenham Park Road

West Wimbledon

London SW20 0SB

Ward: Raynes Park

Proposal: Demolition of existing two detached dwellings and

replacement with two x three storey building (with lower

ground floor) providing three houses and five flats,

alongside associated landscaping.

Drawing No.'s: PL-011.PL5; SK002; PL.005.PL5; SK001; PL-016.PL2; PL-

008.PL4; PL-010.PL5; PL-009.PL4; PL.004.PL5; PL.003.PL5; PL.006.PL5; PL.002.PL7; PL.001.PL6; PL-012.PL4; PL-013.PL3; PL-014.PL3; PL-015.PL3; SU.001.PL3; Tree Survey –ref: CC/677 AR4155; Design and Access Statement – 5.0 Materials; Surface Water Drainage Strategy by Martin J.

Harvey, dated April 2020

Contact Officer: Jourdan Alexander (020 8545 3122)

RECOMMENDATION

Grant planning permission subject to conditions and the completion of a S106 unilateral undertaking to secure:

- 1. 5 of the 8 new units are to be parking permit free residential units.
- 2. The developer agreeing to meet the Council's costs of reviewing [including legal fees] the unilateral undertaking.
- 3. The developer agreeing to meet the Council's costs of monitoring the unilateral undertaking.

CHECKLIST INFORMATION

- S106: Yes (restriction of parking within CPZ)
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes

Site notice: Yes

Design Review Panel consulted: NoNumber of neighbours consulted: 9

External consultations: 0Conservation area: NoListed building: No

Archaeological priority zone: No
 Tree protection orders: No
 Controlled Parking Zone: Yes

■ Flood Zone: Flood Zone 1

Designated Open Space: No (albeit adjoins Holland Gardens Open Space)

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination due to the objections received. The application was also called into committee by Councillor Adam Bush as the proposal has been recommended for approval by officers.

2. <u>SITE AND SURROUNDINGS</u>

- 2.1 The application site comprises two detached dwellings, 37 & 39 Cottenham Park Road, set behind a brick wall. The site fronts Cottenham Park Road to the north and backs onto Orchard Lane and Holland Gardens (designated Open Space) beyond to the south. The site falls away from the front to the rear (north to south) to the extent that Orchard Lane is significantly lower than Cottenham Park Road. The road also slopes down from east to west. The site is broadly rectangular in shape, although it tapers to the rear.
- 2.2 Both properties are two storey houses built in traditional style with brick and tile, and have attached side garages that are accessed from Cottenham Park Road. No. 37 has an additional pitched roof and a first-floor rear terrace. The properties are set back from the road frontage and both have a direct vehicle and pedestrian access from Cottenham Park Road.
- 2.3 The immediate area is predominantly residential in character, mainly comprising either detached or semi-detached properties. The property immediately to the west (No. 41) comprises a single storey detached dwelling, with accommodation at roof level and a partial basement (garage) to the rear. This property was granted planning for demolition and erection of a semi-detached pair of 4 bedroom dwellings, with accommodation on four floors (two storey with basement level and accommodation at roof level), with two off-street parking spaces, ref: 18/P2234 in Nov 2018. This permission has yet to be implemented.
- 2.4 Further to the west are pairs of relatively modern semi-detached dwellings, with accommodation arranged over four floors. To the immediate east of the site sits a large detached house, No. 35. The northern side of Cottenham Park Road has houses that are characterised by large houses of traditional and contemporary style. To the south is Holland Gardens, which comprises a park with tennis courts and is designated as Open Space.
- 2.5 The site has a PTAL (public transport accessibility level) of 3 (0 being the lowest and 6b being the highest), with bus routes going to Raynes Park Overground Station which is approximately 1km from the site.

2.6 The site is not within a Conservation Area. The existing buildings on site are not locally or statutorily listed. The site is within Controlled Parking Zone GC1. The site is within Flood Zone 1 (low probability of flooding).

3. CURRENT PROPOSAL

- 3.1 The proposal involves the demolition of the two existing detached dwellings (No. 37 and 39 Cottenham Park Road) and their replacement with two x three storey buildings along with a part basement / part lower ground floor level. The proposed building within the site of No. 37 would accommodate 5 flats (2 x 1 bed, 1 x 2 bed and 2 x 3 bed) arranged over three floors, with a part basement / part lower ground floor level. There would be no car parking spaces on the front courtyard, with this area to be laid to lawn and a dedicated secure bike storage area and bin enclosure installed. A brick boundary wall similar in scale to the existing would be formed along the street frontage.
- 3.2 At No. 39, three terrace houses will be built, with accommodation arranged over three floors along with a part basement / part lower ground floor level. Each terrace house will have four bedrooms, and have space on its front forecourt for a single car to be parked. The front gardens of the terraces houses would have pillars and small sections of wall erected to ensure that each new house appears visually separated. Landscaping would also be established within the front gardens.
- 3.3 The proposed buildings would have a larger footprint within the site than the existing buildings. The proposed terrace houses at No. 39 Cottenham Park Road would have a front building line set closer to the street than the present building, and each building would extend deeper into the site than present. The western flank wall of the houses and the eastern flank wall of the flatted building will be set approximately 1 metre in from western boundary with Number 41 Cottenham Park Road, and 1.2 metres from the boundary with Number 35 Cottenham Park Road. There would also be an internal gap of 2.2 metres between the two buildings. The roofline would have gable ends. The roof would have a ridge height that would be taller than the existing buildings by approximately 1.2m, although the lower parts of the roof (valleys) would be similar in height to the existing building.
- 3.4 The proposed buildings would have a contemporary design with projecting bays and a materials palette that includes stock brick, timber cladding and calcium silicate board. The buildings would have a similar form to the dwellings along the southwestern side of Cottenham Park Road, which have pitched roof forms with gables facing onto the street
- 3.5 The applicant has revised the application from the proposal previously submitted ref: 19/P4214 and refused on the 16/04/2020 by officers. These revisions made to the application are summarised:
- 3.6 Proposed houses (No. 39)
 - House heights have been reduced by 450mm, so that they more closely align with the heights of the adjoining properties in Cottenham Park Road.
 - The rear elevation (footprint) has been reduced by 650mm so that the gardens to all three houses now exceed the minimum 50 square metres.
 - Glazing to the rear elevation has been reduced at 1st and 2nd floors (as seen from Holland Garden).

• The internal separation between the houses and the flats has increased from 2m to 2.2 metres to increase views through to the rear.

3.7 Proposed flats (No, 37)

- The height of the flats has been reduced by 450mm to align more closely with the adjoining properties
- The rear elevation (footprint) has been reduced by 1500mm to create a larger garden area and to reduce further the physical impact on the adjoining property Number 35 Cottenham Park Road.
- The number of flats has been reduced by one to five, and the ground and basement now comprises 2 x 3 bed duplexes, with the remaining flats including 2 x 1 bed on the first floor and 1 x 2 bed on the second floor.
- Internally, the lightwells to the lower ground duplex have increased in width by 570mm, from 1400mm to 1970mm, to improve the level of amenity for future occupiers of these flats.
- The rear garden has been largely dedicated to the use of the ground and basement duplexes in order to protect the privacy of the occupiers of these flats.
- All on-site car spaces (three) have been removed to enable the frontage to be walled with a gate, and additional trees and vegetation to be introduced into this secure landscaped area.
- The side elevation on the Number 35 Cottenham Park Road has been reduced in the depth by 1.4 metres.
- The glazing to the rear elevation has been reduced (as seen from Holland Gardens).
- The separation between the building and the side boundary has increased by 200mm to 1.2 metres.
- 3.8 The applicant has confirmed that should the scheme be recommended by committee, they would accept a requirement to enter into a section 106 agreement, in which 5 of the 8 units would be made parking permit free, alongside associated monitoring costs.

4. PLANNING HISTORY

4.1 37 & 39 Cottenham Park Road

19/P4214 - DEMOLITION OF EXISTING TWO DETACHED DWELLINGS AND REPLACEMENT WITH TWO X THREE STOREY BUILDINGS (WITH LOWER GROUND FLOOR) PROVIDING THREE HOUSES AND SIX FLATS, ALONGSIDE ASSOCIATED LANDSCAPING.

Reasons for refusal:

- 1. The proposed development, due to the scale, height, massing and design would, give rise to an overly dominant and cramped form of development that would detract from the visual amenities of the Cottenham Park Road street scene, and would mar the backdrop to the neighbouring public open space. The proposals would be contrary to policies CS14 of the Core Planning Strategy 2011, and policy DMD2 and DMO1 of the Merton Sites and Policies Plan 2014.
- 2. The proposals by reason of their design, massing relative to neighbouring dwellings, layout and site coverage, in particular in relation to the garden provision for house "2", would i) result in poor standard of accommodation for future occupiers of the part lower ground/part basement flats, due to their single aspect layout, with poor outlook, natural ventilation, sunlight or daylight, and privacy issues, ii) result in a poor standard for occupiers of house "2" with inadequate garden space failing to meet the Council's adopted minimum standard, iii) result in an overbearing and visually

dominant impact on neighbouring occupants at No. 35 Cottenham Park Road to the detriment of their visual amenities. The proposals would fail to comply with policy DMD2 of the Merton Sites and Policies Plan 2014 and Policy 3.5 of the London Plan 2016.

- 3. The proposals, by reason of a failure to provide the 1 metre of permeable soil depth above the basement development, would not allow for rainwater to be adequately absorbed thereby contributing to surface water runoff and would fail to compensate for the loss of biodiversity caused by the development. The proposals would be contrary to policy DM.D2 of the Merton Sites and Policies Plan 2014.
- 4. In the absence of a completed S106 undertaking to ensure that additional dwellings over and above the number of units currently on the site are prevented from being able to obtain parking permits for the Controlled Parking Zone, the proposal would result in an increased demand for on street parking, resulting in a detrimental impact on highway and additional parking pressure locally and be contrary to the Mayor and the Council's commitment to reducing car usage and promoting more sustainable forms of transport. The proposal would therefore be contrary to policy 6.13 of the London Plan 2016, Policy DM T1, T2 and T3 of the Sites and Policies Plan 2014 and Policy CS20 of the Core Planning Strategy 2011.
- 4.2 <u>37 Cottenham Park Road</u> No relevant planning history
- 4.3 39 Cottenham Park Road
 08/P1689 ERECTION OF A TWO STOREY SIDE EXTENSION WITH GABLE END
 AND SINGLE STOREY REAR EXTENSION, REPLACING EXISTING DETACHED
 GARAGE & STUDIO. Permission Granted

11/P0603 - DEMOLITION OF EXISTING DETACHED GARAGE AND STUDIO AND ERECTION OF NEW PART SINGLE, PART DOUBLE SIDE EXTENSION WITH INTEGRAL GARAGE (APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXTANT PLANNING PERMISSION, 08/P1869, IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION). Permission Granted

14/P2446 - DEMOLITION OF EXISTING DETACHED GARAGE AND STUDIO AND ERECTION OF PART ONE PART TWO STOREY SIDE/REAR EXTENSION. Permission Granted

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site notice and letters sent to 9 neighbouring properties.
- 5.2 Representations were received from 16 individuals. This number includes residents associations and the Wimbledon Society who raised the following concerns:
 - Out of keeping.
 - Excessive density.
 - Over development.
 - Timber cladding can deteriorate quickly and look poor
 - Increased noise.
 - The proposed flats would change the character of the area, which is detached / semi-detached houses.

- Delivery vehicles and visitors to the site would cause noise and take up car parks.
- Roofline is too high.
- Overbearing/visually intrusive.
- Loss of daylight and sunlight.
- Loss of privacy.
- Adverse impact upon the Holland Gardens Open Space.
- Exacerbate parking pressure.
- Development would cause highway safety issues
- Removed trees should be replaced.
- Applicant's traffic statement is not accurate
- External amenity space is insufficient
- Application is misleading

5.3 Residents' Association of West Wimbledon

- Failure to comply with the local pattern of development
- Failure to meet requirements for homes with basements, consent should include a condition to comply the Water Drainage Strategy.
- The proposal would create poor quality living and amenity space because bedrooms of lower ground flats would have poor light; gardens of the houses are below 50sqm.
- Loss of amenity to users of Holland Garden
- Loss of amenity to the occupants of 35 Cottenham Park Road
- Parking pressure. There is already pressure on parking spaces in this CPZ. If this application is approved no more than 2 of the 8 dwellings should have the right to apply for parking permits.

5.4 Wimbledon Society

- -Open space would be unreasonably visually dominated by this kind of development.
- The Society considers the energy saving proposals as inadequate as it only meets 19% above Building Regulations standard, which is out of date within a climate emergency
- -Removal arboricultural report indicates that 11 trees would be removed and 6 trees replanted. These replacement trees are not sufficient to compensate for the loss.

5.4 South Ridgway Resident's Association

- The proposed development, like its predecessor, by reason of its size, massing and position would result in a massive over development of this site, totally out of keeping with and indeed harmful to the character of this charming part of West Wimbledon. It would be visually intrusive and unduly dominant to the neighbouring occupiers.

Internal consultees

- 5.6 <u>LBM Climate Change Officer</u>: raised no objection subject conditions. These conditions relate to the following -
 - Comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). All minor and major developments are required to demonstrate how development proposals are making the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy (be lean, be clean and be green).
 - As a minor development proposal, outline how the development will achieve at least a 19% improvement on Buildings Regulations 2013 Part L and submit SAP output documentation to demonstrate this improvement.

- Achieve internal water usage rates not in excess of 105 litres per person per day.
- 5.7 <u>LBM Environmental Health Officer:</u> No objection, subject to the standard Demolition and Construction Method Statement condition, which should be secured prior to development. Reason: To protect the amenities of those in the local vicinity during the development.

5.8 LBM Transport Planner:

The site currently comprises of two detached houses both include a crossover to allow for parking on site. The application site has a public transport accessibility level (PTAL) score of 3 which is a 'moderate'. The site lies in close proximity to a frequent bus service and is located approximately 930 metres south of Raynes Park train station.

Car Parking:

The council would agree for the provision of one off street car space for House 2 in addition to off street spaces provided for Houses 1 and 3. The proposed five flats will not be provided with off-street parking.

The site is located within controlled parking zone (RPC), which is active between Noon – 1pm Monday to Friday restricting parking for permit holders only between those times.

The development of the site will remove 20m of resident permit holder parking which is equivalent to four car parking bays fronting the site in order to create accesses to the proposed onsite parking.

Permit free option would be acceptable subject to the applicant enters into a unilateral undertaking which would restrict future occupiers of all units of the development from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

The existing Traffic Management order would need to be modified to secure the necessary highway markings to remove the bays and provide yellow lines on the highway between the proposed vehicle crossovers, where there is not sufficient space to reincorporate a parking bay. The costs of the Traffic Management Order would amount to £3,600.00. This does not include the costs incurred for the suspension of works during construction.

Cycle Parking

The proposal provides 17 cycle parking which accords with the London Plan standards.

Refuse Collection

Given there is an already established collection route along this road, it is not considered the proposal would have a detrimental impact on the waste collection services in the area.

The maximum distances that operatives should be required to wheel containers, measured from the furthest point within the storage/collection area to the loading position at the back of the vehicle, should not exceed 20 metres.

Recommendation: The proposal is unlikely to a have a significant impact on the adjoining highway network. Subject to: Car Parking as shown maintained (Three off

street spaces). Cycle parking provision maintained. Condition requiring refuse collection. Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work. Construct new accesses and reinstate existing accesses. The applicant enters into a Unilateral Undertaking which would restrict future occupiers of all units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

(An examination of parking matters is detailed within the Transport and Highways assessment in the Planning Consideration part of this report).

5.9 **LBM Tree Officer:**

No arboricultural objection towards the development. However, the retained trees should be protected in accordance with the submitted details. Recommended planning conditions are to secure Tree Protection, Site Supervision (trees) and Landscaping.

6. POLICY CONTEXT

- 6.1 National Planning Policy Framework (2019)
 - 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
 - 15 Conserving and enhancing the natural environment

6.2 <u>London Plan (2016)</u>

Relevant policies include:

- 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
- 5.7 Renewable energy
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.4 Local character
- 7.6 Architecture
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning Obligations

8.3 Community Infrastructure Levy

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

Relevant policies include:

- CS8 Housing Choice
- CS9 **Housing Provision**
- CS13 Open space, nature conservation, leisure and culture
- CS14 Design
- CS15 Climate Change
- CS16 Flood Risk Management
- CS17 Waste Management CS18 Active Transport
- CS20 Parking, Servicing and Delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM 01 Open Space

DM O2 Nature Conservation, Trees, hedges and landscape features

DM D1 Urban Design

DM D2 Design considerations

DM EP4 **Pollutants**

DM F2 Sustainable urban drainage systems and; wastewater and water

infrastructure

DM H2 Housing mix

DM H3 Support for affordable housing DM T1 Support for sustainable transport DM T2 Transport impacts of development DM T3 Car parking and servicing standards

6.5 Supplementary planning considerations

National Planning Practice Guidance 2014

DCLG Technical Housing Standards - Nationally Described Space Standard 2016 GLA Guidance on preparing energy assessments – 2018

London Housing SPG – 2016

London Character and Context SPG 2014

7. PLANNING CONSIDERATIONS

- 7.1 The key planning issues towards this application are:
 - Principle of development
 - Character and appearance
 - Standard of accommodation
 - Neighbouring amenity
 - Highway, traffic and parking
 - Refuse storage and collection
 - Sustainable design and construction
 - Landscaping, trees and biodiversity
 - Basement development

Principle of development

7.2 The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a steep change in the delivery of housing in Merton. The National Planning Policy Framework 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.
- 7.3 Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly as set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year.
- 7.4 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest 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.
- 7.5 Given the anticipated step change in the housing targets officers consider it would be inappropriate to limit the densification of this site simply on the basis of current targets being met by reference to historic outputs and to acknowledge the importance of focusing on other planning maters including design, neighbour amenity and parking.
- 7.6 The proposal would provide an additional six homes that would contribute towards the housing stock of the borough. The density of the development would also be consistent with the London Plan density thresholds.
- 7.7 In terms of the proposed housing mix of the development. The Merton Sites and Policies Plan policy DM H2 has an objective; 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. The policy states clearly that the residential development proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes. The proposal would provide a mix of unit sizes ranging from between smaller one-bedroom units, two bedroom units and larger three+ bedroom family sized homes. The range of dwellings provided within the scheme would provide homes for different sectors of the community and is therefore broadly consistent with the above policy.
- 7.8 The proposed residential development is therefore supported in principle, subject to compliance with other Development Plan policies.
- Design and impact upon the character and appearance of the area

 The NPPF section 12, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD1 and DMD2 require well designed proposals which would optimise the potential of sites, that are of the highest architectural quality and incorporate a visually attractive design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of their surroundings, thus enhancing the character of the

- wider area. As per SPP policy DMO1, the visual amenities of open space must be taken into account, this is relevant to this application given the proximity of Holland Gardens to the south, which is designated open space.
- 7.10 The two existing houses on the site are not especially significant in their character or appearance, and therefore no objections are raised towards the demolition of these buildings. Cottenham Park Road is not considered to have a distinctive character, comprising a wide variety of buildings in terms of their scale and architectural styles. As such, the contemporary design approach taken in this scheme is considered acceptable, subject to it being high quality.
- 7.11 Buildings along the southern side of Cottenham Park Roads predominantly have pitched roof shapes with gables facing the street. A similar design has been followed for the three proposed houses, with these architectural cues also replicated across to the flatted block. The development would maintain the general rhythm of development along Cottenham Park Road, owing to having a comparable ridge height, pitched roofs and gables, and gaps between buildings. It is therefore considered that the development would appear consistent with the prevailing streetscene.
- 7.12 The materials palette is of high quality, using new stock brick and timber cladding on elevations, with certain features accentuated by precast concrete to provide a natural finish. On the front facades of both the terrace houses and upper floor flats, bay window arrangements with notched glass-to-glass corners would provide an active frontage to the street. The timber cladding would be thermally modified English Ash. The developer has provided the manufactures details of this product, which details that this hardwood would be durable. When first applied the timber would have dark brown colouring, and would weather to a silvery grey. The weathering would be largely consistent and relatively free of staining. The timber selected is therefore considered appropriate by officers, given that it responds well to the street scene and towards the UK climate. A pre-commencement condition requiring that particulars and samples of the materials to be used on all external faces of the development are submitted to the council before development has been recommended. This condition would allow the precise details of materials to be checked and confirmed by officers.
- 7.13 The building line of the proposal would move forward from that existing. This would move the massing on the site more in line with the dwellings immediately to the east and west, fitting within the established front building line along this section of Cottenham Park Road. In terms of the development's impact upon the Cottenham Park Road streetscene, the buildings are considered to fit appropriately within the site. The proposed houses and flats would each sit separately within the site. Gaps would be maintained through the buildings, including with neighbouring buildings, to ensure views through to the rear are largely retained.
- 7.14 It is acknowledged that the built form and massing on the site would be greater compared with that of the two existing dwellings. However, a development of the proposed scale would not appear uncharacteristic within the street, and would visually tie into the existing larger residential buildings to the west. The development would also respond to the approved redevelopment at No 41 Cottenham Park Road, which involves demolition of the existing detached building and the provision a larger semi-detached pair also of a modern design.
- 7.15 With respect to building heights, the ridge-lines of the proposed buildings would appear moderately taller than that of the existing houses on the site, by approximately 1.2m, although the lower parts of the roof (valleys) would be similar in

height to the existing building. The building heights of the development when viewed against the prevailing building heights along the street would appear in keeping. The new buildings would also provide a suitable transition of heights between buildings from east to west, which respond to the descending gradient of this part of Cottenham Park Road.

- 7.16 The proposal retains a representative length of front boundary wall, which is a traditional feature that helps define Cottenham Park Road. The section of boundary wall fronting the flatted block would be especially valuable given that it would act to conceal items such as bin storage units, cycle storage units and lightwells within the courtyard. The boundary wall would also have a beneficial role by helping to reduce the new building's visual mass as seen from the public pavement, which is positive.
- 7.17 The development as viewed from the rear would be of a relatively large scale. However, the dwellings would achieve appropriate setbacks from Orchard Lane and Holland Gardens, such that the development would not be considered to be overbearing within the streetscene or to the open space. In addition, the apparent bulk would be somewhat reduced given a significant portion of the dwellings would be nestled within the bank to the north.
- 7.18 The building's rear elevation has a coherent appearance, in which the pattern of glazed and solid parts of the building are well balanced. Protruding balconies at the rear have been kept to a minimum, particularly at upper levels, and instead Juliet balconies and recessed internal amenity spaces (2nd floor) are proposed. It is officer's view that this approach would work well. Occupants to the dwellings would have access to good quality external areas, whilst the building as viewed from Holland Park would not appear unduly busy or distracting.
- 7.19 Given the degree of separation along with the high quality contemporary appearance of the buildings, it is not considered that the development would cause harm to the street scene of Orchard Lane or to the visual amenity of the adjacent open space of Holland Gardens.
- 7.20 Subject to the recommended conditions, the proposal would respond well to the character of the surrounding area, and is considered acceptable in appearance, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

Standard of accommodation

- 7.21 London Plan Policy 3.5 states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.
- 7.22 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.
- 7.23 The scheme proposes the following unit sizes:

Unit	Туре	GIA (sqm)	London Plan requirement for GIA (sqm)	External amenity space (sqm)
House 1	4b/7p	227	129	64
House 2	4b/7p	220	129	53
House 3	4b/7p	234	129	52
Flat 1	3b/6p	144	102	58
Flat 2	3b/6p	144	102	50
Flat 3	1b/2p	53	50	5
Flat 4	1b/2p	53	50	5
Flat 5	2b/4p	107	70	7

- 7.24 All the dwellings would comply with or exceed minimum GIA standards.
- 7.25 The proposed development would have 2 x 3 bedroom flats arranged across lower ground and ground floor levels. Due to the arrangement, approximately a quarter of each flat's total floor space would be set belowground. Although this arrangement is not without limitations, both these flats would overall provide a good quality living standard for the future occupants. Each of the flats would be served by a sizable lightwell (widths of 1970mm), allowing sufficient natural light to penetrate the lower level bedrooms. Due to the falling gradient of the site, the other half of each flat's lower ground floor would access directly onto private rear garden, and have large south facing windows. The other half of these flat's floor spaces would be arranged at ground floor level, and contain the living areas. This level would be dual aspect, with south facing external terraces. Overall, the ground and lower ground floor flats are considered acceptable, responding to the falling topography of the site.
- 7.26 In terms of the other flats and houses proposed, each would provide high quality living accommodation, with layouts that offer a high standard of living for a range of family sizes. The dwellings would have good-sized rooms and convenient and efficient room layouts, which are functional and fit for purpose.
- 7.27 In relation to external amenity space, The London Housing SPG and policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sqm of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. The two flats arranged over ground and lower floors would have rear gardens, which would exceed minimum standards. All other upper flats would be provided with adequately sized balconies or terraces that meet housing standards.
- 7.28 Policy DM D2. a.vi. seeks to ensure appropriate provision of outdoor amenity space, whether public, private or communal which accords with appropriate minimum standards and is compatible with the character of surrounding areas. To achieve this 50sqm, set out as a single useable regular shaped amenity space, is considered adequate for a house. The three houses each provide amenity areas (garden and ground floor level terrace) of 63.5sqm, 52.8sqm and 52.2sqm respectively.
- 7.29 It is acknowledged that 2 of the houses would have garden spaces of slightly less than the 50sqm detailed within the plan, once the external terraces at ground floor level have been deducted (each terrace having a size of approximately 4.5sqm). However, with consideration towards the location of the houses directly beside Holland Garden, occupants would have considerable and close access to other open

spaces. This would compensate for the modest shortfall of private garden space. It is considered that the external amenity spaces, available to the residents comply with the intention of policy DM D2 that seeks to provide good quality living accommodation. It is also worth noting that the garden's south facing orientation and natural topography of the site would provide considerable natural sunlight and outlook for the users.

7.30 Overall, the proposed development would provide a high quality standard of accommodation, compliant with the objectives the local plan and relevant planning guidance.

Impact upon neighbouring amenity

- 7.31 SPP policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.32 The front elevation of the proposed building would share a similar front build-line to the neighbour at No. 35 Cottenham Park Road, and therefore would not cause any degree of encroachment to this neighbour's street facing windows and front garden spaces.
- 7.33 The existing building at the site protrudes past the rear building line of No. 35, by approximately 3m. This depth would be increased to approximately 6.3m with the proposed building also sited closer to the neighbour's boundary. The new built form would be a noticeable change from the existing situation as perceived by the occupants of No 35. However, it is not considered that the proposed built form would cause material harm to this neighbour's living conditions. This because a sizeable gap of 7.8 metres would be retained between the neighbouring building's flank wall and the flank wall of the proposed development, with an existing garage in between. This gap would be sufficient to offset the potential impact created by the increased building depth near the boundary. In addition, further visual relief would be provided by the use of varying materials to the flank wall, which would help break-up the perceived bulk. The proposal would partially reduce the side outlook of No. 35. However, this would not be to a degree that would be harmful or warrant refusal given that No 35 would still be afforded good views south across Holland Gardens
- 7.34 It is further noted that the application is supported by an overshadowing study that has assessed the impact of the development on the amenity space of the two adjoining properties, No. 35 and 41 Cottenham Park Road. The study concludes that the impact of the development would not cause a harmful degree of overshadowing to external spaces. No objections are made towards these conclusions.
- 7.35 The overshadowing study does not assess potential overshadowing of neighbouring windows. However, it is not considered that the development would result in a harmful loss of daylight / sunlight to neighbouring windows. At No. 35, there would be sufficient space between the development and the neighbour's windows, including the side-facing window at first floor level, so that existing levels of daylight / sunlight would not be harmfully impeded. The rear facing windows of this property are also south facing with the building sited on elevated land to ensure good levels of natural light continue to be received.
- 7.36 To the other adjoining neighbour, No. 41 Cottenham Park Road, the proposed building would sit broadly in line with the rear of the neighbouring building and would not cause harm to outlook or privacy. It is noted that No. 41 has a side dormer

- window facing towards the development. However, this dormer serves the stairwell rather than a habitable room and any loss of daylight to this room would not cause material harm. There would also be no resulting reduction of outlook from this dormer window that would be significant in planning terms.
- 7.37 The proposed balconies on the development would be south facing in which views attained would be principally across Holland Gardens. The proposal, due to the angle of views attained, would not create loss of privacy into neighbouring habitable spaces that would be harmful in planning terms. It is noted that there is side-facing windows within the flatted building towards No 35. A condition has been recommended to require that these windows are obscure glazed and fixed shut at first floor and above.
- 7.38 In terms of noise, the site would continue to be used for residential use. The proposed building along with external terraces are sufficiently separated from neighbouring habitable rooms to ensure that any noise as a result of the increased density on the site would not be unduly harmful.
- 7.39 Other neighbours, including those sited along the northern side of Cottenham Park Road would not be impacted by the proposal, in terms of sense of enclosure, noise, privacy or daylight received.
- 7.41 For the reasons set out above the proposal is considered acceptable in terms of residential amenity and would comply with Policy DM D2.

Highway traffic and parking

- 7.41 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Core Strategy Policy CS 18 promotes active means of transport, and CS 19 promotes public transport.
- 7.42 The applicant has worked with council officers to reduce the development's reliance on private car use. The three terrace houses would each have a single on-site car parking space, and would not be eligible for parking permits on street. The proposed flats would have no parking onsite, with only three of the five flats eligible for parking permits on street, with the remaining 2 flats restricted by way of S106 agreement.
- 7.43 The application is supported by a transport assessment, which indicates that there would be a sufficient level of parking capacity on the surrounding streets to handle the car parking requirements of the three flats eligible for parking permits. Whilst the onsite parking spaces for the terraced houses would not give rise to highway safety issues. The level of parking would therefore be consistent with the aims of Policy DM T3, which seeks to ensure that the level of residential and non-residential parking and servicing provided is suitable for its location and managed to minimise its impact on local amenity and the road network.
- 7.44 The level of car parking afforded by the development needs to be carefully weighed against the Council's ambition is to reduce the boroughs environmental impact, in part through reducing the borough's reliance on private vehicles as well as promoting public and active transport. In July 2019, Merton Council passed a motion to declare a climate emergency, placing further support towards developments, which keeps car ownership to a minimum. This ambition also feeds into the aims of the Emerging London Plan and the Mayor's Transport Strategy in reducing car use.

- 7.45 Notwithstanding the observations made by the Transport Planner officers consider that the scheme warrants a pragmatic compromise in relation to parking control. While making the scheme 100% permit free may further some of the Council's environmental planning goals, to refuse the scheme on the basis of a failure to make the scheme 100% permit free would require the Council to demonstrate the harm that would arise locally as a result. This would be particularly challenging given both onstreet parking availability and the length of the street frontage to the flats. The level of car parking provided by the development is considered by planning officers to be a reasonable compromise. The development is located within an area with a public transport accessibility rating of 3, which is moderate but not high. Therefore, a small level of parking provision would be reasonable, and be of high benefit to the larger units, suitable for family occupancy. To insist upon a car free development would not be considered practical at this location.
- 7.46 Overall planning officers are comfortable with the parking provision proposed, which provides an appropriate balance of onsite, on street and car free units.
- 7.47 The London Plan requires one cycle parking space for 1 bed units and two spaces for all other dwellings. The cycle spaces to be provided within the rear gardens would meet policy requirements and no objection is raised. A condition has been recommended requiring that details are submitted of the proposed cycle enclosures to the Council before development commences to satisfy policy requirements that enclosures are secure and covered.
- 7.48 The existing Traffic Management Order would need to be modified in order to secure the necessary highway markings, to remove the bays and provide yellow lines on the highway between the proposed vehicle crossovers, where there is not sufficient space to re-incorporate a parking bay. An informative has been included to advise the applicant to contact the Council's Highway Team prior to any work.

Refuse Storage and Collection

- 7.49 Refuse would be stored within storage enclosures within the front courtyards, with collection to occur from Cottenham Park Road. This arrangement is considered to be acceptable and would comply with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.50 A condition has been recommended requiring that details are submitted of the proposed refuse storage facilities to the Council before development commences. This is necessary given that the drawings submitted are not of a sufficient level of detail for the council to be satisfied that refuse storage units would be practical and functional.

Sustainable design and construction

- 7.51 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.
- 7.52 The applicant has submitted an Energy Statement, which details that the proposed development could comply with Core Strategy policy CS15, minor residential developments by achieving a 19% improvement on Part L of the Building Regulations 2013 and water consumption not exceeding 105 litres/person/day. The statement concludes that renewable technologies in the form of solar PV would be the most

- feasible solutions to meet the Core Strategy requirements. The solar PV would also be combined with a various energy efficient measures.
- 7.53 The proposal is therefore considered to meet sustainable design and construction policies, and conditions have been recommended to secure this.

Landscaping and impact on trees and biodiversity

- 7.54 NPPF section 15, London Plan polices 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation. In addition and specifically in relation to basements, policy DMD2 of the SPP states that basements should not damage the townscape, including the loss of trees.
- 7.55 A Tree Survey and Arboricultural Impact Assessment has been submitted to support the application, and has been reviewed by the Council's Arboricultural Officer. These documents provide a survey of all the trees within the site, alongside their quality and amenity value. It details the trees that would be removed during the works and tree protection measures that would be adopted for the trees that would be retained.
- 7.56 No objections towards the proposal have been received by the Council's Arboricultural Officer. The Arboricultural Officer has concluded that the retained trees should be protected in accordance with the submitted details. To secure this the Council's Arboricultural Officer has recommended relevant conditions:
 - The works are conducted in accordance with the submitted 'Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement'
 - The retaining of an Arboricultural expert to monitor the works and to provide a report to the Local Planning Authority
 - A landscape and planting scheme to be submitted for approval, and these works carried out as approved.
- 7.57 Subject to the above provisions, the proposal would have an acceptable impact upon trees and biodiversity

Basement development

- 7.58 Policy DMD2 of the adopted Sites and Policies Plan states that proposals for basements should be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings; basements should not exceed 50% of either the front, rear or side garden of the property. Policy DMD2 b).v) also sets out that basements must include a suitable drainage schemes including 1m of soil above the basement.
- 7.59 London Plan policies 5.12 and 5.13, CS policies CS13 and CS16 and SPP policies DMD2, DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.60 A Surface Water Drainage Strategy Report has been submitted with the application, this document details the proposed Sustainable Urban Drainage strategy to be adopted, this includes, a drawing showing the direction of surface water through the site, manholes with discharge controls, and the installation of a surface water

attenuation tank. Other complimentary surface water drainage systems would also be installed, including green roofs to the bike and bin stores, and a 200m granular drainage layer above the front basement slab. No objections are raised toward the surface water drainage strategy proposed which have been secured by condition. The basement would also have the required 1m depth of topsoil above to allow rainwater to be absorbed and to compensate for the loss of any biodiversity caused by the development.

- 7.61 It is noted that over 50% of the front garden would be occupied by the proposed basement. However, given the suitable drainage scheme proposed along with the 1m of topsoil above the basement, it is considered that the intention of policy DMD2 would still be achieved.
- 7.62 A Basement Impact Assessment and Ground Investigation and Basement Impact Assessment Report were submitted with the application. These documents set out how the basement could be constructed in a safe and methodical manner without affecting adjacent properties or the highway. This includes how structural stability is safeguarded and potential impacts to neighbourhood amenity mitigated during the development process. Should the application be recommended the following condition would also be included:

No development shall commence until:

- (A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and
- (B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the aforedescribed qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Community Infrastructure Levy

7.63 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.

8. CONCLUSION

- 8.1 The proposal would provide 8 new homes within the borough, in line with planning policy. The scale, form and positioning of the two proposed buildings would be in keeping with the established pattern of development along this part of Cottenham Park Road. The development whilst contemporary in design would be of a high quality that would complement the streetscene.
- 8.2 The proposed homes would provide a high standard of accommodation. Planning conditions and a unilateral agreement for parking permit free for 5 of the 8 units have

been recommended to ensure that the impacts of the development are adequately addressed.

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 completion of a S106 unilateral undertaking to secure:

- 4. 5 of the 8 new units are to be parking permit free residential units
- 5. The developer agreeing to meet the Council's costs of reviewing [including legal fees] the unilateral undertaking.
- 6. The developer agreeing to meet the Council's costs of monitoring the unilateral undertaking; and the follow 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) No development shall take place 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 development shall commence until
 - (A) a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed for the duration of building works and their appointment confirmed in writing to the Local Planning Authority, and
 - (B) the name, and contact details of the person supervising engineering and construction on site for the duration of building works have been confirmed in writing to the Local Planning Authority.

In the event that either the Appointed Engineer or Appointed Supervisor cease to perform that role for whatever reason before the construction works are completed, those works shall cease until a replacement chartered engineer of the afore-described qualification or replacement supervisor has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer and supervisor are at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Reason - The details are considered to be material to the acceptability of the proposal, and for safeguarding the amenity of neighbouring residential properties and to comply with the Basements SPD and policy DM.D2 of the Sites and Policies Plan 2014. It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan

- The development hereby permitted shall not be occupied until the surface water drainage strategy as recommended by Martin J. Harvey, in the submitted document, dated April 2020, has been carried out in full and confirmed as such in writing to the LPA.
 - Reason: to reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMD2 & DMF2 and the London Plan policy 5.13.
- 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 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.
- 7) 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 CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres 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.
- 8) 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.

- 9) 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 policy DM T2 of Merton's Sites and Policies Plan 2014.
- 10) 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 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.
- 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.
- 12) No development shall take place until a scheme for the storage of refuse and recycling has been 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 scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation. 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.
- 13) Before the development hereby permitted is first occupied, the windows in the eastern flank wall, at first floor and above, within the building containing flats, shall be

glazed with obscure glass and fixed shut and shall 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 CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

14) 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 dwellinghouses 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- The development shall not be occupied until the existing redundant crossover/s have been be 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 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.
- 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.
- The vehicle parking area shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted 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
 - 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.

 The details and measures for the protection of the existing trees as specified in the
- 19) The details and measures for the protection of the existing trees as specified in the approved document 'Tree Survey Arboricultural impact Assessment Arboricultural Method Statement' reference number: 'CC/677 AR4155' and dated '11th November 2019' shall be fully complied with. The methods for the protection of the existing retained trees shall fully accord with all of the measures specified in the report and shall be installed prior to the commencement of any site works and shall remain in place until the conclusion of all site works.

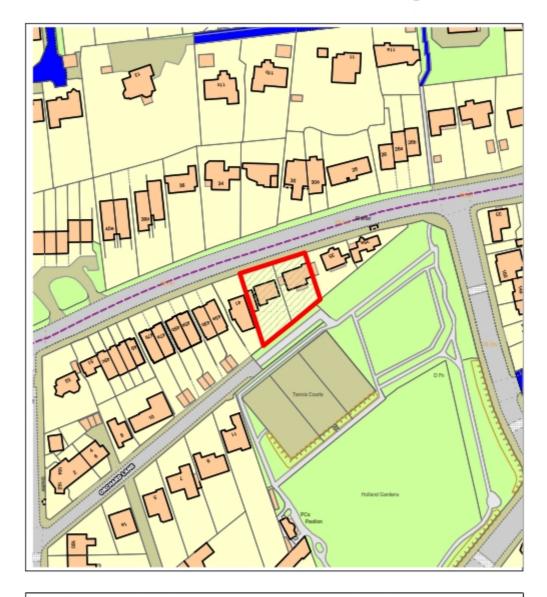
Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015,

- policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.
- 20) The approved development shall retain an arboricultural expert to monitor and report to the Local Planning Authority not less than monthly the status of all tree works and tree protection measures throughout the course of the demolition and site works. A final Certificate of Completion shall be submitted to the Local Planning Authority at the conclusion of all site works.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy DMO2 of Merton's Sites and Policies Plan 2014.



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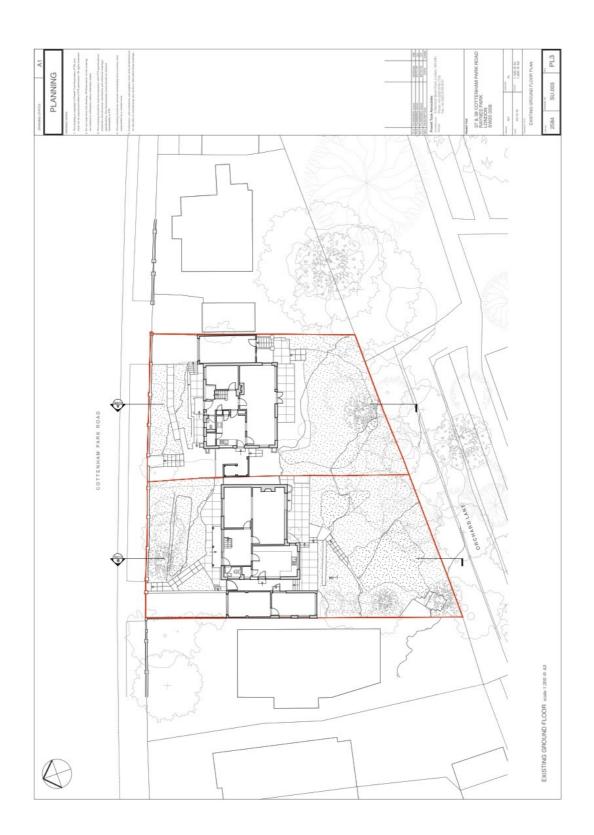


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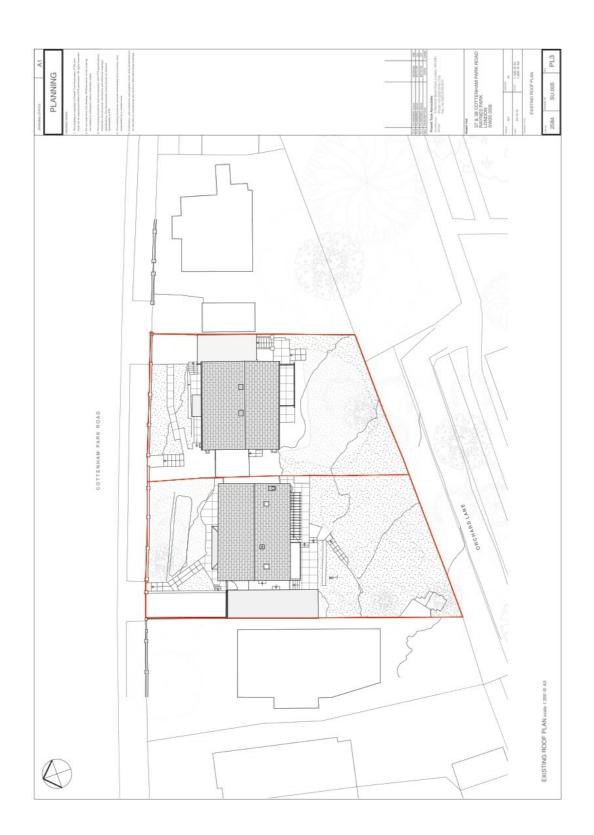




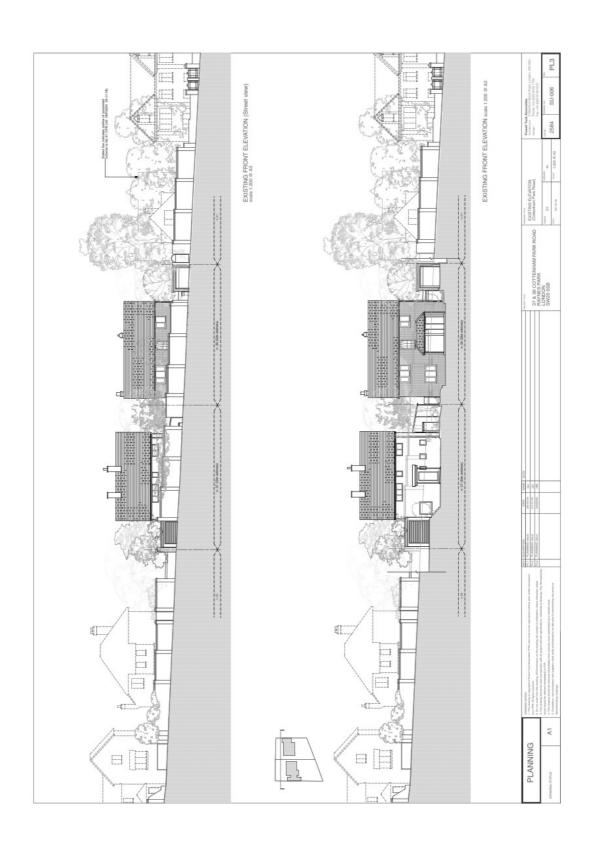




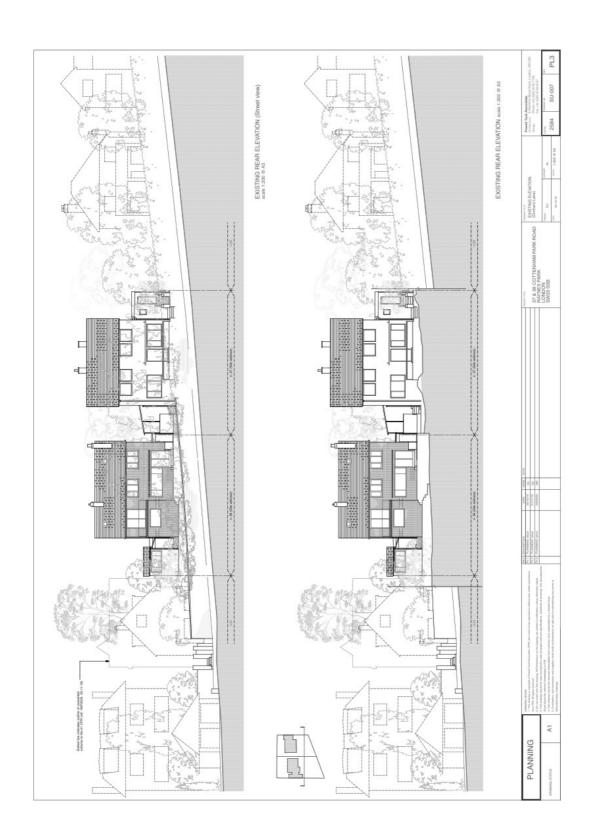




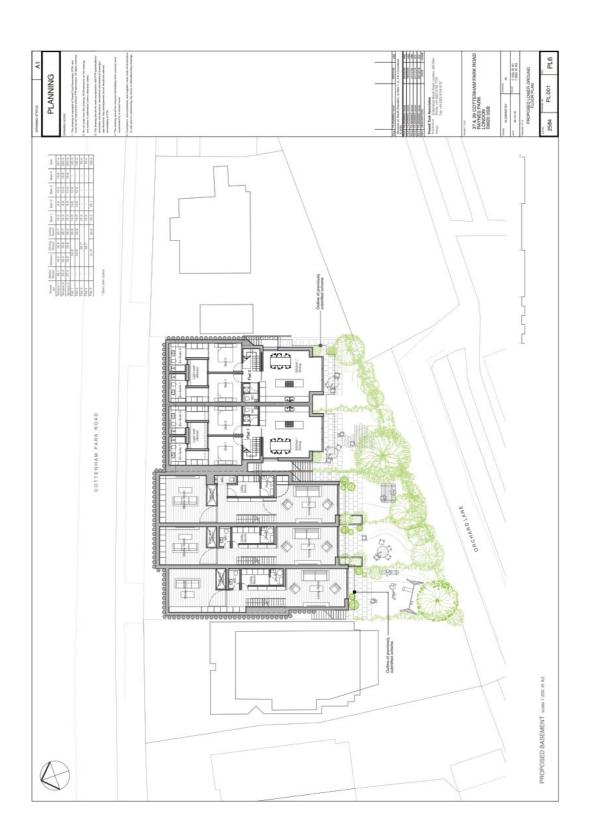








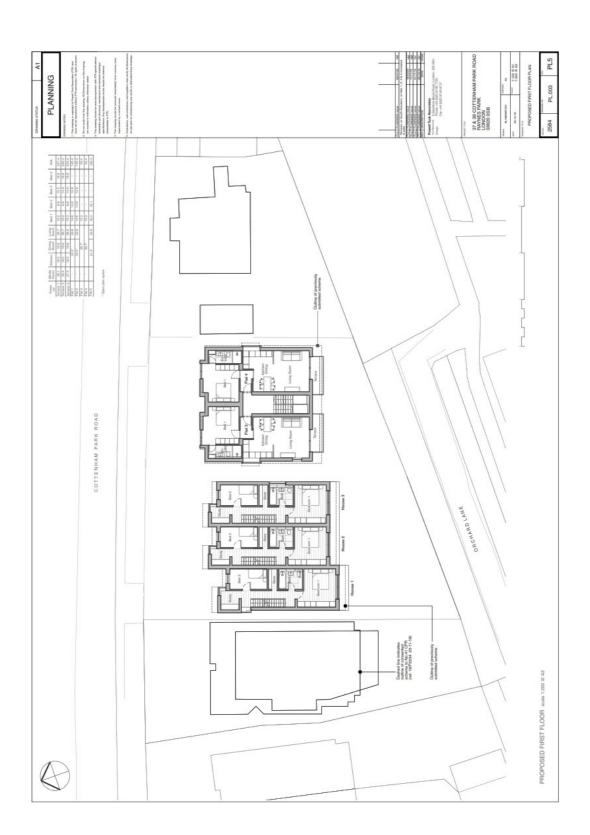




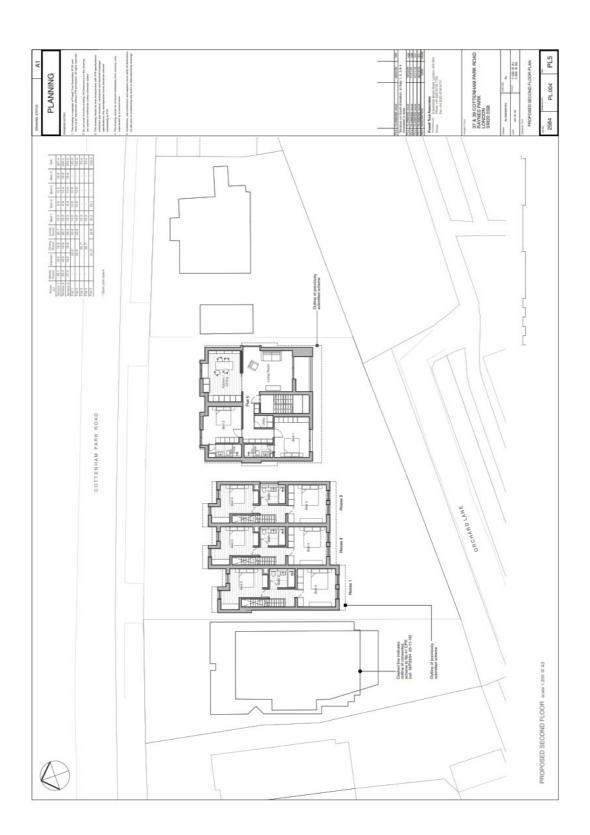








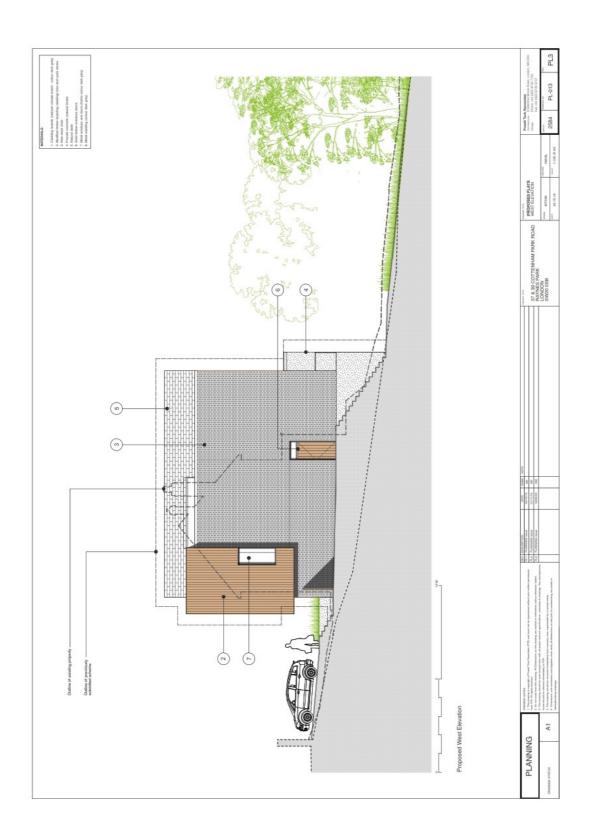




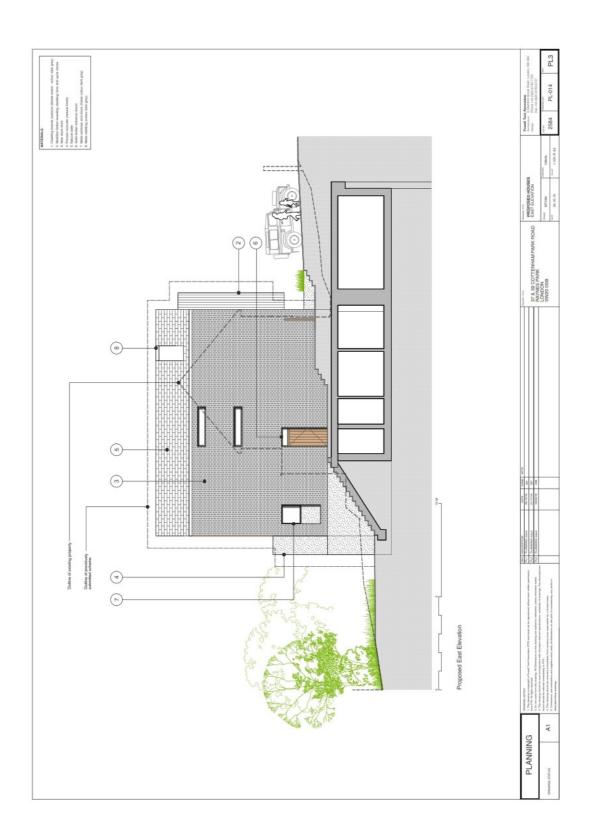








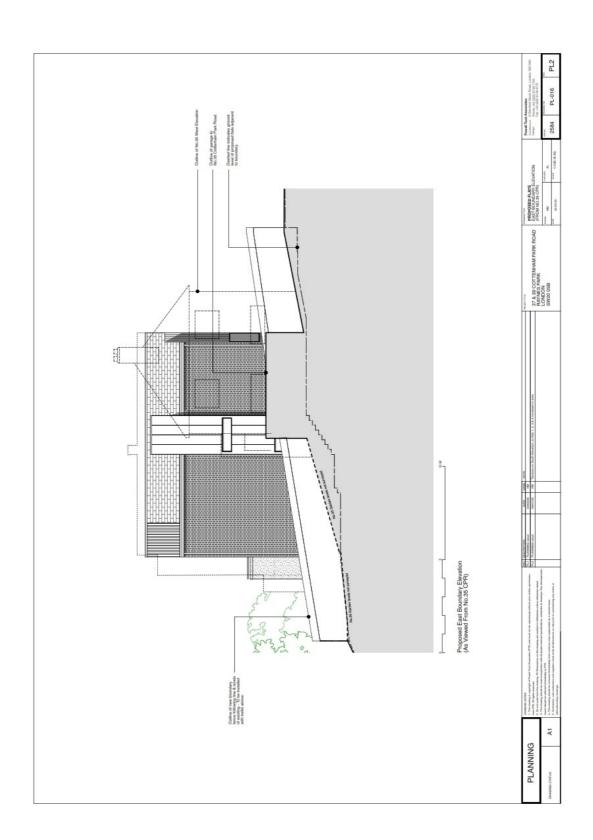




























37 - 39 Cottenham Park Road, Raynes Park, LONDON SW20 0SB

Prepared

Powell Tuck Associates Ltd 6 Stamford Brook Road tel. 020 8749 7700 email mtaylor@powelltuckassociates.co.uk



1.0 Introduction

This Planning Application refers to sites at both 37 & 39 Cottenham Park Road combined; this document should be read in conjunction with the following drawings and reports:

Existing Drawings Architectural

SUL001 PL3 SUL002 PL3 SUL002 PL3 SUL002 PL3 SUL004 PL3 SUL006 PL3 SUL006 PL3 SUL006 PL3 SUL006 PL3 SUL006 PL3 SUL007 PL2 SUL008 PL4 PL 003 PL4 PL 003 PL4 PL 003 PL4 PL 005 PL4 PL 006 PL4 PL 006 PL4 PL 007 PL5	SU.001 PL3 Existing Location Plan	SU.002 PL3 Existing Site Plan	SU.003 PL3 Existing Ground Floor Plans	PL3 Existing First Floor Plans	SU.005 PL3 Existing Roof Plans	PL3 Existing Front Building & Street Elevations	SU.007 PL3 Existing Rear Building & Park Elevations	SU.008 PL3 Existing Sections
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Consultant Reports

	2020)
020)	March
April 2	les (ref
ng (ref:	Associa
Planni	Mew A
- ADN	t - Paul
Statement	Statemen
Planning	Transport

Subterranean Impact Assessment - AND Design Ltd (ref: April 2020)

Surface Water Drainage Strategy - M J Harvey (ref: April 2020)

Financial Viability Assessment - Affordable Housing 106 (ref: April 2020)

2.0 Architect & Lead Designers - Powell-Tuck Associates

Powell-Tuck Associates are considered one of the foremost house designers in the country and have won many awards including The Daily Pidegraph House Bullding Awards 2003 for the best new build in the UK for that year in both the contemporary and overall categories. In 2010 we were commended for the 'unge House of the 'kar in the British Homes Awards. In 2008 we were clied in the Daily Telegraph as one of Britain's top-notest architect for residential design. The building will be designed to a high standard and will enhance the character of the surrounding area.

2.1 Consultant Team

Planning Consultant ADN Planning 8 Kerria Way, Woking. SURREY GU24 9XA

Basement Impact Assessment AND Design Ltd. 90 Meadrow Godalming SURREY GU7 3HY

Energy Consultant & Daylight Sunlight Studies BaseEnergy Ltd. 44 Canal Street,

Bootle, LIVERPOOL L20 8QU

Arboriculture & Trees Challice Consulting Holmwood Farm Grange Horsham Road, Dorking, SURREY RH5 4JR

Paul Mew Asociates Traffic & Parking Consultants Plym House, 21 Enterprise Way LONDON SW18 1FZ

Surface Water Drainage M J Harvey 3 Orwell Road Petersfield HANTS GU31 4LO



3.1 Location & Setting

The application site resides within the Raynas Park Ward, which is located on the Western boundary of the London Borough of Merton. The Morthern boundary of the Raynas Park Wark urus along the centre of Cottenham Park Road. Therefore, properties on the South of Cottenham Park Road are within the curl Cottenham Park Road is within the separate ward of Willage.

The site does not lie within a designated Conservation Area. The buildings on site are not Listed by Historic England.

The Cottenham Park area was developed from the remenants of Prospect Place, a 28 acre estate once nowned. Samuel Pepsys the 1st Earl Octenham design from the C18th. Bought by developers in 1851, the house and estate were renamed Cottenham Park in Pepsys brotuour.

The scale and height of the buildings along Cottenham Park Road are generally even along its full length, being 2-3 storeys. Having said that there are a number of properties that take advantage of the sloping landscape and can accomodate a 4th storey with no detriment to the street scape along the road.

Generally speaking, buildings on the western end of the road, particulally on the south side, can be dated to the batter part of the Victorian and Edwardian periods of the later part of the Victorian and Edwardian prices from Parynes Park Station built in

The eastern half of Cottenham Park Road is principally occupied with housing and developement from the 1950's conwards. Due to the proximity of the this end of the road to the railway, the As and Wimbledon Common also makes this portion of the road attractive for development and a number of post war housing plots have been redeveloped to take take advantage of this potential market.

There are rare elements of building that pre-date the 1950's on thirs Eastern end of the road. Notably the Church (Christ Church West Wimbledon) and isolated C19th properties within the post war meilée of beige boxes around the Opse Hill cui-de-sao just to the North of Octenham Park Road.

Nearby several other residential developments of similar scale to the proposed scheme have been built or have enerally gained permission, notably 41 Cottenham Park Road & 43 & 45 Cottenham Park Road. The proposal et 37 & 39 Cottenham Park Road rintends to contribute to the organing need in the Borough, and across London, for increased housing.

Transport Links

The site is located approx 800m from Coombe Lane ('Central' Raynes Park), According to the TFL on-line PTAL calculator the site has Public Transport Accessibility Level of 3 (Good).

- Nearest Train Stations
 Flaynes Park Maintine Station (12mins Walk)
 Winheldon Thames Link Station (24mins Walk)
 Wimbledon Station Maintine & Underground (32mins Walk)

Buses

 Only the 200 bus stops on Cottenham Park Road. The nearest Bus Stop is by the corner of Cottenham
Park Road and Pepys Road (< 2 mins Walk from site) with buses travelling to Raynes Park Station.
 Nearest Mitcham bound 200 can be saught from the Copse Hill Christ Church stop approx 250m to the
NE from site, along Cottenham Park Road. Cycles

London Cycle Route CS31 is approx 800m from site and Cycle Superhighway CS7 can be picked up from I im more deliars Wood about Sform away sporox 18min cycle). On site Cycle Storage provision is described in more deliar With the separate transport report.





The application sites of 37 & 39 Cottenham Park Road are currently occupied by a single, two storey detalched house on each plot. No.37 was constituted around the mid 1950's with retrospective planning permission being grantled by Merton in November 1956. Merton's online planning register also notes that mission and extra confine planning register also notes much arothisectural menti.

The site itself has a marked change in level, sloping down from the street in a south westerly direction. Therefore, between the North East comer of No.37's boundary and the South West comer of No.39's rear garden there is a change in level of just over 7 metres.

The southern boundary is fairly heavly wooded and a public footpath runs parallel to the rear garder fence, separating the site boundaries from Holland Green tennis courts

The neighbouring properties , No.35 to the East and No.41 to the West are similar, no houses, and perhaps, when all viewed together, give a glimpse of the now erroded post war housing built along this section Cottenham Park Road.

It is noted that the site of No.41 has recently been granted permission to be demolished and replaced with a 4 storey semi-detateched dwelling formed of two separate dwellings.

The current built occupants of these sites (Nos.37 & 39) are partially hidden behind a wall, lurking with little presence to the street iscape. Their immediate neigbours, on the opposite side of the road are assisted with their lotter estitings and varied appearance. Many being replacement dwellings or new devlopement adding to the street with their less drab appearance.











02 Street Velw - Surror road Nos.30A & 30B)



4.0 Site Analysis & Building Design

The application site(s) are orientated on roughly North South axis, so both the Tenrace Houses & the Flat Building's front (street learning) hacease are althorded even Daylight (Northigh). Key timing spaces and the lauger habitable rooms with Balconies & Tenraces subsequently have the 'sunnier aspect facing south along with the Gardens (Amenity Spaces). South Facing views across Park & Tennis Courts of Holland Goardens are tillered by bank of mature Trees and large Hedges along the Southern Boundary leading Goarden providing natural screening & privacy (01).

Site Topography varies greatly. At street level, the pavement along the Cottenham Park Road frontage vance (east to west) by almost 1.5m. On the easterly edge (Plot 37) the vertical levels differ by over 3m from street to southern boundary, respective westerly edge (Plot 39) by over 5m. The sloping ferrain allows unimpeded access to the entrance storey Ground Floors of all the buildings from public realm parents, while enabling an additional storey below (Lower Ground Floor) to be semi-sunken into the site achieving liven lacoses leading from same floors to the respective rear galactics.

Streetscape of Cottenham Park Road is multitarious with wide range of dwellings, in core aesthetic, architectural and general massing terms, in relatively lobes proximity. All have informed the scale of the proposed development; from terraced maisorettees (No's 64-42) across from the jurction with Durham Road and Three Storey Mansion-Blocks Pairings facing (No's 44-45) to the Large Detached double-front and single occupancy prones directly opposite the application size. The recently consented schools from the particular segment of Cottenham Park Road, the scale building Menton Planning deen estillationly of this particular segment of Cottenham Park Road, the axisting burgalow type house appearing perhaps incorquous (in scale terms only) with more recently built houses immediaely adjacent and nearby on the same street.

Placement & arrangement of the two building forms, the Three House Terrace & the Flat Building, follows the prevailing grain on Cottenham Park Robe. Split into two distinct blocks affords views through and alongside the proposales are sold prevailing prevailing grain or Octenham Park Robe. Split into the prevailing characteristics of dwellings on maintained fendorsed. Basic building form stems from the prevailing characteristics of dwellings on the southern flank of Octenham Park Robe. There-store buildings and the road; lessening their build & impact and tackling the sloping topograpes by with occupiable Pitched or Mansard Robes. The detached buildings, again on Cottenham Park Roads souterin side, predominally have pitched roof shapes with gables facing the street; this has been followed for the proposed ferrace and then imply espicated other Parla Buildings.

Fenestration and the positioning of each glazed opening for each dwelling has been derived from the dual considerations of maintaining privacy for both the future occupant and current neighborus while ensuring all new flatible rooms have sufficient levels of natural light. On the front facades of both the Tenrace Houses & Upper Foror Talsa, Bay Window antergements with notible disables-to-Glass comers ground occupants with increased daylight levels and wider views (& surveillance) of the street. Flank Elevétions have been given visual interest via smalled "glimpse view, windows, not not for introducing greater variety of natural light for those internal spaces, than for observing from. Rear Elevétion goeinings have been maximised for the reasons given above while also having hierarchy of size; larger Bi-Fold sliding openings for better relationship vity gardners and tenraces, more traditional "domestic" scale searments at the upper floor secondary & tentiary performs.

The analysis above and over the previous pages intends to demonstrate that the proposed scheme has been designed specifically to be sympathetic bit is surroundings, while conclous of its semi-urban (sububan) setting. The scheme shall not friting detirmentally on any of the immediate neighbours' privacy not compromise significantly on their presently held amenity, and shall be an enhancement on the existing buildings while legitamately exercising the owners right to develop.

For demonstration that the newly proposed development accords with both citywide (The London Plan) New Housing legislation and the local council is (Metron) current Planning Policy Guidence in terms of scale and all other incumbent matters refer to the accompanying Planning Statement by ADN.



ww north from Hollland Garden Park (existing Houses at 37 & 39 obscured by follage)





5.0 Materials

01 Calcium Silacte Cladding Board Projecting elements on flank elevations of flat building to be clad with calcium silicate board. It is proposed for the bards to be finished in a dark grey colour. These will be installed as a secret fix, rainscreen cladding.

02 Modified Timber Boarding (Brimstone or similar)

Modified timber cladding is proposed for all rainscreen elements. Pre-weathered timber boards shall be used for parts of the building laque, providing a softer appearance. Other elements, such as the Refuse as Crocle Stores, Fences & Screens shall be covered to the same product which remains dimensionally stable, as Crote Stores, equives minimal upkeep.

03 New Stock Brick
The bluf of the fact and terrace houses shall comprise of New Stock brick completed
in either Fernish or Stecher Bond.

04 Pre-Cast Concrete
Pre-Cast elements are proposed and will assist in accentuating certain form cills or recessed panels below some windows.

05 State - Main Roof Pitch Natural slate is proposed for the main roof pitches to both the terrace houses and flat building.

66 Solid Timber Entrance Doors Vertically Statted with external grade marine plywood, solid core timber door blanks shall be employed for each buildings' entrance doors making them inherently durable. Finish of Dulux Weatershield (Satin) shall be applied in solour (ming-gray) to match the associated window frames and ballatrading.

Balcony Balustrades Formed of toughened safety glass with a metal capping handrail



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6.0 Access

Existing Points of Access into the site are maintained. All new Steps and Staircases of the proposed new Residential Units and associated Communal Areas shall be designed in accordance with current UK Building Regulations. Also refer to Lifetime Homes Checklists for confirmations of compliance with other Accessibility Criteria.

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Agenda Item 9

PLANNING APPLICATIONS COMMITTEE 20th August 2020

Item No:

<u>UPRN</u> <u>APPLICATION NO.</u> <u>DATE VALID</u>

20/P1275 08/04/2020

Address/Site: 115 Graham Road, Wimbledon, SW19 3SP

(Ward) Dundonald

Proposal: Erection of an additional storey and creation of 2 x 1

bedroom flats

Drawing Nos: 2005 A L01.03(C), L01.05(C), L03.02(C), L03.03(C),

L04.02(C), L04.03(C), L04.04(C), L04.05(C),

Contact Officer: David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to a S106 Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 38
- External consultations: None

1. INTRODUCTION

1.1 The application has been brought before the Planning Applications

Committee due to the number and nature of representations received as a result of public consultation.

2. SITE AND SURROUNDINGS

2.1 The application site comprises a three-storey block of six flats, built in the 1970s, which is located on the southwest side of Graham Road, Wimbledon.

The block of flats features a flat roof and comprises brick and timber facing materials.

- 2.2 Six off-street car parking spaces are provided in garages at the rear of the site with vehicular access from Graham Road.
- 2.3 The site is not located in a Conservation Area. The site is also located in a controlled parking zone (Zone W4) and has excellent access to public transport (PTAL = 6a).

3. CURRENT PROPOSAL

- 3.1 The application proposes the erection an additional storey comprising 2 x 1 bedroom (2 person) flats.
- 3.2 Facing materials currently proposed comprise standing seam lead to front and rear elevation dormer windows, slate tile to mansard roof, matching brick to side elevations, and grey aluminium clad windows.
- 3.3 No off-street car parking spaces are proposed.
- 3.4 Amenity space for each unit would be a minimum of 5sqm. The application also proposes to create private amenity space for the two ground floor flats at the rear of the building.
- 3.5 Refuse storage would be located in front of the building and a new bicycle store, with capacity for both existing and proposed flats would be located at the rear of the building.
- 3.6 This is the second submission for the extension of the building following a previous refusal (LBM Ref: 19/P3732) earlier this year. The key differences are the proposed flats have been reduced in size from 2 to 1 bedrooms, The extension has been reduced in size with the front elevation comprising a mansard sloping at a slightly shallower angle, the roof now comprising a shallow twin pitch element rather than being entirely flat, and a mansard on the rear elevation which was previously a vertical brick facing wall. The current proposal also comprises flats with private balconies at the rear which the rear mansards are set back behind.
- 3.7 The proposal has been amended since it was first submitted with further improvements proposed including new entrance doors, new windows to centrally located stairway, existing window bay cladding replaced, and new perimeter wall fronting the street. The bin storage area has been relocated from in front of the building to the rear.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 MER1113/71 Erection of 6 self-contained flats with off-street parking. Granted 12/01/1972
- 4.2 MER730/72 Extension at rear of 3 storey block of flats. Granted 06/09/1972
- 4.3 In 2016 pre-application advice was sought (Ref: 16/P2669) for the erection of an additional storey to existing building to create 2 x residential units.
- 4.4 19/P3732 Erection of an additional storey to existing building to create 2 x 2 bed flats, including rear roof terrace. Refused, 20/12/2019, for the following reasons:
 - The proposal would be excessive in terms of height, bulk, massing and would have an unsympathetic design to the detriment of the character and appearance of the existing building and the Graham Road streetscene contrary to policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).
 - 2) The proposal would fail to provide a satisfactory standard of accommodation for future occupants with the flats providing insufficient sized private amenity space contrary to policy DM D2 of the Sites & Policies Plan & Policies Map 2014, C.S 14 of the Core Planning Strategy 2011 and policy 3.5 of the London Plan 2016.
 - 3) The proposal would be visually intrusive and overbearing to the detriment of occupiers of No. 117 Graham Road contrary to policy DM D2 of the Sites & Policies Plan & Policies Map 2014.
 - 4) The proposed development would result in 2 additional residential units. Given the site has excellent access to public transport and is located in a controlled parking zone (Zone W4) the proposal would have a significant impact on onstreet parking in surrounding streets. As there is no legal agreement in place for the units to be permit free the proposal would be contrary to the requirements of policy CS. 20 of the London Borough of Merton Core Planning Strategy (July 2011).
- 4.5 In February 2020 pre-application advice was sought for a single storey extension to the block of flats (Ref: 20/P0508)

5. POLICY CONTEXT

5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):

DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM H2 (Housing Mix), DM O2 (Nature Conservation, Trees, hedges and landscape features), DM T1 (Support for sustainable transport and active travel), DM T3 (Car parking and service standards)

- 5.2 Adopted Core Strategy (July 2011)
 CS.13 (Open space, nature conservation, leisure and culture), CS.14 (Design),
 CS.15 (Climate Change), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan (March 2016) are:
 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (Parking)
- 5.4 Mayor's Housing Supplementary Planning Guidance (March 2016)
- 5.5 DCLG Technical Housing Standards nationally described space standard March 2015
- 5.7 National Planning Policy Framework (2019)

6. CONSULTATION

- 6.1 The application has been publicised by means of a site notice procedure with individual letters also sent to occupiers of neighbouring properties. In response, seven letters of objection were received on the following grounds:
 - Lack of engagement from freeholder
 - Proposed private amenity areas for ground floor flats would encroach on communal land
 - Car currently park in front of garages so there would be no room to manoeuvre cars
 - Disruption of building work on existing occupants
 - Inaccurate drawings
 - Out of proportion with surrounding buildings/design not in keeping with existing building
 - Visually intrusive/overbearing/excessive bulk and height
 - loss of daylight/sunlight and privacy
 - Lack of space to rear to provide proposed amenities
 - Highway safety during construction
 - Impact on existing building infrastructure
- 6.2 Following receipt of the proposed amendments a further re-consultation was carried out. In response one further letter of objection was received reiterating previous concerns.
- 6.2 Future Merton Transport Planning
- 6.3 No objections subject to conditions relating to bicycle parking, submission of construction logistics plan, and S106 requiring the development is permit free.

7. PLANNING CONSIDERATIONS

The main planning considerations concern the design and appearance of the extension, standard of accommodation to be provided, impact of the development upon residential amenity, and traffic/parking issues.

7.2 Design and Impact on Graham Road Steetscene

- 7.21 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2015), in Policy 7.4 Local Character and 7.6 Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design. Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates 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.
- 7.22 This part of Graham Road is characterised by buildings with relatively consistent building heights. The current building is three storeys with a flat roof whilst other buildings along the road are 2/3 storeys with twin pitch roofs. It should be noted that the adjoining property, No.113 is two and a half storeys with a twin pitch roof incorporating roof space accommodation, whilst the pair of semi-detached properties, Nos. 117 and 119, located on the side of the site are two storeys with twin pitch gable roofs addressing the street.
- 7.23 This is the second submission for the extension of the building following a previous refusal (LBM Ref: 19/P3732) earlier this year. The previous application was partially refused because it was considered that it would be excessive in terms of height, bulk, massing and would have an unsympathetic design to the detriment of the character and appearance of the existing building and the Graham Road streetscene. The key differences between the current and previous application include the reduction in size of the proposed extension with the mansard sloping at a slightly shallower angle, the roof now comprising a shallow twin pitch element rather than being entirely flat, and a mansard on the rear elevation which was previously a vertical brick facing wall. The current proposal also comprises flats with private balconies at the rear which the rear mansards are set back behind. It is considered that these amendments are sufficient to address the previous concerns regarding the proposed bulk and massing of the extension, whilst it should also be noted that the proposal would not exceed the height of No.115.
- 7.24 It is also considered that the current proposal is a higher quality design than the previously refused application. The existing building is a poor quality design and it is considered that the previous design which would have had a similar design approach would have simply compounded its negative impact on the Graham Road streetscene. It is considered that the proposed design which would have a high quality contemporary design approach featuring standing

seam lead to front and rear elevations and grey vertical aligned grey aluminium clad fenestration addresses this concern, improving the building's appearance when viewed from the street. It should also be noted that further improvements to the front elevation including new entrance doors, new windows to centrally located stairway, existing window bay cladding replaced, and new perimeter wall fronting the street are proposed which will further modernise the building when viewed from the street. Overall, it is considered that the proposal would comply with policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and as such is considered to be acceptable in terms of visual amenity.

7.3 Standard of Accommodation

- 7.31 Policy 3.5 of the London Plan 2016 and the Department for Communities and Local Government 'Technical housing standards nationally described space standard' set out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.32 The proposed flats would be 50sqm and 48sqm. Although the 48sqm flat would be 2sqm below the minimum space standard for a 1 bedroom (2 person) flat it is not considered to warrant a refusal of the application given it would be only marginally below the required size and the development is restricted by the current building's floorplate. It should also be noted that each habitable room provides good outlook, light and circulation, and as such it is considered the proposal would provide a satisfactory standard of accommodation. In addition, the proposed flats would provide a minimum of 5sqm of private amenity space required by policy DM D2. The proposal would therefore comply with policy 3.5 of the London Plan (March 2016), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) in terms of standard of accommodation.

7.4 Residential Amenity

7.41 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.

7.42 The rear elevation of the building extends beyond both the ground and first floor rear elevations of No.117. The previous proposal was considered to be visually intrusive and overbearing when viewed from No. 117 Graham Road due to its excessive height, bulk, massing and unsympathetic design. It is considered that the current proposal addresses these concerns with the rear elevation now comprising a mansard roof which is set back behind the private balconies of the proposed flats reducing its visual impact when viewed from No.117. It is considered that due to the size and location of the extension in relation to No.113, with No.113 also having a deeper rear building line, that it would not be visually intrusive when viewed from this building. To reduce overlooking from the rear balconies a condition requiring protective screening on the balcony sides will be attached to any permission. The proposal therefore is considered comply with relevant planning policy with regards to neighbouring amenity.

7.5 Parking and Traffic

- 7.51 Policy CS.18 of the Core Planning Strategy states that the Council will promote active transport by supporting schemes that prioritise the access and safety of pedestrian, cycle and other active transport modes. Policy CS.18 also encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers). Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated.
- 7.52 No off street car parking is proposed which is considered acceptable as Policy 6.13 of the London Plan states 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 application site is located in an area of high demand for on-street car parking spaces and as such on-street parking is regulated by controlled parking zone W4. It should also be noted that it is considered that the application site has excellent public transport accessibility (PTAL = 6a) given its location close to Wimbledon Town Centre. It is considered that due to the creation of 2 x 1 bedroom flats in an area of high existing car parking pressures, as required by Merton's adopted Core Planning Strategy policy CS20 (Parking, Serving and delivery), it is necessary to the acceptability of the development that it should be 'permit free'.
- 7.53 A total of 10 secure bicycle spaces would be provided at the rear of the site. This would provide the minimum number of spaces required by policy 6.13 of the London Plan, including the provision of sufficient spaces for occupants of existing flats. Overall, the proposal accords with relevant transport planning policies.

7.6 Sustainable design and construction

7.61 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.

7.62 The proposed development would need to comply with Core Strategy policy CS15, minor residential developments by achieving a 19% improvement on Part L of the Building Regulations 2013 and water consumption not exceeding 105 litres/person/day. The proposal would result in a large flat roof pane which could likely accommodate solar PV in a south-westerly direction. The Council's standard condition is to be applied in order to secure compliance with the policy.

7. <u>SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS</u>

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

8. LOCAL FINANCIAL CONSIDERATIONS

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

9. <u>SECTION 106 LEGAL AGREEMENT</u>

- 9.1 Permit Free
- 9.2 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.
- 9.3 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

http://www.merton.gov.uk/environment/planning/s106-agreements.htm

10. CONCLUSION

10.1 The proposal would provide an acceptable standard of accommodation, and is considered acceptable in terms of design, massing and siting, and would not have a detrimental impact on neighbouring amenity. The proposal would make a small modest contribution to the housing supply, in a sustainable location. Overall, the proposal is of a sufficiently high quality that would be acceptable in the Graham Road streetscene and accordingly, it is recommended that planning permission is granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to a S106 legal agreement with the following heads of terms:

- 1. That the residential units are 'Permit Free';
- 2. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

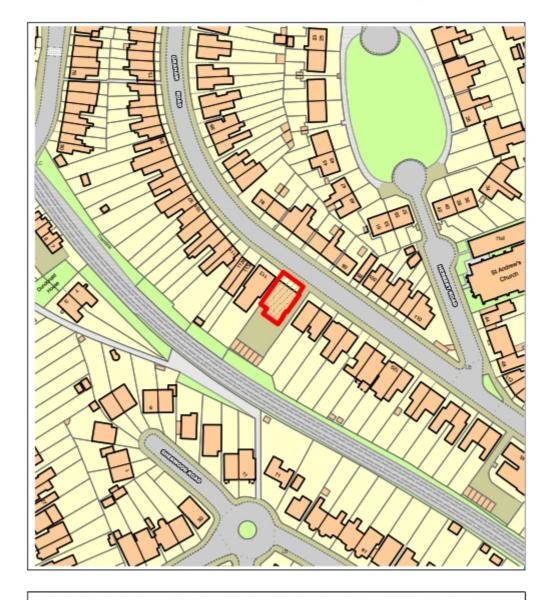
And the following conditions:

- 1. A.1 (Commencement of Development)
- 2. B.1 (External Materials to be Approved)
- 3. B.4 (Details of Site/Surface Treatment)
- 4. B.5 (Details of Walls/Fences and screening to balconies)
- 5. B.6 (Levels)
- 6. C.10 (Hours of Construction)
- 7. F.1 (Landscaping/Planting Scheme)
- 8. F.2 (Landscaping (Implementation))
- 9. H6 (Cycle Parking Details to be Submitted)
- 10. H13 (Construction Logistics Plan)
- 11. The proposed new entrance doors, new windows to centrally located stairway, existing window bay cladding replaced, new perimeter wall fronting the street, and two ground floor rear outdoor amenity spaces shown on the approved plans shall be completed prior to occupation of the first flat hereby approved.

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

- 12. Refuse and recycling implementation
- 13. Sustainable design and construction.

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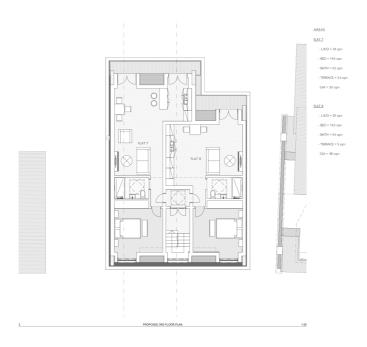


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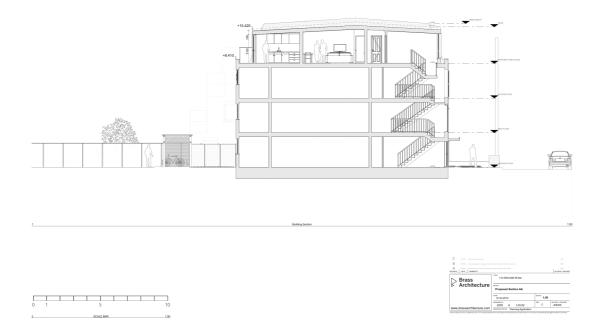




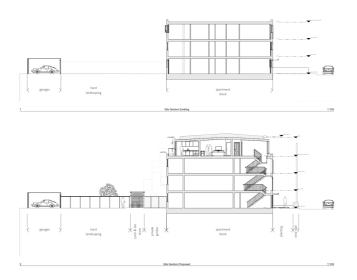
















Agenda Item 10

PLANNING APPLICATIONS COMMITTEE 20th August 2020

Item No:

<u>UPRN</u> <u>APPLICATION NO.</u> <u>DATE VALID</u>

19/P2120 06/06/2019

Address/Site: 64 – 76 Kingston Road, Wimbledon, SW19 1LA

(Ward) Abbey

Proposal: Restoration and extensions to the existing manor house

building (including basement extension) at No.76, and redevelopment of the adjoining site at No.64 - 68 with the erection of a new four storey residential block (plus additional basement level) creating a total of 26 x self-contained flats (7 x 3 bed, 4 x 2 bed 15 x 1 bed units)

Drawing Nos: KING-AB-EX-1, KING-A-PR-1.1D, 1.2D, 1.3C, 1.4C,

2.1D, 2.2C, 2.3C, 2.4D, 2.5D, 3.1E, 5D, KING-B-PR-1.1E, 1.2E, 1.3D, 2.1D, 2.2C, 2.3D, 4.2E, 4.3E, 4.4D, 4.5D,

KING-AB-PR-1E

Contact Officer: David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Permit free, Affordable housing, Carbon offset contribution
- 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: 162
- External consultations: Transport for London

1. INTRODUCTION

1.1 The application has been brought before the Planning Applications

Committee due to the number and nature of objections received following public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site (Nos. 64 76 Kingston Road) comprises a vacant two-storey detached building with additional roof space accommodation located at No.76 Kingston Road, which was formerly used as a Private members club (Sui generis Use). Athough it's not possible to confirm, it appears that the building was also more recently used as a concert venue (Use Class D2). A two-storey building with associated car parking is located at No. 64 68 Kingston Road, which is currently used as a car show room (Sui Generis Use). The site is located on the south side of Kingston Road at the junction with Brisbane Avenue, Wimbledon. The surrounding area comprises a mixture of commercial and residential uses with two-storey residential houses located immediately to the south, east and south-west of the site. No. 78, which sits immediately to the west is locally listed and is currently being converted into a church. A piece of land at the rear of No. 76, which was formerly used as a bowling green is designated Open Space.
- 2.4 The application site has good public transport links (PTAL rating of 5) being sited in close proximity to South Wimbledon tube station and a number of bus routes. The site is also located in a Controlled Parking Zone (Zone S1).

3. CURRENT PROPOSAL

- 3.1 The application proposes the redevelopment of 64 76 Kingston Road to provide 26 self-contained residential units (15 x 1, 4 x 2 & 7 x 3 bed) involving refurbishment and extensions to the existing building at No. 76 Kingston Road (Building A) and demolition of the existing commercial building at 64 68 Kingston Road and replacement with a new four storey building which would sit adjacent and abut the flank wall of the existing building at No.76 (Building B). Private balconies are proposed for the majority of flats with a large outdoor communal area proposed at the rear.
- 3.2 Note: The application has been amended since it was first submitted with Building B reduced in height from five to four storeys above ground. The total number of flats has also been reduced from 28 to 26. Further amendments have been made to the external appearance of Buildings A and B. Proposed materials for Building B includes yellow multi stock and red multi stock brick.
- 3.3 One off-street disabled parking space proposed which is accessed from Brisbane Road. Secure cycle storage is provided at the rear of Building A and in the basement of Building B. The permanent bin store would be located between buildings A and B with a temporary bin store located to the side of Building B fronting Brisbane Road (for collection from Brisbane Road).

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 87/P1162 Erection of a two storey side and rear extension to existing club premises. Granted 12/01/1988
- 4.2 88/P1106 Erection of a single storey side and rear extension to club premises. Granted 09/09/1988
- 4.3 92/P0605 Erection of a single storey rear extension to club premises. Granted 29/09/1992
- 4.4 In 2018, pre-application advice was sought for the redevelopment of 64 76 Kingston Road to create 35 self-contained residential units, involving refurbishment and extensions to the existing building at No. 76 Kingston Road and demolition of the existing commercial building at 64 68 Kingston Road and replacement with a new six storey building. (LBM Ref: 18/P3868)

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):
 DM C1 (Community facilities), DM D1 (Urban Design and Public Realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D4 (Managing Heritage Assets), DM E3 (Protection of scattered employment sites), DM F2 (Sustainable Urban Drainage Systems (SuDS) and Wastewater and Water Infrastructure), DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM O1 (Open Space), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are:
 CS.8 (Housing Choice), CS.9 (Housing Provision), CS.11 (Infrastructure),
 CS.12 (Economic Development), CS.13 (Open Space, Nature Conservation,
 Leisure and Culture), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active
 Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (2016) are:
 3.5 (Quality and Design of Housing Development), 3.16 (Protection and Enhancement of Social Infrastructure), 5.2 (Minimising carbon dioxide emissions), 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), 7.8 (Heritage assets and archaeology).
- 5.4 National Planning Policy Framework (NPPF) 2019
- 5.5 The London Plan Intend to Publish Version (December 2019)

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, 99 letters of objection and one letter of comment was received.
- 6.2 The letters of objection are on the following grounds:
 - Excessive height of new building/out of character with local area/impact on Manor Club building and surrounding terrace houses
 - Loss of daylight/sunlight and privacy
 - Increase traffic congestion/lack of parking
 - Not sustainable
 - Pressure on local infrastructure/too dense/too many flats proposed
 - Poor design
 - Visually intrusive
 - Lack of consultation from developer with local community prior to submission
 - Set harmful precedent
 - Does not provide the required 40% affordable housing
 - Loss of existing social club
 - Lack of greenery/private garden areas/new balconies not appropriate given location fronting Kingston Road
 - Poor housing mix and standard of accommodation
 - Clarification required regarding location of refuse and recycling stores
- 6.3 Following the amendments to the proposed scheme, two further reconsultations were carried out. In response, 4 further objections were received on the following grounds:
 - New block still out of character/too high
 - Balconies would be inslightly due to occupants possessions being located on them
 - Density still too high/too many flats/overerdevelopment
 - Proposal would be leasehond
 - Loss of privacy
 - Excessive pressure on infrastructure

6.4 John Innes Society

- 6.41 Raised concerns regarding the proposed new building as originally submitted stating that it is completely out of keeping with its surroundings and with the form, style, height, scale and character of the Manor Club and Merton Hall. The balconies, which appear to be the main amenity space for most residents, would be unsafe to use due to the level of air pollution, noise and disturbance from traffic on Kingston Road. That would result in unsatisfactory living conditions for the residents. It would also have the result, as it has at Plough Lane, of people using their balconies for storage, leading to a very unsightly street scene. Also object to the provision of on affordable housing.
- 6.5 Merton Green Party
- 6.51 Request that 40% of units are affordable to comply with planning policy.

6.61 <u>Future Merton - Urban Design Officer</u>

6.61 Raised concerns regarding height and design of the new build element as originally proposed. Concerns included the proposed 5 storey height above ground level, stepping up of building height at corner of Kingston Road/Brisbane Road given Brisbane Road is only a narrow side road, the twin pitch roof feature fronting Kingston Road, large recessed balconies, lack of local context, and no direct access to communal amenity area.

6.7 Council's Conservation Officer

- 6.71 The proposed front light wells are oversized. They should be reduced just to give light into the front rooms. The oversized light wells will not serve a good purpose. They will not form a useable outside amenity space unlike the rear ones which could form a court yard garden. These may benefit by being slightly enlarged. It is important for the integrity of the historic building that the chimneys are maintained, rebuilt, even introduced to maintain the traditional roof line. There are fine stained glass windows which should be preserved.
- 6.72 The proposed new build block (building B) needs to lose the top floor. The current proposal is too high in the context of the adjacent buildings and would overshadow them. This is in reference to the heritage assets; local listed building and the Manor Club. It would reduce their significance. This is also in reference to the Edwardian terraces at the rear and late Victorian terraces across the road. The design of the building needs to be simplified. The gable is not working and it would be better if it was removed. It would be better from the street scene angle if the two building were independent of each other. The single storey connecting wing should be removed or reduced so the two building are separated.

6.8 Future Merton - Transport Planning

- 6.81 No objections regarding proposed impact on traffic and parking. The proposed cycle parking and bin storage arrangement are also considered to be acceptable. Recommends signing of S106 agreement requiring the residential units are parking permit free, provided with a 3 year car club membership. Conditions regarding submission of demolition and constructions logistics plan, and service management plan are also advised.
- 6.9 Future Merton Highways
- 6.91 No objection subject to appropriate conditions.
- 6.10 Future Merton Flood Risk Officer
- 6.101 If seasonal fluctuations of groundwater does occur in this location perched groundwater may exist), the lower parts of the proposed basement level may sit within the water table and furthermore, dewatering maybe required during

- construction and appropriate waterproofing of the structure will be needed and measures must be considered to prevent uplift.
- 6.102 Prior to construction, groundwater monitoring must be undertaken to take into account fluctuations in groundwater levels due to seasonal variation.
- 6.103 The submitted GeoSmart Information Ltd Sustainable urban Drainage Strategy(dated 31.05.19, reference 71518R1) states that the proposed solution comprises of rainwater harvesting butts and lines permeable paving. Hydrograph storage calculations were carried out for a 1 in 100 year storm event plus 40% climate change allowance, and these show that a storage volume of 51.9 m³ is required and the proposal would be able to provide a total of 53.8m³. This is compliant with the London Plan 5.13 and Merton's policy DM F2 and DM D2.
- 6.104 It is recommended that consideration of installation of non-return valves and a FLIP device is installed on the foul drainage to prevent flooding and back up from the sewer network.
- 6.11 <u>Future Merton Structural Engineer</u>
- 6.111 The submitted CMS demonstrates that the proposed basement can be built safely without affecting the surrounding natural and built environment.
- 6.12 Environmental Health Officer
- 6.121 No objection subject to appropriate conditions.
- 6.13 <u>Future Merton Climate Change</u>
- 6.131 Confirms that the proposed energy approach to the development is policy compliant and recommends that Merton's Standard Sustainable Design and Construction (New Build Residential Major) Pre-Occupation Condition and District Heating Condition are applied to the development.
- 6.14 Metropolitan Police
- 6.141 Many of the principles of Secured by Design appear to have been considered in the design and recommend conditions if the LPA wish to approve the application.
- 6. 15 Transport for London (TFL)
- 6.151 No comments received.

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

- 7.11 Policies 3.16 of the London Plan 2016 and CS.11 of the Core Planning Strategy 2011 resists the loss of community facilities in areas with identified need. Policy 3.16 states that proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. This is supported by Policy DM C1 of the Sites and Policies Plan and Policies Maps 2014 which states that any redevelopment proposal resulting in a net loss of existing community facilities will need to demonstrate that the loss would not create, or add to, a shortfall in provision for the specific community use; and that there is no viable demand for any other community uses on the site.
- 7.12 The applicant has submitted a Marketing Report stating that the building was used as a Private Members Club (Sui Generis Use) until 2012 and the building has remained vacant since. The Council however understands that the site was also used as a live music venue up until March 2016, with an approximate capacity of 250 (Class D2 use), although it is unclear how frequently it was used in this capacity.
- 7.13 It is considered that the proposed change of use is acceptable in this instance because the previous community value of the building was somewhat limited because it was restricted to private members before very briefly being used intermittently as a concert venue. The applicant has stated that they did contact a number of local community groups in March 2019 but other than one site visit from a local nursery no offers were made. It is considered that the building has not been in permanent use since 2012 and that it requires significant works to upgrade and make the space commercially viable for any use. A change of use to residential which would bring a vacant building that is of an age that requires re-furbishment back into use, whilst also involve restoring some of the buildings original features is therefore considered acceptable in this instance.
- 7.14 It is intended through Policy DM E3 (Protection of scattered employment sites) of the Adopted Sites and Policies Plan and Policies Maps (July 2014) to protect other uses located on scattered employment sites such as sui generis uses where appropriate. The proposal would result in the change of use of No. 64 68 from a Car Showroom (Sui Generis Use) to residential use (Use Class C3). It is considered that this is acceptable in this instance given the current sui generis use is a low intensity commercial use which means there is only a small number of employees employed on the site.
- 7.15 It is also considered the loss of the car showroom use and private members club/concert venue use would be outweighed by the benefit of providing 26 residential flats (which include on-site Affordable Housing) which would help contribute to the council's housing provision in the Borough.

7.2 Design, impact on streetscene and wider area

- 7.21 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.
- 7.22 Following advice from Council Planning Officers, the applicant has made significant alterations to the scheme since its original submission. The new build block (building B) has been reduced in height from 5 to 4 storeys above ground level. The buildings design has been simplified with the removal of the twin pitch element fronting Kingston Road and large recessed balconies. The building would also no longer step up to the corner of Brisbane Road on the building's Kingston Road elevation, and facing materials including detailing have been amended. With regards to building A, original cornice detailing over the entrance will be restored.
- 7.23 The proposed 4 storey building height of the new block is not considered to be excessive and is proportionate to surrounding buildings along Kinston Road and Brisbane Road. It should be noted that flatted blocks of similar heights have been built in the surrounding area (such as 121 Kingston Road). The design has been simplified with the building stepping up from the two-storey terraces to four storeys on its Brisbane Road elevation at the corner of Kingston Road. The top floor is set back with the use of different facing materials to further reduce the building's bulk and massing when viewed from both adjacent streets. Balconies are also fully recessed and the use of yellow multi stock and red mixture stock brick with a 45 degree pattern creates more visual interest whilst incorporating some local context to the buildings elevations. All of the ground floor flats fronting Kinston Road would have their own front doors which is desired. It is considered that the proposed amended scheme to building B are acceptable and would provide an appropriate building to the Kingston Road and Brisbane Road streetscenes.
- 7.24 The proposed extensions to building A are not excessive in terms of their size and are located at the rear of the building mirroring the profile of the existing building above ground floor level, with matching materials, which means this element will have very limited impact when viewed from the street. The proposed front lightwells have also been reduced in size, which means they will have only a very limited impact when viewed from the street. Original features such as the stained glass windows on the side elevation will be retained and some original features such as the cornices over the front entrance will be restored. The extensions at the rear would also be of a suitable scale and design that would not harm the setting of the adjacent locally listed building. Further, the context with the locally listed building is such that the extensions would be viewed adjacent to the new modern extension under construction on the adjacent locally listed building, and thereby separated from the original building. Overall, it is considered that the proposal accords with all relevant design policies and the extensions to the building would be appropriate and would maintain the buildings character. The extensions to the existing building (Block A) are therefore considered to be acceptable.

7.3 Residential Amenity

- 7.31 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.
- 7.32 The rear elevations of properties located along Brisbane Road face the eastern side boundary of the proposed communal area with the rear elevation of the new build block facing the north facing flank wall and side boundary of No.1 Brisbane Road. The recently refurbished and extended Merton Hall (No.78 Kingston Road), which is occupied by a church is located to the west of the Manor Club Building, which is being extended.
- 7.33 The bulk of the proposed new build block B would face the north facing flank wall of No.1 Brisbane Road, which does not feature any windows. Part of the new building block would extend beyond the rear wall of this property, however it is considered that given the proposed set backs on the upper floors (2nd and 3rd floor levels), it would not be visually intrusive or overbearing when viewed from No.1. It should also be noted that the building is located to the north of No.1 which means any impact on daylight/sunlight will also be acceptable. It should be noted that those windows and winter gardens in the rear elevation, which could potentially overlook the rear garden of No.1 would either feature screens, be obscure glazed or positioned so that this is not possible. All other neighbouring residential properties are positioned further away and as such no material harm would be caused by the proposal. The large outdoor communal space would be to the rear and would be laid to lawn and would adjoin other surrounding residential properties garden spaces, which is a common and acceptable relationship. Overall, it is considered that the proposed development would have an acceptable impact on residential amenity.

7.4 Standard of Accommodation

7.41 Policy 3.5 of the London Plan 2016 and the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' set out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

7.42 All the proposed flats would comply with minimum space standards. It should also be noted that each flat is at least double aspect with habitable rooms providing good outlook, light and circulation, and as such it is considered the proposal would provide a satisfactory standard of accommodation. All the flats in the new build block would feature balconies or terraces which comply with minimum space standards. With regards to the extended building A, five of the flats do not provide private amenity space (two basement/ground floor duplex flats, one first floor flat and two second floor flats). This however is not considered to warrant a refusal of the application given the constraints of the existing building floorplate. It should also be noted that there is a large communal amenity area (653sqm), including a 110sqm child play area, provided at the rear which occupants of these flats can use. Overall, it is considered that the proposal would comply with policy 3.5 of the London Plan (March 2016), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) in terms of standard of accommodation.

7.5 Housing Mix

7.51 Policy DM H2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that residential proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of swelling sizes, taking account of the borough level indicative proportions concerning housing mix. Therefore in assessing development proposals the council will take account of Merton's Housing Strategy (2011-2015) borough level indicative proportions which are set out as follows:

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

7.52 It is considered that the proposal provides an acceptable mix of properties with 15 one bedroom units (58%), 4 two bedroom units (15%) and 7, three bedroom units (27%). It is noted that there is a disproportionate number of one bedroom units however, this is generally at the expense of more 2 bedroom units rather than larger family sized units which make up 27% of the proposed units. Although the number of 3 bedroom units is below the recommended threshold it is considered that this acceptable given it is only marginal.

7.6 Parking and Traffic

7.61 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. At a local level Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and

other facilities (such as showers, bike cages and lockers). Policy CS.20 of the Core Planning Strategy states that the Council will require developers to demonstrate that their development will not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or the quality of bus movement and/or facilities; on-street parking and traffic management. Developments should also incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.

- 7.62 Kingston Road is a main route. The application site has a PTAL rating of 5, which means that it has very good access to public transport services. There is a bus stop located outside the application site and South Wimbledon Tube station is located a short walking distance away.
- 7.63 One off-street disabled parking space is proposed and this complies with London Plan Policy 6.13 which states 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, and adequate parking spaces for disabled people must be provided preferably on-site. Given the site is within a Controlled Parking Zone (S1) and has a PTAL rating of 5 the development would be subject to a S106 'permit free' Agreement. Policy CS.20 of the Core Planning Strategy states that the Council will support permit free developments in areas within CPZ's benefiting from good access to public transport (PTAL 4-6).
- 7.64 A total of 56 secure cycle spaces would be provided with 20 located to the rear of Building A and 36 spaces provided in the basement of Building B, which can be accessed using a bicycle ramp. This exceeds the 37 (17 for Building A and 20 for Building B) spaces required by London Plan Policy 6.9 (1 space per studio/1 bedroom unit and 2 spaces per all other dwellings).
- 7.65 Refuse is to be stored between buildings A and B with refuse collection proposed to be undertaken from a temporary bin collection area on Brisbane Road which is considered acceptable. During the assessment of the application, the Council's Transport Planner initially raised objection with collection of refuse/recycling off Kingston Road as the refuse lorry would have to stop in the Bus Stop. Therefore the solution was to provide a temporary bin store for collection day only adjacent to the east elevation of building B so that collection can take place from Brisbane Road. This was found to be acceptable by the Council's Transport Planner.

7.71 **Sustainability**

- 7.71 The submitted energy report indicates that the proposed development has been designed to achieve a 35% improvement in CO2 emissions on Part L 2013 on site, in accordance with the policy requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan.
- 7.72 As the proposal is for a major residential development, a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval to achieve zero carbon compliance, in accordance with

Policy 5.2 of the London Plan. The calculated carbon offset payment for the development is £16,336. This will be secured by S.106 and paid upon commencement of the scheme. The Council's Climate Change Officer has reviewed the submitted details and finds the energy strategy for the proposal to be acceptable.

7.8 Flood Risk

- 7.81 The site lies within Flood Zone 1 wherein principle residential development and basement construction is acceptable, having regard to national and local planning policy.
- 7.82 The submitted GeoSmart Information Ltd Sustainable urban Drainage Strategy (dated 31.05.19, reference 71518R1) outlines a solution comprising of rainwater harvesting butts and lines permeable paving. Hydrograph storage calculations were carried out for a 1 in 100 year storm event plus 40% climate change allowance, and these show that a storage volume of 51.9 m³ is required and the proposal would be able to provide a total of 53.8m³. This is compliant with the London Plan 5.13 and Merton's policy DM F2 and DM D2. It is recommended that consideration of installation of non-return valves and a FLIP device is installed on the foul drainage to prevent flooding and back up from the sewer network. Subject to conditions, the Council's Flood Risk officer raises no objection to the proposal. There are therefore no flood risk or drainage concerns with the proposal, subject to conditions.

7.9 Affordable Housing

- 7.91 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.
- 7.92 A total of 7 affordable units (5 x 1 bed & 2 x 2 bed) are proposed in block B which equates to 27% of the total number of units and all of the units would be intermediate housing units with no social rent proposed. This falls short of the 40% affordable housing target with a 60/40 split between social rented/intermediate sought by policy CS.8 of the Core Planning Strategy. The applicant has submitted an Affordable Housing Viability Appraisal, which the Council has had independently assessed by viability consultants, who have concluded that it is viable to provide the 7 shared ownership units only in this instance. It is further recommended to apply the early and late stage reviews to be built into the S106 Agreement in order to ensure the maximum amount of Affordable Housing is secured for the development.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 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. <u>SECTION 106 LEGAL AGREEMENT</u>

- 10.1 Permit Free
- 10.2 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.
- 10.3 Carbon Offset Contribution
- 10.4 As the proposal is for a major residential development, a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval to achieve zero carbon compliance, in accordance with Policy 5.2 of the London Plan. The calculated carbon offset payment for the development is £16,336.
- 10.5 Affordable Housing
- 10.51 A total of 7 affordable units (5 x 1 bed & 2 x 2 bed) are proposed in block B which equates to 27% of the total number of units and all of the units would be intermediate housing units with no social rent proposed. These are to be secured within the S106 Agreement, along with early and late stage review mechanisms.
- 10.6 Car Club Membership
- 10.61 Free car club membership will be funded by the developer for a period of 3 years and secured by a S106. Policy DM T3 states that car club schemes facilitate lower levels of on-site parking provision thereby allowing developers to achieve a higher level of development on-site.

11. CONCLUSION

11.1 It is considered that the proposed change of use of Nos. 64 – 68 and redevelopment of No 76 to residential use is acceptable as it would bring both a vacant building back into use and provide 26 new residential dwellings, whilst delivering a high quality design and layout which preserves the character and appearance of Kingston Road and Brisbane Avenue. The proposed development is also considered to have an acceptable impact on neighbouring properties, traffic/parking and provides a satisfactory standard of accommodation. Overall, it is considered that the proposal would comply with

all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

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

- 1) Permit free
- 2) Provision of 7 affordable housing dwellings in block B (100% intermediate housing units), including early and late stage reviews.
- 3) Zero carbon cash in lieu financial contribution (£16,336)
- 4) Free Car club membership for each residential unit for a period of 3 years
- 5) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

And subject to the following conditions:

- 1. A.1 (Commencement of Development)
- 2. A.7 (Approved plans)
- 3. B.1 (External Materials to be Approved)
- 4. B.4 (Details of surface treatment)
- 5. B.5 (Details of Walls/Fences)
- 6. C.7 (Refuse and Recycling (Implementation))
- 7. C.8 (No use of flat roof)
- 8. D.11 (Construction Times)
- 9. No works will commence on site until the below documents have been submitted and agreed by the local planning authority:
 - a) Detailed Construction Method Statement produced by the respective Contractors responsible for the underpinning, piling, excavation and construction of the permanent retaining wall. This shall be reviewed and agreed by the Structural Engineer designing the basement.
 - b) Underpinning and piling sequence drawing produced by the respective appointed Contractor/s.

- c) Detailed design calculations and structural drawings of the cantilevered reinforced concrete underpinning retaining wall submitted by the respective Consultant/Contractor responsible for the design works. The design has to be undertaken in accordance with Eurocodes.
- d) Detailed design calculations and structural drawings of the cantilevered piled retaining wall and the permanent lining wall submitted by the respective Consultant/Contractor responsible for the design works. The design has to be undertaken in accordance with Eurocodes. We would recommend using full height hydrostatic pressure and at-rest soil pressures for the design of all retaining walls and a highway loading surcharge of 20 KN/m2 (due to traversing of abnormal loads on Kingston Road) where applicable.
- e) Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the property under development, highway, and the affected neighbouring properties from start to completion of the project works. The report should include the proposed locations pf the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the contingency measures for different trigger alarms.
- 10. The disabled parking space shown on the approved plan KING-B-PR-1.2E shall be provided and demarcated as a disabled parking space before first occupation of the block B and shall be retained for disabled parking purposes for occupiers and users of the development and for no other purpose.
 - Reason: To ensure suitable access for persons with disabilities and to comply with the following development plan policies for Merton: Policy CS.8 of the Core Planning Strategy 2011 and policy DM D2 of the Site and Policies Plan 2014.
- 11. The development hereby permitted shall not be occupied until the cycle parking, washing and locker facilities 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.
 - Reason: To ensure the provision of satisfactory facilities to promote sustainable modes of transport and to comply with Policy CS18 (Active Transport) of the Adopted Merton's Core Planning Strategy 2011
- 12. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. The Plan shall include details of loading and unloading arrangements. The plan shall also include any necessary works to the highway to be carried out prior to occupation of the extended building. 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 first obtained.

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.

13. 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.

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.

14. 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 appearance of the development 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.

15. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

16. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Morton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

17. 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 in accordance with those outlined in the Energy and Sustainability Statement (dated 30 July 2020), 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.

18. No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority 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.

- 19. H3 (Redundant Crossovers)
- 20. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include detailed drainage layout construction drawings and dispose of surface water by means of a sustainable drainage system (SuDS) at a restricted runoff rate (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.

21. Prior to the commencement of development, the applicant shall submit a detailed proposal on how drainage and groundwater will be managed and mitigated during construction and post construction (permanent phase), for example through the implementation of passive drainage measures around the basement structure.

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.

22. 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).

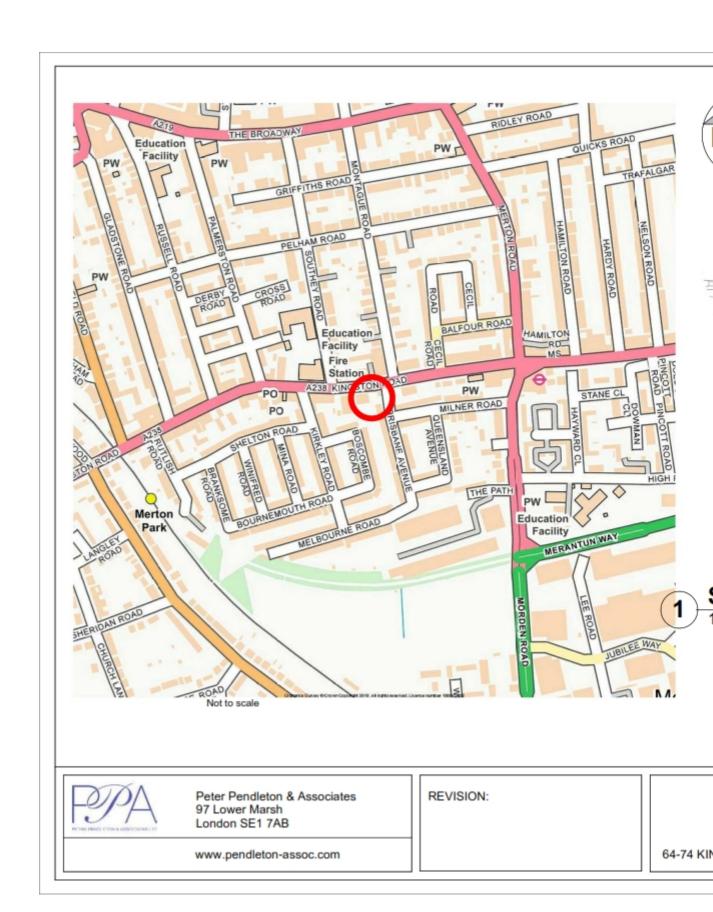
No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system

NORTHGATE SE GIS Print Template

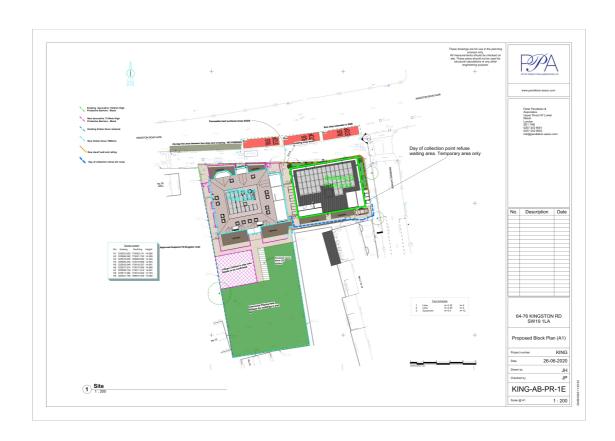


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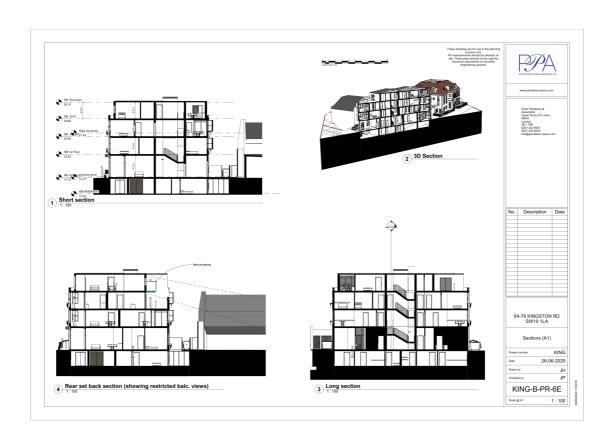
















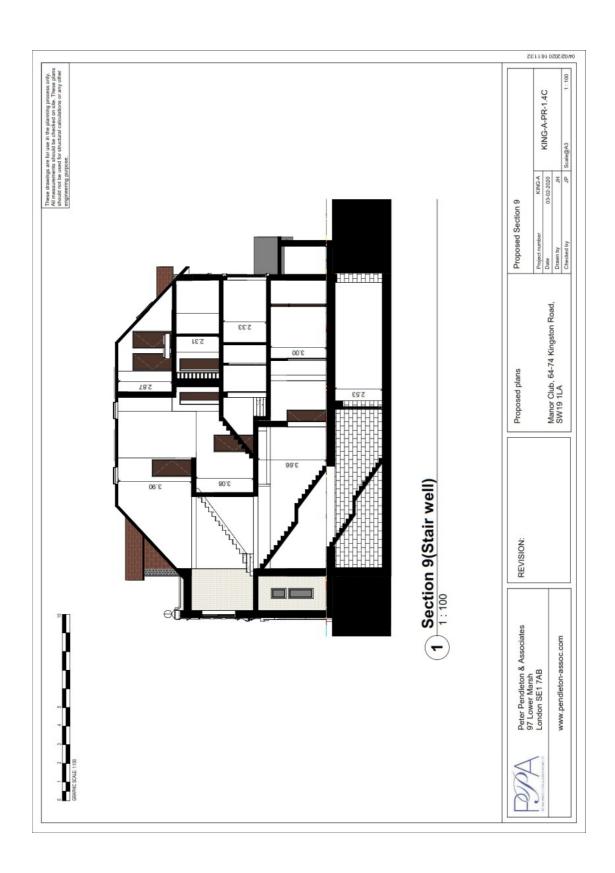




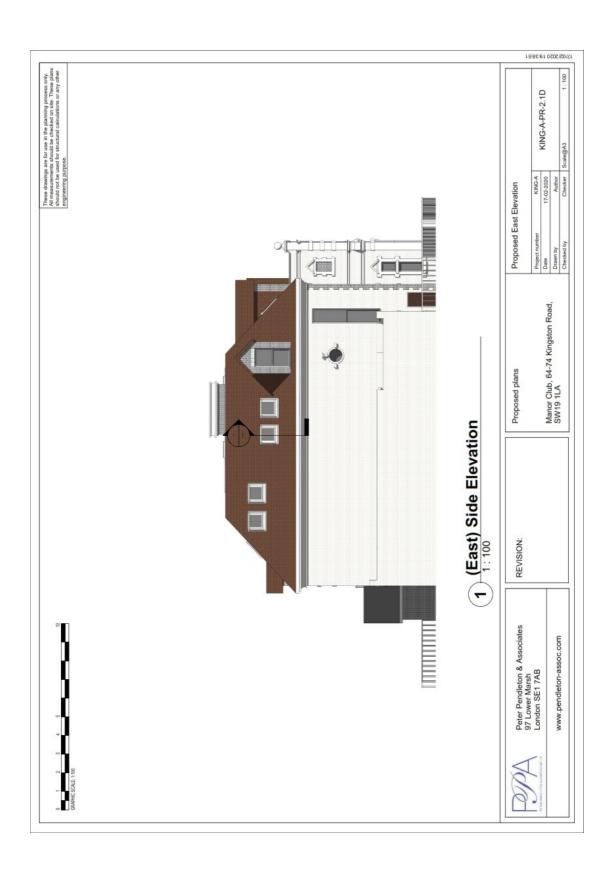








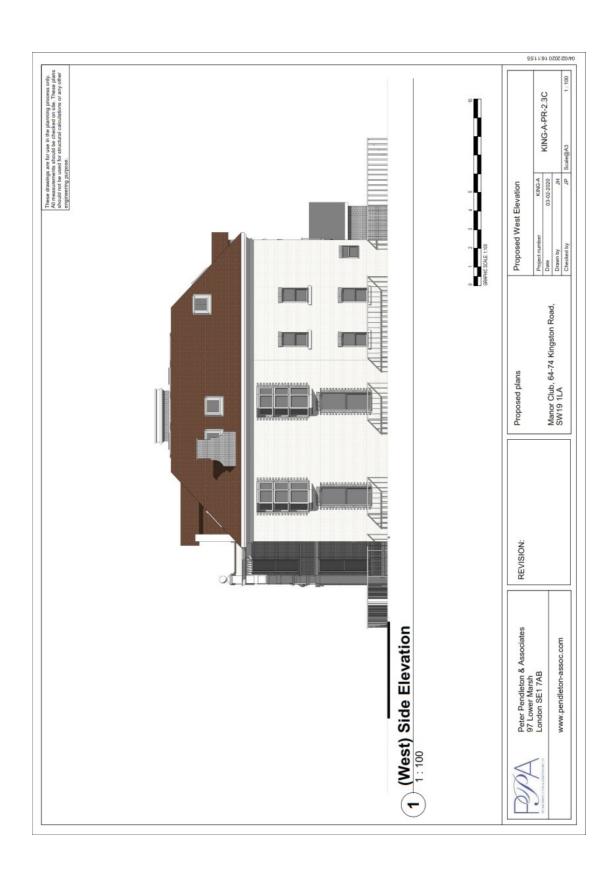
















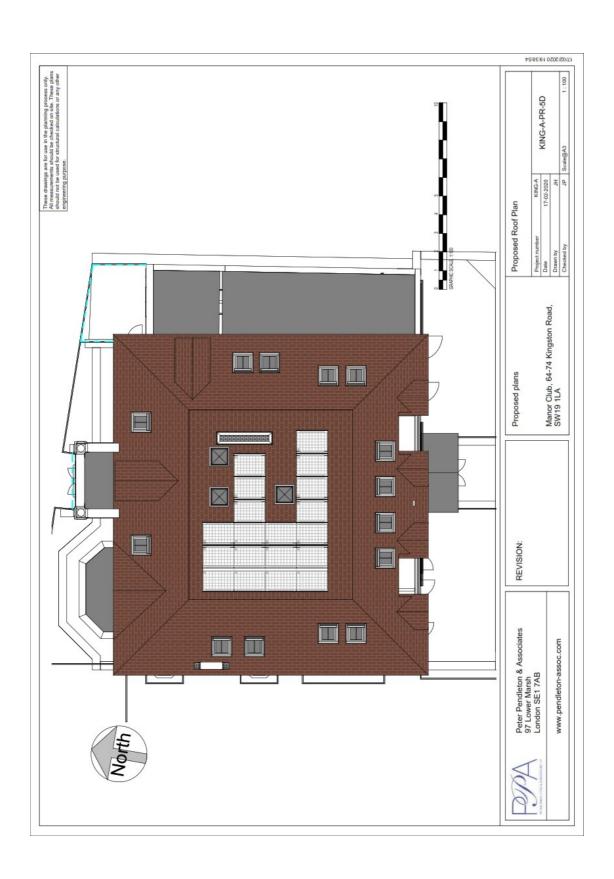




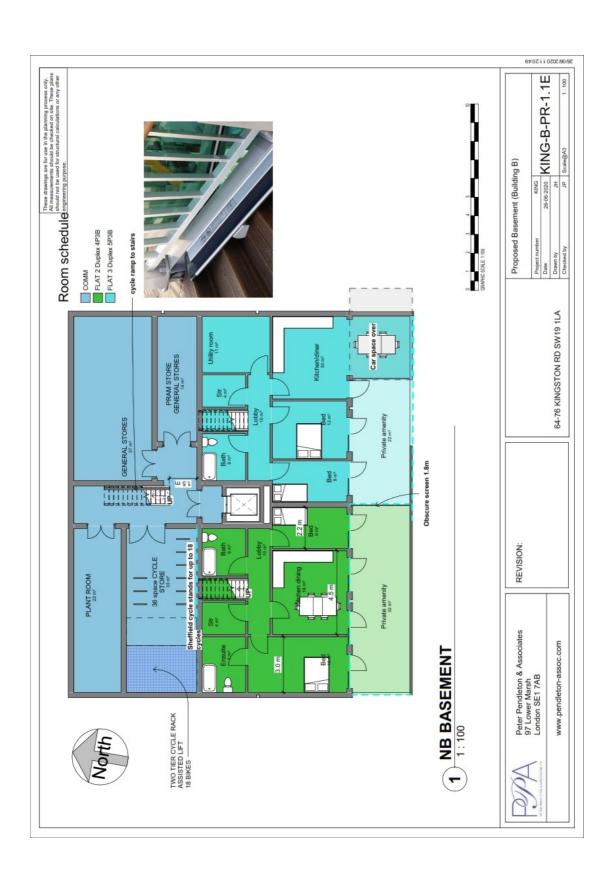




















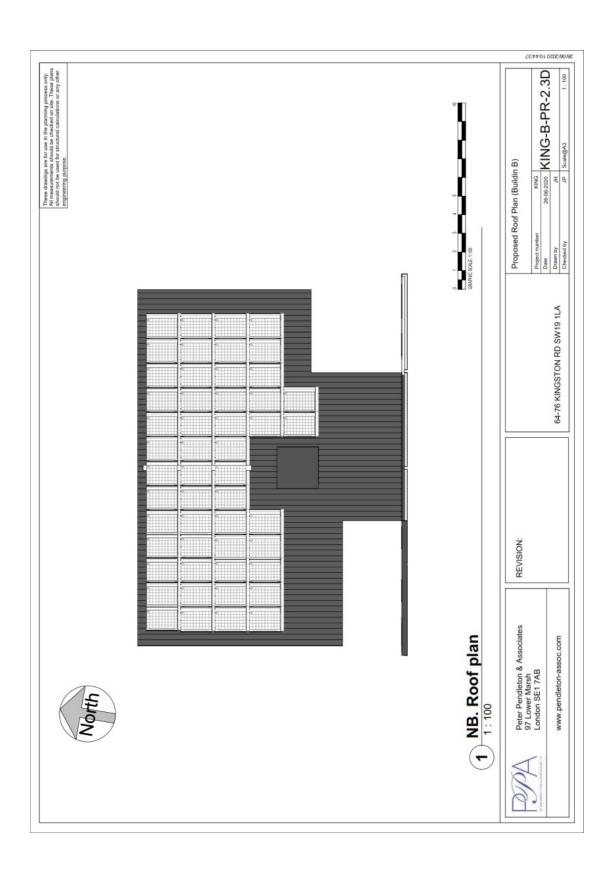




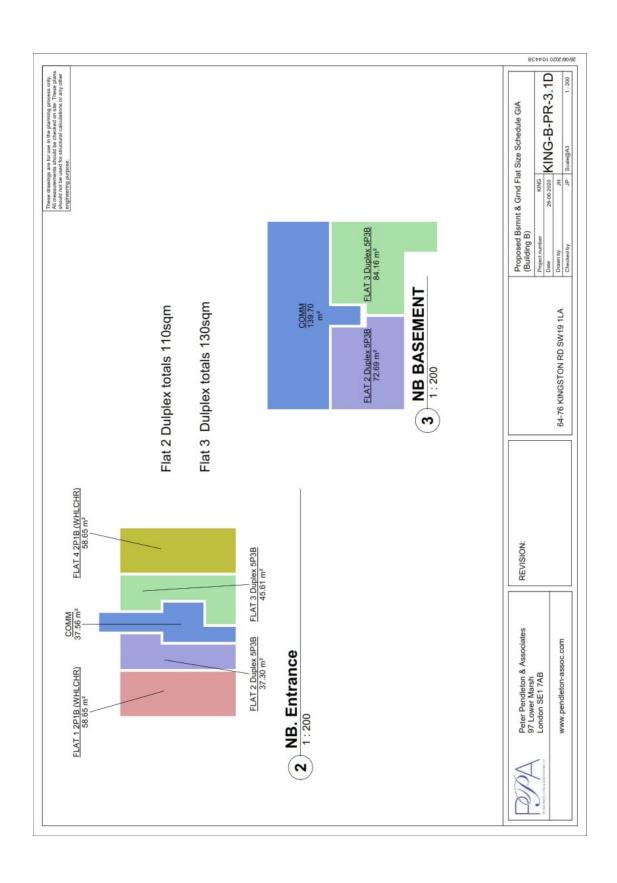




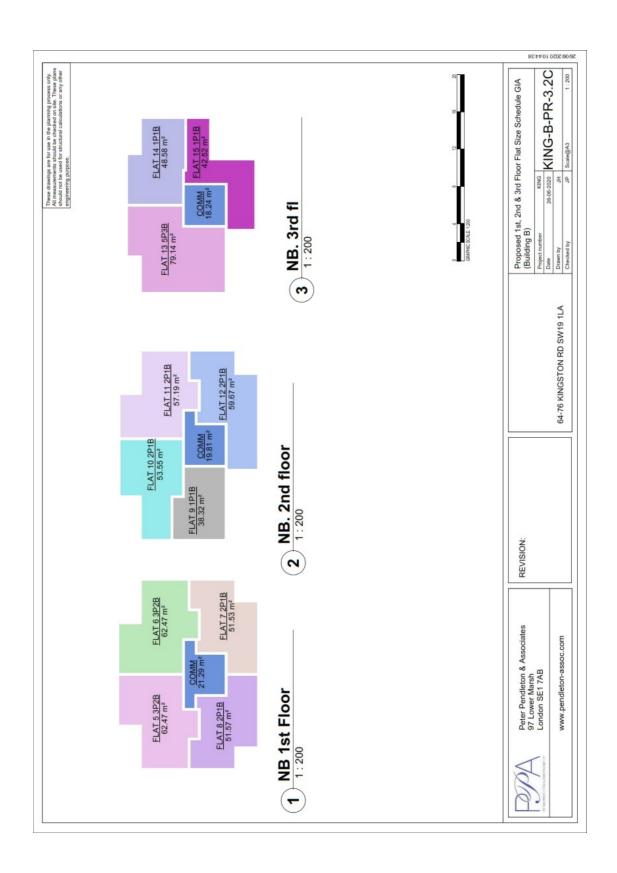




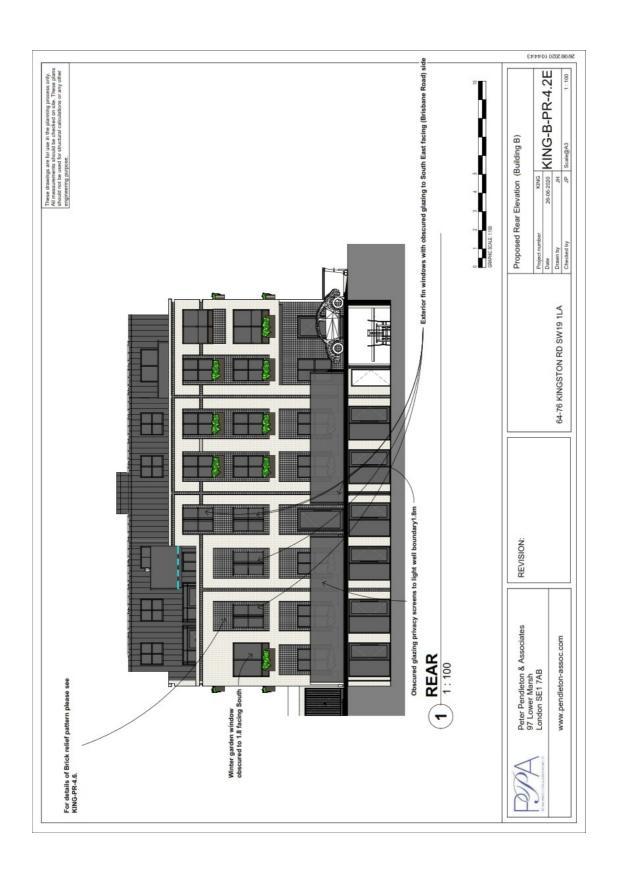




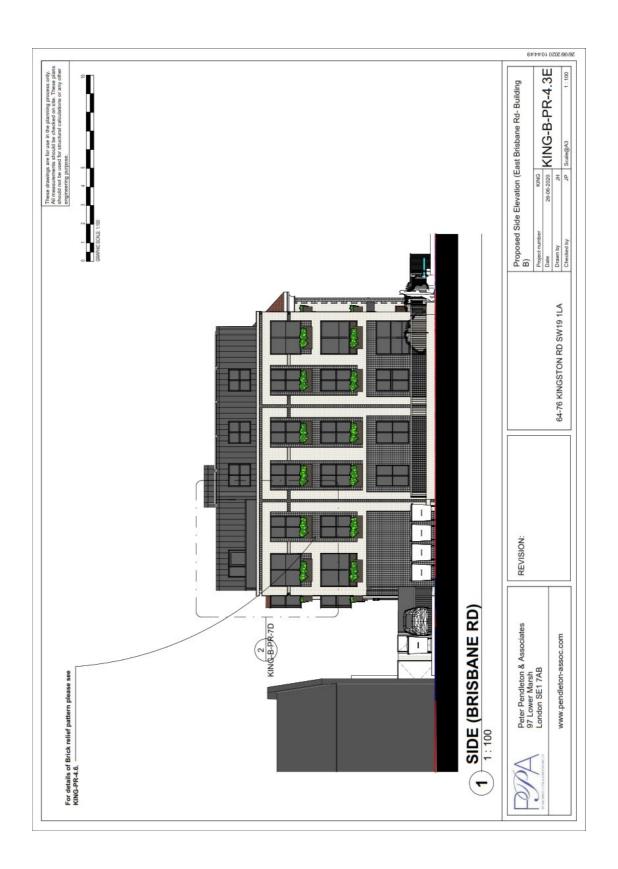




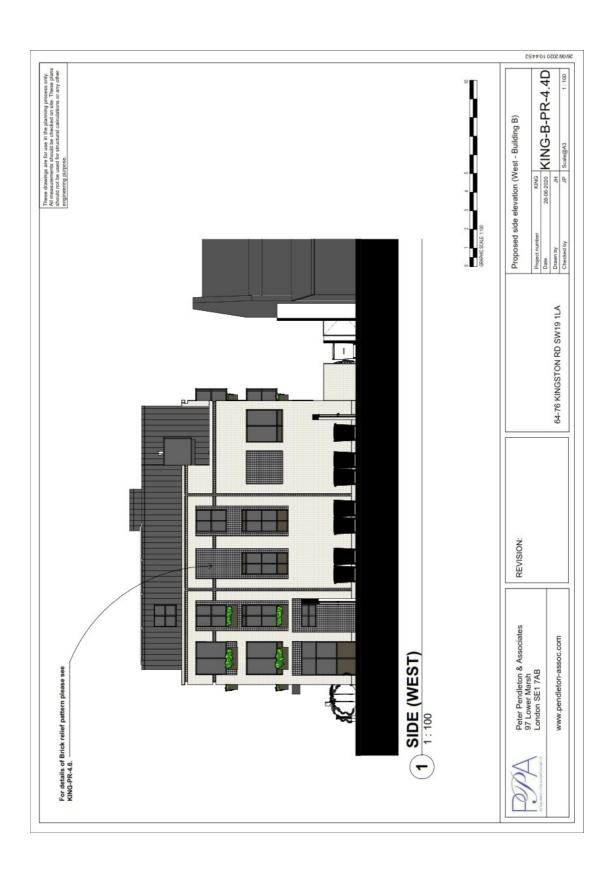




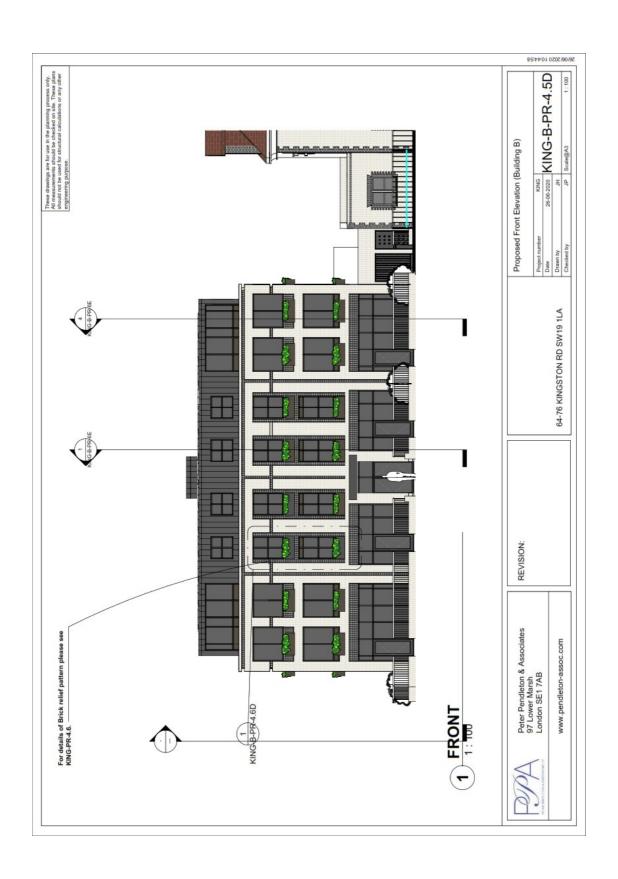




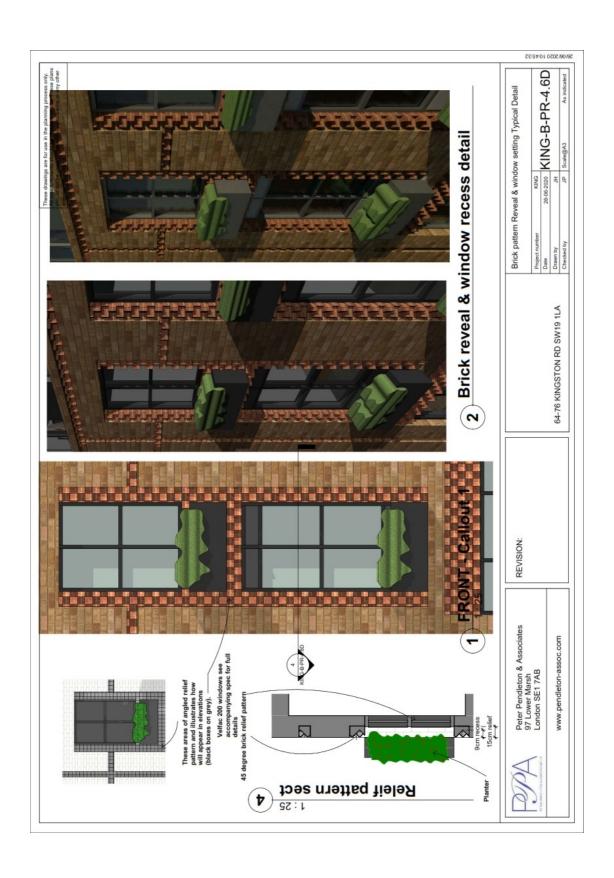


















PLANNING APPLICATIONS COMMITTEE 20th August 2020.

Item No:

UPRN APPLICATION NO. DATE VALID

19/P4118 20.11.2019

Address/Site 8 Preshaw Crescent

Lower Green West

Mitcham CR4 2AE

(Ward) Cricket Green

Proposal: ERECTION OF 2 x RESIDENTIAL BLOCKS OF TWO AND

THREE STORIES, COMPRISING 9 x SELF-CONTAINED FLATS, WITH NEW ACCESS ROAD FROM RUSSELL ROAD,

PLUS CAR PARKING PROVISION AND ASSOCIATED

LANDSCAPING.

Drawing Nos; Site location plan and drawings A165:P:1001, A165:P:1002 Rev

A, A165:P:1003, A165:P:1005 & A165:P:1006

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

The application is subject to appeal for non-determination. Officers recommend to inform the Planning Inspectorate that the Council would have granted 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
- Design Review Panel consulted: No

- Number of neighbours consulted: 256
- Press notice Yes (CA)
- Site notice Yes
- External consultations: Yes, GLAAS
- Archaeological Priority Zone Yes
- Flood risk zone No
- Controlled Parking Zone Yes
- Number of jobs created: N/A
- Density 90 Dwellings per hectare
- PTAL 3 on a scale of 0 to 6B where 6B is highest.
- Located within Mitcham Cricket Green Conservation Area

1 INTRODUCTION

1.1 The application has been brought before the Committee due to the level of objections. The application is subject to a current appeal for non determination and the opinion of members is sought as to whether the proposals are acceptable and if not, to obtain a council position on them.

2. SITE AND SURROUNDINGS

- 2.1 The existing site comprises an open area of land that has its southern boundary with 8 Preshaw Crescent having previously formed the rear garden of this property. To the east and most of the north of the site it is bordered by houses on Russell Road with access out to the road that is currently blocked. The west of the site faces the car park area of beadle Court and Vine Cottage and the main vehicle access to the site would be via Harwood Avenue. The land would appear to have never been built on.
 - 2.2 The site is not designated with the Sites and Policies Plan 2014, there are no locally or statutorily listed buildings on site or adjoining it and the Mitcham Cricket Green is within 200m of the site.

3. **CURRENT PROPOSAL**

- 3.1 This application involves the ERECTION OF 2 x RESIDENTIAL BLCKS OF TWO AND THREE STORIES, COMPRISING 9 x SELF-CONTAINED FLATS, WITH NEW ACCESS ROAD FROM RUSSELL ROAD, PLUS CAR PARKING PROVISION AND ASSOCIATED LANDSCAPING
- 3.2 The proposals would provide 3x1 bed, 3x2 bed and 3x3 bed units within the development.

- 3.3 Entrance to the site would be provided through opening the access from Russell Road and creating a new access road to the site.
- 3.4 The smaller of the two blocks would be located towards the entrance to the site with a 1 bed/2 person unit on the ground floor. Adjacent to this unit would be the main site refuse store accessed set within an undercroft arrangement from the access road with the communal cycle store located to the rear of that.
- 3.5 6 Parking spaces would be provided in an under croft of the main block. In the middle of this block on the ground floor there would be 2x 2bed/4person units with a 1bed 2person unit located in the SE corner of the site. Each of these ground floor units would be provided with large amenity gardens and new landscaping and trees would be provided.
- 3.6 The first floor of the smaller entrance block would accommodate a 2bed/4 person unit with rear amenity deck. This unit would be accessed via a walkway from the main block.
- 3.7 That flat and the front two in the main block would be accessed via dedicated stairwell. The front flat over the parking undercroft would be a 2bed/4person unit with amenity balcony to the side. The third flat serviced by this stairwell would be a 3bed/4person duplex unit. This flat would have amenity balconies to the front and rear.
- 3.8 A second staircase to the SE of the main block would service the other centrally located 3bed/4person duplex and another 1bed/2person unit with amenity balcony in the SE end of the block.
- 3.9 The building would be predominantly finished in exposed brickwork incorporating sections of articulated patterned brickwork. The gabled roofs would be treated in tile work and include PV panels on the southern elevations.

4. RELEVANT PLANNING HISTORY

4.1 17/P1942 Planning permission refused for DEMOLITION OF EXISTING GARAGE REAR OF 8 PRESHAW CRESCENT AND ERECTION OF TWO DETACHED BUILDINGS PROVIDING 9 x SELF-CONTAINED FLATS WITH ASSOCIATED PARKING AND LANDSCAPING WITH ACCESS FROM RUSSELL ROAD. Reasons for refusal; The size, siting and design of the proposed development would represent an unneighbourly form of development that would be (i) visually intrusive, unduly dominant and lead to loss of light, privacy, outlook and additional disturbance for neighbouring occupiers, (ii) fails to relate positively and appropriately to the siting, rhythm, scale, density and massing of surrounding buildings and existing street patterns and (iii) fails to conserve and enhance the historic context, local character and distinctiveness

of this part of the Mitcham Cricket Green Conservation Area and would be contrary to policies 7.4, 7.6 and 7.8 of the London Plan 2016, policies CS 13 & CS14 of the Merton LDF Core Planning Strategy (2011), policies DM D2 and DM D4 of the Merton Sites and Policies Plan (2014) and the Mitcham Cricket Green Conservation Area Character Appraisal and Management Plan 2013.

And

The proposals by reason of design and layout fail to provide a high standard of design and layout of accommodation that would provide a safe and secure layout and a high quality living environment to the detriment of the amenities of future occupiers. The proposals would therefore be contrary to policy DM D2 of the Merton Sites and Policies Plan (2014) and Standard 10 of the London Plan Housing SPG (2016).

And

The applicant has failed to demonstrate that the positioning of the refuse store and the layout of the site would allow for the collection of refuse by standard Council refuse vehicles. The proposals are therefore contrary to policy 5.17 of the London Plan 2016, policy CS 17 in the Merton Core Strategy 2011 and Standard 22 of the Mayor's London Housing SPG 2016.

4.2 16/P1456 Application withdrawn by applicant for DEMOLITION OF EXISTING GARAGE AT 8 PRESHAW CRESCENT AND ERECTION OF A DETACHED BUILDING PROVIDING 15 x SELF-CONTAINED FLATS ASSOCIATED WITH THE EXISTING DEVELOPMENT AT BEADLE COURT

15/P0290/NEW Pre application advice for Erection of a block of 15 affordable homes linked to the existing properties of Beadle Court and Vine Cottages with associated car parking.

5. CONSULTATION

- 5.1 The application was advertised by means of a Conservation Area Site Notice and Press Notice and letters to 256 neighbouring properties.
 - In response to the consultation letters of objection were received from 22 residents which raised concerns relating to;
 - Russell Road is extremely narrow so construction vehicles will have problems entering the site - big vehicles will certainly have problems turning the bend and will have to mount on a footpath. This will a dangerous hazard for pedestrians and lead to cars being scratched.

- Russell Road is so narrow parking is only allowed on one side.
- Access to the site should be through the existing house
- building site having access in front of our door is unacceptable as it would cause the potential risk to the health or life to our family
- The construction method statement is flawed and unrealistic. Delivery vehicles wont have room on site to turn around.
- Previously in the Ground Investigation report put forward, the development applicants have stated that a 'cable percussion borehole was planned at the site, but the access onto the site was too tight and the rig had to turned away and the borehole abandoned'. If this is the case for just one vehicle, it would be safe to assume that this will be an ongoing issue with many vehicles coming to the site.
- A 10m rigid truck is going to be difficult to manoeuvre on this road that is even
 if it will fit down these roads, this could lead to complete gridlock and in
 emergencies this could put people's life's at risk.
- Refuse and delivery vehicles already have trouble accessing the area.
- Emergency vehicles will struggle to gain access
- Dispute parking survey results that there are ever spare spaces.
- Impact on parking, not enough spaces on the site and now Love lane has double yellow lines it is worse.
- 8 on site spaces is not enough, they will have two cars each
- Disturbance from site access being in front of our house
- Noise pollution from the construction process
- Neighbouring properties will be vulnerable if the site is opened up.
- Loss of privacy from the flats on the higher floors
- Overlooking of gardens from the balconies contrary to human rights.
- Will overlook 26, 28, 32, 34, 36 and 38 Russell Road.
- The main building is simply too tall. The windows are also very large.
- structure will also be overbearing, imposing and create a visual intrusion from our garden
- Loss of sunlight to gardens
- development of two to three family houses would be better but 9 selfcontained flats is too many for such a small residential road
- Very little outdoor space offered for children's play area
- Very little space for landscaping
- Loss of mature garden space it has been a garden since 1871.
- This is garden grabbing.
- Leave the garden as it is.
- Harm to trees and biodiversity
- Large number of mature trees removed from the site without consent, how can residents have faith in a company that breaks the law.

- The removal of these trees was in no way necessary or in the interest of good arboriculture practice; it was a blatant disregard for the council's policies
- No need to replace trees if they hadn't cut them down in the first place
- 18 flats are too many
- Building more than two stories is out of keeping with the area
- the area is a conservation area and therefore should not be subject to felling of trees and increased pollution
- The proposed development is not in context with the surrounding area and the
 design does not respect the other houses surrounding it, in particular, the
 scale and proportions of surrounding buildings and would be entirely out of
 the character of the area, and it would also be to the detriment of the local
 environment.
- The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density road
- When 24 Russell Road wanted to build up on her garage at the side of the house this was refused. Now your looking for planning permission for 2 and 3 story blocks almost beside her house.
- more people in and out of the road is detrimental to the people that live here now
- Russell Road has dangerous gas pipes close to the surface on the bend of Russell Road where the access will be
- The lorries will damage the already damaged sewers
- Additional impact on water pressure
- Additional demand on GP surgeries, schools, policing, emergency services, waste services
- The proposals will devalue our properties, will compensation be offered
- The proposed application has already been turned down on two previous occasions and I do not believe the reasons for refusal have changed
- 5.2 <u>Historic England</u> advised that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that they consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. They therefore had no objections subject to the imposition of suitable conditions

5.3 Mitcham Cricket Green Community and Heritage

Not opposed to the principle of some development on the site

- Applicants have not engaged with the local community for more than three years
- The matter of the illegal tree felling has not been resolved and site is now largely bare earth
- The proposed replacement trees are not sufficient to mitigate the lost trees.
- The development should provide for trees of equivalent CAVAT value to those lost as a minimum for permission to be granted
- The species and proposed locations are also inappropriate
- Proposals fail to preserve or enhance the Conservation Area and are in conflict with development plan policies for the area.
- proposals fail to demonstrate how they will overcome the loss of important open space which makes a positive contribution to the urban scene and to the character of the Conservation Area
- proposals provide very little by way of open space or additional greenery and much of the site is converted to car park
- proposals intensify development in an already congested area and damage the outlook from neighbouring residences at significant loss to local amenity.
- lack evidence that they will not have an unacceptable impact on local amenity and nearby residential properties
- fails to respond to the rich character of the surrounding neighbourhood and will not add positively to the Conservation Area
- proposed is everyday and ubiquitous and no examples of local references of sources of design inspiration are provided in the Design and Access Statement
- continues to be a lack of any contextual study, despite this being cited as a gap in the officer's report refusing planning consent for the previous scheme
- intrusive balconies and the honeycomb detailing and mixed shades of grey (or brown) bricks and roof tiles combined with brown edging has no local references.
- The buildings lack greenery and there is no provision for either green walls or a green roof by way of compensation for the loss of existing green space.
- Issues of site access and integration with surroundings
- Site access extremely limited especially for larger vehicles.
- Details of the proposed sustainable urban drainage system and how it will be maintained are unclear
- poor quality information presented with this application. Many of the architectural drawings are accompanied by images of people and animals that are out of scale.
- 5.4 **Conservation officer commented** that the applicants are trying to squeeze too much on the site with not enough amenity space with just not enough breathing space around the development. The loss of trees is a concern, and the proposed replacement trees do not really make up for the loss. It is loss of

a green space which will be a negative impact on the conservation area. Therefore if they reduced the footprint and the volume of development it would be more acceptable in my mind. No concerns with the height and general proportions of the buildings.

5.5 **Transport officer** The proposal provides 6 car parking spaces including one disabled bay with one space provided with active charging facilities, with the remaining five spaces provided with passive provision which satisfies the London Plan Standards.

Vehicle swept path analysis has been undertaken which demonstrates that cars can access/egress the site in forward gear.

A total of 18 cycle parking spaces is to be provided in sheltered and secure storage within the curtilage of the building in the form of Josta two-tier racks. The total provision of cycle parking satisfies the Draft New London Plan minimum parking standards.

Whilst on street parking is at a premium the level of likely trip generation means that the proposal is unlikely to have significant impact on the adjoining highway. No objection raised subject to conditions:

- · Car parking as shown maintained.
- The condition requiring cycle parking.
- · The condition requiring Refuse collection.
- · Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- 5.6 **Arboricultural officer**; Raised no objections to the principle of the development although she considered the choice of proposed trees to be unsatisfactory
- 5.7 Waste Services Officers had concerns about the ability of refuse vehicles to enter the site and engaged in protracted discussions with the applicants however in relation to the option of a private provider for waste collection. Normally a development of this size would have communal refuse facilities. They would need to provide a very large store if each unit had individual facilities

6. **POLICY CONTEXT**

- 6.1 NPPF (2019). Key sections:
 - 5. Delivering a sufficient supply of homes.
 - 12. Achieving well-designed places.
- 6.2 Relevant policies in the London Plan 2016 are; 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 5.17 (Waste Capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (Inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.5 (Public realm), 7.6 (Architecture), 7.8 (Heritage assets and archaeology), 7.21 (Trees and woodlands).
- 6.3 Emerging London Plan 2017 Policy H1 Increasing Housing supply
- 6.4 London Housing Supplementary Planning Guidance 2016
- 6.5 GLA Guidance on Preparing Energy Assessments (2018).
- 6.6 DCLG Technical standards 2015
- 6.7 Relevant polices in the Merton Core Strategy 2011 are; CS 9 (Housing targets), CS 11 (Infrastructure), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change), CS 17 (Waste management), CS 18 (Transport) & CS 20 (Parking, Servicing & delivery).
- 6.8 The relevant policies in the Merton Sites and Policies Plan 2014 are; DM C1 Community facilities, DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Managing Heritage assets), DM EP 2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

7. PLANNING CONSIDERATIONS

7.1 The key considerations are; The principle of the use of the site for the provision of dwellings, the standard of accommodation provided, the impact of the development on the conservation area, the amenity of local residents and parking and servicing.

7.2 Principle

The National Planning Policy Framework 2019, London Plan 2016 policy 3.3 and the Council's Core Strategy policy CS9 all seek to increase sustainable housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types. The Council and the Mayor also have minimum standards for the design of new residential developments of this nature and these are set out in various SPP and Core Strategy policies, The London Housing Supplementary Planning Guidance 2016, the London Plan 2016 and DCLG Technical housing standards-nationally described space standards 2015. The proposals meet these standards.

7.3 Merton's Core Strategy Policy CS 13 requires that proposals for new dwellings in back gardens must be justified against the local context and character of the site. Whilst technically a back garden, the scale of the site is such that officers consider the site capable of residential redevelopment on a limited scale without being materially harmful to the context and character with the locality.

7.4 Need for additional housing

The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. While AMR data shows the Council has exceeded its current 411 target, the target of 918 units per year will prove considerably more challenging. The relaxation of the earlier target (1300+ units) for Merton following the Inspector's finding following the London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019 was predicated on not adopting a particular GLA formula to delivering significant new housing on small sites, with larger opportunity sites such as the application site rising in importance.

The National Planning Policy Framework 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.

Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year. This significant increase will require a step change in housing delivery within the LBM.

Policy H1 'Increasing housing supply' (Draft London Plan Policy) and Table 4.1 of the draft London Plan sets Merton a ten-year housing completion

target of 13,280 units between 2019/20 and 2028/29 (increased from the existing 10-year target of 4,107 in the current London Plan). However, following the Examination in Public this figure of 13,280 has been reduced to 9,180. Page 82 7.4.5 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.

Policy H1 of the emerging London Plan sets out that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: b) mixed-use redevelopment of car parks and low-density retail parks.

The proposal to introduce residential use to this under-utilised site responds positively to London Plan, draft London Plan policies and Core Strategy planning policies to increase housing supply and optimise sites and is supported.

7.5 **Residential density**

A number of objections were concerned with the density of development. Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating.

The area has a public transport accessibility level (PTAL) of 3, where 1 is poor and 6 is excellent. It is considered that the site is located within an suburban area for the purposes of Table 3.2 of the London Plan, given the nature of surrounding built form and the criteria set out in the supporting text to Table 3.2 (density matrix) of the London Plan.

The proposed development would have a density of 90 dwellings per hectare. With a Ptal of 3 the density of 90u/ha accords with the London Plan policy 3.4 recommendation of 50-95 u/ha which would be considered to demonstrate an acceptable level of development of the site.

7.6 <u>Design/Bulk and massing/Appearance/Layout.</u>

Design of new buildings should ensure appropriate scale, density and appearance, respecting, complementing and responding to local characteristics (London Plan policy 7.6, LDF policy CS.14 and SPP policy DM D2).

7.6.1 **Bulk and massing.**

- 7.6.2 London Plan policy 7.4 and SPP policy DM D2 require developments to relate positively and appropriately to the siting, rhythm, scale, density and proportions of surrounding buildings and the pattern and grain of existing streets.
- 7.6.3 Housing in the local area is predominantly low rise in the form of two storey suburban housing although the adjacent flats are higher at three storeys.
- 7.6.4 The proposals reflect a reduction in the bulk and massing of previous iterations of the scheme and now limit the higher three storey element to a more central position on the site such that for most of the proposals the lower two storey elements are the closer to the neighbouring occupiers. The Council's Conservation Officer raised no objection to the height and general proportions of the buildings and although the officer was concerned about the quantum of development Officers consider that the proposals are optimising the site whilst still being respectful of neighbouring residents and the wider conservation area.

7.6.5 **Design- Appearance.**

The proposals are considered to have been attractively designed with a modern approach whilst retaining a house like quality rather than a more standard flatted design so that they more closely reflect the predominant stock of houses in this part of the Mitcham Cricket Green Conservation Area.

Although brickwork and fenestration is indicated on the accompanying CGIs a condition to have the materials approved is recommended to ensure a suitable appearance to the development.

7.6.6 **Design- layout and standard of accommodation**

The proposed units all meet the minimum space standards for GIA and amenity space, SPP Policy DM D2, Core Strategy 2011 policies CS 9 Housing Provision and CS 14 Design and London Plan policies 3.3 Increasing Housing Supply, 3.4 Optimising Housing Potential, 3.5 Quality and Design of Housing Developments are all policies that seek to provide

additional good quality residential accommodation including the provision of a safe and secure layout.

Unit	No Bed	Proposed GIA in SQM	Required GIA in SQM
1	1B 2P	51.6	50
2	2B 4P	81.5	70
3	2B 4P	78.80	70
4	1B 2P	55.6	50
5	3B 5P	92	86
6	2B 4P	72.2	70
7	3B 4P	91.9	74
8	3B 4P	91.9	74
9	1B 2P	55.3	50

All the proposed units readily exceed the minimum space standards and all provide sufficient private amenity space and consequently the proposals are considered to provide a good standard accommodation for future residents.

7.9 Affordable housing

As the proposal is for less than 10 units there is no longer any requirement to provide either on site or off site affordable housing contributions.

7.10 **Neighbour Amenity.**

London Plan policies 7.4 and 7.6 and SPP policy DM D2 relate to amenity impacts such as loss of light, privacy, overshadowing and visual intrusion on neighbour amenity and the need for people to feel comfortable with their surroundings.

7.10.1 Objections were received in relation to the impact of the block on the amenity of neighbouring residents. Neighbours were concerned in relation to loss of privacy and overlooking from the new flats and in particular the upper floors. The layouts were subsequently amended such that through

the use of angled openings and more obscure glazing panels it is considered that the proposals would not cause material harm to the amenity of neighbours from overlooking and loss of privacy.

7.10.2 Objections were received raising concerns that the proposals would result in a loss of light to neighbouring properties. However a combination of the separation distance and relative positioning of the block to the closest neighbouring properties means that officers consider that the proposals would not materially harm the amenity of neighbours from a loss of light.

7.11 Parking, servicing and deliveries.

Core Strategy Policy CS 20 requires proposals to have regard to pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

- 7.11.1 The vast majority of objections to the proposals related to parking and access to the site and it is acknowledged that the surrounding roads are very narrow and congested with on street parking. The site is land that was the back garden of a house on Preshaw Crescent and access to this proposal would be via a new access created from Russell Road.
- 7.11.2 Whilst this access would be sufficient for car access the issue of an access large enough for a larger vehicles to enter the site without mounting the kerb does remain and many objections related to the impact on the area during the construction phase as larger vehicles, even large transit type vehicles have difficulty using the local roads.
- 7.11.3 During construction the development would require large vehicle access to the site and this would require a system to be approved whereby a combination site marshals and restrictions parking needed in order to ensure adequate space could be provided for access for construction vehicles. Conditions requiring Construction logistics and delivery and servicing plans are recommended to address this. A s171 Highways licence on the entrance to the site which will cover the use of the crossover during construction works and will be used to ensure that the crossover is put back to its appropriate condition following completion of the works is recommended. A legal agreement with the highways department for rectifying any damage to the pavements during construction is also recommended.
 - 7.11.4 The Council's transport officer was satisfied that as the proposal provides 6 car parking spaces including one disabled bay with one space provided

- with active charging facilities, with the remaining five spaces provided with passive provision, it satisfies the London Plan Standards.
- 7.11.5 The officer also confirmed that with a total of 18 cycle parking spaces being provided in sheltered and secure storage within the curtilage of the building in the form of Josta two-tier racks, the total provision of cycle parking satisfies the Draft New London Plan minimum parking standards
- 7.11.6 A flatted development of this size would normally require communal refuse facilities but these would require a refuse vehicle to enter the site as the drag distance is too great. If individual facilities were to be provided the drag distance would be acceptable but a greater area would possibly be needed to accommodate the higher number of variously assorted waste receptacles. It is possible that this could be addressed by condition and given the importance of this issue the condition should be required to be discharged prior to the commencement of the development and so a condition to this effect is recommended.

7.12 **Trees**

The applicants did undertake the unauthorised clearance of larger trees from the site which would be protected by virtue of the site's location within a Conservation Area. The proposals do include replacement trees and a condition requiring details of the replacement trees and confirmation that they would have a CAVAT rating of at least equal to that of the removed trees is recommended.

8. SUSTAINABILITY AND 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.
- 8.2 A condition requiring the proposals to comply with current sustainability criteria for a development of this size is also recommended.

9. CONCLUSION

9.1 The proposals will provide 9 new flats in a policy compliant mix of sizes that will provide a good standard of accommodation for future residents within what is considered to be an attractively designed development that will preserve the appearance and character of the Mitcham Cricket Green Conservation Area.

- 9.2 The proposals have been designed to mitigate their impact on neighbour amenity and are not considered materially harmful to the amenity of neighbours and whilst access to and servicing of the site is relatively restricted this could be overcome by conditions.
- 9.3 Therefore, subject to the imposition of suitable planning conditions, the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval.

10. **RECOMMENDATION**:

The application is subject to appeal for non-determination. Officers recommend to inform the Planning Inspectorate that the Council would have granted planning permission subject to conditions

GRANT PERMISSION subject to conditions;

A1 Commencement

A7 A165:P:1001, A165:P:1002 Rev A, A165:P:1003, A165:P:1005 & A165:P:1006

B1 Materials to be approved

B4 Surface treatment

B5 Boundary treatment

C5 No cables or flues

C6 Refuse details to be approved

C7 refuse details to be implement

D9 No external lighting

F1 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. The replacement trees shall be of at least equivalent CAVAT rating as those removed. 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.

F2 Landscaping implementation

F8 trees site supervision

H1 Details of new vehicle access

H2 vehicle access to be provided

H4 Vehicle parking to be provided

H7 Cycle storage to be implemented

H10 Construction working method statement

H11 Parking management strategy

H12 Delivery and servicing plan

H13 Construction logistics plan

Non standard condition

The applicants shall enter into a s171 highways licence agreement with the Highways authority to ensure the safe operation of the site access and its restoration to a suitable standard should any damage occur during the construction process.

Reason to protect the integrity of the public highway and to ensure safe access to the site.

Non standard condition

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.

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. Where appropriate, details of a programme for delivering related positive public benefits.
- C. 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.

<u>Reason:</u> This pre-commencement condition is necessary to safeguard the archaeological interest of this site.

No standard Condition: No development approved by this permission shall be commenced until a final detailed scheme for the provision of surface and foul water drainage has 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 a restricted runoff rate (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. A CCTV will inform the final design to demonstrate the routing (line and level) and condition of all existing drainage runs. The final drainage scheme will be maintained in perpetuity by the applicant unless adopted by 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 Sites and Policies Plan policies CS16, DMF2 and the London Plan policy 5.13.

Non standard condition 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 CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal 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

Informative

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.

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent,

quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

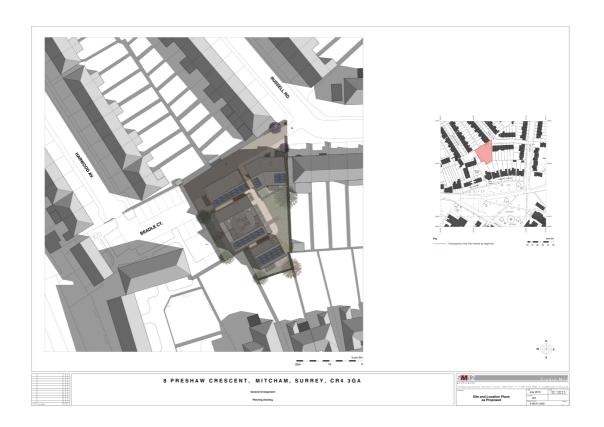


NORTHGATE SE GIS Print Template



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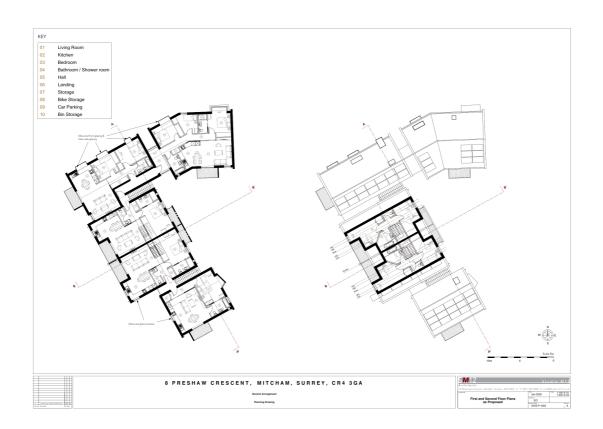








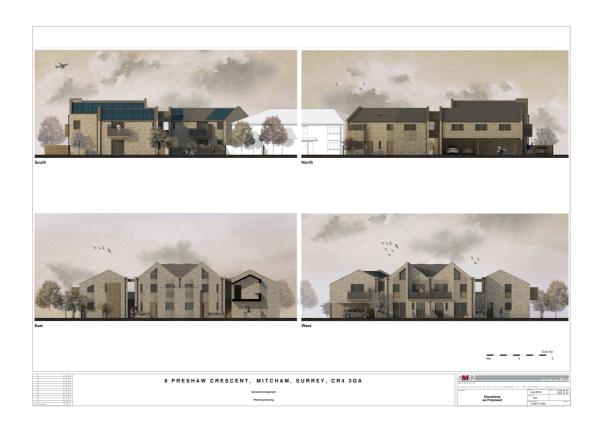




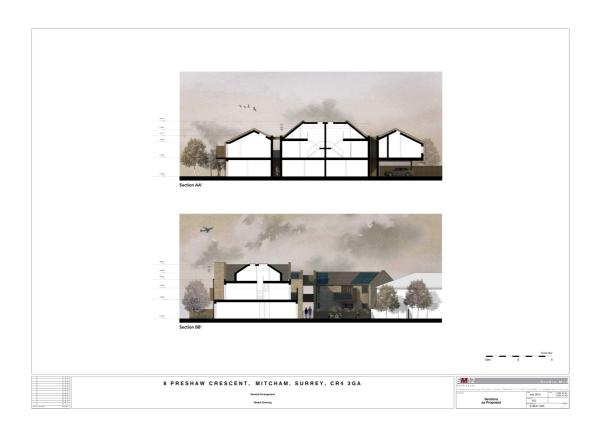














PLANNING APPLICATIONS COMMITTEE 20th August 2020

Item No:

<u>UPRN</u> <u>APPLICATION NO.</u> <u>DATE VALID</u>

20/P1732 01/06/2020

Address/Site: 50 Tybenham Road

Merton Park SW19 3LA

Ward: Merton Park

Proposal: DEMOLITION OF EXISTING OUTBUILDING IN REAR

GARDEN AND ERECTION OF A REPLACEMENT OUTBUILDING FOR USE AS GARAGE, GYM AND

WORKSHOP.

Drawing No.s: Sheet numbers 1/8, 2/8, 3/8, 4/8, 5/8, 6/8, 7/8, 8/8.

Contact Officer: Catarina Cheung (020 8545 4747)

RECOMMENDATION

Grant planning permission subject to conditions

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 3
- External consultations: 0
- Archaeological Zone: No
- Conservation Area: No

1. INTRODUCTION

1.1 This application is being brought to Committee Members for determination due to the number and scope of objections received.

2. SITE AND SURROUNDINGS

2.1 The application site comprises a two storey end of terrace residential dwelling located on the southern side of Tybenham Road in Merton Park.

2.2 The site is not located in a Conservation Area nor is the building listed.

3. CURRENT PROPOSAL

- 3.1 The proposal seeks planning permission for the demolition of the existing outbuilding in the rear garden and erection of a replacement outbuilding for use as a garage, gym and workshop.
- 3.2 The outbuilding would have the following dimensions:
 - 7.1m width;
 - 8.5m depth;
 - 3.623m maximum height;
 - 2.5m eaves height.
- 3.3 The outbuilding seeks full planning permission rather than a certificate of lawfulness as the structure would be within 2m of the boundary of the curtilage of the dwellinghouse, and would exceed 2.5m in its total height.

4. PLANNING HISTORY

4.1 11/P0219: DEMOLITION OF EXISTING CONSERVATORY, AND THE ERECTION OF A REPLACEMENT SINGLE STOREY REAR EXTENSION A HIP TO GABLE AND REAR ROOF EXTENSION WITH FRONT ROOF LIGHTS – Granted 18/03/2011

5. CONSULTATION

External

- 5.1 Public consultation was undertaken by way of letters sent to 3 neighbouring properties. 7 neighbouring representations were received, summary of their concerns as follows:
 - Size and height of the proposed new structure would be dominant and not in keeping with the local area:
 - Increase in roof height is far greater than any other garden building in the area and will be an imposing sight;
 - Proposed depth of building would substantially impact on the green space of the garden;
 - Building would have the potential to be used as a dwelling;
 - Would involve the destruction of an attractive tree and loss of wildlife;
 - Worrying precedent for similar oversized structures which could seriously damage the appeal of the neighbourhood;
 - Existing garage door is substantially above the surface of adjoining driveway. Plans do
 not show alteration to the level of the door opening which suggests that the garage
 many not be usable;
 - Both existing and proposed garage doors are relatively small, while they could be wide enough to accommodate a small car, the width of the service road is such that it may be difficult to turn a vehicle:
 - No soil drainage in the rear service road. Feared any new connecting drainage would not have a sufficient fall;
 - Questions whether existing main dwellinghouse is an HMO. If it is, the addition of the gym and workshop would represent an intensification of use.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2019)

6.2 **London Plan (2016)**

7.4 Local character 7.6 Architecture

6.3 Merton Local Development Framework Core Strategy (2011)

CS 14 Design

6.4 Merton Sites and Policies Plan (2014)

DM D2 Design considerations

DM D3 Alterations and extensions to existing buildings

7. PLANNING CONSIDERATIONS

Material considerations

7.1 The planning considerations for the proposed works relate to its impact on the character and appearance of the host dwelling and the surrounding area, and impact upon neighbour amenity.

Character and appearance

- 7.2 London Plan Policies 7.4 and 7.6, Core Strategy Policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.
- 7.3 Considered on its own, the proposed outbuilding might be viewed as quite a large structure. However, given the scale of development at the rear of the properties along Tybenham Road, when the proposed outbuilding is viewed in relation to the wider surrounding context and neighbour's rear structures, it is not considered the proposed development would be out of character in the area.
- 7.4 Furthermore, the erection of the new outbuilding would maintain ample garden area for the enjoyment of the occupiers as well as an appropriate separation distance from the main dwellinghouse.
- 7.5 Therefore, having regard to its local context, being a suitable benchmark against which to assess such proposals, officers consider the proposed outbuilding to be acceptable in terms of its scale, form and appearance.

Neighbouring Amenity

7.6 SPP Policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.

48 Tybenham Road

- 7.7 At the rear garden of 48 Tybenham Road, there are 2 single storey outbuilding/shed structures. The larger outbuilding (facing the main garden), displays a depth of 4.4m, width of around 5m, eaves height of 2m and maximum height of 2.7m. The shed at the rear of this, set back 0.2m, has a depth of 1.8m, eaves height of 1.8m and maximum height of 2.5m. The structures total a depth of 6.4m at the rear of the garden.
- 7.8 The proposed outbuilding would be 0.9m taller than the neighbouring structure and

project 2.3m forward of the neighbouring outbuilding's front building line. So, from within the neighbour's outbuilding/standing at the front of this, only partial views would be visible of the proposed new outbuilding's sloped roof, around 3m maximum height and 2.5m at the eaves. Overall, this is not considered to be materially harmful in terms of outlook or light.

7.9 The separation distance between the proposed outbuilding and the rear building line of number 48's main dwellinghouse would be around 20m (or if measured from the rear extension, around 17m separation). This is considered sufficiently set back.

52 Tybenham Road

- 7.10 At the rear garden of 52 Tybenham Road, there is an existing single storey outbuilding which displays a depth of 6.6m, width of 5.2m, maximum height of 2.5m and an eaves height of 2.2m. The outbuilding is set back from the boundary by around 1m.
- 7.11 Whilst the proposed outbuilding would have a maximum height of 1.1m taller than the neighbouring structure, this addition would project only 2m forward of the neighbouring outbuilding's front building line. Again, if considering the outlook when stood within the neighbour's outbuilding/ stood in front of this, views would show part of the proposed enlarged sloped roof at a maximum height of 3m and eaves height of 2.5m which is not considered to be unduly dominant.
- 7.12 Similarly, the separation distance between the proposed outbuilding and the rear building line of number 54's main dwellinghouse would be around 20m (or measured from the rear extension around 17m). This is considered sufficiently set back.

Other considerations

- 7.13 Concerns have been raised in representations relating to the use of the outbuilding as a separate dwellinghouse. To ensure restriction of this, a suitably worded condition will be attached to ensure the new outbuilding would be for ancillary use to the main dwellinghouse. Any intention to use the outbuilding as independent residential accommodation would require planning permission.
- 7.14 Issues relating to the drainage details are not within the remit of planning, and will be reviewed at the Building Regulations stage should the proposal be approved.
- 7.15 There is an existing tree at the rear of the garden which would need to be removed to allow the construction of the larger outbuilding. The site is not within a Conservation area nor is there a Tree Preservation order attached to this tree, therefore, there are no restrictions against removal of this.

8. CONCLUSION

- 8.1 The scale, form, design, positioning and materials of the proposed outbuilding are not considered to have an undue detrimental impact toward the character or appearance of the host dwelling, streetscene or on neighbouring amenity.
- 8.2 The proposal is considered to comply with the principles of policies referred to under Section 6 and it is recommended to grant planning permission subject to conditions.

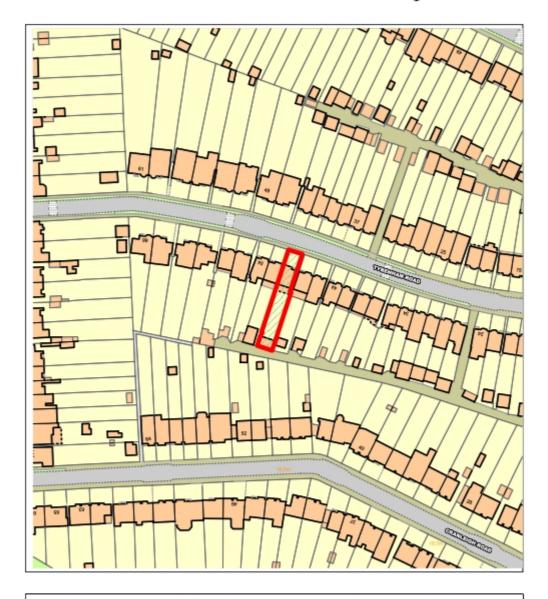
RECOMMENDATION

Grant planning permission subject to conditions. The following conditions are recommended:

- 1. A1 Commencement of Development
- 2. A7 Approved Plans
- 3. B3 External materials as Specified
- 4. E06 Ancillary Residential Accommodation The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 50 Tybenham Road, Merton Park, SW19 3LA.
- 5. Informative party wall
- 6. NPPF note to applicant on approved schemes

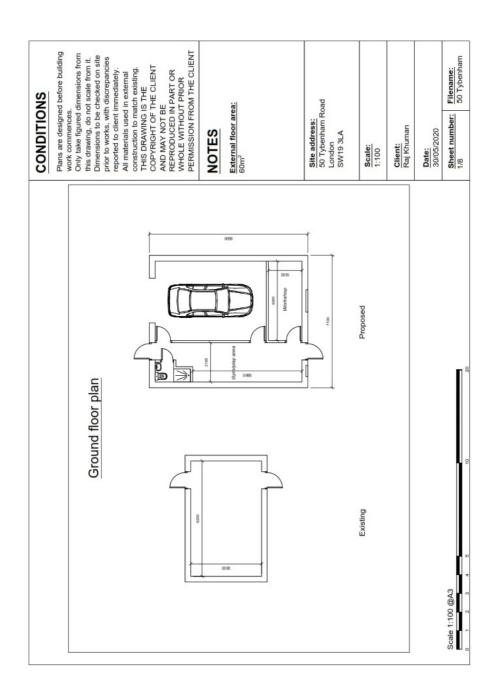


NORTHGATE SE GIS Print Template

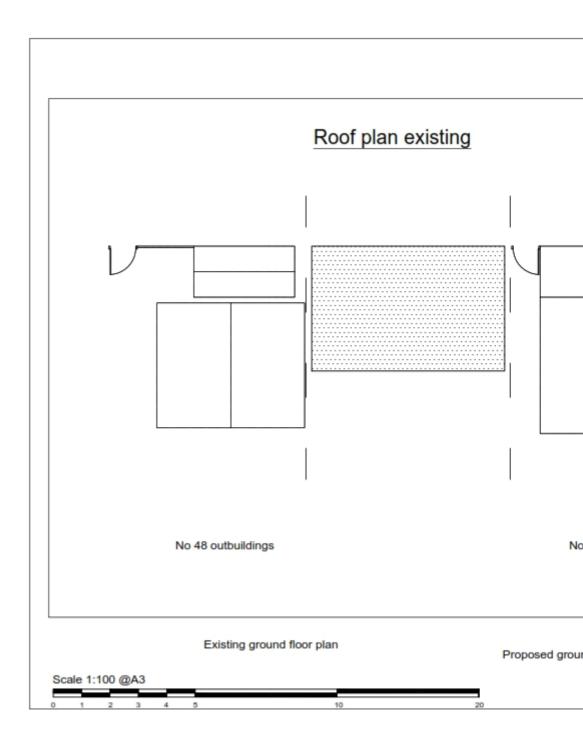


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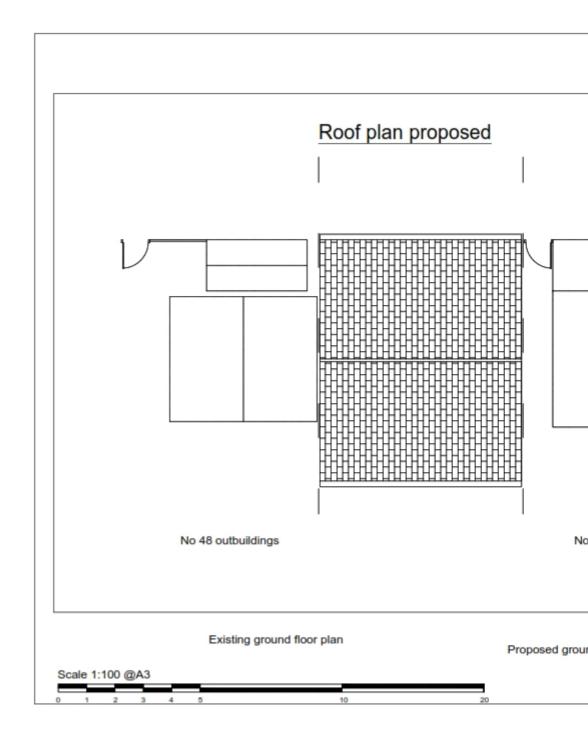




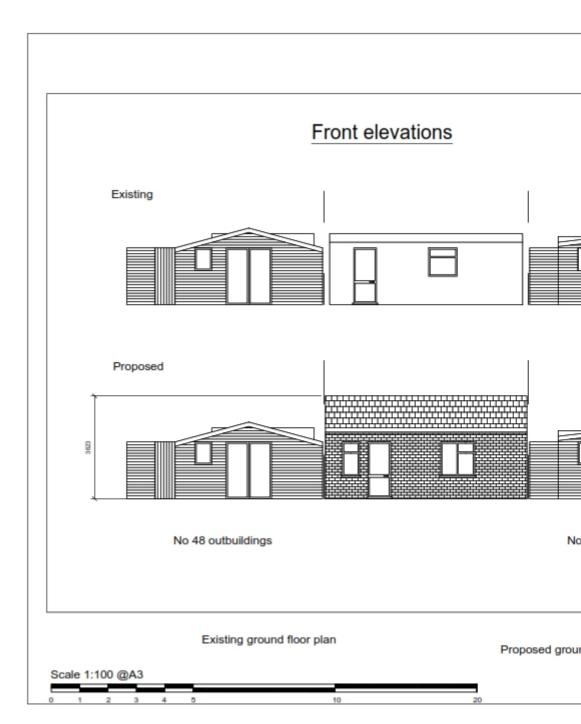




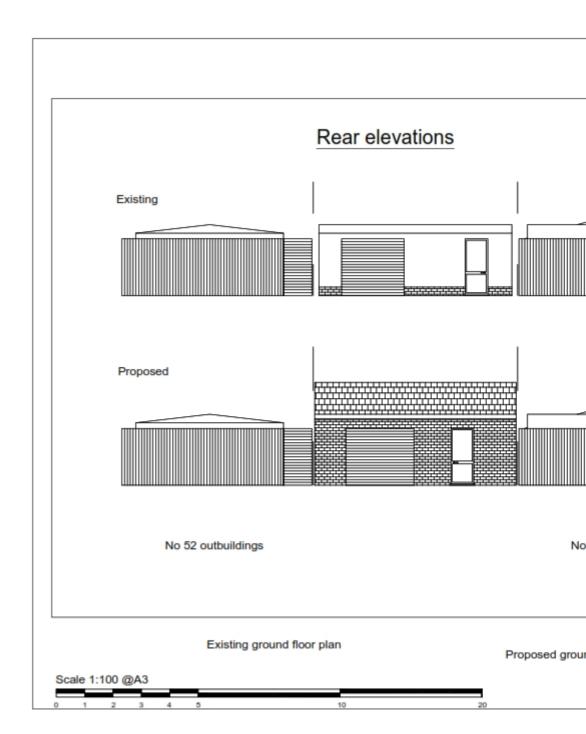




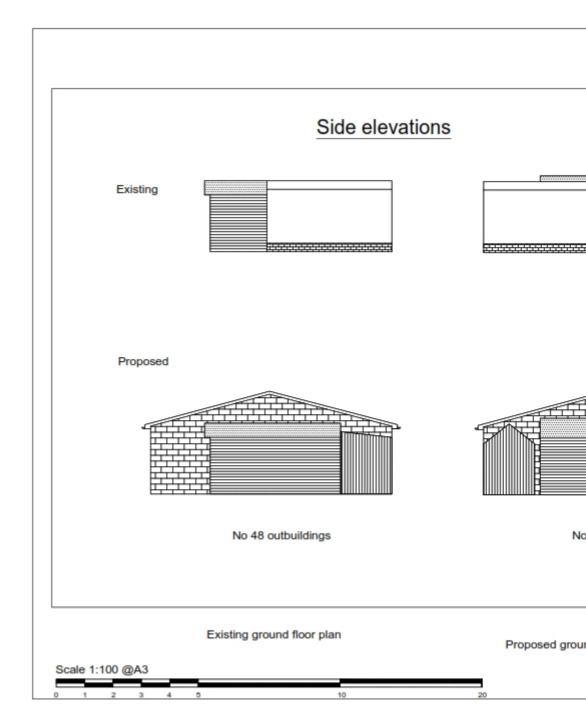




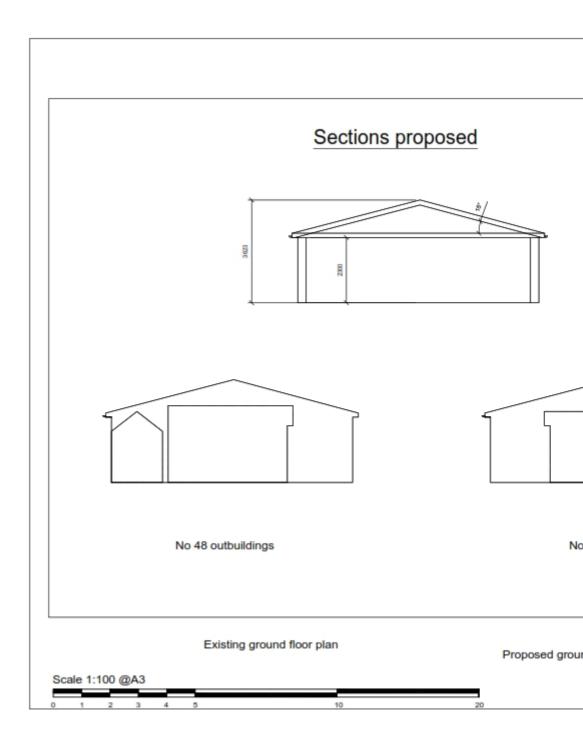




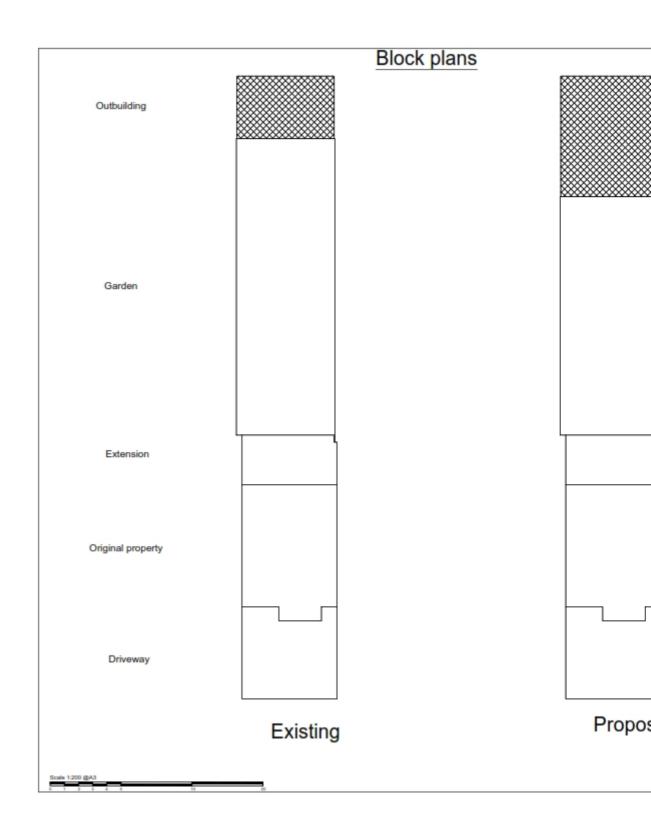














PLANNING APPLICATIONS COMMITTEE 20th August 2020

Item No:

<u>UPRN</u> <u>APPLICATION NO.</u> <u>DATE VALID</u>

19/P2747 23/07/2019

Site Address: 33-39 Upper Green East

Mitcham Surrey CR4 2PF

Ward: Figges Marsh

Proposal: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF

A NEW FOUR STOREY MIXED USE BUILDING COMPRISING COMMERCIAL UNITS AT THE GROUND FLOOR LEVEL (USE CLASSES A1, A2, A3, A5, B1 OR D1) AND 20 x SELF-CONTAINED FLATS ABOVE (USE CLASS C3); WITH ASSOCIATED LANSCAPING AND BIN AND CYCLE STORE

Drawing No.'s: 718/002 P3 (Proposed Landscape Plan); 718/009 P4

(Existing/Proposed Upper Green East Elevation); 718/010 P4 (Proposed Ground Floor Plan); 718/011 P4 (Proposed First Floor Plan); 718/012 P4 (Proposed Second Floor Plan); 718/013 P4 (Proposed Third Floor Plan); 718/015 P4 (Proposed Roof Plan); 718/020 Rev P4 (Proposed Section AA); 718/021 P4 (Proposed Section BB); 718/022 Rev P4 (Proposed Section CC); 718/023 P2 (Proposed Enlarged Section); 718/025 P4 (Proposed West Elevation); 718/026 P3 (Proposed East Elevation); 718/027 P4 (Proposed South Elevation); 718/028 P4

(Proposed North Elevation).

Documents: 33-39 Upper Green East Design Statement Issue 5 (07 February 2020); 33-39 Upper Green East Mitcham

Supplementary Design Statement (June 2020).

Contact Officer: Catarina Cheung (020 8545 4747)

RECOMMENDATION

Grant Permission Subject to Section 106 Obligation or any other enabling agreement, and relevant conditions.

CHECKLIST INFORMATION

Is a screening opinion required: No

- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Design Review Panel consulted: Reviewed by DRP during pre-application stage, but not for the main application
- Number of neighbours consulted: 77
- Controlled Parking Zone: No, but adjacent to Zones MTC and MTC2, and in close proximity to Zone MTC1
- Archaeological Zone: Yes, Tier 2
- Conservation Area: No, but in close proximity to Mitcham Cricket Green Conservation toward the south of the application site
- Listed Building: No
- Trees: None on the site

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site, approximately 974sqm, is sited on the eastern side of Upper Green East in Mitcham.
- 2.2 The site comprises 2 buildings:
 - 33-35 Upper Green East is a three storey flat roof building toward the street elevation. The ground floor comprising two shops, a 'PCG Pizza & Chicken Grill' and barbers 'New Kutz Barbers' with residential units on the upper levels accessed from the side/rear. Toward the rear are two storey buildings, former works building dating from approximately the 1950s with an open yard to its south, accessed from Upper Green East through the frontage gap (of around 3.5m) between buildings 33-35 and 37-39. A bakery occupies the ground floor of the former works building;
 - The building of 37-39 Upper Green East dates from approximately the 1930s, and is a two storeys hipped roof building, with accommodation in the roof level. On the ground floor is a retail unit 'Ronnie's Cutter', with flats above which are accessed from the rear.
- 2.3 The site is within Mitcham Town Centre which is a primary shopping area, the eastern side of Upper Green East is designated as secondary shopping frontage.
- 2.4 Adjoining north of 33-35 Upper Green East is a three storey flat roof building, on the ground floor serving Barclays Bank and the upper levels residential units accessed from the rear of the building. At the rear of number 33-35 is a single storey building of 13m depth. Toward the rear (east) of 37-39 Upper Green East is Regal Court, a small scale cul-de-sac of social housing, terrace dwellings of two storey (with pitched roof) height. And toward the south of the application site is a simple two storey flat roof building currently serving a locksmith's on the ground floor, with a residential unit above. Between the site and the locksmiths shop is the vehicular and pedestrian access path into Regal Court.
- 2.5 The site does not contain a Listed building and is not within a Conservation Area. Toward the south lies Mitcham Cricket Green Conservation Area. 55 Upper Green

- East is a Grade II Listed Building, 49 and 51 Upper Green East are designated as locally listed buildings. The site is within an Archaeological Priority Zone (Tier 2).
- 2.6 The site has a PTAL rating of 4 (measured on a scale of 0 to 6b, 0 being the worst), adjacent are Controlled Parking Zones MTC and MTC2.

3. CURRENT PROPOSAL

- 3.1 The proposal seeks to demolish the existing buildings and to erect a 2-4 storey mixed use building providing a ground floor commercial premises and 20 self-contained units. The commercial premises would provide a flexible use class of A1, A2, A3, A5, B1 or D1. The supporting Design and Access Statement set outs: "The ground floor is configured so that it could be converted into multiple units if required over the lifetime of the building. It is hoped that the building will attract one large A1 or A3 tenant, which would be highly compatible with the town centre location. Over the lifetime of the building other uses may be required which include A2, A5 or B1. The ground floor can be subdivided so that some A1 or A3 use can be retained even if there are other uses".
- 3.2 Entrance to the residential development would be from Upper Green East. The main entrance to the shops also from Upper Green East. From Montrose Gardens, a commercial service entrance is provided.
- 3.4 Refuse and cycle storage would be located within the footprint of the building on the ground floor, a waste drop-off collection point provided toward the commercial service entrance (within the boundary of the site).
- 3.5 The proposed development would occupy the irregular L-shaped plot. The 4 storey building toward Upper Green East would have a maximum height of 12.7m, the 3 storey building toward the northern-rear would step down to a height of 10m, and toward the southern-rear would step down to 2 storeys at 7m height. The total depth of the building would be 46m with a maximum frontage width of approximately 29m. The building would be externally finished in brick with zinc roofed elements, recessed bays throughout the building would be rendered in a lavender colour. Along the front elevation, the upper brick piers and front entrance to the flats would be decorated with lavender mosaic panels to distinguish the residential aspect.
- 3.6 The proposed dwelling mix would be as follows:

	Level	Туре	Storeys	Proposed GIA	Proposed
				(sqm)	amenity
					(sqm)
Unit 1	First	1b2p	1	51.6	12.9
Unit 2	First	1b2p	1	51	7.6
Unit 3	First	1b2p	1	60	13.7
Unit 4	First	1b2p	1	52	5.6
Unit 5	First	1b2p	1	53	5
Unit 6	First	1b2p	1	53	5
Unit 7	First	2b3p	1	68	6.1
Unit 8	First	1b2p	1	51	7.1
Unit 9	Second	1b2p	1	51.6	12.9
Unit 10	Second	1b2p	1	52	7.6
Unit 11	Second	1b2p	1	53	6.2
Unit 12	Second	1b2p	1	52	6
Unit 13	Second	1b2p	1	53	5.5

Unit 14	Second	1b2p	1	53	5.5
Unit 15	Second	2b3p	1	68	6.3
Unit 16	Second	1b1p	1	37.9	15.9
Unit 17	Third	1b2p	1	52	6
Unit 18	Third	1b2p	1	53	5.5
Unit 19	Third	1b2p	1	53	5.5
Unit 20	Third	2b3p	1	68	6.3

4. RELEVANT PLANNING HISTORY

33 Upper Green East

4.1 07/P3858: PROVISION OF AN INDOOR MARKET AT THE REAR OF THE GROUND FLOOR – Refused 12/02/2008

Reason 1 - The applicant has failed to demonstrate that the vehicle movements associated with loading/unloading of goods in connection with the indoor market can be undertaken without compromising highway safety/efficiency, and would be contrary to Policy RN.7 of the Adopted Merton Unitary Development Plan (October 2003).

Reason 2 - The proposals would result in the loss of employment land, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough and would be contrary to policy E.6 of the Adopted Unitary Development Plan (October 2003).

4.2 07/P1170: DEMOLITION OF EXISTING BUILDING AT THE REAR AND ERECTION OF A EXTENSION ON FOUR FLOORS COMPRISING 12 X SELF CONTAINED FLATS WITH ASSOCIATED LANDSCAPING, BIN STORAGE AND CAR/BICYCLE PARKING – Refused 20/08/2007

Reason 1 - The proposal would result in the unacceptable loss of land for employment purposes, for which the applicant has failed to demonstrate that the site is not suitable, and would be contrary to policy E6 of the adopted Merton Unitary Development Plan (October 2003).

Reason 2 - The development due to its scale, siting and massing would be incongruous and unduly prominent, detrimental to the existing character, layout and townscape of the area, and would be contrary to policies HS.1, BE.16 and BE.22 of the adopted Merton Unitary Development Plan (October 2003).

Reason 3 - The proposal would fail to provide a satisfactory standard of residential environment for future occupiers arising from a failure to provide adequate amenity space to meet the needs of future occupiers, and would entail the daylight and sunlight to habitable rooms being dependent upon light borrowed from neighbouring sites, which could not reasonably be safeguarded or maintained, to the detriment of the amenities of future occupiers, contrary to policies HS.1, BE.15 and BE.16 of the adopted Merton Unitary Development Plan (October 2003).

4.3 01/P2658: CHANGE OF USE FROM PRINT WORK SHOP TO HAND CAR WASH AND CAR VALETING CENTRE – Refused 31/01/2002

Reason 1 - The vehicle flows resulting from the proposed car wash and valeting centre would be likely to compound existing traffic movement problems in Montrose Gardens and generate conflict between vehicles and pedestrians at the point of egress on Upper Green East, detrimental to pedestrian and vehicle safety and the amenities of nearby residential occupiers, contrary to Policies

M.28, M.29 and M.43 of the Adopted Unitary Development Plan (April 1996) and Policies PK.2, PK.3 and LU.3 of the Second Deposit Draft Unitary Development Plan (October 2000).

Reason 2 - The proposed car wash and valeting centre would result in the loss of employment land contrary to Policy W.9 of the Adopted Unitary Development Plan (April 1996) and Policies E.1 and E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).

- 4.4 MER1079/85: USE OF SITE ADJOINING NO 14 MONTROSE GARDENS TO GIVE ACCESS TO ADJOINING PRINTERS WORK. Granted 10/02/1986
- 4.5 MIT3281 & MIT3281A: USE OF SITE FOR ACCESS TO BAKERY Granted 27/03/1958
- 4.6 Historic permissions granted 1958 in relation to stables, hay loft and stalls (MIT3286 & MIT3328).
- 4.7 Historic permissions granted in the mid-1950s relating to a covered loading yard, finishing room and stables (MIT2932, MIT2664, MIT2345)
- 4.8 MIT1235: TWO SHOPS WITH FLATS OVER Granted 27/05/1949

37-39 Upper Green East

4.12 20/P1933: APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF THE PROPOSED CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS D2 (ASSEMBLY AND LEISURE). – Prior approval refused 06/08/2020

Reason - The cumulative floor space of the existing building changing use under Class J exceeds 200 square metres. Therefore, the proposal would conflict with Schedule 2, Part 3, Class J, J.1(b) of the General Permitted Development Order 2015 (as amended), and cannot be considered under the prior approval process. Planning permission would need to be sought.

- 4.13 16/P4225: RETROSPECITVE CONSENT FOR THE DISPLAY OF INTERNALLY-ILLUMINATED ATM SURROUND. Granted advertisement consent 21/12/2016
- 4.14 16/P4222: RETENTION OF ATM Granted 21/12/2016
- 4.15 87/P0717: ERECTION OF AN INTERNALLY ILLUMINATED FASCIA SIGN AND TWO INTERNALLY ILLUMINATED PROJECTING BOX SIGNS. Granted 29/06/1987
- 4.16 87/P0402: INSTALLATION OF ALUMINIUM SHOP FRONT. Granted 20/05/1987
- 4.17 MER1010/68: ILLUMINATED TRANSCOM SIGN. Granted 13/12/1968
- 4.18 MER1279/73: Two illuminated signs Granted 11/04/1974

5. CONSULTATION

External

- 5.1 Public consultation was undertaken by way of letters sent to 77 neighbouring properties. Major application site and press notices were displayed and advertised.
- 5.2 6 objections, 2 supports and 1 comment were received to the proposal.

Comments

- 5.3 The 1 comment received raised the following:
 - Increase the pavement width. To enhance the streetscape and provide improved pavement width for users. I hope you will take the opportunity of widening the pavement as much as possible in this area; it is currently quite narrow and is a pinch point, even if the bus stop is moved. To achieve this the front of the new building may need to be set back a little further from the road than is indicated on the proposed plans;
 - To reduce the risk of fly tipping and anti-social behaviour. Think carefully about the line and design of the front of the building. The existing building line seems to extend beyond the fronts of adjoining buildings which, at the corners, will present an opportunity for fly tipping etc.

Supports

- 5.4 The 2 supports raised the following:
 - The development will provide much need good quality housing within the area and will replace the poor quality building which currently detracts from the character of the area:

Councillor Geraldine Stanford writes in support, summary of comments as follows:

- This is a welcome development;
- There is long recognised need to attract more quality retail, restaurants and businesses to Mitcham. But, they will only come if they perceive the footfall in the area will ensure they make a reasonable profit, and are reluctant because the sites available are not of sizes/standards that modern businesses require;
- The Rediscover Mitcham scheme sought to increase footfall around the Fair Green. Whilst this has improved the situation for local visitors/residents, it hasn't brought in visitors from further afield. We are hopeful that the new, modern retail/restaurant/business premises proposed will attract more quality providers as it is flexible for use as one large space / adapted to 2 or 3 smaller units;
- Several site visits were held with local councillors, Siobhain McDonagh MP, local
 organisations, the site owners and architects -who are well known in the borough
 for providing good quality buildings and are particularly sensitive regarding heritage
 sites. Following these, the plans have been adjusted: height reduced from 5
 storeys to 4, residential units from 28 to 20, design and materials have been slightly
 adjusted;
- Standard of accommodation is of good quality. Mitcham in dire need of housing, as well as across the borough. With the lack of available sites to build on, we have to look to building up, so I believe the small increase in height proposed is negligible and therefore acceptable.
- PARKING in view of this planning application, residents in Montrose Gardens are considering applying for a CPZ. Given the site's high PTAL, the development will be car-free. Should Montrose Gardens become a CPZ in the future, we have requested that residents in the development will not be eligible for resident parking permits.
- WASTE COLLECTIONS proposed to be collected from the rear with access from Montrose Gardens, as some already is. Montrose Gardens is a very narrow culde-sac and vehicular access is already difficult, but understand discussions have been held with Veolia and they have assured us that they will not have a problem with this.

• DESIGN AND MATERIALS – Concerns have been expressed that the development is not sympathetic with the village style characteristics of the area. But, it is virtually impossible to define any particular characteristic applicable to Mitcham. It was identified as a settlement long before the Roman occupation, and Mitcham, as it was known by the 7th century, was the site of a Saxon settlement. So, the current buildings in the surrounding area reflect a range of styles adopted through many years: from Georgian, Victorian, Edwardian, Art Deco, Mock Tudor, post WW2, 1950/60's Modernism with high-rise blocks, Brutalism, and on to the latter part of the century where a number of generally unsympathetic developments have cropped up that don't really relate to anything.

The architects have made every effort to use materials sympathetic to the surrounding area, with stock brick in the main, and simple, clean lines with vertical lighter stonework connecting balconies and shop fronts. Recessed balcony walls will be lavender mosaic type tiles to reflect light. I would request shop awnings be changed to dark green to continue the historic Mitcham colours.

- COMMERCIAL UNITS At site meetings, some of us were concerned that this space may not be taken up given change in shopping habits, leaving it at risk of being converted to residential. We therefore ask that some kind of condition, if approved, that include a future plan of how the space could be changed if commercial units were not taken up within a certain timescale and they would be converted to residential units of a policy-compliant standard.
- AFFORDABLE SOCIAL HOUSING Following receipt of information concluding
 that the site would be unable to sustain affordable social housing, whilst
 disappointing, in the past we have negotiated an agreement with developers, that
 if the financial situation changes and the profit margins increase in the future, they
 will offer a "clawback" arrangement to compensate. Request that a similar
 arrangement be put in place for this application.
- No objections to this planning application, but request that the points made above be considered – namely –
 - 1. Future residents will not be eligible for residents parking permits if a CPZ is installed in Montrose Gardens.
 - 2. Change the awnings on the ground floor shop fronts from brown to dark green.
 - 3. Future plans of the ground floor space to be put forward, in the event of a change of use to residential being applied for.
 - 4. An agreement that developers will offer a "clawback" arrangement if circumstances change following completion of the development. As compensation for not providing affordable social housing on site.

Objections

A number of objections were submitted by the Mitcham Society and Mitcham Heritage and Cricket Green Community & Heritage group, these respond to the various amendments of the design, which given their nature were not re-consulted. The Architects directly consulted these groups. Their comments are summarised below within paragraphs 5.5 and 5.6.

- 5.5 The Mitcham Society raised the following concerns: September 2019
 - Upper Green East is an important part of the retail centre of Mitcham. Mitcham Society wishes to see no net loss of retail space in any development in Mitcham.
 The proposal includes ground floor retail space, mindful that plans can incorporate

retail at planning stage and later removed in a non-material amendment to replace space with residential. If development is granted, we would expect Merton Council to apply conditions requiring a) no loss of any retail space in any amendments subsequent to planning permission being granted without a full planning application being submitted b) confirmation of 100% retail occupation before any residential lettings or sales take place;

- The development site borders onto Mitcham Cricket Green Conservation Area. The proposed development would be visible from Three Kings Pond, and its design and overbearing size will detract from the Conservation Area. It is an inappropriately large building for the site, and detrimental to the Conservation Area;
- 4 storeys is too tall for the mid-parade location and presents frontage far too wide in the context of other buildings to its left and right. This location cannot accommodate the proposed height or the proposed wide, unbroken frontage;
- The proposed building is taller than any other on Upper Green East and is completely overbearing in its massing;
- Allowing this planning application will likely open the door to further development proposals being even taller, further degrading Mitcham Town Centre;
- The proposal would be contrary to Merton's draft Local Plan policy N3.2, the proposal development achieves none of the principles of the policy, is detrimental to the public realm and streetscape, and is poor urban design inappropriate for the location:
- Development in Mitcham needs to live up to both Merton Council's aspirations and our own.

November 2019

- Nothing we have seen in the communication with the Architects changes our opinion of this planning application. We still firmly believe this application is entirely unfit for Mitcham Village in terms of its height, density, relationship to locally listed buildings and effect on the adjacent conservation area which is detrimental;
- Mitcham Village requires development which is more village-like and rural in scale and design, any development on this plot must be subservient to all other buildings in the same parade;
- Development will be visible from Three Kings Pond;
- Fair Green has some distinctive Victorian and 1930s buildings, it is disingenuous and lazy to fall back to playing the 'Georgian card'. Moreover, a 4 storey block style building is not compatible Georgian or otherwise;
- Lavender motif/mosaic panels, referring to Mitcham's lavender related history is too frequently wheeled out, unclear how these details highlight residential and does not mitigate concerns about height, massing and extensive frontage;
- Unsatisfied with the absence of any affordable housing.

February 2020

- Unbroken horizontal white band between the retail and residential aspects creates a new visual intrusion into the streetscape;
- Massed mosaic adds to the confusion of materials and colours and bears no relationship to its surrounds;
- Form and massing is unchanged, all comments in 2 previous representations still stand.
- 5.6 The Mitcham Cricket Green Community & Heritage raised the following concerns: September 2019
 - We support representations made by the Mitcham Society;
 - Redevelopment in central Mitcham should respect its village character and draw on its rich history, regret that the current proposals do neither;

- Object to the planning application because its height and bulk will impact negatively on the visual relationship between Fair Green and Mitcham Cricket Green Conservation Area along Upper Green East and Commonside West, including both the Listed buildings and the open space that begins at Three Kings Pond;
- Excessive height, scale and mass that is inappropriate to central Mitcham's townscape and lacks nearby precedent;
- Proposals present misleading information on the relationship with the height of the adjacent bank building;
- Lack of detail in the proposed retail uses, no guarantee that these will not be subject to future proposals to convert to residential use;
- Lack of attention to the relationship with potential development at the rear of bank;
- Proposals fail to resolve the degraded public realm in Regal Court;
- Lack of affordable housing.

November 2019

- Proposed changes do not address the fundamental issues relating to the new developments height and bulk;
- The development would be visible from Three Kings Pond and would have a significant negative impact on views from the Conservation Area, presenting a bland and incongruous elevation;
- Concerned by the implication that adding lavender mosaic tiles to "reflect Mitcham's history" is an appropriate design response, this design response fails to draw inspiration of authentic design details in the local area;

January 2020

- Do not support the proposed change to the front elevation of the scheme to introduce a bold, white, horizontal band as a "commercial canopy" above the retail units. This serves only to emphasise the bulk of the new building and is more intrusive to the streetscape;
- Concerned by the continuing bland and incongruous side elevation toward the Conservation Area:
- Comments in 2 previous representations still stand.

5.7 Other objections are summarised as below:

- Inappropriate height of the development, adding another floor over and above anything else in the current streetscene. The solid 'block' of the building towards the rear would be apparent from a distance, adding to its overpowering feel;
- No architectural merit in the design shown at all, presents a monolith of an awful order, drab and boring/uniform in colour which will stick out like a sore thumb;
- Mitcham presents a variety and diversity of different architectural styles, the opportunity here is for striking originality and individuality. Instead, the proposed replacement building is destroying the fabric of Mitcham;
- Lack of affordable housing:
- Although welcome to the existing buildings being demolished, 4 storey replacement is not in keeping with neighbouring buildings and would dominate Mitcham Town Centre. 2 storeys would be welcome;
- Impact light toward residents on Montrose Gardens;
- Ugly, far too high and brutalist construction;
- The proposal aims to use the historical ambience of the site, but at the same time destroying it:
- Does not object to the principle of the site being redeveloped and recognises the proposal will contribute provision of housing within the borough and improve the streetscene, but objects to the current design and layout. The north elevation contains 2 large openings on the first and second floors, external walkways with

window openings, these openings would significantly restrict the full development potential of the adjoining site and viability of any neighbouring redevelopment.

5.8 <u>GLAAS. Archaeology</u> – Following review of the archaeological desk-based assessment (CGMS, June 2019), it is clear that there is some potential for archaeological remains to survive on the site. An archaeological evaluation is recommended to test for the survival of archaeological remains.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extend of surviving remains, followed, if necessary, by a full investigation. I therefore recommend conditions to be attached.

5.9 <u>Design Review Panel</u> – During the pre-application stage, the scheme was put forward to the Design Review Panel on 22nd November 2018. Notes from the meeting:

The Panel noted the important and prominent location of the site. In finding an appropriate contextual cues, it was suggested that the character of the space of Fair Green was possibly more important than the buildings surrounding it, as most did not stand out as being of architectural note. It was felt that this character was mostly based on narrow plot widths and strong vertical frontages. The proposed building did not do this, being clearly a single building with a stronger horizontal emphasis.

There were a number of aspects of the design that were creating this. This included the positioning and varied projection of the balconies and not continuing the ground level vertical columns through the rest of the elevation in some manner. The Panel recommended that the building needed greater vertical emphasis and that is should perhaps appear as two or more separate buildings of different heights, but with a strong vertical form reflecting the four individual plots.

In terms of height the Panel felt that the site was over developed, and particularly at the rear, where it could prejudice redevelopment of the Barclays Bank site. Building right to the edge of the site did not help in this. This was particularly evident regarding the small north-facing light-wells to bedrooms. With further development to the north would lead to even poorer light levels to bedrooms. A reciprocal development on the Barclays site needed to be imagined which worked in this respect and it was unlikely that 5 storeys would work. There was some suggestion that 2 storeys was appropriate for the rear in order to have an acceptable impact on Regal Court and not prejudice development of Barclays.

The Panel were concerned about the overbearing effect the building would have on the already stark space of Regal Court. This also included short distances between buildings and front/back issues regarding privacy. There was also particular concern about the quality of the main entrance to the building from the side alley – which felt like a service yard. It was felt it was not sufficiently prominent or overlooked and was cramped internally. It was suggested that it form part of an active frontage facing directly on to Fair Green, which could also help break up this frontage better.

The alley to Regal Court was a general concern, especially that it was unlikely to be able to gate it. The potential for anti-social behaviour needed to be better designed out in terms of the elevation as well. The projecting vertical elements dividing up the ground floor provided places for concealment, as did the kink back to the elevation of Barclays Bank, and the building should be set back to be in line with it to smoothly continue the building line. This would also widen the footway and create more 'dwell time' for pedestrians and shoppers.

The Panel felt that putting the bins to the rear was appropriate. The access to the upper communal terrace could be simplified. The internal communal amenity space was welcomed in principle but was felt that it was small and would be heavily overshadowed and might not be a pleasant space. The Panel also noted that the rights of light study had not yet been done and that this may point towards a different approach for the rear of the site. The Panel also asked about the ration of unit sizes, how they related to council policy and whether disabled units required parking spaces.

Verdict: AMBER

Internal

5.10 <u>Urban Design officer</u> –

Townscape analysis: There is a distinctive difference between approaches from the east and west, compared to those from the north and south, when entering Fair Green.

From the north and south – that is, from London Road, the Green is entered abruptly and a wide, though not long, vista is opened out, creating corners on the built form as it does so. These are visible across the Green from each side, and these are appropriate and logical positions to position local landmark buildings. Indeed, this is where some are found. For example, the Kings Head PH to the north, and Fair Green Parade to the south. There is scope to improve and strengthen this townscape with future development, notably at Poundland at Nos. 1-3 Majestic Way and Poundstore at No. 1 Upper Green East. To the south Sahana at No. 225 London Road turns the corner positively but has no real flank elevation presenting itself to the Green, which is partly covered by large advertising hoardings.

From the east and west – the townscape experience is distinctively different, with a more gentle form. Here the Green opens out gently and gradually, rather than abruptly. This presents a long view and emerging vista. This is not of landmarks but of rows of individual buildings making up a collective, linear built form that gives shape, scale and enclosure to the Green (black zig-zags on plan). The key component of this form is the small and narrow plot widths that collectively consist of different buildings of slightly different appearance and heights. It is a canvas of buildings that creates a strong frontage as one moves through the Green eastwards or westwards (though it is particularly apparent going eastwards, where the application site is located). These frontages are complemented on the south side of the green as well, though just less visible than those on the north side.

Most notably at the eastern end the north and south frontages (or edges) to the Green narrow back again (having moved through the open space) to a pinch-point near the junction with Clarendon Grove, before opening out again onto Three Kings Piece (around the pond) and into Mitcham Common. If there is any justification in townscape terms in this part of the Green, it is at this pinch point – though this is not necessary – but certainly not at the location of the application site, as the form itself creates a clear sense of 'here and there'.

The result of the failure to properly understand the site's correct place, setting and purpose in the Green has led to an inappropriate architectural solution. This is shown by the insistence of the bowed out frontage – like a 'puffed out' chest trying to draw attention to itself, and the mirrored symmetrical form of the building, rather than it making any attempt to give a visual reference in the elevation of the four historic plots on which it is situated. Indeed, although the internal arrangement of the ground floor is loosely divided into four, this is not reflected in the exterior, which is divided up further and very fragmented in this form.

Frontage analysis: The applicant's frontage analysis is fundamentally flawed and simply incorrect. However, what the applicant does is to identify the existing historic plot widths for the buildings either side of the site, then totally ignore them for the application site. The drawing for some reason divides the site up into six (red dotted lines), where there is no precedent for this – the number just seems to be plucked randomly from mid-air. The analysis of historical maps does not indicate a division into six (and the plans shown are not sufficiently detailed for this anyway) whichever era is viewed.

The lower of the two plans shows the applicants proposal superimposed in the frontage elevation. Here the proposed building is now based on dividing the site up into eight sections. Furthermore, the building form itself bears no relation to these divisors either. This begs the question of the purpose of this analysis that seems contrived to justify the elevation design but yet fails even to do this.

What the analysis should show is the site divided into four, as this, by virtue of the addresses (which in this case are based on the historic plot divisions – there being no other historical reference). These notes show this superimposed on the applicant's plans – black for those used by the applicant and purple for where the other divisors should be. The elevation should be based on this fundamental base in order for it to produce a building that fits into the wider frontage and its importance as demonstrated by the townscape analysis.

Building design frontage: Based on the analysis above, the approach needs to be of a built form that 'fits in' with the long collective linear frontage. This clearly implies a simple form of elevation that is based on proportions that emphasise the vertical form of the four plot widths. It also implies a relatively flat plane of building — similar to Georgian/early Victorian forms. Too much fragmentation of form will draw attention unduly to the building and make it stand out. Too many planes of elevation and it will appear chunky and not human in scale.

Unfortunately, this is exactly what the building form does. It is composed of large format protruding and recessed built elements through which an over-chunky and large retail signage fascia has been overlaid. Balconies need to be dealt with within an overall building envelope or sited to the rear. They also need to have solid balustrades to hide personal belongings. Traditional format shop-fronts with appropriate human scale proportions are also necessary. The resultant effect is a very chunky series of forms that has no human scale elements. This visually intrudes into Fair Green in an entirely unacceptable manner and is very unconstrained. A far simpler form is required. The architecture appears designed to be viewed from a fast moving vehicle from a distance, rather than having the richness, simplicity and human scale necessary in a small urban green.

Key guiding elements:

• Divide building clearly into four units

- Strong vertical emphasis by dividing frontage into four, backed up by window arrangements
- Secondary horizontal emphasis
- Separate shopfronts
- Clear and generous residential entrance with convenient cycle access
- Potential for direct access stairs to 'flats above shops'
- Simple built form limiting planes of elevation
- Keep balconies within the building envelope to preserve a single plane of elevation or relocate to rear
- In plan, do not 'bow out' elevation but curve gently with four straight elevations on slightly changing alignments – this will help with the vertical emphasis

The comments provided above respond to an earlier version of the scheme from January 2020. Since then, the following amendments have been carried out to address these comments:

Externally

- Removal of the singular bold, horizontal shop front signage across the front elevation. Shop fronts divided to provide 4 areas of shop signage;
- 4 brick piers of the upper levels continued through to the ground floor level to provide vertical emphasis.

Internally

- On the ground floor, the residential cycle store and bin store have been swapped to group the bins closer to the waste collection point and cycle stores toward the entrance:
- At the entrance of the residential units, an enlarged 'matwell' area proposed removing the secondary entrance door providing a more spacious entrance area, would also allow residents to easily manoeuver with bicycles.

More details are provided on the amendments made to the January 2020 scheme within paragraph 7.3.4, and the impact of these amendments to the design described from paragraph 7.3.9 onwards.

5.11 Transport officer –

The site is not located within a Controlled Parking Zone and consequently the surrounding streets do not contain parking restrictions.

Access: Development has direct frontage to Upper Green East. The main pedestrian access will be directly from Upper Green East. The commercial service access will be directly from Montrose Gardens located north of the development site, which leads to the bin stores and bicycle stores for the residential and commercial uses (as per the existing situation).

PTAL: The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities afforded by the district centre.

Trip Generation: Based on the TRICS trip rates the proposed development is predicted to generate no additional car movements in the morning peak hour and an increase of 9 car movements in the evening peak hour. The low level of trip generation is expected to result in a negligible effect on the adjoining highway network and will therefore have no material impact on parking, capacity or safety.

The existing development is predicted to generate 4 LGV movement in the morning peak hour and 2 LGV movements in the evening peak hour, whereas no service vehicle movements are anticipated for the proposed development in the peak hours. Therefore there would be no material impact resulting from the vehicle movements generated by the proposed development, and the applicant has concluded that it is unnecessary to assess the impact on the road network.

Car Parking: The proposal does not provide on-site parking for the residential units. Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking, which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

Disabled Parking Provision – Residential: Policy T6.1 (draft London Plan): Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

- 1) Ensure that at least one designated disabled persons parking bay per dwelling for 3% of dwellings is available from the outset.
- 2) Demonstrate on plan and as part of the Car Parking Design and Management Plan, how the remaining bays to a total of 1% dwelling for 10% of dwellings can be requested and provided when required as designated disabled persons parking in the future. If disabled persons parking provision is not sufficient, spaces should be provided when needed either upon first occupation of the development or in the future.

Disabled Parking Provision – Commercial: All non-residential elements of a development should provide at least one on or off-site disabled persons parking bay. The proposal does not provide off street disabled parking provision.

To satisfy the above disabled parking provision for both Residential and commercial units the applicant to bear the cost of two of street disabled parking spaces (location to be decided by the highway authority). The Council will therefore seek a financial contribution of £20,000 for the provision of 2 disabled persons, which should have electric charge points.

Cycle Parking Standard: Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed dwellings and 2 per all other dwellings. The proposed residential units comprises 17x one bed units and 3 x 2 bed units. In order to meet the standards, set out in the London Plan, the proposal should provide 23 long term cycle parking spaces for residential units. The submitted plans show 24 cycle spaces, this would satisfy the London Plan standards.

Commercial cycle parking: Cycle parking for A3 use should be 1 cycle parking space per 175m² for long stay purposes and 1 cycle parking space per 40m² for short stay. This amounts to a need for 2 long stay and 12 short stay cycle spaces for the A3 unit (463m²). 6 no. cycle spaces are shown next to the staff room behind the lockers. The 12 no. short stay visitor spaces should be located to the front of the Commercial units.

Refuse: Waste collection points should be located within 30 metres of residential units and within 10 metres of collection vehicles.

Car Club membership: Each residential unit should be provided with a 3 year car club membership funded by the developer.

Recommendation: The proposal is unlikely to have a significant impact on the adjoining highway. Therefore, raise no objection subject to:

- Condition requiring cycle parking provision.
- Financial contribution for provision of disabled bays with electric charging points (£20,000).
- Unilateral undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement".
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- 5.12 <u>Climate Change</u> Following provision of further information requested by the Council's Climate Change officer, the evidence is now considered consistent with meeting the GLA and Merton's Climate Change policies.

Pre-occupation conditions have been recommended in relation to the carbon emissions and internal water consumption of the development, and a S106 agreement would be required for the carbon offset cash in lieu contribution prior to planning approval. The cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Energy Assessment Guidance 2018.

5.13 <u>Environmental Health</u> – No overall objections but would recommend the inclusion of certain conditions to protect the future and existing residents in the area.

And should the use classes A3 and/or A5 be implemented, additional conditions are also recommended to ensure the control of odour and drainage serving the commercial part of the premises.

5.14 <u>Waste services</u> – The developer should confirm that measures will be in place to move the communal bins on collection day to the collection point, and whether the applicant has permission to store bins at the collection point from 6am on collection day.

The collection crew will only pick up bins from the collection point as stated by the developer on the collection day and this will include the food waste.

5.15 Met Police - Secure by Design – Various security measures recommended to enable the building to achieve Secure by Design Accreditation. A two part condition has been recommended by the Designing out Crime officer to be attached to the grant of planning permission.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes

Part 6 Building a strong, competitve economy

Part 7 Ensuring the vitality of town centres

Part 9 Promoting sustainable transport

Part 11 Making effective use of land

Part 12 Achieving well-designed places

Part 14 Meeting the challenge of climate change, flooding and coastal change Part 16 Conserving and enhancing the historic environment

6.2 London Plan 2016:

- 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
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.1 Developing London's economy
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.13 Parking
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 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

6.3 Merton Sites and Policies Plan July 2014 policies:

- DM D1 Urban design and the public realm
- DM D2 Design considerations in all developments
- DM D4 Managing heritage assets
- DM D7 Shop front design and signage
- EM EP2 Reducing and mitigating noise
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM R1 Location and scale of development in Merton's town centres and neighbourhood parades
- DM R4 Protection of shopping facilities within designated shopping frontages
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T5 Access to road network

6.4 Merton Core Strategy 2011 policy:

CS 2 Mitcham sub-area

CS 7 Centres

CS 8 Housing choice

CS 9 Housing provision

CS 12 Economic development

CS 14 Design

CS 15 Climate change

CS 17 Waste management

CS 18 Transport

CS 20 Parking servicing and delivery

6.5 Supplementary planning documents

Accessible London SPG - October 2014

London Housing SPG 2016

Technical Housing standards – nationally described space standards 2015 Affordable Housing and Viability SPG – August 2017

Merton's Waste and Recycling Storage Requirements – For Commercial and Residential Premises in the London Borough of Merton

7. PLANNING CONSIDERATIONS

- 7.1 The key planning considerations of the proposal are as follows:
 - Principle of development
 - Design and impact upon the character and appearance of the area
 - Impact upon neighbouring amenity
 - Standard of accommodation
 - Transport, parking and cycle storage
 - Refuse
 - Sustainability
 - Affordable housing
 - Other matters
 - Developer contributions

7.2 PRINCIPLE OF DEVELOPMENT

Increase of residential development

- 7.2.1 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.
- 7.2.2 The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year.
- 7.2.3 Policy H1 'Increasing housing supply' (Draft London Plan Policy) and Table 4.1 of the draft London Plan sets Merton a ten-year housing completion target of 13,280 units

between 2019/20 and 2028/29 (increased from the existing 10-year target of 4,107 in the current London Plan). However, following the Examination in Public (mentioned above) this figure of 13,280 has been reduced to 9,180.

- 7.2.4 Merton's latest Annual Monitoring Report 2018/19 concludes that:
 - In the years 2011-2016, 2,573 new homes were delivered which is 52% over the target;
 - For the years 2021-26, the provision of additional homes is projected at 3,269 new homes, 59% over the target;
 - All of the home completions this financial year were on small sites of less than 0.25 hectares in size. All of the schemes except one delivered 10 homes or fewer, with one scheme of 11 homes;
 - Merton has always exceeded the London Plan housing target, apart from 2009/10 and this year 2018/19.
- 7.2.5 But, with the anticipated increased annual target of 918 units in the draft London Plan (paragraph 7.2.3), this will prove considerably more challenging and will require a step change in housing delivery within Merton. So against this background, officers consider that an increased number residential dwellings are welcomed.

Town centre uses

- 7.2.6 Merton Core Strategy Policy CS 2 seeks to improve the overall environment of Mitcham town centre by providing quality shopping, housing, community facilities and good transport links. By, creating a viable town centre through improving the quality of commercial, retail, residential and community uses; improving the quality and mix of homes including affordable and private housing and enhancing the public realm through high quality urban design and architecture, improvements to shop fronts, public spaces and connectivity to the town centre.
- 7.2.7 Policy DM R1 seeks to protect the viability and character of Merton's town centres and neighbourhood parades whilst ensuring that there are a wide range of town centre type uses to meet the everyday needs of Merton's residents.
- 7.2.8 Whilst the proposal would entail demolition of the existing 2 buildings and removal of their commercial premises, the replacement mixed used building will propose similarly appropriate uses reflecting the above policy objectives of retaining commercial viability and vitality of the Town Centre and its shopping frontages. The enlarged ground floor commercial premises will provide a unit of flexible use (A1, A2, A3, A5, B1 or D1), to hopefully be occupied by a single retail user but with potential of splitting into smaller units if required to allow for multiple occupiers.
- 7.2.9 The proposed use of the development will continue to deliver a commercial space within the building to offer services and shopping opportunities for Mitcham while also responding to the need for increased housing delivery through the intensification of the site.
- 7.2.10 However, whilst the proposed re-development of the site is considered acceptable with its increased intensification to introduce a larger commercial premises and increased number of residential units, the development scheme is also subject to all other planning considerations being equally fulfilled and compliant with the policies referred to in Section 6.

Housing mix

- 7.2.11 Policy DM H2 of Merton's Sites and Policies Plan requires development 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. Residential development proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix. Policy 3.8 of the London Plan requires new developments offer a genuine choice of homes that Londoners can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environment.
- 7.2.12 The scheme provides the following unit mix:
 - 17 x 1-bed units (85%)
 - 3 x 2-bed units (15%)
- 7.2.13 The proposals would deviate from the indicative housing mix set out in the Sites and Policies Plan which envisages a broadly equal split between 1, 2 and 3 bedroom (and larger) units. This mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment (SHMA 2010). Further work is being undertaken as part of the preparation of a new local plan. Merton's Strategic Housing Needs (Market) Assessment was published in July 2019.
- 7.2.14 Mitcham has the highest percentage of 3 bedroom houses than the borough average (based on 2011 census data) and so, an assessment is required as to whether a focus on smaller units would be harmful to the area and whether by focusing on smaller units the development fulfils other planning objectives such as optimising housing output.
- 7.2.15 The site is within the centre of the Mitcham Town Centre, an area of high public transport accessibility, so greatly attractive to those needing to regularly commute and can rely less on the use of cars. Furthermore, the site fronts onto the high street with limited space to deliver gardens which would be expected for a more traditional family dwelling setting, accommodation for families are also more attractive with the provision of car parking facilities.
- 7.2.16 So, whilst the proposal of only smaller units would not strictly adhere to the indicative borough mix set out above, the proposed housing mix would in fact respond realistically to the characteristics of the site and its location whilst still promoting policy objectives of Policies 3.8 and 3.9 of the London Plan. Therefore, officers consider that the proposed housing mix would be acceptable in this instance.

7.3 CHARACTER AND APPEARANCE

- 7.3.1 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should ensure that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.3.2 Policies CS14, DMD1 & DMD2 require that new development reflect the best elements of the character of the surrounding area, or have sufficient distinctive merit so that the development would contribute positively to the character and appearance of the built environment. Policy DM D2 of Merton's Sites and Policies Plan requires development

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 and to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design is further supported by the London Plan London Plan Policies 7.4 and 7.6.

- 7.3.3 Alterations from the initially submitted scheme to the present proposal:
 - Communal amenity area and external walkway opened up on the first floor to provide clear access between the spaces;
 - Flat 1 and 2's terraces separated to provide better privacy, and an increased green roof area provided;
 - External walkways on second and third floor to reduce conflict with planters and to provide improved accessible access;
 - Plant room introduced to third floor, accessed from the lobby/lift area.
- 7.3.4 Comments set out in Section 5 by the Urban Design officer relate to an earlier version of the scheme from January 2020. Since then, the following amendments have also been carried out to address comments by officers:

 Externally
 - Removal of the singular bold, horizontal shop front signage across the front elevation. Shop fronts divided to provide 4 areas of shop signage;
 - 4 brick piers of the upper levels continued through to the ground floor level to provide vertical emphasis.

Internally

- On the ground floor, the residential cycle store and bin store have been swapped to group the bins closer to the waste collection point, and provide a doorway between the refuse and cycle areas which would also assist with better containing i.e. smells:
- At the entrance of the residential units, an enlarged 'matwell' area proposed removing the secondary entrance door providing a more spacious entrance area, would also allow residents to easily manoeuver with bicycles;
- Increased planters outside the kitchen windows of the flats toward the western end of the building, providing an increased defensible space from the communal amenity area/walkways;
- Terrace of Flat 1. Reduced balustrade on southern end to provide better light and outlook;
- Terrace of Flats 2 and 10. Increased depth and reduced balustrade on southern end to provide better light and outlook;
- Terrace and bedroom window of Flat 3 amended to provide better privacy.
- 7.3.5 The existing buildings are not identified as those of particular architectural or historical interest within the Town Centre and the quality of the buildings are also noticeably in poor condition, therefore their loss is not considered to be detrimental to the Town Centre or Upper Green East streetscene.
- 7.3.6 The comments provided by the Design Review Panel in paragraph 5.9 relate to a building of 5 storeys toward the front and rear. The design has since evolved, the proposed height toward the streetscene would exhibit 4 storeys stepping down to 2 and 3 storeys at the rear. The variation in height is considered acceptable as this fragments the building form so that it better responds to its surrounding dwellings, rather than being viewed as a singular building block.

- 7.3.7 Viewed from the streetscene, the 1 storey increase from adjoining 29-31 Upper Green East is not considered dominant nor the 2 storey increase from number 41 which is set back by around 4m. The rear would step down to 3 storeys, matching the roof ridge of the Regal Court buildings, and toward the southern boundary steps down to 2 storeys responding to 41 Upper Green East.
- 7.3.8 Toward the adjoining site, the design at the pre-application stage proposed a number of north-facing lightwells serving bedrooms (as mentioned in paragraph 5.9), therefore, it was considered future development would lead to even poorer light levels and outlook to the bedrooms if it enclosed these lightwells. Here, the design has been reconfigured to feature external walkways along the boundary elevation. If future development were to build along the boundary (though noted not currently any intentions to do so), it is not considered the flats accessed from the external walkway would be negatively impacted. The windows of these 4 flats serve bathrooms and secondary bedroom windows, but toward the south these bedrooms would benefit from a larger window with access to an external terrace.
- 7.3.9 The Urban Design officer's comments set out that the applicant has identified the existing historical plot widths for the buildings either side of the site, but this is not clearly shown in the proposed design on the application site. The design presented at the pre-application stage also failed to correctly identify this, "being clearly a single building with a stronger horizontal emphasis".
- 7.3.10 Initially submitted, the design of the vertical columns and shop fronts retained the idea of presenting a singular building form. With the shopping frontage clearly presented for a single retail user rather than one which reflected the plot widths of area and where potential division could be accommodated if occupied by multiple users. The design which the Urban Design officer commented presented a scheme with a bold single horizontal panel tying all the shop fronts and breaking the connection of the ground floor with the upper levels, thereby losing any sense of verticality and departing from the surrounding shopping frontage and sense of narrower plot widths.
- 7.3.11 However, the design has been amended since, with a further supplementary Design and Access statement submitted setting out:
 - "It is important that the ground floor has symmetry and unity for the following reasons:
 - The ground floor commercial use is intended to be let to a single, key anchor operator who can help revitalise Mitcham Town Centre. A commercial operator will want a good presence on the Green and maximum visibility.
 - Although, over the lifetime of the building, the frontage could still be let as three separate shops, this is a not the primary intention, but a fall back position to increase the economic sustainability and robustness of the development".
- 7.3.12 Officers consider the site should not present a singular building toward the streetscene in order to respect the existing plot widths and continue the rhythm of frontages along the Town Centre. It is noted that the proposed building design has intentions of creating a commercial premises to accommodate and attract a large single retail user, but, whilst this may be the intention of the future shop use, the external design needs to be better executed to ensure whilst it delivers the architect's vision of symmetry, this should not be its central focus as it wrongly steers the building to be viewed as a singular form which detaches itself from the pattern of the neighbouring buildings and frontages.
- 7.3.13 Therefore, the amended design has removed the single horizontal signage band, which was shown in the January 2020 plans and was described as "over-chunky", and

divides the elevation into 4 potential frontages by re-connecting the vertical piers with those on the ground floor, carefully selecting those equidistance from each other. The pattern of vertical columns currently proposed also differ from those in the original design submitted in 2019, those vertical columns were more consistent throughout the frontage and designed to emphasise symmetry, and created more fragmented signage areas which strongly highlighted a central entrance feature for a single shop.

- 7.3.14 The vertical columns in the current proposal are more prominently 4 piers, showing 4 potential shop frontages. So, whilst the design remains with a slight bowed projection and a central entrance door, the division of the front elevation with 4 regular brick piers ensures there is appropriate verticality which allows viewing of the building as different columned elements a darker engineering brick between the more prominent main brick piers subtly sets itself apart from the dividing columns so that it would be viewed as 4 parts. As justified in the applicant's supplementary design and access statement: "The vertical division of the frontage into four, and mirror-imaging balcony positions means that the building will be read as four distinct vertical elements and at the same time have a sense of unity, especially at ground level, to enhance the prominence of the commercial use and contribute to economic sustainability".
- 7.3.15 The materials and colours introduced, through lavender render, lavender mosaic tiles and variations of brick throughout the building assist to create depth and animation, and the render and tiles assist to emphasise the vertical elements.
- 7.3.16 The proposed building would be visible approaching from the south-east, Three Kings Pond within Mitcham Cricket Green Conservation Area. Whilst the building presents some bow forward at its centre, it is noted the existing building does step forward from its neighbouring buildings lines, but the proposal has reduced this thereby providing a public benefit of an increased pedestrian pathway. The side elevation stepping forward of 41 Upper Green East and 2 storey flank elevation projecting above 41 (as seen in proposed visualisation 718/ 051 P4) would not be so visually dominant so as to negatively impact views from or toward the Conservation area. The impact would be considered neutral as the building is adequately set back from the border of Mitcham Cricket Green, and the step up is a natural incline as well as being predominantly screened by its foreground buildings so as to preserve the appearance of the Conservation Area.

7.4 NEIGHBOURING AMENITY

7.4.1 SPP Policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.

29-31 Upper Green East

- 7.4.2 Adjoining north of the application site is 29-31 Upper Green East, a flat roof building of 3 storeys toward the streetscene and a flat roof single storey element toward the rear (around 13m in depth) with a hard standing car park area. The ground floor premises serves as Barclays bank, and the upper levels contain 3 residential units. The height of the building is 10.5m, there is a staircore projection on the roof at a further 2m height.
- 7.4.3 From the streetscene, the proposed building would be a storey taller than the adjoining building at 12.8m, so 2.3m higher (0.8m measured from the neighbour's staircore projection). At the rear, the proposed building would project the depth of the site. Whilst it is noted the rear windows of the adjoining building would experience screening of view and light from the southern direction, the proposed building would exhibit a

variation of heights (around 6-9m, measured above the neighbour's single storey element) as it steps down to 3 storeys at the rear, and at 13.1m depth (the depth of the neighbour's single storey element), the building would exhibit openings for the external walkways of the first and second floor levels.

7.4.4 Given the positioning of the adjoining neighbour's building being at the end of the terrace, the rear windows would still benefit from adequate outlook and light from the north – and, whilst not currently proposed, the potential of future development at the rear of the adjoining property would benefit from attaching to the areas of plain elevations of the proposed building, and as mentioned under paragraph 7.3.8, the closing of the neighbouring external walkways would not be considered harmful to the amenity of those affected flats.

41 Upper Green East

- 7.4.5 The southern adjacent building is a 2 storey flat roof building with a single storey ground floor extension, the existing building and rear extension cover the entirety of the site. On the side elevation, there is one upper window present serving a kitchen (shown on dwg 718/011 P4), the ground floor comprises a window display for the ground floor retail area and an access door. The building is 6.9m tall.
- 7.4.6 The proposed 4 storey building would project around 3.5m deeper than the rear building line of number 41's main 2 storey building, before stepping down to a 2 storey height. However, given the neighbour's buildings cover the entirety of their site with no habitable windows on their northern elevation, it is not considered the proposed building would negatively impact number 41's amenity. The introduction of windows on the southern elevation of the proposed building would not invite overlooking toward number 41, but would increase natural surveillance over the access path which is considered beneficial for the safety and security of residents walking into Regal Court.

Regal Court

1-4 Regal Court (western side)

- 7.4.7 Whilst there would be a vehicular access path, around 3.5 distance, separating the Flat 8's first floor bedroom window and Flat 16's second floor terrace, it is noted there would be some experience of overlooking toward the gardens of 1 and 2 Regal Court. Therefore, to fully ensure privacy of these gardens, a condition would be attached to ensure the window would be obscure glazed up to 1.7m from the internal floor level and increased height of the part of the terrace balustrade on the southern elevation to also mitigate overlooking.
- 7.4.8 Given the orientation of the buildings, the existing gardens of 1 and 2 Regal Court receive little sunlight in the early mornings and mostly sit in shade in the afternoons. And, given the proximity of the extension at the rear of 41 Upper Green East (built up to the boundary), the gardens of numbers 1 and 2 Regal Court also currently experience limited outlook.
- 7.4.9 Toward the southern rear elevation of the proposed development, it is noted the building adjacent to the western Regal Court terraces would step down from 4 storeys to 2 –noted this would be an addition of 1 storey from the existing situation, around 4m increase in height. However, it is not considered the proposed 2 storey building height toward these rear gardens would increase the shading of light or screening of outlook to such a degree which to warrant refusal given there is some appropriate separation provided by the vehicular access path and their garden positions south of the proposed development.

5-10 Regal Court (eastern side)

- 7.4.10 Toward the northern rear end, the proposed building would step down to a 3 storey height of 10m 0.25m shorter than the ridge height of the buildings on Regal Court or 4m higher the eaves height of the Regal Court buildings. The first and second floor levels of the building toward the rear south-eastern corner (Flats 1,2/ 9,10), adjacent to 10 Regal court, the side elevation of the building would be set back 5.6m from 10 Regal Court, and the eastern elevation approximately 7m from the front elevation of 10 Regal Court.
- 7.4.11 The terrace of Flats 1 and 2 would be set back approximately 6m from the closest first floor window of 10 Regal Court, Flat 2 would also exhibit a 1.8m obscure screen toward the rear elevation to mitigate overlooking. The terraces of Flats 9 and 10 would be at a storey higher than 10 Regal Court so there would unlikely be potential of views into the neighbouring dwelling though a 1.8m obscure screen has been proposed toward the rear elevation of Flat's 10 terrace.
- 7.4.12 The communal amenity area would be set back around 19m from the front building line of the properties on Regal Court. A 1.8m obscure screen would also border the rear of the amenity area to prevent views.

Montrose Gardens

- 7.4.13 Currently, toward the western boundary of the application site facing 14 Montrose Gardens are the two storey former works buildings, and immediately along the boundary a full depth single storey structure with a corrugated metal roof.
- 7.4.14 The proposed development would remove the single storey building along the boundary and introduce a visible separation between Montrose Gardens and the application site. Therefore, the proposed 3 storey building would be set back from the neighbouring dwelling by approximately 3m, and the proposed building would be 1.4m taller than the terrace buildings on Montrose Gardens. Impact in terms of light and outlook would not be considered significantly harmful.
- 7.4.15 The bedrooms windows on the rear elevation serving Flats 1 and 9 would be orientated looking over the rear extensions of the properties on Montrose Gardens, and the terraces of Flats 1 and 9 would be set back 5.4m from 14 Montrose Gardens. Given these setbacks and the window orientation, it is not considered these would have a detrimental impact in terms of overlooking.

7.5 STANDARD OF ACCOMODATION

Internal

7.5.1 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

Level	Туре	Storeys	Proposed GIA	Required GIA	Complaint
			(sqm)	(sqm)	

Unit 1	First	1b2p	1	51.6	50	Yes
Unit 2	First	1b2p	1	51	50	Yes
Unit 3	First	1b2p	1	60	50	Yes
Unit 4	First	1b2p	1	52	50	Yes
Unit 5	First	1b2p	1	53	50	Yes
Unit 6	First	1b2p	1	53	50	Yes
Unit 7	First	2b3p	1	68	61	Yes
Unit 8	First	1b2p	1	51	50	Yes
Unit 9	Second	1b2p	1	51.6	50	Yes
Unit 10	Second	1b2p	1	52	50	Yes
Unit 11	Second	1b2p	1	53	50	Yes
Unit 12	Second	1b2p	1	52	50	Yes
Unit 13	Second	1b2p	1	53	50	Yes
Unit 14	Second	1b2p	1	53	50	Yes
Unit 15	Second	2b3p	1	68	61	Yes
Unit 16	Second	1b1p	1	37.9	37	Yes
Unit 17	Third	1b2p	1	52	50	Yes
Unit 18	Third	1b2p	1	53	50	Yes
Unit 19	Third	1b2p	1	53	50	Yes
Unit 20	Third	2b3p	1	68	61	Yes

- 7.5.2 As demonstrated by the table above, all the units would comply with the minimum space standards.
- 7.5.3 The design achieves dual aspects for all the residential units.

External

7.5.4 For flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings, specified in the Mayor's Housing Supplementary Planning Guidance, and an extra 1 sqm should be provided for each additional occupant.

	Туре	Proposed	Required amenity	Compliant
		amenity (sqm)	(sqm)	
Unit 1	1b2p	12.9	5	Yes
Unit 2	1b2p	7.6	5	Yes
Unit 3	1b2p	13.7	5	Yes
Unit 4	1b2p	5.6	5	Yes
Unit 5	1b2p	5	5	Yes
Unit 6	1b2p	5	5	Yes
Unit 7	2b3p	6.1	6	Yes
Unit 8	1b2p	7.1	5	Yes
Unit 9	1b2p	12.9	5	Yes
Unit 10	1b2p	7.6	5	Yes
Unit 11	1b2p	6.2	5	Yes
Unit 12	1b2p	6	5	Yes
Unit 13	1b2p	5.5	5	Yes
Unit 14	1b2p	5.5	5	Yes
Unit 15	2b3p	6.3	6	Yes
Unit 16	1b1p	15.9	5	Yes
Unit 17	1b2p	6	5	Yes
Unit 18	1b2p	5.5	5	Yes
Unit 19	1b2p	5.5	5	Yes

Unit 20	2b3p	6.3	6	Yes
Offit 20	_ _ ~ ~ ~ ~ ~	0.0	0	1.00

7.5.5 As demonstrated by the table above, all the units would provide sufficient external amenity areas.

7.6 TRANSPORT, PARKING AND CYCLE STORAGE

- 7.6.1 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 under Policy 6.13 of the London Plan stipulates that 1 cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.
- 7.6.2 The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities. The site is not located in a Controlled Parking Zone, but immediately adjacent are Controlled Parking Zones MTC and MTC2.
- 7.6.3 However, the proposed development would be wholly car-free as set out in the applicant's submitted Transport Statement.
- 7.6.4 The Transport officer considers the applicant's proposal of a car-free development is acceptable and advises that the applicant enter into a suitable legal undertaking which would restrict future occupiers of the commercial and residential units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones, and any future Controlled Parking zones abutting the site.
- 7.6.5 The development proposal does not provide off-street disabled parking provision as set out in the London Plan's Parking addendum Car Parking Standards, and Policy T6.1 (draft London Plan) (policies set out in the Transport officer's comments within paragraph 5.11). Therefore, the Transport officer considers in order to satisfy disabled parking provision for both Residential and Commercial units, the applicant should bear the cost of two street disabled parking spaces (location to be decided by the Highway authority). The Council will therefore seek a financial contribution of £20,000 for the provision of 2 disabled parking spaces, which should have electric charge points.
- 7.6.5 In relation to cycle storage, the London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles: 1 per studio and one bed dwellings; and 2 per all other dwellings. The proposed development would provide a residential cycle store containing 24 cycle spaces. The number of units indicate that 23 cycle spaces would be required. Therefore, the proposed provision is considered acceptable.
- 7.6.6 Cycle parking for A3 use should be 1 cycle parking space per 175m² for long stay purposes and 1 cycle parking space per 40m² for short stay. This amounts to a need for 2 long stay and 12 short stay cycle spaces for A3 premises (463m²). 6 cycle spaces are shown next to the staff room behind the lockers, and 12 short stay visitor spaces should be located to the front of the commercial units. Shown on dwg 718/010 P4, short stay cycle parking stands are proposed on the public highway, however this arrangement has not been agreed by the Council's Highways team. Given the proposed use class of the site is not yet established, currently proposing a flexible use, a condition will be attached to any grant of permission to ensure before occupation of

the commercial premises, when there is better knowledge of the new business user, revised details of commercial cycle provision prior to occupation shall be submitted to the Council for approval.

- 7.6.7 In addition, the Transport officer recommends that each residential unit should be provided with a 3 year car club membership to be funded by the developer.
- 7.6.8 Overall, the Transport officer considers that the proposal is unlikely to have a significant impact on the adjoining highway, and raises no objection subject to conditions requiring cycle storage and a demolition/construction logistics plan, unilateral undertaking to restrict future occupiers from obtaining parking permits and a financial contribution of £20,000 for the provision of disabled parking bays.

7.7 REFUSE

- 7.7.1 The London Plan Policy 5.17 and Merton Core Strategy Policy CS17 require new developments to show capacity to provide waste and recycling storage facilities.
- 7.7.2 Merton's Waste and Recycling Storage Requirements states that:
 - For domestic developments with more than 10 units, all containers should be located within the property boundary, in suitably screened, dedicated positions stored on a hard surface, and container storage areas should be in a position that means residents do not have to walk more than 30 metres to dispose of their waste and recycling in accordance to Building Regulations 2002, Part H. Collection crew will empty waste containers stored within the storage area/ an agreed collection point, providing the cleaning or management staff move the containers to this location on an agreed day by 6am. The collection vehicle shall be able to approach the container store or collection point within a maximum distance of 10 metres there must not be any obstacles between the storage area and the collection vehicle:
 - For commercial waste: staff and other property users should not have to carry waste more than 30 meters to the store. Commercial producers of waste have a legal duty to make their own proper and environmentally sound arrangements for the storage, collection and disposal of their waste;
 - In mixed use developments, separate stores for residual and recycling containers must be provided for the domestic and commercial aspects of the development. Domestic and commercial waste must not be mixed together.
- 7.7.3 As per Merton's requirements, the bin stores for the commercial and residential units would be separate and not mixed.
- 7.7.4 Occupiers of Flats 7, 15 and 20, furthest south of the building (so furthest away from the bins), would be required to walk 18m to the lobby/lift then 12m distance through the corridor to the bins, totalling 30m which is considered acceptable.
- 7.7.5 Waste Services have also been consulted and require the developer to confirm that measures will be in place to move the communal bins on collection day to the collection point, and whether the applicant has permission to store bins at the collection point from 6am on collection day. The applicant's design and access statement has confirmed that the refuse will be wheeled to the waste drop-off point (accessed from Montrose Gardens) by management on collection day, furthermore, it is noted the waste-drop off point is within the property boundary which is sited around 2m from the highway.

7.7.6 Therefore, the refuse arrangement is considered acceptable.

7.8 SUSTAINABILITY

- 7.8.1 All major residential development proposals will need to demonstrate:
 - a) Compliance with Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) and the Policies in outlined in Chapter 5 of the London Plan (2016) through submission of a detailed energy strategy.
 - b) Proposals will need to demonstrate compliance with zero emissions target outlined in Policy 5.2 of the London Plan (2016):
 - Development proposals must achieve a minimum on-site emissions reduction target of a 35% improvement against Part L 2013, with the remaining regulated emissions (to 100% improvement against Part L 2013) to be offset through *cash in lieu contribution*, and secured via Section 106 agreement. The contribution will be used to enable the delivery of carbon dioxide savings elsewhere in the borough;
 - ii. The cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Energy Assessment Guidance 2018. This will require each tonne of CO2 shortfall to be offset at a cost of £95 per tonne for a period of 30 years;
 - iii. Major residential developments will be expected to calculate and demonstrate the cumulative CO2 emissions savings to be offset through cash in lieu contribution (in accordance with the above approved methodology, and in line with the Mayor's guidance on preparing energy assessments as part of their submitted energy strategy.
 - c) Achieve wholesome water consumption rates not in excess of 105 litres per person per day.
- 7.8.2 All major non-domestic development proposals, providing a GIA of more than 500sqm will need to demonstrate:
 - a) The development should be designed in accordance with Policy CS15 of Merton's Core Planning Strategy 2011 (parts a- d and f) and the Policies in outlined in Chapter 5 of the London Plan (2016). The development should:
 - i. Achieve a high standard of sustainability and make efficient use of resources and material and minimise water use and CO2 emissions;
 - ii. As a major development proposal, outline how the development will achieve a 35% improvement on Buildings Regulations 2013 Part L and submit BRUKL output documentation as evidence of policy compliance;
 - iii. Through submission of a detailed energy strategy, demonstrate how the above sustainability policy objectives will be met;
 - iv. Be sited and designed to withstand the long term impacts of climate change.
 - b) All non-domestic development over 500m2 will be expected to be built to a minimum of BREEAM (Building Research Establishment Assessment Method) 'Very Good' standard **and** meet CO2 reduction targets in line with Policy 5.2 of the London Plan 2016.

- c) The applicant should investigate opportunities for connection to nearby district heating networks and should commit to providing a site wide heating network, suitable for connection to wider district networks now or in the future. In accordance with Policy 5.6 of the London Plan 2016.
- 7.8.3 Following request of further information, the Climate Change officer considers the submitted energy statement SAP and BRLUK calculations indicate that the proposed development has been designed to meet the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan.
- 7.8.4 For the non-domestic area, a BREEAM design stage assessment provided by the applicant indicates that it meets the minimum requirements to achieve BREEAM 'Very Good', in accordance with Merton's Core Planning Strategy Policy CS15.
- 7.8.5 Whilst there is no current decentralised heat network in Merton, the Council is keen to ensure that new developments are designed in such a way as to enable future connection to a decentralised heat network.
- 7.8.6 The cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Energy Assessment Guidance 2018. This will require each tonne of CO2 shortfall from the target saving to be offset at a cost of £95 per tonne for a period of 30 years (i.e. £1800 per tonne CO2). A S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval:

Carbon shortfall (tonnes of CO2e) X £95 per Tonne CO2e X 30 years = Offset Payment

26.1 tCO2 X £95 Per Tonne CO2e X 30 years = £74,371

- 7.8.7 The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day.
- 7.8.8 Overall, the Council's Climate Change officer is content that the proposed energy approach to the development is policy compliant and recommends that Merton's Standard Pre-Occupation Conditions are applied to the development, and a S106 agreement for carbon offset contributions will need to be finalised (calculation as above).

7.9 AFFORDABLE HOUSING

- 7.9.1 London Plan Policy 3.11 states that the Mayor and boroughs should seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. 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.
- 7.9.2 Merton Sites and Policies Plan Policy DM H3 seeks to secure affordable housing in accordance with Core Planning Strategy Policy CS 8, with a tenure split of 60% social and affordable rent and 40% intermediate rent or sale.
- 7.9.3 The proposal was initially submitted with an Affordable Housing Viability Report, this has been independently reviewed with various figure inputs requiring clarification

following the independent assessor's initial output which was disputed by the applicant, namely the quantum of affordable housing.

- 7.9.4 With more detailed information provided during the cycle of the application, the independent assessor has confirmed:
 - The commercial value was critical in underpinning the viability and it was sensitive to a number of factors which the applicant has now clarified and provided further evidence. Based on the information we have provided as part of our original viability submission and the update from the applicant, we agree, subject to Council review, with the viability position outlined by the client that no affordable housing provision can be provided as part of the application, albeit our appraisal conclusions differ in terms of the inputs.
- 7.9.5 The assessor recommends that the Council applies the viability review mechanisms at early and late stages of development as outlined within the Draft London Plan and Mayors Affordable Housing and Viability SPG based on the conclusions of the appraisal.

7.10 OTHER MATTERS

Archaeology

- 7.10.1 GLAAS were consulted on the archaeological desk-based assessment and following review of the assessment (CGMS, June 2019), states it is clear that there is some potential for archaeological remains to survive on the site. An archaeological evaluation is therefore recommended to test for the survival of archaeological remains.
- 7.10.2 Having looked at this proposal and at the Greater London Historic Environment Record, GLAAS advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extend of surviving remains, followed, if necessary, by a full investigation.
- 7.10.3 A suitably worded condition describing the above shall be attached should permission be granted.

8. CONCLUSION

- 8.1 The redevelopment of the site would allow for appropriate intensification of the land in the heart of Mitcham Town Centre to deliver further housing and an enlarged commercial premises with potential to regenerate the shopping frontage of this part of Upper Green East, creating more attractive shopping opportunities for local residents and to replace the lower quality buildings currently on site.
- 8.2 The design of the development has responded to officer's comments and has greatly evolved from its pre-application stages to its current design form. The amended building design has replicated the rhythm of smaller shop frontages through its amendment of introducing 4 distinct piers and more regular signage areas to emphasise some prominent verticality in the design; but at the same time promoting a sense of unity, especially at the ground level, to enhance the commercial use in order to hopefully attract attention of a large retail user into Mitcham. The proposed heights

are considered appropriate, viewed from the streetscene, the 4 storey building would not be considered a prominent increase or overly dominant, and at the rear it would step down to respond to the residential buildings in its context.

- 8.3 The proposed building would respect the context of the site and its wider area, and preserve the setting of the neighbouring Conservation Area. The building would also not have a harmful impact toward the amenity of neighbouring properties.
- 8.4 The proposal is therefore recommended for approval subject to conditions, and S106 agreement requiring the development to be permit free, provide carbon offset contributions, viability review mechanisms at early and late stage stages of development (including review of viability if future permission is sought for change of use of ground floor commercial premises to residential) and financial contribution for provision of disabled parking bays.

RECOMMENDATION

Grant planning permission subject to the completion of a S106 agreement to deliver the following:

- Restrictions on parking permit eligibility;
- Carbon offset financial contributions (£74,371);
- Affordable housing viability review mechanisms at early and late stage stages
 of development, including review of viability if future permission is sought for
 change of use of ground floor commercial premises to residential;
- Car club membership (3 year car club membership);
- Financial contribution for provision of disabled bays with electric charge points (£20,000).

And the following conditions:

- 1. A1 Commencement of Development
- 2. A7 Approved Plans
- 3. B1 External Materials to be approved prior to commencement of development (other than demolition)
- 4. B4 Details of surface treatment Prior to occupation of development, 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 shall be submitted in writing for approval by the Local Planning Authority. The development shall not be occupied until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.
- 5. C03 Obscured glazing Before the development hereby permitted is first occupied, the side (southern) window of Flat 8 shall be glazed with obscure glass and non-opening up to 1.7m measured from the internal floor level and shall permanently maintained as such thereafter.
- 6. C07 Refuse & Recycling (implementation) 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.
- 7. C09 Balcony/Terrace (screening) Details of the terraces' balustrade/screening

shall be submitted to the Local Authority for approval prior to occupation of the development, including details of the 1.8m obscure screens for Flats 2, 3, 10 and 16 and the 1.8m screen for the communal amenity area on the first floor. Approved details of the balustrade/ screening to the terraces shall be implemented before the development is first occupied and retained permanently thereafter.

- 8. D10 External Lighting Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- 9. D11 Construction Times 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.
- 10. H03 Redundant Crossovers The development shall not be occupied until the redundant crossover/s have been be removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
- 11. Cycle Parking (Residential) The development hereby permitted shall not be occupied until the residential 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.
- 12. Cycle Parking (Commercial) Notwithstanding the commercial cycle parking provision (long and short term) shown on the approved plan 718/010 P4, prior to occupation of the commercial unit/s, revised details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be 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 commercial premises and thereafter retained for use at all times.
- 13. 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 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.
- 14. Non-standard condition (sustainability) No development, other than demolition, shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority 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.
- 15. Non-standard condition (sustainability) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be

used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', 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.

- 16. Non-standard condition (Noise) Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Hawkins Environmental, Noise Assessment Report No.H2843 dated 4th June 2019 shall be implemented as a minimum standard and with mechanical ventilation incorporated. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development.
- 17. Non-standard condition (Noise) 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 noise sensitive property. A post completion noise survey shall be submitted and approved by the LPA to demonstrate compliance with the noise criteria, thereafter the noise criteria shall be maintained.
- 18. Non-standard condition 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.
- 19. H13 Demolition/Construction Logistics Plan Prior to the commencement of the development hereby permitted, a Demolition/Construction Logistics Plan (including a Construction Management plan in accordance with TfL guidance) shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period unless the prior written approval of the Local Planning Authority is first obtained to any variation.
- 20. Non-standard condition Should the ground floor commercial premises be occupied by Use Classes A3 and/or A5, a written scheme to manage the control of odour from cooking shall be submitted and approved in writing by the LPA. The approved scheme shall be fully installed, maintained and serviced in accordance with the manufacturers' instructions or requirements, whilst the premises is open to serve food. The scheme submitted, including an odour risk assessment shall have regard to the technical requirements of the document 'Control of Odour and Noise from Commercial Kitchen Extract Systems as produced by EMAQ dated 2018. Should the type of cooking change a further assessment shall be submitted in accordance with the above.
- 21. Non-standard condition Should the ground floor commercial premises be occupied by Use Classes A3 and/or A5, drainage serving the proposed kitchen of the premises shall be fitted with an adequate grease separator.

- 22. D02 Hours of Opening/Use (A3, A5) The use hereby permitted shall not be open to customers except between the hours of 07.00 and 23.00 on any day and no staff shall be present at the premises one hour after the closing time.
- 23. Non-standard condition (Archaeology) 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.
- 24. Non-standard condition (Archaeology) 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.
- 25. Non-standard condition (Secure by Design) -
 - A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to occupation of the development and shall be implemented in accordance with the approved details prior to occupation. Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.
 - B. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority. Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

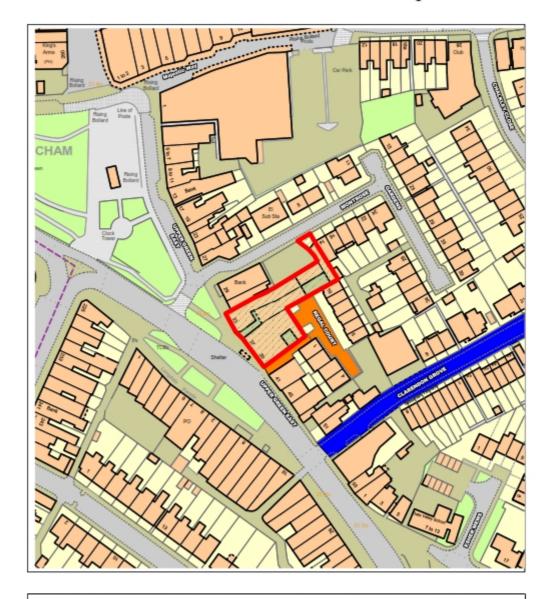
Informatives

- 1. INF 01 Party Walls Act
- 2. INF 09 Works on Public Highway
- 3. INF 12 Works affecting the public highway
- 4. INF 20 Street naming and numbering
- 5. INF Sustainability

- 6. INF GLAAS 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.
- 7. Note to Applicant approved schemes

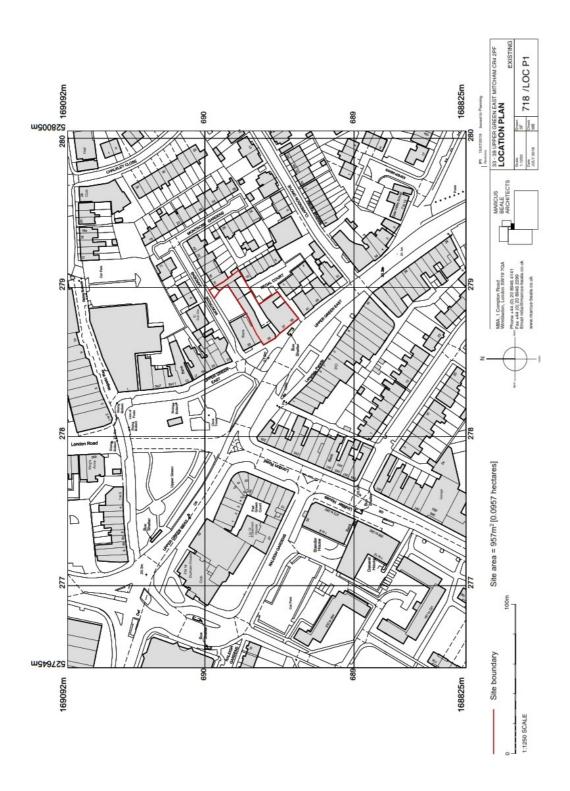


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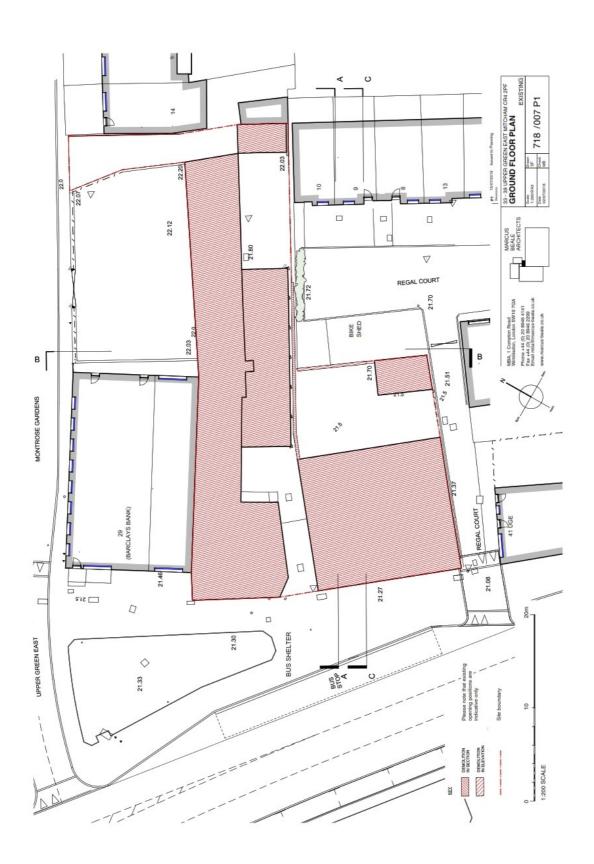


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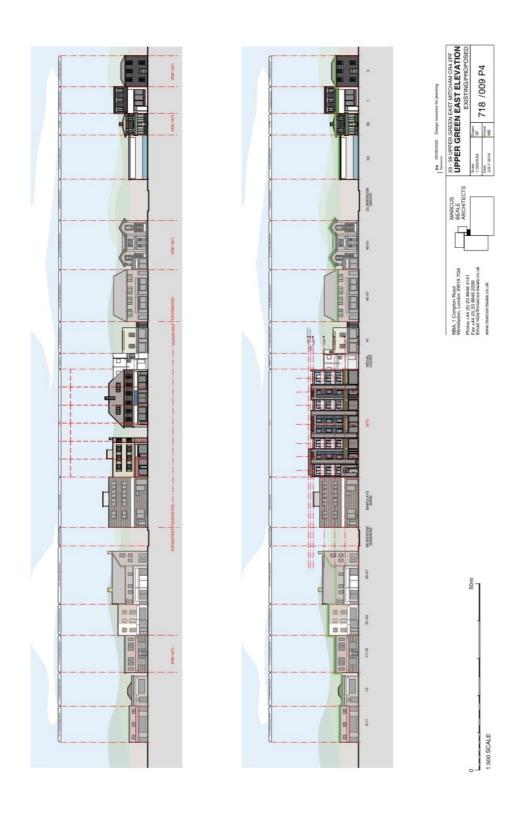




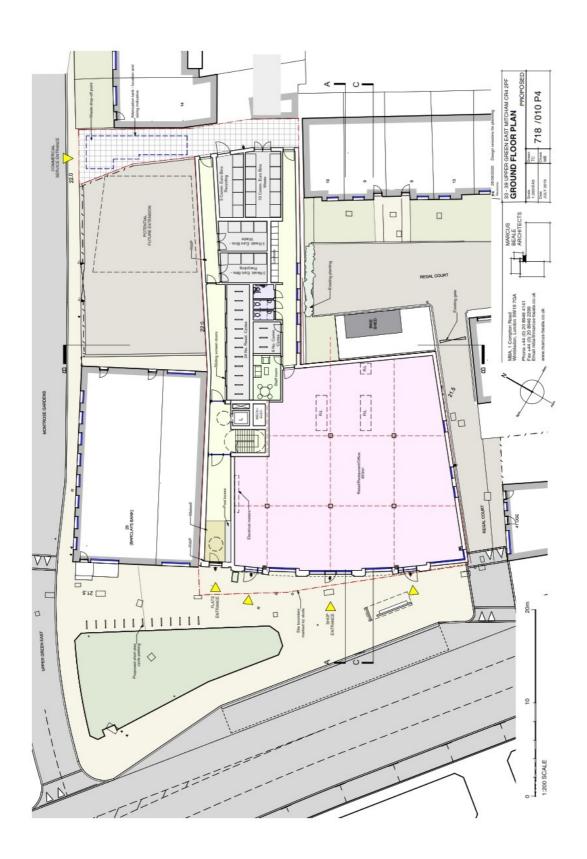
















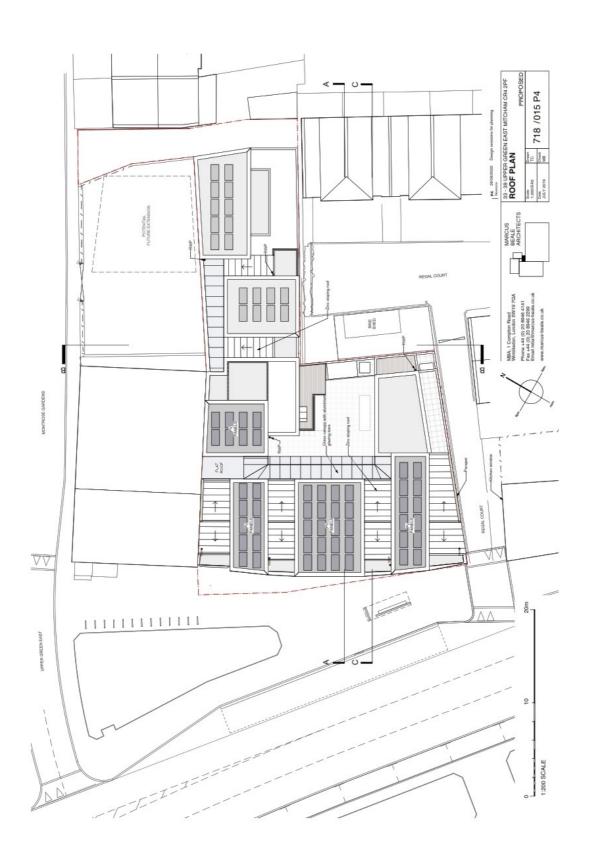








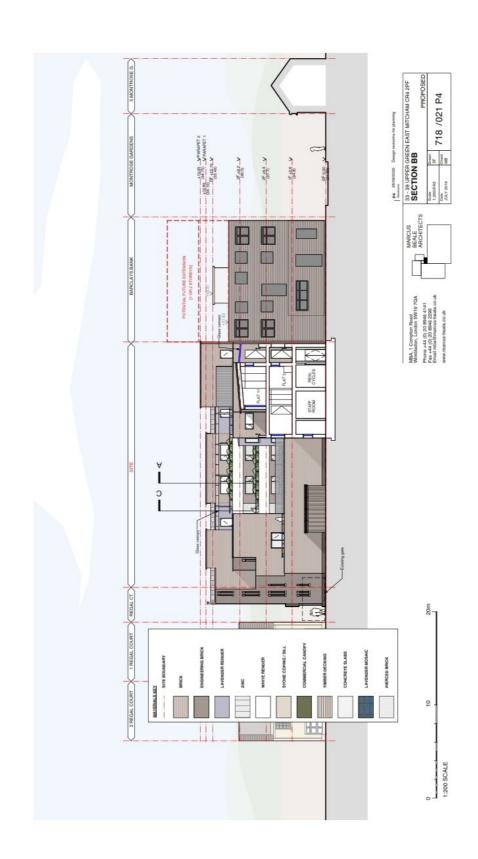




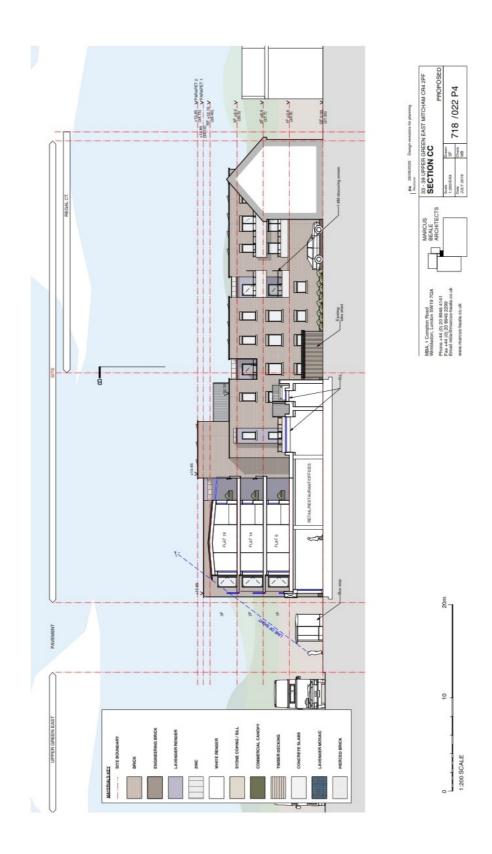








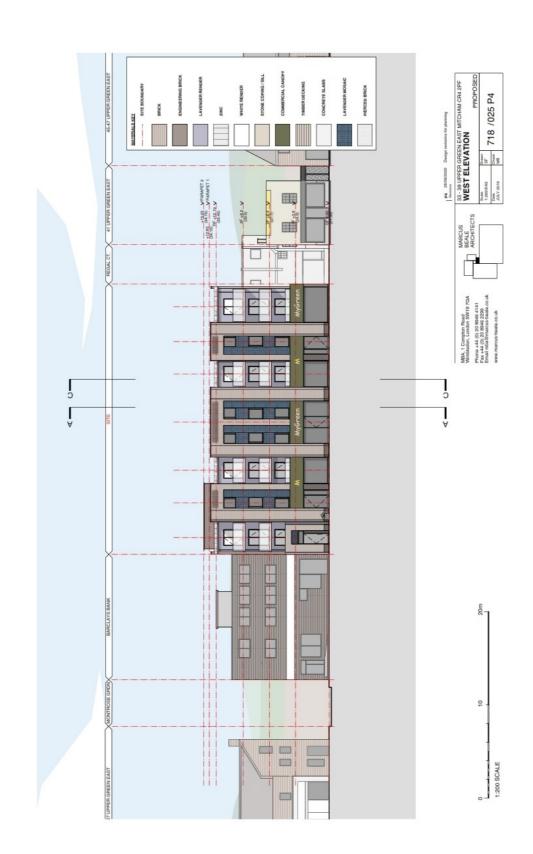




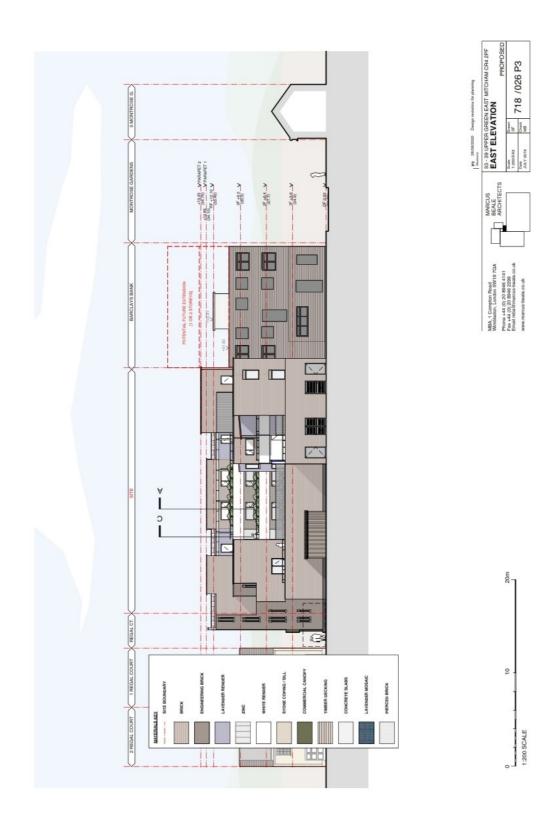




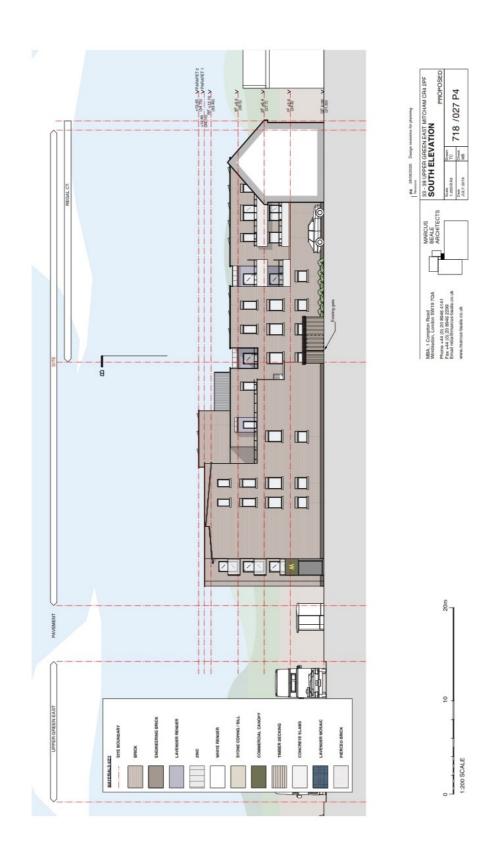




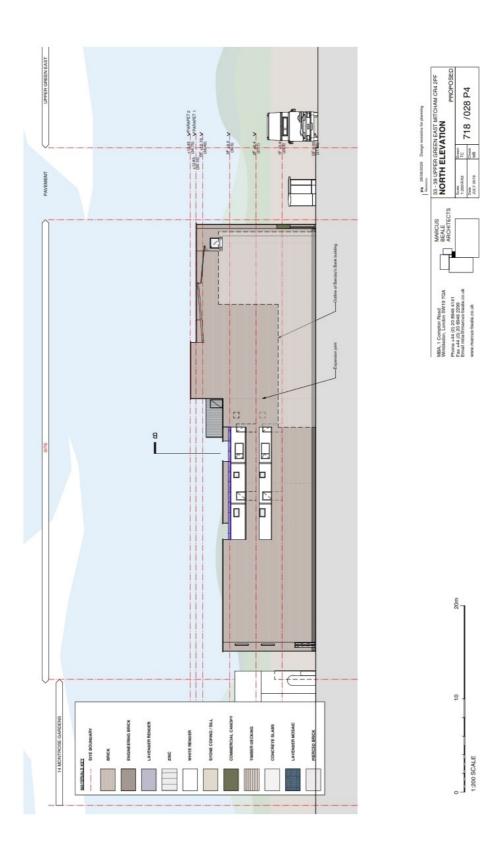












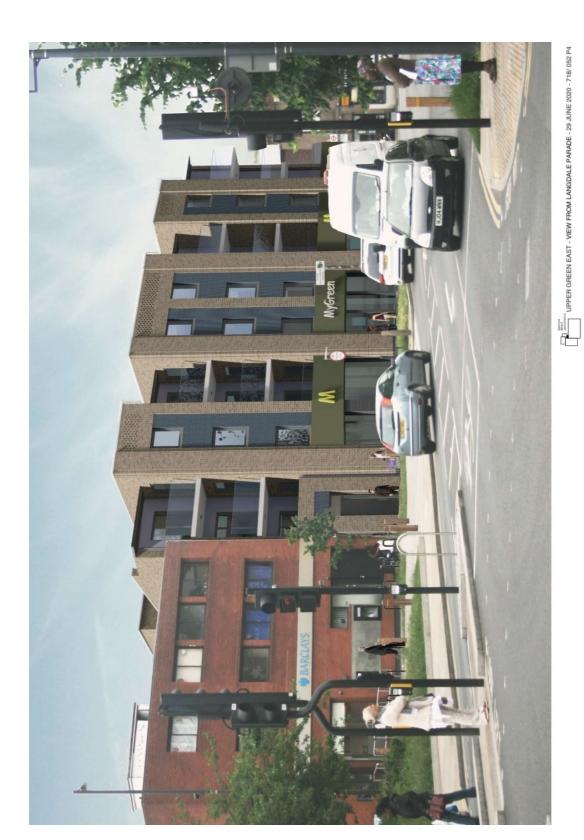






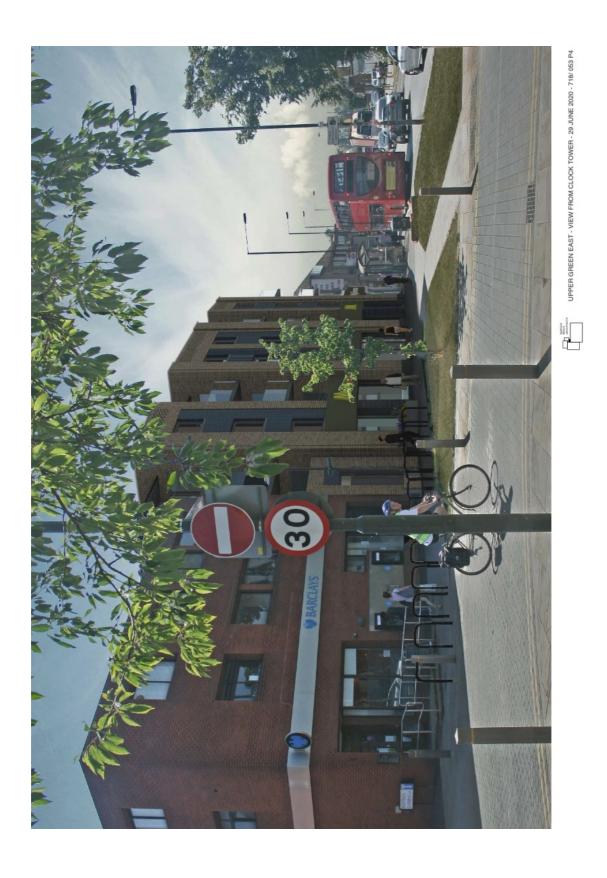




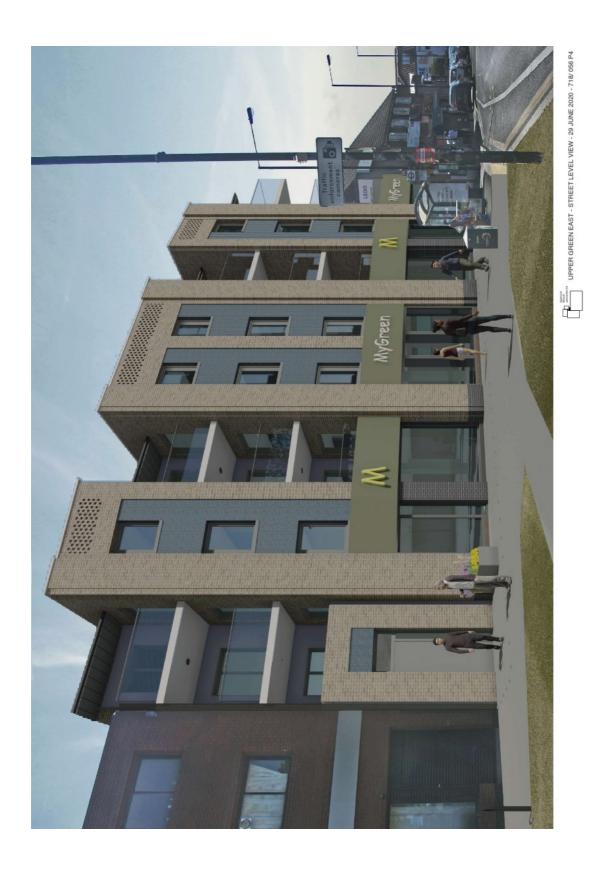


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EXIS









EXISTING





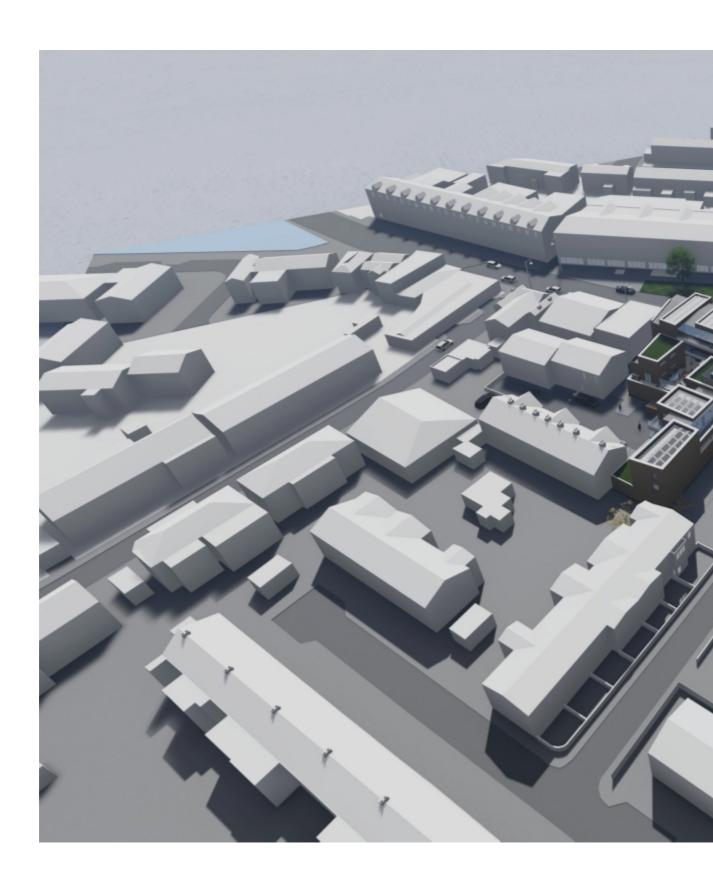














Agenda Item 14

Committee: Planning Applications Committee

Date: 20th August 2020

Agenda item:

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

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 casework 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:	432	1(401)	New Appeals:	(0)	(0)
New Complaints	69	(23)	Instructions to Legal	0	(0)
Cases Closed	38		Existing Appeals	2	(6)
No Breach:	29				
Breach Ceased:	9				
NFA ² (see below):	0		TREE ISSUES		
			Tree Applications Received	2	33 (3)
Total	38				
			% Determined within time limits:	4	45 %
New Enforcement Notices Issued			High Hedges Complaint		3 (0)
Breach of Condition Notice:	0		New Tree Preservation Orders (T	PO)	0 (3)
New Enforcement Notice issued	0	(0)	Tree Replacement Notice		0
S.215: ³	0		Tree/High Hedge Appeal		0 (0)
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period from (16th May 2020 to 11th August 2020*). The figure for current enforcement cases was taken directly from M3 crystal report.

2.0 New Enforcement Actions

283 Galpins Road CR7 6EY. This is concerning a s215 notice served on untidy land. A s215 notice was issued on 23 December 2019. This notice required compliance at the end of February 2020 requiring the Land to be tided up / cleared.

31 Edgehill Road, Mitcham, CR4 2HY. This is concerning a raised platform/garden that has been raised by approximately 90cm. An enforcement notice has been served to remove the raised platform and reduce the garden level by 90cm. The notice would have taken effect on 18/12/19, with a compliance date of 18/03/20, however an appeal has been submitted and is underway.

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.

193 London Road CR4 2TJ. This is concerning untidy land to the side and rear of 193 London Road. An initial site visit was carried out, multiple letters have been sent to the property asking for compliance and for them to contact the Council to confirm a compliance schedule of works. Correspondence from the owner has been received. A further visit was made to confirm the site has not been tidied. A s215 enforcement Notice for untidy land has been drafted and is due to be reviewed and signed off by a manger authorising the service of a s215 Notice.

155 Canterbury Road, Morden, SM4 6QG. This is concerning an outbuilding in the rear garden that has had a retrospective planning application refused. An enforcement notice has been served on the property for the outbuilding to be demolished, the notice would have taken effect on 9th December 2019 and the compliance period would have been two months. However it has now been appealed to the Planning Inspectorate. The appeal is now ongoing.

208 Bishopsford Road, Morden, SM4 6DA. This is concerning the erection of a single storey rear extension onto an existing extension on the ground floor. A Planning Enforcement Notice has been issued requiring the demolition of the Extension. The Notice was issued on 4th October 2019, the Notice came into effect on 10th November 2019 with a compliance period of 3 months, unless an appeal was made before 10th November 2019. An appeal was submitted but rejected by the Planning Inspectorate as it was received by The Planning Inspectorate one day late. Compliance date was 10th February 2020. Further action is under consideration

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. A Planning Enforcement Notice was issued on 11th October 2018 requiring either the demolition of the development or building to the approved scheme. The Notice took effect on 18th November 2018 with a compliance period of 12 calendar months. An appeal was made but subsequently withdrawn the following day. The owner decided to comply with the approved permission and is in the process of returning some the residential units back to their authorised office use. Bath and shower units have been removed; the office units are currently being advertised for let. The garage flat is no longer being used for residential and is in the process of being returned to a garage. Planning Application 19/P1527 for Discharge of Conditions has been submitted and is currently being considered. Revised scheme resub-mitted and is currently under consideration.

Works are underway to expose the depth and boundary of the foundations in order to confirm an alternative landscaping scheme is feasible.

6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 2) This is regarding a side extension not built in accordance with approved plans and being used as a self contained unit of accommodation. A planning Enforcement Notice was subsequently issued on 24th September 2019 and took effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities,

kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months. An appeal was submitted but subsequently withdrawn. A second Notice is subject of an appeal now determined.

Some Recent Enforcement Actions

7 Streatham Road, Mitcham, CR4 2AD

The Council served two enforcement notices on 6th June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices came into effect on 8th July 2019 unless appeals were made before this date. No appeals were lodged.

The compliance date of the Enforcement Notice relating to the outbuilding to be demolished and to clear debris and all other related materials has now passed without compliance. The second enforcement notice was not complied with and now prosecution proceedings are being undertaken.

The plea hearing has now taken place at Lavender Hill Magistrates Court, where the defendant pleaded not guilty and the second hearing is due on the 14th January 2020.

A second hearing was held on 14th January 2020, and adjourned until 4th February 2020 in order for the defendant to seek further legal advice.

The defendant again appeared in court and pleaded not guilty, a trial date was set for 21st May 2020. Due to the Covid-19 pandemic this has been postponed. The case has been listed for a 'non-effective' hearing on Tuesday 14 July 2020, where a new trial date will be set.

This was postponed until another date yet to be given. The Council has now instructed external Counsel to prosecute in these matters.

3.00 New Enforcement Appeals

0

6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1) This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24th September 2019 and would have taken effect on 24th October 2019. The notice requires the demolition of the rear extension. This Notice has a compliance period of 3 calendar months. An Appeal was electronically submitted. This Appeal has now been determined by Decision letter dated 23rd June 2020. The Appeal was dismissed and the Enforcement Notice upheld. The compliance period is 3 months from the date of the Decision letter.

183A Streatham Road CR4 2AG. An Enforcement Notice was issued on 1st May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice would have taken effect on 4th June 2019, with a compliance period of 2 months. An Appeal to The Planning Inspectorate has been made. The appeal was determined by Decision letter dated 18th March 2020. The appeal was dismissed with a slight variation of the wording of the enforcement Notice. The Enforcement Notice had a 2 months compliance period. A site inspection is to be arranged.

47 Edgehill Road CR4 2HY. This is concerning a rear extension not being built to the dimensions provided on the prior approval application. A Planning Enforcement Notice was subsequently issued requiring the demolition of the single storey rear extension. The Notice would have taken effect took effect on 16th September 2019, with a compliance period of 3 calendar months. An Appeal has started. This Appeal has now been determined by Decision letter dated 16th July 2020. The appeal was allowed and the Enforcement Notice guashed.

33 HASSOCKS ROAD, LONDON. SW16 5EU: This was regarding the unauthorised conversion from a single dwelling into 2 x self contained flats against a refusal planning permission. A planning Enforcement Notice was subsequently issued on 10th September 2019 and would have taken effect on 15th October 2019. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been submitted, and has started. The appeal site visit was postponed, by The Planning Inspectorate. This Appeal has now been determined by Decision letter dated 17th July 2020. The Appeal was dismissed and the Enforcement Notice upheld. The Notice was varied and the time for compliance extended from 3 months to 6 months from the date of the Appeal Decision letter. However, minor costs were awarded to the appellant for extra work and or time that had been spent on the appeal that were not needed.

76 Shaldon Drive, Morden, SM4 4BH. An enforcement notice was served on 14th August 2019 relating to an outbuilding being used as a self-contained unit. The notice requires the removal of all kitchen facilities, fixtures, fittings, cooker, worktops, kitchen units. The notice takes effect on 16th September 2019, with a compliance period of 1 month. An Appeal has been electronically submitted, This Appeal has now started.

1.1.1. <u>Existing enforcement appeals</u> 2

Appeals determined

4

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

Committee: Planning Applications Committee

Date: 20th August 2020

Wards: All

Subject: Reviews of recent changes to Town Planning legislation, and current consultation by the MHCLG

Lead officer: Chris Lee, Director of Environment and Regeneration

Lead member: Councillor Linda Kirby

Contact officer: Jonathan Lewis (020 8545 3287)

Recommendations:

- A. That the recent changes to Town Planning legislation, including those pertaining to permitted development rights and the Use Classes Order, are noted for the purposes of decision making.
- B. That officers review the current Scheme of Management so as to ensure the current delegation arrangements are aligned to reflect the extension of permitted development rights through new "prior approval" planning submissions.
- C. That suitable Council protocols are adopted and publicised so as to ensure new prior approval assessment criteria are applied fairly and consistently in decision making.
- D. That the recent White Paper and associated interim measures consultation paper along with the proposals contained in both documents are noted.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To provide an update to members of recent changes to planning legislation along with their implications for decision making and to alert members to ongoing consultations to initiate further interim changes along with more wholesale changes to plan preparation and decision making.
- 1.2. The report is structured into 4 parts:

Part A - changes to primary legislation;

Part A - changes to secondary legislation.

Part B Consultation - The Future of Planning. (MHCLG August 2020).

Part B Consultation - Changes to the current planning system: (MHCLG August 2020).

Part A - Changes to primary legislation.

2 DETAILS

2.1. On 22nd July 2020 the Planning and Business Bill received Royal Assent. The Bill is now an Act of Parliament. In planning terms, the Act (which only applies to England) does three main things:

- Introduces a fast track application procedure for varying construction hours;
- Extends the life of planning permissions which are due to expire this year; and
- Changes the rules for planning appeals, to allow them to mix and match their appeal procedures.
- 2.2 Officers note that the provision of the Act will ensure the planning system in England can continue to operate effectively and proactively support the planning and safe construction of new development following the impact of Covid-19. The Act introduces a new route for developers to seek to amend planning restrictions on construction site working hours to temporarily allow extended working hours, for example work during the evening and at weekends. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the Covid19 pandemic and to proceed at pace with work otherwise delayed as a result of Covid-19.
- 2.3 The Act extends the expiration of certain planning permissions and listed building consents, providing certainty to the development industry where developments are delayed due to Covid-19. Government notes on the Act explain; "There is a strong consensus across the industry and local planning authorities that unimplemented planning permissions should be extended to enable planned developments to be commenced over the next year. The MHCLG's construction market analysts, show that at the end of March there were 1,178 major residential planning permissions with capacity to deliver over 60,000 homes due to lapse this calendar year.
- 2.4 The changes provide for an extension to planning permissions and listed building consents which have lapsed or are due to lapse between 23 March and 31 December 2020. This extension will be to 1 May 2021.
- 2.5 The extension will apply automatically for permissions and consents which are extant in between the measures coming into force on 19 August 2020 and 31 December 2020. Any planning permissions which have lapsed since 23 March 2020 can be reinstated.
- 2.6 The Act also provides the Planning Inspectorate with the flexibility to use more than one procedure type when dealing with a planning appeal (local inquiry, hearing, and/or written representations), enabling appeals to progress at a faster pace.

Part A – Changes to secondary legislation – The Use Classes Order.

2.7 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757), were made on 20 July and take effect on 1 September 2020. The legislation makes important changes to the 1987 Use Classes Order. The changes are complex, because of the need to take account of various knock-on effects and the consequent requirement to include various transitional provisions to ensure a reasonably smooth move to the new and revised Use Classes.

- 2.8 The changes puts an end to Use Classes A1, A2, A3, A4 and A5, and Classes D1 and D2. These may routinely be viewed as town centre and associated community uses. A change of use between a retail shop and a restaurant, a bank or building society (or any other kind of office, whether it was formerly in Use Classes A2 or B1(a)), a doctor's or dentist's surgery, a light industrial use or a crèche, day nursery or day centre, which are all now with Use Class E, will not constitute development and will not therefore require planning permission.
- 2.9 The changes to the Classes are diverse and wide ranging but appear focused on facilitating changes in the uses of buildings to assist the economy.
- 2.10 Officers note that notwithstanding the transitional arrangements that the regulations puts in place, the new Use Class arrangements will impact on the manner in which adopted planning policies that seek to exercise control over changes of use in town centre may reasonably be applied and their relevance.

Part A – Changes to secondary legislation – Changes to the General Permitted development Order.

- 2.11 The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020 was made on 23 June 2020 and is now in force.
- 2.12 The changes to planning controls introduce further "light touch" planning submissions routinely referred to as prior approvals enabling building up to 2 extra floors over mid-rise blocks of flats. The changes also introduce additional criteria for the assessment of prior approval submissions to dwellings enabling consideration of natural light.
- 2.13 Two further sets of changes to the GPDO will come into effect at the end of August. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 and (Amendment No. 3) Order 2020.
- 2.14 The changes provide for the demolition of redundant office and business buildings and blocks of flats and their replacement with flats on the same footprint with an additional two floors, the provision of two extra floors of dwellings over certain blocks of flats, erecting additional storeys to dwellings and over certain commercial buildings including shops.
- 2.15 The new permitted development provisions would be to allow extra floors to be added to bungalows to turn them into houses.
- 2.16 The new arrangements do not give carte blanche to developers as the "prior approval" regime still requires Council's to assess key planning criteria including traffic, visual impact, flood risk and contamination.
- 2.17 Daylighting to new dwellings is introduced into the assessment criteria however, floorspace standards are not an assessment criteria nor is the provision of affordable housing or criteria on reducing carbon emissions.
- 2.18 The Government (MHCLG) is at the same time looking to make amendments to the Building Regulations including Part L which covers energy efficiency. Changes are anticipated before the end of the year.

- 2.19 It remains to be seen whether the Government intends to push the emphasis on energy matters and reducing CO2 emissions over to the Building Regulations and away from Town Planning control.
- 2.20 Officers note the Regulations governing fees are also to be amended so fees for the schemes delivering new units will be similar to comparable planning applications.

Part B - Consultation "Planning for the future" - MHCLG (August 2020)

2.21 Officers are bringing to the attention of members of the Planning Applications Committee the Government's white paper published on 6th August which initiates a 12 week consultation on the reform of the Planning system in England. The White paper is being brought to members attention given its significance as it advocates a major reworking on the current planning system in England

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

- 2.22 The paper seeks views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed
- 2.23 The consultation sets out proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.
- 2.24 The paper poses a number of questions which, in the event of primary legislation coming forward, would have significant implications for not only the way decisions pertaining to development are made at a local level in Merton and elsewhere in England, but how local infrastructure is secured and funded, how affordable housing is provided, how the resourcing of local authority planning services are configured including ensuring there are the right skills and training and also the manner in which modern modes of communication are harnessed in its delivery.
- 2.25 This report provides a summary of the key points in the White Paper for information purposes, and as a stimulus for informed discussion.
- 2.26 The foreword to the White Paper sets, what might be considered, the radical tone of the document.
- 2.27 The foreword by the Prime Minister states:

 Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do tear it down and start again. That is what this paper proposes. Radical reform unlike anything we have seen since the Second World War.
- 2.28 The Secretary of State adds:
 Our proposals seek a significantly simpler, faster and more predictable system. These proposals will help us to build the homes our country needs,

Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes" and asserts that "We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand".

2.29 The Secretary of State seeks to reconfigure the planning system so that it is fit for the 21st Century embracing the use of new technology and introducing simplified process so as to garner greater community involvement.

Challenges.

- 2.30 The White Paper examines the perceived challenges presented by the planning system as presently configured which are summarized below:
 - It is too complex;
 - Planning decisions are discretionary rather than rules-base;
 - It takes too long to adopt a Local Plan;
 - Assessments of housing need, viability and environmental impacts are too complex and opaque;
 - It has lost public trust with, for example, a recent poll finding that only seven per cent trusted their local council to make decisions about large scale development that will be good for their locality are;
 - Consultation is dominated by the few willing and able to navigate the process;
 - It is based on 20th-century technology;
 - The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear;
 - There is not enough focus on design, and little incentive for high quality new homes and places;
 - It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest.

The White Paper asserts that "decades of complexity and political argument have resulted in a system which is providing neither sufficient homes nor good enough new places. Nor is it fairly using the talents and passions of public sector planners".

Objectives.

- 2.31 The White Paper's five key objectives set the scene for a more detailed examination of the planning process from plan making to decisions making, infrastructure funding, resources and training. They are:
 - To streamline the planning process with more democracy taking place more effectively at the plan-making stage, and ...replace the entire corpus of plan-making law in England to achieve this - simplifying the role of Local Plans, to be a more rules based document focusing on sites and design codes;

- A radical, digital-first approach to modernise the planning process moving from a process based on documents to a process driven by data;
- To bring a new focus on design and sustainability; to be supported by a greater focus on 'placemaking' in the NPPF and by ensuring it targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.
- To improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions; The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally set, value-based flat rate charge (the 'Infrastructure Levy'). A single rate or varied rates could be set. Ideas include ensuring that the new Infrastructure Levy allows local planning authorities to secure more on-site affordable housing provision.
- To ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres. To deliver on this objective there would be a new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built.
- 2.32 The format of the paper then examines what it describes as the pillars of planning setting out key topics for reform along with its proposals which form the basis of the Government's consultation and a summary is set out below.

Pillar One - Planning for development

A NEW APPROACH TO PLAN-MAKING

2.33 Plan making is seen as slow cumbersome, and the White Paper promotes a more rules based approach with local plans focused more on zoning and design codes rather than a site by site application of planning policies leading to shortcomings in the present system i.e less certainty rather than greater certainty to both local communities and those seeking to develop. Under this topic heading the White paper sets out the following proposals:

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to

more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

In tandem with the proposed wholesale reform of plan making is a similar reform of decision making of proposals for individual sites. The new plan process would shift the emphasis more towards determining what is acceptable, akin to the already available planning in principle, at the planning making stage. The implementation of development proposals would be dependent upon securing a new form of "reserved matters" submission which would need to follow locally prepared design codes rather than the current wholesale assessment of proposals against the gamut of local planning policies. Under this topic heading the White paper sets out the following proposals:

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS.

2.35 The White paper advocates a more standardised web based approach for planning documents:

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

2.36 The White paper is critical of the time taken to prepare plans, with evidence sometimes out of date once a plan is adopted and what is sees as a lot of duplication across authorities in terms of detailed planning policies. Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

SPEEDING UP THE DELIVERY OF DEVELOPMENT.

2.37 The reforms proposed the paper suggests would give greater certainty to delivering development.

Proposal 10: A stronger emphasis on build out through planning.

Pillar Two – Planning for beautiful and sustainable places.

CREATING FRAMEWORKS FOR QUALITY

- 2.38 The paper notes that "This autumn (The Government) will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England. It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets".
- 2.39 Integral to the overall reform of plan making and decision making is the increased emphasis on the use of design codes to guide development. Alongside this is a recognition of the need for increased and enhanced skills capacity within planning sections and the designation of a relevant "Chief Officer". The White paper notes "The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector".

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places

A FAST-TRACK FOR BEAUTY

2.40 While containing noble and worthy aspirations this section of the white paper offers less clarity on the mechanism for delivery.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

- 2.41 The paper displays a continued commitment to climate change mitigation. Members should be aware that in tandem with the review of planning controls the Government is also engaged in consultation on a review of the Building Regulations and in particular Part L (Conservation of Fuel and Power). Reference is made to changes that will complement planning reforms whether this will precipitate a shift away from town planning and towards Building Control for the delivery of improved performance standards for new buildings remains to be seen.
- 2.42 With regards to environmental impacts the EIA Regs have EU directives as their underpinning with potential for change in the coming year.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Pillar Three – Planning for infrastructure and connected places.

2.42 Both S106 agreements and the benefits derived from them along with local CIL regimes come in for scrutiny and recommendations to reform.

A CONSOLIDATED INFRASTRUCTURE LEVY

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy.

Delivering change.

2.43 Under this topic the paper asserts the need to ensure planning departments have the correct skills and that planners are engaged in proactive planmaking, rather than reactive development management.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements: The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

2.44 The paper notes that Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate. Proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation.

Part B - Changes to the current planning system: Consultation on changes to planning policy and regulations (MHCLG August 2020).

- 2.45 Officers are bringing to the attention of members of the Planning Applications Committee the Government's consultation paper published on 6th August which initiates an 8 week consultation in connection with shorter term measures to amend current controls.

 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf
- 2.46 The consultation document explains the changes as follows:

Planning for the Future sets out plans to undertake a fundamental reform of the planning system and explains that this would be accompanied by shorter-term measures. This consultation sets out proposals for measures to improve the effectiveness of the current system.

The four main proposals are:

- •changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in Planning for the Future; •securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- •temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19;

•extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

- 2.47 Permission in Principle is designed to separate decision making on 'in principle' issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once.
- 2.48 The consultation paper sets out in more detail various scenarios that may be explored and may form the basis of changes that will impact on the interlinked aspects of planning policy and decision making

3. Financial, resource and property implications.

- 3.1 Officers note that there will be some unimplemented permissions that will benefit from the extension to implement and for which a further fee in connection with a planning application will not be received. Lost income from such applications to the Planning budget should however be viewed more widely in terms of the income to the Council derived from facilitating new dwellings and other development coming forward.
- 3.2 Changes to the use classes order may also result in some marginal loss of fee income from changes of use no longer requiring permission.
- 3.3 Subject to the introduction of amendments to the fees regulations the creation of new dwellings over and in place of existing buildings may have a neutral impact.
- 3.4 The introduction of various new "prior approval" submissions will require decision letter template amendments although this would be a one off exercise.
- 3.5 With regards to the two consultation papers it would be inappropriate at this stage to speculate on the format of changes that may eventually come forward. Officers do however consider it prudent to maintain close scrutiny in order to react and plan effectively as proposals take shape.

4. Legal and statutory implications

- 4.1 Decision making on submissions made under Town and Country Planning legislation is regulated at Merton by its Scheme of Management. The proposals while making provision for the extension of time to implement planning permissions do not alter the application of the Scheme to the assessment of planning applications.
- 4.2 Officers note the Government's objective to assist contractors to implement development. This will require a speedy and often pragmatic approach to applications to vary construction hours conditions and would recommend that this is factored into assessment of applications by PAC where construction hours conditions may be absent or increasingly flexible.

- 4.3 The Scheme of management makes specific reference to types of planning applications. The new prior approval provisions may result in submissions generating sufficient local interest as to warrant consideration by PAC and it would be appropriate to revisit the wording of the scheme of management to align it with the expanded prior approval provisions.
- 5. Human rights, equalities and community cohesion implication.
- 5.1 Not applicable.
- 6. Crime and Disorder implications
- 6.1 Not applicable.
- 7. Risk management and health and safety implications
- 7.1 Not applicable.
- 8. Appendices.
- 8.1 None
- 9. Background DOCUMENTS REFERRED TO:

Planning and Business Act 2020

Statutory Instruments pertaining to the General Permitted Development order

MHCLG letter to Chief Planning Officers (July 2020)

MHCLG Consultations Paper - The Future of Planning. (MHCLG August 2020).

MHCLG Consultation Paper - Changes to the current planning system: (MHCLG August 2020).