

PLANNING APPLICATIONS COMMITTEE 18 JULY 2019

APPLICATION NO.

DATE VALID

19/P0191

01/02/2019

Address/Site: Foster's Auto Centre Ltd, 96 Church Road, Mitcham, CR4 3BW

Ward: Cricket Green

Proposal: Outline application (with landscaping only as a reserved matter) for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats.

Drawing No.'s: 01-001; 01-002; 05-006; 05-007; 05-008; 05-009; Ground Floor Plan as Proposed rev. J; First Floor Plan as Proposed rev. B; Second Floor Plan as Proposed rev. B; Third Floor Plan as Proposed; Roof Plan as Proposed; Front Elevation as Proposed rev. A; Rear Elevation as Proposed rev. A; North Elevation as Proposed; South Elevation as Proposed; Section as Proposed;

Contact Officer: Thomas Frankland (020 8545 3114)

RECOMMENDATION

Grant outline planning permission subject to the completion of a S106 agreement and conditions.

CHECKLIST INFORMATION

- S106: Yes
- 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: No
- Number of neighbours consulted: 85
- External consultations: 3
- Controlled Parking Zone: No
- Flood zone: Flood Zone 1
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 2

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination because objections have been received that are fundamental to the assessment of the proposals and which cannot be overcome by condition and it is therefore, not for officers to determine under the Council's scheme of delegation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located to the east of Church Road, Mitcham, at the northernmost entrance to Boundary Business Court. Foster's Auto Centres, a business which primarily carries out car windscreen replacements, operates out of the site from two garage/office buildings and a yard, with gated access off Church Road.
- 2.2 The surrounding area has a mixed character. Directly adjacent to the site to the east and south-east lies Boundary Business Court, which is a fairly typical, small scale industrial estate of warehouse and office buildings. To the west of the site, a single, large warehouse building (divided into smaller units) occupies almost the entire length of Batsworth Road. Both of these business sites are well used and their activity contributes significantly to the character of the area.
- 2.3 Beyond these employment sites, the area is residential, consisting typically of two storey, terraced properties of a brick and tile construction, built in the 1990s. There are a few examples of three storey buildings in the same style fronting Church Road.
- 2.4 The site is located within the Wandle Valley Regional Park 400m buffer zone and Flood Zone 1 (lowest risk) but is not located within a conservation area or subject to any other environmental designations. It is considered to be a scattered employment site as defined within the development plan and has a PTAL of 2 (poor).

3. CURRENT PROPOSAL

- 3.1 The application seeks outline permission, with landscaping being the only reserved matter, for the erection of a four storey building to provide 20 flats.
- 3.2 Of the 20 flats, eight would have one bedroom, eight would have two bedrooms, and the remaining four would have three bedrooms. The six ground floor units would have their own entrances off Church Road, with the rest being accessed via a communal staircase and lift, which would be located centrally within the building. Each unit would have access to a winter garden, apart from the ground floor units, which would have small gardens, and the top floor units, which would have roof terraces.
- 3.3 The application proposes that ten of the units (six with one bedroom, two with two bedrooms, and two with three bedrooms) would be affordable, which equates to 50% of the total. All of these units would be offered for London affordable rent.
- 3.4 The building would be designed as a single block with a flat roof and the top

floor set in at the sides from the lower floors. The winter gardens to the front of the building would project out slightly from the rest of the building, creating a slight overhang. The building would be finished in brick with aluminium windows and a zinc profile roof.

3.5 A summary of the proposed accommodation is shown below:

Unit	Type	Tenure	GIA	Amenity Space
1 (GF)	2 Bed / 3 Person	Affordable	67m ²	10m ²
2 (GF)	1 Bed / 2 Person	Affordable	50m ²	10m ²
3 (GF)	1 Bed / 2 Person	Affordable	55m ²	12m ²
4 (GF)	1 Bed / 2 Person	Affordable	55m ²	14m ²
5 (GF)	1 Bed / 2 Person	Affordable	55m ²	13m ²
6 (GF)	2 Bed / 3 Person	Affordable	67m ²	17m ²
7 (1F)	3 Bed / 6 Person	Affordable	98m ²	10m ² (WG)
8 (1F)	1 Bed / 2 Person	Affordable	50m ²	9m ² (WG)
9 (1F)	2 Bed / 4 Person	Market	89m ²	11m ² (WG)
10 (1F)	1 Bed / 2 Person	Affordable	50m ²	9m ² (WG)
11 (1F)	3 Bed / 5 Person	Affordable	89m ²	10m ² (WG)
12 (2F)	3 Bed / 6 Person	Market	98m ²	10m ² (WG)
13 (2F)	1 Bed / 2 Person	Market	50m ²	9m ² (WG)
14 (2F)	2 Bed / 4 Person	Market	89m ²	11m ² (WG)
15 (2F)	1 Bed / 2 Person	Market	50m ²	9m ² (WG)
16 (2F)	3 Bed / 5 Person	Market	89m ²	10m ² (WG)
17 (3F)	2 Bed / 4 Person	Market	76m ²	16m ²
18 (3F)	2 Bed / 4 Person	Market	80m ²	21m ²
19 (3F)	2 Bed / 4 Person	Market	85m ²	21m ²
20 (3F)	2 Bed / 4 Person	Market	87m ²	22m ²

(WG = Winter Garden)

4. **PLANNING HISTORY**

MIT4527: Two storey extension for storage, processing and office accommodation in connection with chemical works.

Planning Permission Granted

MER628/77: Erection of warehouse in replacement of existing.

Planning Permission Granted

MER459/78: Two storey – storage and offices.

Planning Permission Granted

94/P0858: Demolition of existing building and erection of single storey building for use for vehicle repairs and MOT testing.

Planning Permission Granted

17/P4147: Outline application (with landscaping a reserved matter) for the redevelopment of the site comprising and MOT testing centre and garage, to

provide a 4 storey mixed use building comprising B1 offices on part of the ground floor, 8 parking spaces with access from Church Road and 20 residential units (9 x 1 bed and 11 x 2 bed) on part of ground floor and upper floors.

Planning Permission Refused

Reasons for refusal:

- 1. The proposed development, by reason of its design, appearance, bulk and massing would constitute an incongruous and overly dominant development that would be out of keeping with the scale and character of development that fronts Church Road, and would be detrimental to the character and appearance of the street scene. The proposal would be contrary to policies 7.4 and 7.6 of the London Plan (2016), policy CS14 of the Merton LDF Core Planning Strategy (2011) and policies DM D1 and DM D2 of the Merton SPP (2014).**
- 2. The applicant has failed to demonstrate that the development would provide sufficient off-street parking for cars and service/delivery vehicles to meet the likely demands generated by the quantum of development such that it would not have an unacceptable impact on kerbside parking pressure locally, or highway safety, contrary to policy 6.3 of the London Plan (2016), policy CS 20 of the Merton LDF Core Planning Strategy (2011) and policy DM T2 of the Merton Sites and Policies Plan (2014).**
- 3. The applicant has failed to demonstrate that the proposed development would include measures to adequately mitigate any increased risk of flooding to the site itself or elsewhere, contrary to policy 5.13 of the London Plan (2016), policy CS 16 of the Merton LDF Core Planning Strategy (2011) and policy DM F2 of the Merton Sites and Policies Plan (2014).**
- 4. The applicant has failed to demonstrate how the proposed development would meet the Council's sustainability policy objectives or comply with adopted emissions reductions targets, contrary to policy 5.3 of the London Plan (2016) and policy CS 15 of the Merton LDF Core Planning Strategy (2011).**
- 5. The applicant has failed to demonstrate that the development would provide adequate waste and recycling capacity to serve the needs of future occupiers of the development, contrary to policy CS 17 of the Merton LDF Core Planning Strategy (2011).**
- 6. The applicant has failed to enter into a suitable legal agreement to secure the provision of on-site affordable housing, and, in the event of the scheme failing to meet emissions reductions targets, an appropriate carbon offset financial contribution. Therefore, the development would be contrary to policy 3.12 and 5.2 of the London Plan (2016) and Policy CS 8 of the Merton LDF Core Planning Strategy**

(2011).

7. The proposals, by reason of their design, massing, siting and proximity relative to site boundaries and neighbouring buildings, and orientation, would result in a poor quality external environment for ground floor flats 1 and 2, and upper floor flats 8, 14 and 20, to the detriment of the amenities of future occupiers. The proposals would be contrary to policy 3.5 of the London Plan (2016), policy CS 14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton SPP (2014).

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices and by post sent to neighbouring properties. Four letters were received (signed by members of five separate households), raising objection to the development on the following grounds:

- The height of the building would be out of keeping with surrounding development
- The level of car parking proposed is inadequate
- The third floor plans were not available to view on the website
- Some of the proposed windows and winter gardens would facilitate overlooking of the properties on Sycamore Gardens
- Winter gardens are often used as storage areas and become unsightly
- The number of bins proposed is inadequate
- Loss of outlook from properties on Sycamore Gardens

Merton Green Party. The level of affordable housing proposed is 35%, which is below the Council's requirement.

- 5.2 Officer response:
It is acknowledged that the third floor plans originally submitted were not available to view on the website. Following amendments to the scheme, the amended third floor plans were made available to view and neighbours were consulted on these plans for 21 days.
- 5.3 The remaining issues raised are addressed in the Planning Considerations Section below.

Internal consultees.

Transport Planner: No objection, subject to: a contribution of £4,000 for provision of an off-site disabled car parking space; a contribution of £4,000 to amend the traffic management order in front of the site (to provide double yellow lines to the servicing bay); the provision of five years of free car club membership for each of the proposed new units; and conditions requiring submission of a construction transport management plan and details of cycle storage and refuse.

Waste Services: No objection.

Environmental Health: No objection, subject to conditions relating to internal noise levels, contaminated land, and monitoring of the adjacent substation.

Climate Change Officer: No objection, subject to a carbon offset contribution of £28,358 and a condition requiring calculations to demonstrate that the development meets the Council's requirements for CO₂ emissions and water consumption rates.

Flood Risk Officer: No objection, subject to a condition requiring submission of a foul and surface water drainage strategy.

External Consultees.

Thames Water: No objection, subject to informatives regarding new connections and build-overs.

Environment Agency: No objection, subject to conditions regarding contaminated land and penetrative construction methods.

Metropolitan Police: No objection.

6. POLICY CONTEXT

London Plan (2016)

Relevant policies include:

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.12 Negotiating Affordable Housing
- 4.4 Managing Industrial Land and Premises
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.10 Urban Greening
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing and Managing Noise
- 7.21 Trees and Woodlands
- 8.2 Planning Obligations

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

Relevant policies include:

CS 2 Mitcham Sub-Area
CS 8 Housing Choice
CS 9 Housing Provision
CS 12 Economic Development
CS 14 Design
CS 15 Climate Change
CS 16 Flood Risk Management
CS 17 Waste Management
CS 18 Active Transport
CS 19 Public Transport
CS 20 Parking, Servicing and Delivery

Merton Sites and Policies Plan – 2014 (SPP)

DM H2 Housing Mix
DM H3 Support for Affordable Housing
DM E1 Employment Areas in Merton
DM E3 Protection of Scattered Employment Sites
DM E4 Local Employment Opportunities
DM O2 Nature Conservation, Trees, Hedges and Landscape Features
DM D1 Urban Design and the Public Realm
DM D2 Design considerations in all developments
DM F2 SuDS, Wastewater and Water Infrastructure
DM T1 Support for Sustainable Transport and Active Travel
DM T2 Transport Impacts of Development
DM T3 Car Parking and Servicing Standards
DM T5 Access to the Road Network

Supplementary planning considerations

National Planning Policy Framework 2019

6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

Housing SPG 2016 (London Plan)

Character and Context SPG 2014 (London Plan)

Sustainable Design and Construction SPG 2014 (London Plan)

Accessible London SPG 2014 (London Plan)

7. PLANNING CONSIDERATIONS

Key planning considerations:

- Planning History
- Principle of Development
- Design and Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Housing Mix and Tenure
- Standard of Accommodation
- Transport and Parking

- Waste and Recycling
- Crime and Anti-Social Behaviour
- Flood Risk and Drainage
- Sustainability

Planning History

- 7.1 The planning history is a material consideration. The site has been developed since at least the mid-nineteenth century and originally formed part of a paint and varnish works. In the mid-twentieth century, the site of the paint and varnish works was redeveloped with warehouse buildings, becoming Boundary Business Court and at the same time, the application site became an independent unit.
- 7.2 The use of the site for MOT testing, servicing and car windscreen replacement began in 1990 and a building for this purpose was granted planning permission in 1994. Since then, the MOT and servicing part of the business ceased but there is no record of any further development having taken place.
- 7.3 Planning permission was refused in December last year under reference 17/P4147 for the redevelopment of the site to provide a four storey, mixed-use building including offices (use class B1a) on part of the ground floor with flats (use class C3) in the remainder of the building. Permission was refused first and foremost because it was considered that the building would relate poorly to surrounding development and provide a poor quality of accommodation for future residents. Various technical matters were also unresolved, relating to highway safety, flood risk, sustainability and waste/recycling however, it should be noted that these did not represent a fundamental obstacle to the proposals but rather that the applicant wished to submit the necessary further information as part of a fresh application.

Principle of development

- 7.4 The application site is a “scattered employment site” as defined by the development plan but is not subject to any other designations or environmental constraints which might fundamentally conflict with the type of development proposed.

Loss of Employment Land

- 7.5 Policy 4.4 of the London Plan, Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP all seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs.
- 7.6 Policy DM E3 of the SPP relates specifically to scattered employment sites and sets out criteria by which proposals resulting in the loss of such sites for employment uses may be acceptable. Where these criteria are not met, a mixed use scheme or a land swap may also be acceptable. The aim of the policy is to ensure that scattered employment sites are protected where there is a need for them, by supporting a range of employment opportunities on them which are easily accessible to the borough’s residents.

- 7.7 The Merton Employment and Economic Land Study (2010) identified that the demand for industrial premises has been low in recent years, primarily as a result of a lack of modern premises, with much stock approaching the end of its useful life. It states that whilst scattered employment sites in the Mitcham area tend to be of average or poor quality, comprising small, irregular sites that would be difficult to develop, they are generally well occupied and meet a local demand.
- 7.8 The site has been in its current use since 1990 when the current occupier, Foster's Auto Centres, established their business. They currently employ three full time operatives in their on-site call centre and seven full time windscreen replacement technicians. The windscreen technicians are permanently mobile: after jobs are passed to them from the call centre, they collect glass from a supplier and carry out their day's work visiting workplaces and homes.
- 7.9 The site is therefore underutilised because the workshop spaces have become redundant. The possibility of redeveloping the site to retain the office space still required by the business, as part of a mixed use scheme, was considered under the previous application. This was considered acceptable in principle, although it was not demonstrated that satisfactory arrangements could be made for parking, servicing, and waste/recycling. Particular difficulties were encountered in the need to provide separate facilities for the different uses on such a physically constrained site, leading to a less than optimum layout. It was also not established whether there would be genuine demand for the office space if the existing business were to relocate.
- 7.10 The current proposal would see the entirety of the site given over to a residential use, resulting in a more efficient use of the site than the previous scheme by providing additional residential accommodation, making it viable to provide a greater proportion of the units as affordable, and only having to provide one bin store, cycle store, and servicing bay. It is understood that the existing business at the site will not close but will relocate to premises more suited to its current operations, retaining its existing staff and providing opportunities for expansion.
- 7.11 In the context of uncertain demand for B1 premises in this location and the difficulties in providing a mixed use scheme on such a physically constrained site, officers consider that an entirely residential use can reasonably be considered to be the optimum use of the site. Accordingly, it is considered that the loss of the scattered employment site, in this case, should be supported.

Housing Delivery

- 7.12 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through

development at higher densities.

- 7.13 The Council's latest (draft) Annual Monitoring Report confirms that housing delivery is currently above target. However, the draft new London Plan includes a significantly higher target of delivering 1,328 new homes annually which, as things stand, the Council would be unlikely to meet. While this figure is yet to be adopted, weight should be attached to it in accordance with the advanced stage of the draft plan.
- 7.14 At a local level, policies CS 8 and CS 9 of the Core Strategy seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.15 As noted above, the site is underutilised in its current form and the proposals would provide a more effective use of this space, resulting in the provision of 20 additional dwellings. While housing delivery should not override the need for comprehensive scrutiny of development proposals, it is a highly material consideration that this proposal would help achieve London Plan objectives by contributing towards housing targets and the redevelopment of brownfield sites.

Suitability of the Site for Housing

- 7.16 The site has a PTAL rating of 2, which is considered to be poor. However, the site is within a 20 minute walk from Colliers Wood underground station and within a much shorter walk to local bus stops and other local amenities. Therefore, the site's PTAL may not be representative of the true accessibility of the location.
- 7.17 Officers are mindful that the development would introduce a noise sensitive use next to a business park, which has the potential to attract noisy activities. There is also a substation located directly behind the proposed building.
- 7.18 However, the submitted noise report found that background noise climate at the site was, in fact, dominated by traffic noise from Church Road. Therefore, while the building would have to be carefully designed to ensure internal noise levels remained consistently within an acceptable range, the noise environment is not considered to meaningfully differ from that at any other typical main road location.
- 7.19 Having regard to the above and also noting that the site is located in close proximity to other residential development, it is considered that the site would be suitable for the provision of residential accommodation.

Design and Impact on Visual Amenity

- 7.20 Policies 7.4 and 7.6 of the London Plan, Policy CS 14 of the Core Strategy and Policy DM D2 of the SPP require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design, and are appropriate in their context. Thus, they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

Massing and Height

- 7.21 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed towards the centre of the site, away from the two storey properties to the north and south, with the flank walls of the top floor set in by 4m from those of the floor below. There would be no such setback from the front or rear but it is considered that this is a reasonable response to the wide streetscape and presence of three storey development on the opposite side of Church Road.
- 7.22 The fourth floor of the proposal has been specifically designed to lessen the visual impact of the bulk by setting it back from both sides, using a different type of material and colour to appear subordinate, break up the bulk and more readily blend in with the sky. Given the separation distance between the buildings within Boundary Business Court and the reduced bulk of the recessed fourth floor, it is considered that the development constitutes an appropriate addition to the street scene and makes an effective use of the site.
- 7.23 The building would provide a suitable transition in height from four storeys to the neighbouring two storey buildings to the north and south by reinforcing the separation between buildings. The proposed building would have a maximum separation distance of approximately 4m from the side elevations of the properties immediately to the north and 18m from those of the nearest properties to the south. In conjunction with this separation distance and the significant setback of the top floor, the height is considered to be acceptable.

Layout

- 7.24 The footprint is considered to make effective use of the site, utilising the majority of the space available whilst maintaining a reasonable separation distance from adjoining properties. The existing building line along this section of Church Road is inconsistent and the proposed building would improve this situation by being in line with the adjacent building to the north. It would also provide a generous active frontage to Church Road and the entrance to Boundary Business Court, with a generous amount of glazing at all levels providing direct overlooking.
- 7.25 The accesses to all of the units would be from Church Road, with the upper floor flats served by a communal entrance located centrally within the building and the ground floor units served by individual private entrances. Each of the entrances would be highly visible and clearly identifiable, whilst at the same time being set slightly back from the public highway. This setback would provide a small but nonetheless significant amount of defensible space, providing a meaningful delineation between public and private property. If permission is granted for the development, the details of the landscaping within this setback would be provided as part of a future reserved matters application.
- 7.26 It is considered that the proposed layout is well thought out and based on sound urban design principles. The layout provides an inclusive design and promotes natural surveillance. When compared with the existing inactive frontage of the site, it is considered that the proposals will enhance the character and vitality

of the area.

Design and Appearance

- 7.27 The proposed building would essentially be a single, four storey block but it would be broken up by extensive detailing. The lower three floors of the building would be finished with yellow brick, with each floor visually separated by a course of vertical bricks, whilst the top floor would be finished with an entirely different pallet of materials. Each of the windows and entrance ways would be slightly recessed from the main façade and would be accompanied by a degree of vertical brickwork of the same sort used to mark the boundary between floor levels.
- 7.28 The front elevation would benefit from a particular degree of visual interest, with landscaping at ground floor level and winter gardens projecting out from the floors above, overhanging the footway.
- 7.29 The design approach to the external appearance of the development, which includes the use of a pallet of materials influenced in part by the character of the wider area is supported. The use of brick detailing, recessing and horizontal separation between floors are likely to give the building an attractive appearance, subject to a condition requiring approval of the exact materials.
- 7.30 It is considered that the building would respond reasonably well to surrounding development and in replacing a cluster of poor quality buildings, would successfully harmonise with, and enhance the character of, the surrounding area.

Impact on Neighbouring Amenity

- 7.31 Policy DM D2 of the SPP states that proposals must be designed to ensure that they would not have an unduly negative effect upon the amenities of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise.
- 7.32 The site is entirely surrounded by commercial properties, with the exception of the flats above the shops directly to the north, on the opposite side of Fox's Path. Beyond this, the nearest residential properties are located north of the shops, with a distance of approximately 15m between the northern boundary of the site and their rear gardens. Given this distance and the juxtaposition of dwellings, it is not considered that the proposed development would appear overbearing to these properties.
- 7.33 In respect of daylight and sunlight, the applicant has submitted an assessment of the effects of the proposed development on these properties. This showed that the impact would be negligible.
- 7.34 It is acknowledged that the windows to the north elevation, as well as the roof terraces to the top floor towards the northern side of the building, would afford some aspect over the rear gardens of these properties. However, the intervening shops and vegetation would provide screening of those properties directly to the north, while views of the properties on the eastern end of the row

would be oblique. Nonetheless, the rooms served by these windows are all dual aspect and therefore, it is recommended that a condition be imposed to ensure the windows are obscurely glazed. Likewise, it is recommended that appropriate screening to the roof terraces is secured by condition.

- 7.35 Having regard to the above, it is considered that the effect of the proposed development on the amenities of neighbouring occupiers would not be harmful.

Housing Mix and Tenure

Housing Mix

- 7.36 Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range of dwelling sizes. The policy indicates a borough-wide housing mix of 33% one bed, 32% two beds and 35% three beds to be appropriate.
- 7.37 The proposed development would provide eight one bedroom flats, eight two bedroom flats, and four three bedroom flats. Although this does not slavishly adhere to the mix set out under Policy DM H2, it is noted that the 2011 census showed that a very high proportion of dwellings in the Merton area have three bedrooms (78%). Furthermore, the proposals are for flatted development on a main road and this is likely to be less attractive to families than the typical 3+ bedroom housing stock within the borough, which are often located in quieter areas and benefit from greater outdoor amenity space. Therefore, it is considered that the proposed mix would provide an appropriate proportion of family sized units and would accord with the policy objective of balancing housing choice in the borough.

Housing Tenure

- 7.38 Policy 3.12 of the London Plan requires that in making planning decision, a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional level, as well as affordable housing targets adopted in line with policy. Policy CS 8 of the Core Strategy states that developments providing ten or more units should ensure that 40% of these are affordable and provided on site, subject to financial viability issues and other planning contributions.
- 7.39 The submitted affordable housing statement details that ten out of the proposed units would be affordable, which equates to 50% of the total. This is 10% more than the Council's policies require and is a benefit which weighs in favour of the proposals. Furthermore, the applicant's intention is for the entirety of the development to be affordable and transferred in its entirety to a registered provider, albeit at this stage they could only commit to 50%. To this end, talks are advanced with Moat, who are one of the Council's preferred affordable housing providers.
- 7.40 Of the affordable units, six would have one bedroom (flats 2, 3, 4, 5, 8 and 10), two would have two bedrooms (flats 1 and 6), and two would have three bedrooms (flats 7 and 11). All of these units would be made available for

London affordable rent, which is considered to be an acceptable tenure split. These units would be secured by a S106 agreement.

Standard of Accommodation

- 7.41 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new housing development meets the minimum internal space standards as set out in the Government's Technical Housing Standards 2015.

Technical Housing Standards

- 7.42 The proposed units would all meet or exceed the requirements of the technical housing standards in terms of overall floor area, bedroom sizes and built-in storage space. They would also all meet or exceed the higher London plan ceiling height recommendation of 2.5m. It is considered that this would result in units with a good standard of internal accommodation for future occupants.

Outdoor Amenity Space

- 7.43 In accordance with the London Housing SPG, Policy DM D2 of the SPP states that 5m² of private external space should be provided for one and two person flats, with an extra 1m² provided for each additional occupant. This means each unit would require between 5m² and 7m² of outdoor space. Each private outdoor space should have a minimum effective width of 1.5m.

- 7.44 The proposals would provide private outdoor space for the ground floor (flats 1 - 6) and top floor flats (flats 17 - 20), which would be provided with gardens and roof terraces respectively, each of these being in excess of the required standards. The remaining ten flats on the first and second floors (50% of the total) would be provided with winter gardens, which are considered to be a suitable alternative to balconies given the main road context of the site. Again, each of these would be in excess of the required standards.

Daylight, Sunlight and Outlook

- 7.45 Policy DM D2 of the SPP states that developments should provide for suitable levels of sunlight and daylight and quality of living conditions for future occupants. The London Housing SPG states that developments should minimise the number of single aspect dwellings and that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should also preferably receive direct sunlight.

- 7.46 The applicant has submitted a daylight and sunlight report, based on Building Research Establishment guidance, in support of the application. This found that all of the windows within the development would achieve very good levels of daylight and that internal illuminance levels for all of the proposed bedrooms would exceed required levels. The proposals would therefore, accord entirely with the guidance and officers consider this to be a reliable assessment.

- 7.47 Furthermore, the development would provide a very good proportion of units which would either be dual or triple aspect (70% of the total). This provides a number of potential future benefits to occupants of these units, not only

providing a choice of views but also addressing overheating and offering greater flexibility in the use of rooms.

Noise

- 7.48 Policy 7.15 of the London Plan states that development proposals should seek to manage noise and mitigate its adverse impacts on health and quality of life. Policy DM D2 of the SPP requires all development proposals to protect new and existing development from noise so that the living conditions of current and future occupiers are not unduly diminished.
- 7.49 Officers are mindful that the development would introduce a noise sensitive use next to a business park, which has the potential to attract noisy activities. There is also a substation located directly behind the proposed building.
- 7.50 However, the submitted noise report found that background noise climate at the site was, in fact, dominated by traffic noise from Church Road. Therefore, while the building would have to be carefully designed to ensure internal noise levels remained consistently within an acceptable range, the noise environment is not considered to meaningfully differ from that at any other typical main road location. Officers have reviewed the submitted report and agree that the recommended mitigation measures could reasonably be implemented and would lead to satisfactory internal noise levels. It is recommended that this is secured by the imposition of a suitably worded condition.

Transport and Parking

Car Parking and Highway Safety

- 7.51 Policy 6.3 of the London Plan, Policy CS 20 of the Core Strategy and Policy DM T2 of the SPP require that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.52 Policy 6.13 of the London Plan and Policy DM T3 of the SPP set out maximum car parking standards for new development. These policies seek to strike a balance between promoting new development and prevent excessive car parking which can undermine the use of more sustainable modes of transport. Twenty percent of all car parking spaces should provide for electric vehicle charging points.
- 7.53 The proposals would involve the removal of the existing access onto the site off Church Road and the installation of a servicing bay directly outside the front of the proposed building, with a section of the site dedicated to the highway to allow for pedestrian access around the bay. The applicant has provided swept path analysis and a safety audit which shows that the bay could be safely accessed by a refuse vehicle without compromising vehicular or pedestrian safety at the junction opposite the site or at the entrance to boundary business court.
- 7.54 The development would not provide any off-street car parking spaces, including any disabled spaces. The proposals as originally submitted included the provision of a disabled bay close to the servicing bay however, the presence of

a pedestrian refuge in close proximity made achieving a safe layout prohibitively challenging. In light of this, it is considered that a contribution for provision of a disabled bay elsewhere in the locality would be a pragmatic alternative.

- 7.55 The applicant has provided a parking survey which showed that there were no less than 80 free on-street car parking spaces within a 200m walk of the site at the times surveyed. The London Travel Demand Survey 2017/2018 showed that on average, 46% of households within Outer London own one car and 22% own two or more. Applying this data to the development indicates that the development is likely to result in demand for approximately 14 on-street parking spaces, which is significantly below the spare capacity identified by the survey. Furthermore, the applicant has agreed to provide five years of free car club membership to each household in order to discourage private car ownership.
- 7.56 Transport officers have reviewed the proposed arrangements for servicing and parking, as well as the information submitted in support of the proposals. They are satisfied that the proposals would not unduly impact the safety or operation of the highway network, subject to double yellow lines being installed to prevent ad-hoc parking in the servicing bay, the provision of a disabled bay away from the site, and car club membership for future occupants of the development. Accordingly, it is recommended that these contributions, together with the dedication of land to the highway authority, be secured by a S106 agreement.

Cycle Storage

- 7.57 Cycle storage is required for new housing developments by Policy 6.9 of the London Plan and Policy CS 18 of the Core Strategy; it should be secure, sheltered and adequately lit. One space should be provided per one bedroom dwelling and two spaces should be provided for all others. In the case of the current proposal, this equates to a total requirement of 32 spaces.
- 7.58 The submitted plans show that a policy compliant number of cycle parking spaces would be provided, securely located off the communal entrance lobby with good access to the street. It is recommended that technical details of the cycle store be secured by condition.

Waste and Recycling

- 7.59 Policy CS 17 of the Core Strategy requires well designed, integrated waste storage facilities for all new development. This is reinforced by Standards 22 and 23 of the London Plan Housing SPG.
- 7.60 The proposed ground floor plan shows a store for waste and recycling containers located centrally within the building, with its own access directly off Church Road. The Council's Waste Officer has reviewed the plans and is satisfied that this area would provide sufficient space for the required containers and would be properly accessible by collection crews. It is recommended that the technical details of the bin store are secured by condition.

Flood Risk and Drainage

- 7.61 Policy 5.13 of the London Plan, Policy CS 16 of the Core Strategy and Policy DM F2 of the SPP all seek to minimise run-off, with the aim of protecting the public from the adverse impacts of surface water flooding.

- 7.62 The applicant has submitted a surface water drainage strategy in support of the application. Officers have reviewed the strategy and are satisfied that the measures could be reasonably implemented and would reduce surface water runoff rates to acceptable levels.
- 7.63 In light of the above, officers consider that the proposed development is unlikely to increase the risk of flooding to the site itself or elsewhere. It is recommended to impose conditions to any permission, requiring the submission and approval of a detailed drainage strategy, as well as detailed design of the green roof and permeable surfaces, prior to commencement of the development.

Sustainability

- 7.64 Policy 5.3 of the London Plan and Policy CS 15 of the Core Strategy 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.
- 7.65 All major developments must demonstrate compliance with the zero emissions target outlined for regulated emissions, in accordance with Policy 5.2 of the London Plan (2016). The applicant has submitted an energy strategy in support of the application, which shows that the proposed development has been designed to achieve a 35.2% improvement in CO₂ emissions over and above Part L of the Building Regulations 2013, with the remaining emissions (up to 100% improvement against Part L 2013) to be offset through a cash in lieu contribution. The applicant has also confirmed that the development would achieve internal water consumption rates of 105L per person per day or less.
- 7.66 In light of the above, it is considered that the sustainability aspects of the scheme are likely to be acceptable and it is recommended that a condition is attached to any permission requiring the developer to demonstrate the CO₂ and water consumption rates have been complied with. The cash contribution in lieu of further CO₂ reductions should be secured by a S106 agreement.

8. CONCLUSION

- 8.1 The proposals have been developed through engagement by the applicant with Council officers. The application presents opportunities in the form of much needed housing and affordable housing on a site where there is an uncertain level of interest in continued use for employment generating purposes and where it has proven challenging to deliver a mixed use scheme. It is considered that the proposals represent an optimal use of the site.
- 8.2 Overall it is considered that the scheme responds positively to the surrounding context in terms of massing, height and layout. It would provide a high quality, attractive building which would go some way to improving the character and appearance of the area.
- 8.3 The scheme would deliver a total of 20 high quality dwellings, providing a

good mix of one, two and three bedroom units. Nine of these would be offered on an affordable rented basis, which exceeds the proportion required by relevant policies.

- 8.4 The scheme has been designed so as not to unduly impact on neighbouring amenities. It would not unduly impact upon the highway network and would promote sustainable travel. It would provide adequate waste and recycling facilities and would contribute towards meeting the Council's sustainability objectives.
- 8.5 The scheme would 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.
- 8.6 The application is therefore, recommended for approval subject to appropriate conditions and a S106 agreement.

RECOMMENDATION

Grant planning permission subject to a S106 agreement and conditions as set out below:

S106 Heads of Terms:

1. The provision of 9 (5 x 1 bed, 2 x 2 bed and 2 x 3 bed) "London affordable rented" units on-site;
2. A contribution of £28,358 in lieu of meeting the Council's zero emissions target;
3. Dedication of land as public highway with the applicant covering the full costs of associated highways works.
4. A contribution of £4,000 towards the provision of an off-site disabled car parking space;
5. A contribution of £4,000 towards amending the existing Traffic Management Order in force near the site;
6. The provision of each future household within the development with five years of free car club membership;
7. To meet the Council's costs in preparing the S106 agreement; and
8. To meet the Council's costs in monitoring the S106 obligations.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission or 2 years from the approval of the last of the reserved matters as defined in the condition below, whichever is the later.
2. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission:

(a) Landscaping

The reserved matters shall be carried out as approved.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 01-001; 01-002; 05-006; 05-007; 05-008; 05-009; Ground Floor Plan as Proposed rev. J; First Floor Plan as Proposed rev. B; Second Floor Plan as Proposed rev. B; Third Floor Plan as Proposed; Roof Plan as Proposed; Front Elevation as Proposed rev. A; Rear Elevation as Proposed rev. A; North Elevation as Proposed; South Elevation as Proposed; Section as Proposed;
4. No development above ground level 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, and approved in writing by, the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
5. Before the development hereby permitted is first occupied, the windows at first floor level and above in the northern (side) elevation shall be glazed with obscure glass and fixed shut to a height of 1.7m above finished floor level and shall permanently maintained as such thereafter.
6. No development above ground level shall take place until a scheme for the storage of refuse and recycling has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented in full and the facilities and/or measures contained within the approved scheme shall thereafter be retained for use at all times.
7. Prior to occupation of the development hereby permitted, a scheme for screening of the roof terraces shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in full and the facilities and/or measures contained within the approved scheme shall thereafter be retained for use at all times.
8. The internal noise criteria together with the glazing façade and ventilation system treatment within the KP Acoustics report 17026.NIA.01 dated 4th January 2018 shall be implemented to that standard or higher.
9. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

10. Before occupation of the development the applicant shall have provided written evidence to the local planning authority that electro-magnetic radiation emissions from the adjacent substation do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 100 microteslas and 5 kilovolts per metre.
11. 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:
 - (a) hours of operation
 - (b) the parking of vehicles of site operatives and visitors
 - (c) loading and unloading of plant and materials
 - (d) storage of plant and materials used in constructing the development
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (f) wheel washing facilities
 - (g) measures to control the emission of noise and vibration during construction
 - (h) measures to control the emission of dust and dirt during construction/demolition
 - (i) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (j) emissions from Non Road Mobile Machinery during construction
12. The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
13. No development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
14. Prior to commencement of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in

writing by, the local planning authority:

(a) A site investigation scheme, based on “Phase I Desk Study” ref. 16578/DS, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site

(b) The results of the site investigation and detailed risk assessment referred to in 16(a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 16(b) are complete and identifying and requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

15. Prior to commencement of the development (other than demolition works), the site investigation scheme and any subsequent remediation strategy as required by condition 15 above shall be implemented as approved.
16. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to, and approved in writing by, the local planning authority.
17. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include: results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met; a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (if appropriate, as identified in the verification plan); and for reporting the long-term monitoring and maintenance to the local planning authority. Any long term monitoring and maintenance plan shall be implemented as approved.
18. No piling or other penetrative methods shall be used in the construction of the foundations unless and until details of the foundation design have been submitted to, and approved in writing by, the local planning authority. Approval will only be given for such designs where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be implemented in accordance with any approved details.

19. 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.

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