

PLANNING APPLICATIONS COMMITTEE

10 December 2020

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No: 10</u> <u>DATE VALID</u>
48086475	20/P0945	22/09/2020
Address/Site:	Land on south side of road Wyke Road Raynes Park London	
Ward:	Raynes Park	
Proposal:	Erection of 2 x part-3, part-4 storey buildings comprising 9 x self-contained dwellings with 8 off-street car parking spaces, highway works and associated landscaping. Proposals include a land transfer to re-provide 18 CPZ parking spaces.	
Drawing No.'s:	507 PL(0)100 Rev J; 507 PL(A)103 Rev J; 507 PL(A)104 Rev H; 507 PL(A)105 Rev H; 507 PL(A)106; 507 PL(H)103 Rev I; PL(H)104 Rev G; 507 PL(H)105 Rev F; 507 PL(H)106 Rev H; 507 PL(H)107 Rev F; PL(0)120 Rev D; PL(SK)01 Rev C; PL(0)110 Rev C; PL(A)110 Rev B; PL(H)110 Rev B; 19061 004 Rev C.	
Contact Officer:	Tony Smith (020 8545 3144)	

RECOMMENDATION

Grant 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: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 181
- External consultations: 3
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: Yes (Zone RPE)
- Flood zone: No (but known for surface flooding)
- Town centre: Partially (western end within Raynes Park Town Centre)
- Site of importance for nature conservation (SINC): Yes
- Green corridor: Yes

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site is a section of land positioned along the southern side of Wyke Road, nestled between the road and a railway embankment which borders the site to the south. The site is narrow and elongated, running in an approximate southwest to northeast direction, it is approximately 200m in length and ranges from 2.5m in width at the southwest end, increasing to around 6.3-6.6m near the middle and reducing to approximately 5m at the north-eastern end. The site is currently vacant of development, the majority of the site comprises overgrown vegetation while the south-western end is used for informal parking; however, it is noted that this area is zoned as a 'no parking area'.
- 2.2 Wyke Road serves Langham Court and provides a connection between Langham Road and Pepys Road. Wyke Road (including the pavements on both sides) is on average, approximately 9m wide. The north side of the road is characterised by extensive vegetation and mature trees; there is also a mature street tree on the south side of the road immediately in front of the site. Along the southern side of Wyke Road, immediately in front of the site, are parking spaces which straddle the pavement – these spaces are part of a CPZ.
- 2.3 To the south of the site is a railway embankment which rises to a height of approximately 5-5.5m, immediately beyond which are railway tracks. To the north, of the north-eastern end of the site (across Wyke Road), is Langham Court, a part 5, part 6 storey block of flats. The main block of Langham Court is setback from the Wyke Road some 18m; at either end of Langham Court, two 5 storey wings extend toward Wyke Road to within a distance of 5-6m. To the north, of the south-western end of the site, are 3 storey blocks of flats, and a single storey car workshop at the south-western most point.
- 2.4 The site is a green corridor and a site of importance for nature conservation (SINC), owing to the fact it adjoins railway land. The site is located within a CPZ and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being the lowest and 6b being the best). The southwestern end of the site is located within the Raynes Park town centre. While the site is not within a designated flood risk zone, it is known to suffer from surface water flooding. The site is not located within a conservation area and does not contain any heritage assets.

3. CURRENT PROPOSAL

- 3.1 Erection of 2 x part-3, part-4 storey buildings comprising 9 x self-contained dwellings with 8 off-street car parking spaces, highway works and land transfer to re-provide 18 CPZ parking spaces, and associated landscaping.
- 3.2 The proposal comprises two part-three, part-four storey buildings to be erected towards the eastern section of the site, opposite Langham Court. The buildings would have regular footprints, abutting the pavement to the front of the site and infilling the space to the rear boundary. The buildings would have a separation of 11.5m – 22m between them and a separation ranging from approximately 11.5 to 14.5m to the train tracks to the south. From the western block of flats to the closest residential property (Langham

Court) is approximately 16m at the closest point. From the eastern block of flats to Langham Court is approximately 15m at the closest point.

- 3.3 The buildings would be of a modern contemporary appearance, making use of a mixture of traditional London stock brickwork and patterned metal cladding and window surrounds, together with cantilevered elements, timber fins and green roofs. The blocks of flats would comprise regular window openings fronting the street with the front façades being detailed through sections of brickwork and cladding with the larger block being separated by a central column of vertical timber fins/glazing serving the stair core and ground floor lobby and refuse/cycle stores. The ground floors would incorporate timber fins along their length. Balconies would be situated to the ends of the buildings with
- 3.4 The buildings would provide for a total of 9 self-contained dwellings, each with private external amenity spaces. Access would be via a communal entrance on the ground floor facing the street. 8 private parking spaces would be provided for occupiers of the development along with hard and soft landscaping.

Unit	Type	GIA	Private Amenity
Flat 1	2 Bed / 4 Person	87m ²	13m ²
Flat 2	2 Bed / 4 Person	87m ²	13m ²
Flat 3	2 Bed / 4 Person	87m ²	13m ²
Flat 4	2 Bed / 4 Person	87m ²	13m ²
Flat 5	2 Bed / 4 Person	87m ²	13m ²
Flat 6	2 Bed / 4 Person	87m ²	13m ²
Flat 7	1 Bed / 2 Person	53m ²	13m ²
Flat 8	2 Bed / 4 Person	73m ²	13m ²
Flat 9	3 Bed / 6 Person	140m ²	13m ²

- 3.5 The proposal would require the removal of 18 on-street CPZ parking spaces to allow the introduction of a formal footway along this side of Wyke Road. The 18 spaces would be re-provided to the western end of the site with 15 perpendicular spaces served by a vehicle crossover together with 3 parallel on-street spaces.

- 3.6 The proposed buildings would have the following dimensions:

Apartment block 1

- Length: 32m ground floor, 42.5m upper floors
- Width: 5.7m
- Height: 14.9m

Apartment block 2

- Length: 25m
- Width: 4.5 – 5.6m
- Height: 15.3m

- 3.7 Amendments:

It should be noted that the application has been amended since submission, incorporating the following changes:

- Changes in design to break up massing and create active frontage
- Replacement of 5 bedroom dwellinghouse with a block of 3 flats
- Changes to CPZ parking layout and footway design

- Details of vehicles charging points for private parking

4. PLANNING HISTORY

The planning history of the site is detailed below:

- 4.1 86/P0867: Erection of two three storey blocks to provide 12 studio flats with 12 garages and 12 open parking spaces – Refused.

Reasons:

1) The proposed development would result in an unsatisfactory living environment for the occupiers of the flats by reason of excessive noise from the adjacent railway.

2) The site is not suitable or appropriate for residential development as proposed by reason of its narrow shape and close proximity to the railway embankment and the proposed three storey buildings would appear as a cramped and incongruous form of development out of character with the general pattern of development in this area.

- 4.2 87/P0686: Outline application for the erection of office buildings comprising 540 m. sq. of floor area together with the erection of 12 lock-up garages – Refused.

Reasons:

1) The proposed development would be contrary to Policy P4.20 of the Merton Borough Plan.

2) The site is not suited to office development as proposed by reason of its location within a predominantly residential area, the narrow shape of the site, and the poor working environment likely to arise so close to a busy railway.

3) By reason of the long, narrow shape of the site, the development by the erection of a building or buildings comprising 540 sq.m. of offices is likely to appear cramped and incongruous and out of character with the general pattern and layout of the surrounding area.

- 4.3 87/P1143: Outline application for the erection of buildings comprising 12 one person flats 12 parking spaces and 12 garages – Refused.

Reasons:

1) The proposal would result in an unsatisfactory living environment for the occupiers of the flats, by reason of excessive noise from the adjacent railway.

2) The site is not suitable or appropriate for residential development, by reason of its narrow shape and close proximity to the railway embankment and any new buildings would be likely to appear as cramped and incongruous forms of development, out of character with the general pattern of development in this area.

- 4.4 87/P1468: Erection of buildings to form a medical centre comprising surgeries for doctor dentist chiropodist and veterinary surgeon – Refused.

Reasons:

1) The erection of buildings comprising 400 m2 Medical centre on this long narrow site will appear cramped, incongruous and out of character with the general pattern and layout of development in the surrounding area.

2) The proposal would conflict with the views expressed by a Department of Environment Inspector in dismissing an appeal (APP/T5720/A/86/061201/P5) for residential development on this site.

3) Insufficient information has been provided to enable assessment of the parking provision in relation to the Local Planning Authority's requirements.

- 4.5 89/P0005: Outline application for the erection of office buildings comprising approximately 540 sq.m gross floor area together with the provision of car parking spaces – Granted.
- 4.6 89/P1199: Erection of a two-storey building comprising 612 square metres for use as offices together with the provision of 25 car parking spaces – Granted.
- 4.7 91/P0898: Use of site for the display and sale of motor vehicles – Refused.

Reasons:

1) The proposal is unacceptable in that the vehicle movements associated with the use would be prejudicial to the free flow of traffic and to highway safety contrary to Policy S.16 of the Unitary Development Plan Draft for Public Consultation.

2) The proposal would be likely to lead to an increase in the undesirable practice of kerbside parking in the locality which would be prejudicial to highway safety and damaging to the amenities of adjoining residents contrary to policies M.40 and S.16 of the Unitary Development Plan Draft for Public Consultation.

- 4.8 95/P0468: Erection of a two storey b1 office building with 12 off-street car parking spaces – Granted.
- 4.9 10/P2500: Erection of two-storey office building (class b1) with off-street parking and associated facilities – Undetermined.
- 4.10 13/P2080: Construction of a new car park including formation of a new vehicular crossover – Refused.

Reasons:

1) The proposed new formalised parking area, by virtue of its substandard layout and lack of management strategy, would result in development detrimental to pedestrian and highway safety and as such, is contrary to policy CS 20 of the London Borough of Merton Core Strategy - 2011.

2) The proposed new formalised parking area would result in development detrimental to a Green Corridor and Borough SINC and for which insufficient mitigation measures have been provided. As such, the proposed development is contrary to policy NE.8 of the London Borough of Merton UDP - 2003, policy CS 13 of the London Borough of Merton Core Strategy - 2011, policy 7.19 of the London Plan - 2011, and the National Planning Policy Framework - 2012.

- 4.11 15/P2530: Erection of 6 x 2 bed dwellinghouse arranged in 3 pairs of semi-detached units – Refused and appeal dismissed.

Reasons:

1) The proposed development would constitute a cramped form of development that would lack adequate amenity space provision and would provide a poor quality living environment contrary to policies DM D2 and DM EP2 of the Merton Sites and Police Plan (July 2014).

2) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial

contribution towards delivering affordable housing off-site, would be contrary to policy CS8 of Merton's Adopted LDF Core Planning Strategy (July 2011).

Officers note that at paragraph 11 of the Inspector's decision letter it was observed that "in addition to the high noise levels there would be a near constant number of trains passing by within the day. At the time of my site visit I noted 11 trains passing the appeal site within a fifteen minute period. This is supported by the EAVA which noted 732 trains passing throughout the day time period".

The Inspector concluded "in my view, such a high frequency of trains with excessive noise levels would significantly detract from the occupier's enjoyment of their garden space". While the Inspector "found the proposal to be acceptable in some respects" they stated the following regarding the suitability of family sized units and their respective gardens: "for the reasons above I conclude that it would not provide acceptable living conditions for future occupiers with regard to garden space and noise and disturbance within the garden. It would therefore be contrary to Policies DM D2 and DM EP2 of the SSSP".

At paragraph 14 the decision letter observes "high noise levels could be sufficiently mitigated in the day and night" before going on to conclude that "the proposed development would be significantly harmful to the living conditions of its future occupiers".

- 4.12 17/P0609: Construction of three, 3 storey apartment blocks comprising 9 x 1 bedroom flats – Refused.

Reason:

The proposals would fail to deliver a layout that would provide for the safety of pedestrians and other highway users other than by a significant loss of on street parking that would, in conjunction with the absence of a legal undertaking to restrict future occupiers from being eligible for parking permits in the surrounding Controlled Parking Zone, contribute significantly to parking pressure locally and to the detriment of the safe and efficient operation of the highway and those using it. The proposals would have an unacceptable impact on kerbside parking pressure locally, and the safe and efficient operation of the highway, contrary to policies 6.3, 6.10 and 7.2 of the London Plan (2016), policy CS 20 of the Merton LDF Core Planning Strategy (2011) and policies DM.D2 and DM.T2 of the Merton Sites and Policies Plan (2014).

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site notice and letters sent to neighbouring properties and a second round of consultation was undertaken following amendments to the scheme. The outcome of the combined consultation is summarised as follows:
- 5.2 Objections were received from 105 individuals which raised the following concerns about the development:
- Loss of light
 - Loss of outlook / visual intrusion
 - Increased overlooking
 - Lack of privacy for ground floor units
 - Small amenity areas

- Increased congestion
- Historical flooding and drainage issues
- Concern of lighting on habitats
- Loss of trees and associated vista
- Land is too narrow for the development
- Unsuitable living conditions given noise and vibration from trains
- Excessive scale
- Inappropriate architectural forms
- Impact to green corridor
- Loss of wildlife/habitat/biodiversity
- Devaluation of surrounding properties
- Concern regarding the existing street tree
- Increased parking along road is not required
- Increased parking pressure
- Increased pollution
- Impact to future Crossrail 2 plans
- Emergency vehicle access

External comments were received which are summarised below:

The Wimbledon Society: Objection. Potential for Crossrail 2 and future land requirements. Green roof/walls would be welcomed. Small amenity areas for flats. Private parking would not be required due to PTAL and proximity to Raynes Park station. Potential for noise ingress. PV panels would reduce energy use. Privacy of ground floor rooms. Dwellinghouse living room would be dark.

Residents Association of West Wimbledon: Objection. The site is designated as a SINC and Green Corridor and would result in the loss of 25 trees. Removal of trees will impact upon wildlife. The dwellings and garden spaces would suffer noise due to proximity to railway. Privacy of ground floors and lack of bathroom window. Lack of appropriate architectural form. Loss of amenity to Langham Court through overlooking and visual intrusion.

Langham Court Residents' Association: Objection. Visual intrusion and loss of privacy, especially during winter. Loss of trees and impact to wildlife. Increase in air pollution. Impact of noise and vibration on upon future occupiers. Potential for Crossrail 2. Windows facing pavement. Inappropriate architectural forms. Private parking is not required due to PTAL and the CPZ spaces should be reduced.

Network Rail: Objection. The development would breach existing covenants on the land which restricts buildings within 1.5m of the boundary and requires approval from Network Rail for any works or erections of buildings on land. There is a right of entry for Network Rail to enter the property for maintenance, repair etc. and this would not be possible.

Tree Wardens Group Merton: Objection. Proposal extends into street tree canopy and root protection. Required pruning would damage the natural form of tree and increased costs. The trees to be removed could mature into high value trees. Unlikely that the one tree has Ash Die Back Disease. SINC will be harmed.

Merton Centre for Independent Living: Existing disabled parking should be moved to safer position. Suggestion for 2-3 disabled bays rather than 1. Bend in footway could cause issues for people with visual impairments. Suggestion to pedestrianise Wyke Road or make it a low traffic neighbourhood. Request for electric charging points for wheelchairs or mobility scooters. Safety vehicle crossovers and overhang of vehicles impeding footway. Width meets guidelines for disabled and mobility-impaired people but could be

increased in width. Concern of parking on pavements. Tree planting should not impact footway width. Impact on air quality from loss of trees. Dropped curbs should be flush. Concerns of Wyke Road and surrounding streets existing accessibility

Internal comments were received which are summarised below:

LBM Transport and Highways Officers: No objection. Advised that the development would provide adequate private and CPZ parking and would be unlikely to have a significant impact on the adjoining highway network. Advised that future occupiers should be restricted from obtaining parking permits for the CPZ and provided conditions relating to car and cycle parking, electric vehicle charging, construction logistics plan and refuse storage. Land transfer and works to the highway would need to be secured through a legal agreement, as well as a legal agreement to restrict occupiers from obtaining parking permits.

LBM Flood Risk Engineer: Advised that while the site is not located within a designated flood zone, it does suffer from surface water and sewer flooding. Found the drainage strategy to be adequate and recommended conditions for further details and restrictions on discharge of water.

LBM Environmental Health: Advised that the scheme could provide adequate protection from surrounding noise. Recommended conditions relating to noise mitigation, light spill, contamination and a construction method statement.

LBM Climate Change Officer: Advised that the scheme can achieve the relevant sustainability standards and that they should be secured by way of condition.

LBM Trees Officer: Advised that there is a street tree in close proximity to the proposal, albeit the root protection zone appears to be accounted for. The proposed planting scheme will make a positive contribution to the green amenities of the area. Advised conditions relating to the protection of existing trees and a full landscaping scheme.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2019)

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 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 London Plan (2016)

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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening

- 5.11 Green roofs
 - 5.12 Flood risk management
 - 5.17 Waste capacity
 - 5.21 Contaminated land
 - 5.22 Hazardous substances and installations
 - 6.9 Cycling
 - 6.10 Walking
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Lifetime Neighbourhoods
 - 7.2 An inclusive design
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodlands
 - 8.2 Planning Obligations
 - 8.3 CIL
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)
 Relevant policies include:
 CS 4 Raynes Park sub-area
 CS 7 Centres
 CS 8 Housing choice
 CS 9 Housing provision
 CS 11 Infrastructure
 CS 13 Open space and leisure
 CS 14 Design
 CS 15 Climate change
 CS 16 Flood risk management
 CS 17 Waste management
 CS 18 Transport
 CS 19 Public Transport
 CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan – 2014 (SPP)
 Relevant policies include:
 DM R1 Location and scale of development in Merton’s town centres
 DM H2 Housing mix
 DM D1 Urban Design
 DM D2 Design considerations
 DM EP 2 Reducing and mitigating noise
 DM O2 Nature conservation
 DM EP4 Pollutants
 DM T2 Transport impacts of development
 DM T3 Car parking and servicing standards
 DM T4 Transport infrastructure
- 6.5 Supplementary planning considerations
 London Housing SPG – 2016
 London Character and Context SPG -2014
 DCLG - Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

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

- Principle of development
- Need for additional housing
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Sustainable design and construction
- Landscaping and impact upon trees and biodiversity
- Trees and landscaping
- Flood risk
- Site contamination

Principle of development

7.2 The National Planning Policy Framework 2019 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility. Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

7.1 Officers acknowledge that the site offers an opportunity to be developed and that the earlier decisions raise both issues pertaining to the delivery of family housing in proximity to the railway lines and also various technical issues.

7.2 The 2015 scheme identified concerns regarding the likely poor quality of living environment, principally externally, for family sized dwellings with such concerns being supported by an inspector at appeal. The more recent scheme (17/P0609) addressed the issue of noise and family dwellings through the mix of smaller units, however, was refused for residential development due to the failure to provide for the safety of pedestrian and other highway users, other than through the loss of a significant amount of on-street parking within the CPZ. This, in conjunction with the lack of a legal undertaking to restrict future occupiers of the development from obtaining parking permits for the controlled parking zone, would contribute significantly to parking pressure locally together with the safe and efficient operation of the highway.

7.3 In order for the proposal to be acceptable, officers consider the scheme must successfully address the above. It should be noted that the applicant has engaged in discussions with Planning and Transport Officers at both pre-application and formal application stages in order to resolve traffic and parking issues further details of this are provided within the Transport & Parking section of the report below. Following amendments to the scheme to replace the large family dwellinghouse with higher density, smaller units, the scheme would also now address concerns on the suitability of family housing and associated garden spaces adjacent to the railway embankment.

7.4 The site is currently free of development, it is located within a residential area and has a public transport accessibility level (PTAL) ranging from 4 to 5 (0 being very poor and 6b being excellent). The site is an underutilised site which is considered to present

opportunities for a residential development and would result in an additional 9 residential units. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of sites at higher densities within a sustainable location.

- 7.5 Given the above, it is considered that use of the land for more intensive residential purposes is acceptable in principle, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents as detailed in the relevant sections below.
- 7.6 It is acknowledged that the scheme would not fall under a 'major' application given the number of units being below 10 and therefore there is not scope to require affordable housing at present. It is recognised that there may be the potential for the conversion of larger units into smaller flats, which would then bring the proposed occupancy to 10 units or more, and would normally trigger the requirement for a viability assessment. It is considered it would be reasonable to include a clause in the Section 106 that would require the submission of a viability and affordable housing assessment should the applicant seek to pursue any more units on the site.
- 7.7 Finally, it is noted that TFL and Network Rail have previously objected to development at the site on the basis that the site may be required for the delivery of Crossrail 2 in the future. Policies DM T4 of Merton's Sites and Policies Plan and CS19 of Merton's Core Strategy seek to improve public transport and to safeguard land for the delivery of major public transport projects. However, there is an established procedure for safeguarding land for major transport projects and the site is not currently within a safeguarded area. Given there is no formal protection relating to the land for the delivery of Crossrail 2, the objections are considered to be unsubstantiated and it would be unreasonable to withhold planning permission for this reason. It is also noted that objections on the basis of a breach of covenant requirements have been made by Network Rail. Whilst planning permission may be granted, it is not an overriding right to build and other legal matters would need to be considered before any development can be undertaken. The applicant has been made aware of the covenants and is in conversation with Network Rail regarding these matters. As such, whilst there may be legal matters for the applicant to consider, these would not be a material planning consideration which should withhold the granting of permission.

Need for additional housing

- 7.8 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', due to be adopted next year. This significant increase will require a step change in housing delivery within the LBM.
- 7.9 The draft London Plan includes a significantly higher figure of 918 new homes annually. However, this is not yet adopted and full weight cannot be attributed to this figure.
- 7.10 Notwithstanding the fact that the Council has been able to meet current London Plan targets, against this evolving background, Officers consider that while the delivery of new dwellings via the optimisation of sites, this does not override the need for comprehensive scrutiny of the proposals to ensure compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

- Design and impact upon the character and appearance of the area
- 7.11 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 and DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site.*
- 7.12 The site is considered to be unique in that it is isolated from other development i.e. there is a railway embankment to the rear and there is no other development along the southern side of Wyke Road, thus it would not be 'read' together with surrounding buildings. There is therefore an opportunity to develop a unique design approach, appropriate to the unique characteristics of the site in this instance. It is within this context that the development should be considered. It is further noted that there is a part 5, part 6 storey art deco style building opposite the proposed development, namely, Langham Court.
- 7.13 The site is narrow and places a considerable constraint on the siting and massing of any development, with proposals required to extend close to the pavement to provide any meaningful buildings. Langham Court, opposite two of the blocks frames an open space with its set back main element and projecting wings towards the street. In the absence of a more traditional format of development on Wyke Road, the blocks resolve a number of design objectives pulling in different directions. It may be viewed as a continuation of framing the open space while at the same time not being of a bulk and scale that dominates the streetscene and the immediately adjoining pavement. When walking eastwards along Wyke road from the junction with Coombe lane, the flatted block would have little to reference in terms of design and massing on Wyke road itself, although the vehicle repair workshop abuts the pavement. It is considered that the design might reasonably be considered as completing this group of flats and provide a meaningful composition of buildings along the south side of Wyke Road
- 7.14 Given the aforementioned characteristics of the site, the surrounding development, the width of the Wyke Road and separation distances to Langham Court, it is considered that the site can comfortably accommodate buildings of the height proposed. It is noted that the bulk of the buildings are effectively broken up by the use of a recessed areas, a step down in building height, and a variety of materials, which provides a visual break in the building. The positioning and footprints of the proposed buildings are considered to make effective use of the site while allowing for an appropriate gap between the buildings. Given the above, and as a matter of judgement, Officers do not consider the development to be overbearing to the streetscene.
- 7.15 The scheme proposes a contemporary appearance, making use of a mixture of traditional London stock brickwork and patterned metal cladding and window surrounds, together with cantilevered elements, timber fins and green roofs. The design could add interest to the streetscene and deliver a good quality approach. The use of contrasting materials, recesses, horizontal separation between floors and a strong vertical alignment throughout the scheme successfully defines the individual façade elements, creating an interesting and high quality appearance with a strong vertical emphasis.
- 7.16 Whilst the proposal does not seek to replicate the surrounding development, it is considered to generally achieve a coherent, interesting and good quality design while also picking up important design principles to enclose space with Langham Court and

remaining subordinate as to not appear as overbearing. Given the development does not seek to create a single, isolated building, but rather an ensemble of two blocks, it is considered to achieve a semblance of its own character while harmonizing with its surroundings.

- 7.17 The proposal is considered to be acceptable in terms of the impact on the character of the area, in compliance with London Plan policies 7.4 and 7.6, Core Strategy policies CS13 & CS14 and SPP Policies DMD2, DMD3 and DMD4 in this regard.

Impact upon neighbouring amenity

- 7.18 London Plan policies 7.6 and 7.15 along with SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.
- 7.19 Given the scale of the proposed development along with the separation distance to surrounding buildings, the proposal would comfortably pass the BRE “25 degree test” guidelines at the closest points of surrounding buildings. As such, the development would not be considered to result in undue visual intrusion or loss of daylight or sunlight.
- 7.20 The proposal is not considered to unduly impact upon neighbouring amenity in terms of overlooking or loss of privacy. Outlook to the rear would be toward railway land, to the sides would be within the site itself and to the front would be across Wyke Road, which is public space and separated sufficiently. Furthermore, it is recognised that there is considerable green screening in the form of mature trees to the front of Langham Court to provide an additional retention of privacy.
- 7.21 Subject to conditions, the proposal would therefore accord with London Plan policies 7.6 and 7.15 and Merton Sites and Policies Plan policy DM D2.

Standard of accommodation

- 7.22 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG – Technical Housing Standards 2015.
- 7.23 Each of the proposed units would meet the minimum required GIA as set out in the Technical Housing Standards and would therefore comply with Core Strategy policies CS8 & CS9 and London Plan Policy 3.5. Furthermore, all of the units are serviced by windows and opening which are considered to offer suitable natural light, ventilation and outlook to prospective occupants in line with policy 3.5 of the London Plan (2016), policy CS.14 of the Merton Core Planning Strategy (2011) and policy DM.D2 of the Merton Sites and Policies plan (2014). It is further noted that an acceptable level of privacy to each of the units would be maintained through the use of timber fins at ground floor to limit direct views into the unit, whilst still providing an appropriate outlook and access to light. A condition requiring further details on this is recommended to ensure the final design would be satisfactory to meet the above.
- 7.24 Given the proximity of the railway tracks, the consideration of noise and vibration and their potential to impact upon occupants of the scheme are of particular importance. Policies 7.6 and 7.15 of the London Plan and policy DM D2 of Merton's Sites and Policies Plan require developments to provide a suitable living environment for occupants in terms of noise. As such an Acoustic Design Statement was submitted

with the application to assess the impact of noise and vibration on the proposed development. The assessment was informed by noise levels measured at the site and found that the design of the development could achieve an internal acoustic environment that was within the relevant standards. In addition, it is recognised that the layout of the buildings places the hallway between the train tracks and the bedrooms, creating an additional level of noise mitigation to the most noise sensitive rooms, together with appropriate acoustic screening to the sides of balconies facing the railway.

- 7.25 LBM Environmental Health Officers have reviewed the proposals and find the approach and findings acceptable, however, recommend conditions requiring further details of the final scheme to be submitted and agreed prior to commencement to ensure that noise levels would be acceptable, particularly with regard to details of final mechanical ventilation systems. With regard to vibration, the assessment found that the potential for vibration would be below the threshold levels to require specific mitigation measures.
- 7.26 In accordance with the London Housing SPG, policy DMD2 of the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. Each of the units would be provided with private external amenity spaces in the form of balconies at the ends of the buildings. The sizes of these spaces would exceed the minimum requirements as detailed above, and have been designed so as to minimise potential privacy issues between units.
- 7.27 As a whole, it is considered the proposal would offer an acceptable standard of accommodation to occupants.

Transport, highway network, parking and sustainable travel

- 7.28 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, Core Strategy policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points.
- 7.29 The LBM Transport Planner has reviewed this application and their comments are integrated into the assessment below.
- 7.30 The application site is within a CPZ and currently provide approximately 18 on-street car parking spaces along its length opposite Langham Court. This section of the road does not benefit from a formal footway due to the provision of said parking.
- 7.31 The previously refused planning application included reasons for refusal due to the failure to provide for the safety of pedestrian and other highway users, other than through the loss of a significant amount of this on-street parking within the CPZ. This, in conjunction with the lack of a legal undertaking to restrict future occupiers of the development from obtaining parking permits for the controlled parking zone, would have contributed significantly to parking pressure locally together with impeding safe and efficient operation of the highway.

Highway works and provision of CPZ parking

- 7.32 The proposals seek to address previous reasons for refusal through the re-provision of the 18 CPZ parking spaces, together with the introduction of a footway along the

edge of the site and the restriction of future occupiers from obtaining parking permits. The proposal would place 15 off-street and 3 on-street CPZ parking spaces to the west on land which would be transferred to the Council as dedicated highway land. Transport Officers find the proposed arrangement to be acceptable in terms of provision, size and layout. The parking bays are of a sufficient length and width to prevent the overhang of cars onto the footway and to allow normal movement when entering and exiting the highway. Swept path analysis also demonstrates that the retained parking bays on the opposite side of the street would not be impacted from proposed vehicle manoeuvres. The off-street spaces would be clustered in to groups of 5 spaces so as to reduce the length of the crossovers required and to maintain pedestrian safety through the inclusion of refuge points. The proposed footway which would run along the length of the site is considered to result in an appropriate and inclusive design due to its width and layout which provide an acceptable level of safety to disabled pedestrians. Conditions are recommended requiring further details of the above and their implementation and retention thereafter. These works would be also be secured through a Section 38 or 278 legal agreement with the Local Highway Authority; requiring all details to be agreed with the LHA, works to be undertaken by the Council, together with the developer agreeing to pay the associated costs of drawing up the agreement, the costs of the highway works and any monitoring fees.

7.33 Private parking

The proposal also includes 8 off-street vehicle spaces for the residents of the proposed dwellings. These are location between the buildings and are covered partially by the overhang of apartment block 1. Each of the spaces would have electric vehicle charging points. The proposed number and layout of the private parking is considered satisfactory and a condition is recommended requiring this to be implemented and retained thereafter. In order to safeguard parking pressure in the local area, it is also recommended to prevent future occupiers from obtaining parking permits for the CPZ which would be secured via a Section 106 legal agreement. As such, it is considered parking pressure would not be unduly impacted.

7.34 London Plan policy 6.9 and the London Housing SPG standard 20 require that developments provide dedicated, secure and covered cycle storage, with 1 space per one bedroom units and 2 spaces for all other sized units. The proposal would provide storage for cycles within the ground floor bin and bike stores of each building. It is considered the arrangement and capacity is acceptable and a condition is recommended requiring the implementation and retention of this.

7.35 Local residents raised concerns with the tight nature of the street and potential disruption from works. In order to ensure that construction does harmfully impact the normal operation of the highway, a condition is recommended requiring the provision of a demolition & construction method plan prior to works commencing.

Refuse storage

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

7.37 The plans indicate dedicated refuse storage areas within each of the buildings for residents which are conveniently located and appropriate in size for the proposed occupancy. It is considered this arrangement would be acceptable and a condition will be included requiring the implementation and retention of the refuse stores.

Landscaping and impact upon trees and biodiversity

7.38 The site is a designated SINC and green corridor. NPPF section 15, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, 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.

- 7.39 The proposal would involve the protection of the London Plane street tree, which is considered to be 'high quality'; 24 category C and 1 category B tree would be removed which are considered to be of a poor quality. The scheme would incorporate new soft landscaping to areas not covered by buildings or parking spaces including trees, shrubs and/or hedges and grassed areas.
- 7.40 A Preliminary Ecological Appraisal has been undertaken for the site which found that some level of habitat would be lost as a result of the development; however, the green corridor would be maintained and the loss of habitat could be offset by the use of green roofs and replacement planting. In addition, the appraisal made a number of recommendations for the protection of species and for the enhancement of the biodiversity value of the site, these included: the removal of any non-native invasive species by a suitably qualified and licensed contractor; the use of green roofs and living walls; the protection of the London Plane street tree; the retention of the scrub and tree lines; to design any lighting in such a way as to not impact upon bats; to install bat boxes; to undertake a badger update survey; to retain as many trees as possible and to only remove trees outside of bird breeding season; to avoid disturbing deadwood piles with the potential to support stag beetles, or where necessary, to relocate deadwood piles to a suitable location; to use local native species in the landscaping scheme. LBM Tree Officers have reviewed the proposals and consider the methodology, findings and recommendations of the appraisals to be fair and reasonable and it is recommended to secure them by way of conditions.
- 7.41 An arboricultural impact assessment has also been provided as part of the application which outlays the scope of the works required including the removal/protection of certain trees. Additionally, a landscaping report/design has been provided. It is considered to the proposed landscape design would be sufficient and there would be opportunity to provide a good quality of landscaping to the site whilst adequately protecting the canopy and root of the mature tree. As such, a series of conditions are recommended to ensure that the development would have an acceptable impact on the biodiversity of the site and the retained trees and to ensure a high standard of proposed landscaping.
- 7.42 Subject to the aforementioned conditions, it is considered that the proposal would not unduly impact upon trees, ecology or biodiversity and it is considered that the landscaping scheme would make a positive contribution to the streetscene and green network.

Flood risk

- 7.43 NPPF policy 14, London Plan policy 5.12, policy CS16 of Merton's Core Planning Strategy 2011 and Policies DMF1 and DMF2 of the Merton Sites and Policies Plan seek to ensure developments are suitable in terms of drainage and impacts to flood risk on site and the surrounding areas.
- 7.44 The site is not designated as at risk from fluvial flooding, however, LBM Flood Risk Engineers note that the front of the site is at a high risk of surface water flooding and there has been historical flooding in this location. The site is currently undeveloped, being mostly made up of soft landscaping. The proposal would in would incorporate permeable paving and a SuDs system to reduce flood risk at the site. LBM Flood Risk Officers have reviewed the proposals and have raised no objection in this regard,

subject to conditions requiring further drainage details prior to the construction of the development.

Climate change, sustainable design and construction

- 7.45 London Plan policy 5.3 and CS policy CS13 & 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.
- 7.46 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres per person per day. Climate Change officers recommend to include a condition and informative which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Site contamination

- 7.47 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.

Given the site's proximity to railway tracks and its existing use, LBM Environmental Health Officers were consulted with regards to contamination and remediation. Environmental Health Officers have reviewed the application and raise no objection to the scheme subject to conditions being attached requiring an investigation into potential contamination, and if necessary, a remediation scheme to be agreed and complied with prior to construction.

8. CONCLUSION

- 8.1 The site has an extensive planning history with various residential schemes having been resisted. Changes in planning policy since the first refusal in 1986 have seen a significant increase in pressure to deliver housing, and to explore innovative design solutions. Officers have interpreted the last appeal decision as signalling a resistance to more conventional family housing on the site but not necessarily non-family housing. Officers are therefore of the opinion that a non-family housing development is acceptable in principle given it would contribute toward London's housing stock and it is on an empty site which is within a residential area with excellent public transport links. The proposal has addressed reasons for refusal relating to the re-provision of existing controlled parking zone spaces without impacting upon the normal use of the highway and parking pressure locally.
- 8.2 The development is considered to respond well to the challenges and opportunities of the site; despite the numerous constraints of the site, creative solutions have been found which are considered to address all material planning considerations to a high standard. The development is considered to be high quality and to make a positive contribution to the streetscene. The development is not considered to unduly impact upon neighbouring amenity. The proposal would offer high quality living standards for prospective occupants. Subject to legal agreements, the proposal would not unduly impact upon the highway network, including parking pressure. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. The proposal would appropriately mitigate any impact upon biodiversity and provide a high quality landscaping scheme.

- 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 conditions.

Section 106 and 38/278 legal agreement:

1. Restrictions to prevent the future owner/occupiers of the development from being issued on-street parking permits within the surrounding Controlled Parking Zones;
2. The developer meeting the Council's costs for any work (both legal work and street works) associated with dedication of land as highway for the re-provision of 18 CPZ spaces, making adjustments to on street parking and footway arrangements, and, where necessary, pavement alignment and associated signage, along the south side of Wyke Road.
3. Affordable housing – viability review mechanisms if within 12 months of substantial completion permission is sought for any additional dwellings on the site
4. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed by developer];
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed by developer]

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) Standard condition [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 the timber fin screening, 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 protect the privacy of future occupiers in order 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 [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.

- 5) 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.

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

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

- 7) Amended standard condition [Demolition & Construction Method Statement]: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and is approved in writing, by the Local Planning Authority to accommodate:

- Parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of construction plant and materials;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel cleaning facilities
- Measures to control the emission of dust, dirt, smell and other effluvia;
- Measures to control the emission of noise and vibration during construction/demolition
- Non road mobile machinery compliance
- A scheme for recycling/disposing of waste resulting from demolition and construction works

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

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, 6.14 & 7.15 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2 & DM EP2 of Merton's Sites and Policies Plan 2014.

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

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

- 9) Standard condition [Vehicle parking]: The private vehicle parking areas (including electric vehicle charging points) shown on the approved plans shall be provided before first occupation of the flats hereby approved and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

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

- 10) Non-standard condition [Contamination]: A desktop study shall be undertaken to consider the potential for contaminated-land.

A) The completed desktop study shall identify any unacceptable risks to health and the built environment and shall be submitted to and approved in writing by the local planning authority before the development other than demolition commences.

B) In the event that potential contaminants are identified by the study then a detailed remediation scheme for their removal in order to bring the site to a suitable state for the intended use shall be submitted to and approved in writing by the local planning authority.

C) The applicant shall verify in writing that any detailed remediation scheme as may be approved by the local planning authority has been completed prior to the first occupation of the development.

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.

- 11) Non-standard condition [Remediation]: If remediation works are required pursuant to condition 10, they shall be completed and a verification report, demonstrating the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

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) Non-standard condition [Drainage Scheme]: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 1l/s, with no less than 52.5m³ of attenuation volume), 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.

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

- 14) Amended standard condition [Tree protection]: The details and measures for the protection of the existing trees as specified in the approved document shall be 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 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 policies DM D2 and 02 of Merton's Sites and Policies Plan 2014.

- 15) Standard condition [Site supervision]: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing 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.

- 16) Standard condition [Landscaping]: No development shall take place until full details of an updated 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.

- 17) Standard condition [Foundations]: No work shall be commenced until details of the proposed design, materials and method of construction of the foundations to be used within 10m of the existing retained trees shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved details.

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.

- 18) Non-standard condition [Ecological and biodiversity measures]: The development hereby authorised shall be carried out in accordance with the avoidance, mitigation and enhancement measures recommended/proposed and follow the sequence of events set out in the submitted in the submitted 'Preliminary Ecological Appraisal', and those measures shall be in place prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the visual amenity of the area, in accordance with NPPF section 15, London Plan 2016 policies 7.5, 7.19 and 7.21, Merton's Core Planning Strategy 2011 policy CS13 and Merton's Sites and Policies Plan 2014 policies DM D2 and DM O2.

- 19) Non-standard condition [Badger update survey]: Development shall not commence until a badger update survey has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with any details, measures, and recommendations of the approved survey and shall remain in place for the duration of the construction period, unless otherwise agreed in writing by the planning authority.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to protect ecology of the site and to accord with NPPF section 15 and Merton's Sites and Polices Plan 2014 policy DM O2.

- 20) Non-standard condition [Lighting strategy]: Prior to the installation of any external lighting, an external lighting strategy shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved and those works shall be carried in accordance with the approved details. Page 60

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, to protect nature conservation in the area and to avoid an adverse impact on the operation of the adjacent train network, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 21) Non-standard condition [Noise levels]: Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), any plant noise associated with the development shall not exceed LA90-10dB at the boundary with the nearest residential boundary not associated with the development.

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

- 22) Non-standard condition [Noise mitigation]: Due to the potential impact of the surrounding locality on the residential development, a final scheme for protecting residents from noise shall be submitted to, agreed and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing system and ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure a suitable living environment for occupants of the development and to comply with policies 7.6 and 7.15 of the London Plan 2016 and policy DM D2 of Merton's Sites and Policies Plan 2014.

Informatives:

- 1) INFORMATIVE
In accordance with paragraphs 38 and 39 of the National Planning Policy Framework 2019, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance, the application has been amended following concerns from Officers and the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- 2) INFORMATIVE
Carbon emissions evidence requirements for Post Construction stage assessments must provide:
- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**

- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation
- 3) **INFORMATIVE**
Water efficiency evidence requirements for Post Construction Stage assessments must provide:
- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - The location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - The location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
- 4) **INFORMATIVE**
No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 5) **INFORMATIVE**
No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.
- 6) **INFORMATIVE**
Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.
- 7) **INFORMATIVE**
This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton:

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

- 8) **INFORMATIVE**
Highways must be contacted regarding costings for carriageway widening/formation of footway and new crossings proposed. (includes dedication of land to public highway). All works on the public highway are to be carried out by L B Merton and to Merton's specification. (Contact Martin Smith on 0208-5453136).

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