

PLANNING APPLICATIONS COMMITTEE
15th July 2021

AGENDA ITEM 7

Item No:

UPRN APPLICATION NO. DATE VALID

21/P1082 12/05/2021

Address/Site Nonsuch House, 31 Chapter Way, Colliers Wood, SW19 2RP

(Ward) Colliers Wood

Proposal: ERECTION OF A TWO STOREY ROOF EXTENSION CREATING 16 x SELF-CONTAINED FLATS (COMPRISING 8 x 1 BED AND 8 x 2 BED) WITH ASSOCIATED PARKING AND REFUSE STORAGE

Drawing Nos: WP-0730-A-NH-003-P-00 Rev B, WP-0730-A-NH-0150-P-00 Rev B, WP-0730-A-NH-0250-E-X Rev B, WP-0730-A-NH-0251-E-X Rev B WP-0730-A-NH-0350-S-X Rev B.

Contact Officer: Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to conditions and s.106 legal agreement.

CHECKLIST INFORMATION

- Heads of Agreement: Yes, restrict parking permits, Carbon offset fund commuted sum of £25,085, or a suitable carbon off set contribution in the event that CO2 reductions fail to meet the target indicated in the submission, commuted sum (£1,549.80) towards off-site children's playspace, affordable housing commuted sum (TBC) and financial viability claw-back mechanism for affordable housing
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Not required

- Site notice: Not required
- Design Review Panel consulted: No
- Number of neighbours consulted: 398
- External consultations: Yes
- Conservation area: No – but adjacent to Wandle Valley Conservation Area
- Listed building: No
- Controlled Parking Zone: No
- Green corridor – Yes (bordering the site to the south)
- Site of importance for nature conservation (SINC) – Yes (bordering the site to the south)
- Adjacent to Scheduled Ancient Monument
- Adjacent to Wandle Valley Regional Park
- Flood Zone 2/3
- PTAL: 1a (bordering a PTAL 4 area)

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises Nonsuch House, a large, six storey building located to the eastern end of Chapter Way, and the vehicular access way to the south of the building.
- 2.2 The existing building was completed in the early 2000s and comprises 48 dwellings with a mix of 1-, 2- and 3- bedroom flats. The units are almost exclusively south-facing, owing to the adjoining health centre to the north. To the east is the 6-storey Baron House apartment block and across Chapter Way to the west is Independence House, a 7 Storey residential building. Across Chapter Way to the south, are a number of mature trees which line the footpath next to Bennett's Ditch. This small brook flows west in to the River Wandle. Beyond the ditch to the south is Runnymede, a residential road comprising semi-detached houses.
- 2.3 The site has an area of 0.17 hectares and a density of 282 dwellings per hectare.
- 2.4 The building itself is very linear and as such is served by 4 vertical circulation cores. This linearity is punctuated by projecting balconies and curved bay windows adjacent to the cores which are a feature of the building. The facade is clad in large format red and yellow bricks with a rendered western flank wall, grey metal window frames and projecting galvanized steel balconies.

- 2.5 Bin storage and cycle parking (22 external bike hoops) is located to the south of the building, utilising freestanding bin stores.
- 2.6 The site is located to the east of the heritage site known as Merton Abbey Mills in Colliers Wood, which is designated within the Wandle Valley Conservation Area (Sub Area 3: Merton Priory). The wider Merton Abbey Mills site is bounded to the west by the River Wandle, by Merantun Way (a primary arterial road) to the north and by Watermill Way to the east and south. The precinct features a mixture of statutory and locally listed buildings. Within the precinct, there are a range of uses, including pub/restaurants, creative and craft based businesses, retail/service businesses and office spaces.
- 2.7 The site has the following designations and restrictions:
- Flood Zone 2 and 3
 - Adjacent to Wandle Valley Conservation Area
 - Wandle Valley Regional Park 400m buffer
 - Colliers Wood Town Centre
 - PTAL 4
 - Adjacent to Wandle Trail Nature Park and Lower River Wandle Site of Importance for Nature Conservation (to the south of the site).
 - Adjacent to Green Corridor (to the south of the site).
 - Adjacent to Scheduled Ancient Monument
 - PTAL 1a bordering a PTAL 4 area (to the east)

3. **PROPOSAL**

- 3.1 The proposal is for the erection of a double storey roof extension to the building. The scheme would provide 16 new units (8 x 1 bed and 8 x 2 bed).
- 3.2 Access to the units is via an extension to two of the four existing cores, including an extension of the lift shafts to the new top floor.
- 3.3 The additional proposed floors would be set back from the floors below and it is proposed that the extension would be finished in a vertical metal cladding, with dark grey metal window frames.
- 3.4 Additional refuse provision to serve the proposed units, and also to provide additional storage for existing residents,

would be provided to the frontage of the building, adjacent to the existing bin stores.

- 3.5 In terms of cycle parking, 26 semi-vertical racks are proposed across 2 covered storage units with sliding doors, with 4 extra short stay spaces, providing 30 in total.
- 3.6 No additional car parking is proposed.
- 3.7 The accommodation schedule and housing mix would be as follows:

	Unit Number	Unit Type	Unit GIA	Proposed Mix
Level 6	Unit 49	2B4P	71.5	
	Unit 50	1B1P	37.5	
	Unit 53	1B2P	50.9	
	Unit 54	2B4P	72.4	
	Unit 57	2B3P	65.5	
	Unit 58	1B1B	37.5	
	Unit 61	1B2P	50.0	
	Unit 62	2B3P	67.432	
Level 7	Unit 51	2B4P	71.5	
	Unit 52	1B1P	37.5	
	Unit 55	1B2P	50.4	
	Unit 56	2B3P Wheelchair Adaptable	78.4	
	Unit 59	2B3P	65.5	
	Unit 60	1B1B	37.5	
	Unit 63	1B2P	52.0	
	Unit 64	2B4P	71.4	

- 3.8 Each unit would have a projecting balcony, similar to the arrangement on the floors below, with amenity areas ranging from 7sqm to 10sqm.

3.9 The density of the proposed development would be 376 dwellings per hectare.

3.12 The application is accompanied by the following documents:

- Design and Access Statement;
- Air Quality Screening Assessment;
- Design & Access Statement;
- Built Heritage Statement;
- Daylight and Sunlight Review
- Energy and Sustainability Statement
- Flood Risk Assessment
- Noise Impact Assessment;
- Transport Statement;
- Viability Report.

4. **CONSULTATION**

4.1 398 letters were sent out to adjoining and nearby neighbours and a site notice was displayed on site. 63 letters of representation have been received raising objection on the following grounds:

Character and appearance

- Objection to principle of adding additional floors.
- Visually overbearing and out of character with the area.
- Overdevelopment.
- Disproportionately large addition. Overbearing visual impact.
- Adverse impact on the character of the area and the historic character of Merton Abbey Mills.

Concerns regarding construction process

- Concerns over congestion from construction vehicles.
- Concerns over road safety as a result of construction traffic and increased traffic following occupation.
- Concerns over limited space for access and building materials. Query how this may affect emergency access.
- Disturbance (dust, noise and lift access) to existing residents throughout construction process. Additional detail on the details of the construction programme requested.

- Additional concern that the existing flats overheat and windows need to be kept open, which would allow dust and debris into residential flats below.
- Concerns over potential loss of connectivity to power.
- The pandemic has meant more people are working from home and therefore the impact of the construction works would be particularly harmful.
- Access road is in poor repair and cannot sustain further traffic.
- Air pollution.
- Adverse impact on mental health from construction process.
- Concerns regarding potential positioning of scaffolding.
- Concerns regarding ability to sell a flat within the building whilst the development is on-going.
- Concern that re-mortgaging existing flats may become more difficult.
- Query whether compensation is available to existing residents.
- Query how long works would take to complete.

Neighbouring amenity impacts

- Lack of air and light to Runnymede residents.
- Building will extend above the treeline and be more visible from Runnymede properties.
- Overshadowing.
- Overlooking.

Refuse and waste

- Concerns regarding refuse storage.
- Existing bin stores are insufficient, so adding to them would not be viable. Issues with vermin cited.
- Concerns regarding increase in vermin.

Other matters

- Query why the freeholder has the right to carry out this development if leaseholders object.
- Suggestion that there is ample land at the nearby industrial estate to provide housing.
- Insufficient car parking proposed.
- Concerns that residents would park on Runnymede.
- Adverse impact on local infrastructure from proposed bike stores.
- Query whether there would be a loss of trees as a result on new bin and bike stores.

- Suggestion that the flats would be sold to investors and therefore not assist in local housing need.
- Concerns over structural stability issues.
- Applicant has not informed residents of the proposal. Indication that legal action is being considered on this ground.
- Secured by Design Officer has raised concerns.
- Greater impact on grey water drainage and sewage.
- Concerns regarding flooding
- Concerns relating to water pressure.
- Concerns regarding impact on service charges and insurance costs.
- Concerns that occupants of Nonsuch House have not been notified directly, only by way of a site notice.
- The building sits on environmentally protected land.
- Adverse impact on wildlife and biodiversity from proposed bin and bike stores.
- Concerns over increasing density of population and impact on infrastructure and natural resources.
- Suggestion that the Council should arrange a consultation group of both Nonsuch House and Baron House.
- Concerns regarding fire safety and fire safety standards of the existing building. Suggestion that this must be addressed before any additional development can be approved.
- Cumulative impact of other rooftop developments would place an undue strain on local infrastructure.
- Conflict with London Plan policies regarding sustainability, day to day management and long-term affordability.
- Conflict with Merton Sites and Policies Plan design policies.
- Adverse impact on leaseholders who sub-let their apartment.
- Adverse impact on property values.
- Lack of three bed units being provided, conflict with housing mix policies.
- Lack of affordable housing
- The London Plan indicates there should be greater diversity in homebuilding and therefore smaller housebuilders should be used.
- Query whether site ownership certification is correct.
- The elevation drawings do not show the existing loft space which is available to top floor residents, which would be lost.
- Removal of roof overhang would remove rain protection for balconies below and exposes south facing windows to direct sunlight.

- Communal areas within the flat are in need of repair and maintenance but there is no mention of any proposed improvements in the application.
- Notification was not given to leaseholders until 19th June.

4.2 Siobhain McDonagh MP:

I believe that the Council needs to consider the general intensification of the site and the three associated planning applications. I also believe that the impact on the residents currently living in the blocks of the building work to provide the roof extension needs to be considered.

I further understand that there is significant concern amongst the current leaseholders that construction costs will be through the resident's service charges and that the construction will delay the removal of the cladding in the blocks.

I would be grateful if these comments could be taken into account before the deadline

4.3 Merton Green Party

Policy CS8 in the council's core planning strategy sets a borough-wide affordable housing target of 40% for developments of 10 or more units. The applicant's application form states that none of the 17 units will be affordable housing. We ask the Council to require that its 40% target be met.

4.4 Internal consultation responses:

4.5 Council's Transport Planner

Chapter Way is a Private Road maintained by a private management company.

Pedestrian and vehicular access to the site will be maintained as per the existing arrangement with vehicular access provided from Chapter Way and pedestrian access provided from both Chapter Way and Christchurch Way.

The site lies within an area with a PTAL 1a, which is considered poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

However, the site is located 550m walk from Colliers Wood Underground Station which is served by the Northern Line.

The site is also approximately 250m walk from the nearest bus stop which is served by the 470 bus routes which operates between Epsom and Colliers Wood.

The proposal does not provide additional parking.

It is up to the management company to provide any additional parking for the proposed units.

A pay and display car park is located to the north in relation to the existing

Network Building food court. Unrestricted on-street car parking is located to the south of the site including on Runnymede.

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

Cycle Parking is to be provided in line with the London Plan (2020) which requires 23 long stay and 2 short stay cycle parking spaces to be provided. It is proposed to provide 23 semi-vertical spaces across 2 covered storage units as well as 2 short-stay spaces.

An additional bin store is proposed to accommodate 4 extra bins as part of the uplifts in units at the site, this would be provided in line with the existing refuse stores. As these will be located alongside the existing bin stores, the servicing strategy will be maintained as part the existing arrangement. Recommendation: The proposal is unlikely to have a significant impact on the adjoining highway.

Raise no objection subject to:

- Unilateral undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Cycle parking maintained.
- Refuse: bin store to accommodate 4 extra bins.

4.6 Council's Highway Officer:

No objection subject to conditions:

H10 (Construction vehicles, washdown facilities etc) and
H13 (Construction Logistics Plan)

4.7 LBM Urban Design Officer:

There are no significant views of the whole elevation of this building head on, so I am less concerned about setbacks. It is good that they are attempting dual aspect and, if you wish to pursue this line, then I would suggest you get a more robust explanation about the 'condition of the wall' and fire regulations affecting the ability to put in windows. These must be issues very specific to this building, otherwise all dual aspect dwellings would be fire risks.

4.8 LBM Flood Risk Officer:

As it is major, the scheme should be supported by a detailed surface water drainage strategy which also looks at the inclusion of SuDS and climate change impacts. Currently, the application does not address surface water drainage in detail and does not provide appropriate betterment in line with policy requirements including the London Plan, Merton's Policies DM F2 and Merton's SuDS SPD.

The proposed development is for the construction of 2 additional storeys atop the existing building to provide an residential units and will be at the 6th and 7th floor levels. Hence, the proposed residential dwellings will not be at risk of flooding but there is a significant increase in occupancy of people within the floodplain.

In summary:

- The site is in Flood Zone 2, according to the EA Flood Map for Planning but Chapter Way is partially within Flood Zone 3;
- The proposed development is 'More Vulnerable' under the Flood Risk and Coastal Change Planning Practice Guidance (PPG) and the National Planning Policy Framework (NPPF), which is the same as the existing site use;
- Bunces Ditch (Main river) is in close proximity to the site, to the south of Chapter Way but appears to be more than 8m away from the existing building and the proposed development. If the scheme or works are within 8m from the top of a bank of the main river, a Flood Risk Activity Permit from the Environment Agency would be required.

Using the River Wandle modelling study (2015, with climate change re-runs in 2017), the FRA shows that Chapter Way in front of the site could be affected by up to 0.21m of flood depths in the modelled 1:100-year +35% (Higher Central) undefended flood event, due to a flood level of 13.21mAOD.

In the modelled 1:100-year +70% year event (Upper End scenario), the flood level on Chapter Way in front of the site is shown to be approximately 13.43mAOD, which could result in flood depths of up to 0.43m along Chapter Way. These calculations, as per the FRA, are based on the existing external ground levels of Chapter Way being between approximately 13.00mAOD and 13.20mAOD, according to the EA's 2m DTM LiDAR dataset. The main access/egress routes to the proposed dwellings via Chapter Way are thus shown to be at risk of flooding in both climate change scenarios.

Notwithstanding this, as Chapter Way in front of the site is partially in Flood Zone 3. It is demonstrated in the FRA report that safe access and egress to and from the site should be achievable in the modelled 1:100-year +35% climate change fluvial flood event.

The FRA suggests that safe refuge within the units would be required and all residents and the sites management company must sign up to the EA's flood warning service. You may wish to consult with Merton's Emergency Planning Team for comments on safe access and egress and the recommendation for occupants to remain in their flats until floodwaters recede.

With regards to surface water drainage, and to coincide with the proposed increase in residential units and occupants, a greater number of bin stores and cycle storage is proposed. As a result of this additional element, there will be an increase in built footprint and roof area. The drainage scheme proposes to maintain the status quo and offers no betterment in line with planning policy requirements. Furthermore, it does not consider the impacts of climate change. The FRA suggests that betterment could be provided through implementing a rainwater harvesting system, via above ground SuDS such as a raingarden but no commitment is given in the application.

Officer comment:

The agent has responded to these comments and proposes a green roof be installed on the building along with a surface water drainage scheme to be secured by way of condition.

Officers note that the development is a rooftop development but that there is an increase in footprint as a result of the bin and bike stores. However, the provision of SUDs, including a green roof would result in a betterment in terms of run off and this matter could reasonably be addressed by way of condition.

LBM Flood Risk Officer (additional comments 06/07/2021)

Further to review of the rebuttal letter and response on this application with regards to SuDS and Drainage (plus the Environment Agency's potential objection on fluvial risk matters), I am happy to recommend conditions and informative relating to the implementation of mitigation measures outlined in the FRA, the submission of a flood warning and evacuation plan, details of surface and foul water drainage and SUDS, details of permeable paving and green roof.

Officer comment:

Officers note that comments are awaited from the EA. Officers also note that an increase in impermeable footprint within Flood Zone 3, without adequate mitigation would likely be resisted. However, as set out later in this report, officers consider that a technical solution to overcome any concern exists and alongside the implementation of SUDS the proposal would be acceptable in terms of flooding, runoff and drainage.

4.9 LBM Climate Change Officer:

The Energy Statement provided indicates that the proposed development will achieve a 36% improvement against Part L using 5kWp solar PV and ASHP water heaters. However, additional clarifications are required relating to SAP outputs, baseline specification, air source heat pumps, water usage, overheating

Carbon offset – in line with the new London Plan, all major developments are required to comply with the Mayor's net-zero carbon target and offset any carbon shortfall once on-site carbon savings have been maximised. Once the comments above have been addressed, the final carbon offset contributions will need to be confirmed.

Officer comment:

The application is accompanied by detailed sustainability information. However, the Climate Change Officer has required additional detail on a number of elements. This matter can be reasonably addressed by way of condition to secure the policy compliant energy savings and any shortfall in Carbon savings can be offset by way of a Carbon offset contribution.

4.10 External consultation responses:

4.11 Independent Financial Viability Assessors (Altair Ltd):

Comments awaited

4.12 Environment Agency

Formal comments awaited – Preliminary comments have expressed concern with increase in built form footprint within Flood Zone 3.

Officer comment

As set out above, officers consider that a technical solution exists to avoid an increase in footprint with Flood Zone 3 as set out later in this report.

4.13 Secured by Design Officer:

I have a concerns about the entrance lobbies to each block. A local issue is bored young person's congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences. The residential entrance lobbies should be 'air locked' by a second set of access controlled doors to prevent unauthorised access by tailgating. A zoned fob controlled system should be installed to control access throughout the blocks including the new units. This can assist with the management of the development and allow access to residents to specific designated areas only. Any trades persons buttons must be disconnected. The fobs should always be encrypted to reduce the risk of them being copied by a third party.

As bicycles and their parts are extremely attractive to thieves, the current cycle provision is inadequate. External stands are appropriate for short term use only while long term residential cycle storage should be within containers specifically designed for the secure storage of bicycles to the appropriate security standards. The containers should have appropriate CCTV coverage to provide identity images of

those who enter and activity images within the space. The door of any store should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The new bicycle storage racks should be secured into concrete foundations, and be of a design that enables cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar

4.13 Thames Water:

Waste	Comments
<p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.affluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>	

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-

[2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=UPh-bqCqZrMn_44nU46Lx-cHcrYEvpn3iscaT65Yo14VpFF4q7jJukrZjK94_6aU&m=FDFo7yHKcZ1_cadF-4mEIQ5Bz8zm6x3eWFBX4mbYDR8&s=ydqvS2U7Wt0ovmWOcjvgU7aylQGHcNmKj3XQCQaqQmA&e=](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228122/2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGfF6AWwfMZqono&r=UPh-bqCqZrMn_44nU46Lx-cHcrYEvpn3iscaT65Yo14VpFF4q7jJukrZjK94_6aU&m=FDFo7yHKcZ1_cadF-4mEIQ5Bz8zm6x3eWFBX4mbYDR8&s=ydqvS2U7Wt0ovmWOcjvgU7aylQGHcNmKj3XQCQaqQmA&e=)

5. PLANNING HISTORY

- 5.1 00/P1882 - REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL AND TWO RESTAURANTS, TOGETHER WITH A CANOPIED EXHIBITION AREA AND ENHANCEMENT OF THE CHAPTER HOUSE; PROVISION OF CYCLE WAY AND PEDESTRIAN FOOTPATH, WORKS TO BENNETTS DITCH AND PROVISION OF ANCILLARY PARKING FOR THE DEVELOPMENT AND FOR THE ADJOINING MERTON ABBEY MILLS (OUTLINE PLANNING APPLICATION). Grant Outline Planning Permission* 07-06-2002
- 5.2 04/P0424 - REDEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES TOGETHER WITH ANCILLARY CAR PARKING (VARIATION OF CONDITION 18 TO ALLOW PARKING SPACES TO BE USED BY RESIDENTS/OCCUPIERS AND THEIR VISITORS OR BY RESIDENTS/OCCUPIERS AND THEIR VISITORS OF THOSE RESIDENTIAL UNITS FORMING PART OF PLANNING PERMISSION 00/P1882 FOR THE REDEVELOPMENT OF LAND ADJOINING TO THE NORTH AND EAST, FOR FLATS, A HOTEL, HEALTH AND FITNESS CLUB AND RESTAURANTS) OUTLINE PLANNING APPLICATION. Grant Permission subject to Conditions 20-05-2004.
- 5.3 04/P1181 - RESERVED MATTERS APPLICATION REGARDING DESIGN AND EXTERNAL APPEARANCE OF HEALTH AND FITNESS CENTRE, HOTEL AND RESIDENTIAL FLATS FOLLOWING GRANT OF PLANNING PERMISSION REF 00/P1882 WHICH GAVE OUTLINE PLANNING APPROVAL FOR THE REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL AND 2 RESTAURANTS, TOGETHER WITH A CANOPIED EXHIBITION AREA AND ENHANCEMENT OF THE CHAPTER HOUSE. APPLICATION TO VARY CONDITION 1 OF THE RESERVED MATTERS APPROVAL. THE PROPOSED VARIATION TO THE WORDING OF THE CONDITION IS "A

SEPARATE RESERVED MATTERS APPLICATION IN RESPECT OF THE DESIGN AND EXTERNAL APPEARANCE OF THE HERITAGE CENTRE SHALL BE SUBMITTED TO THE LOCAL PLANNING AUTHORITY PRIOR TO 30 APRIL 2005, OR OTHER SUCH DATE AGREED IN WRITING, AND APPROVED BY THE LOCAL PLANNING AUTHORITY BEFORE SUCH WORKS COMMENCE". THE CURRENT WORDING OF THE CONDITION IS "PRIOR TO THE COMPLETION OF THE MEASURES APPROVED AS PART OF THIS DEVELOPMENT, THE SEPARATE RESERVED MATTERS APPLICATION IN RESPECT OF THE DESIGN AND EXTERNAL APPEARANCE FOR THE HERITAGE CENTRE AND TWO RESTAURANTS SHALL BE SUBMITTED TO AND APPROVED BY THE LOCAL PLANNING AUTHORITY". Application Granted 29-07-2004.

- 5.4 04/P1386 - RESERVED MATTERS APPLICATION REGARDING LANDSCAPING FOLLOWING GRANT OF OUTLINE PLANNING PERMISSION REF 00/P1882 - REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL, RESTAURANTS AND HERITAGE CENTRE. APPLICATION TO VARY CONDITION 3 OF THE RESERVED MATTERS APPROVAL. THE PROPOSED VARIATION TO THE WORDING OF THE CONDITION IS "A SEPARATE RESERVED MATTERS APPLICATION IN RESPECT OF THE LANDSCAPING OF THE HERITAGE CENTRE SHALL BE SUBMITTED TO THE LOCAL PLANNING AUTHORITY PRIOR TO 30 APRIL 2005, OR OTHER SUCH DATE AGREED IN WRITING, AND APPROVED BY THE LOCAL PLANNING AUTHORITY BEFORE SUCH WORKS COMMENCE". THE CURRENT WORDING OF THE CONDITION IS "PRIOR TO THE COMPLETION OF THE MEASURES APPROVED AS PART OF THIS DEVELOPMENT, THE SEPARATE RESERVED MATTERS APPLICATION IN RESPECT OF THE LANDSCAPING OF THE HERITAGE CENTRE AND THE TWO RESTAURANT SHALL BE SUBMITTED TO AND AGREED IN WRITING BY THE LOCAL PLANNING AUTHORITY". Application Granted 29-07-2004.

6. PLANNING POLICY

The key policies of most relevance to this proposal are as follows:

- 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
- 16. Conserving and enhancing the historic environment

6.2 London Plan 2021:

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- HC1 Heritage conservation and growth
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

6.3 LDF Core Planning Strategy (July 2011)

- CS8 Housing Choice
- CS9 Housing Provision
- CS11 Infrastructure
- CS13 Open space, nature conservation, leisure and culture
- CS14 Design
- CS15 Climate Change
- CS16 Flood Risk Management

CS17 Waste Management
CS18 Active Transport
CS20 Parking, Servicing and Delivery

- 6.4 Sites and Policies Plan and Policies Map (July 2014)
DM H2 Housing mix
DM O2 Nature Conservation, Trees, hedges and landscape features
DM D2 Design considerations in all developments
DM D3 Extensions and alterations to existing buildings
DM D4 Managing heritage assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable solutions
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards

6.5 Other guidance:

DCLG Technical Housing Standards - Nationally Described Space Standard 2016
London Sustainable Design and Construction - SPG 2014
London Character and Context SPG - 2014
GLA Guidance on preparing energy assessments - 2018
Merton's Design SPG 2004
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018
The Mayor's Air Quality Strategy – 2010
London Housing SPG – 2016
London Town Centres SPG – 2014
London Affordable Housing and Viability SPG – 2017
London Play and Informal Recreation SPG – 2012
Accessible London: achieving an inclusive environment SPG – 2014
GLA Guidance on preparing energy assessments – 2018
Merton's Development Viability SPD (2017-2018) – Consultation draft
London Development Agency's Inclusive Design Toolkit – web based resource
SPG Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment - 2014.

7. **PLANNING CONSIDERATIONS**

7.1 Key Issues for consideration

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

- Principle of development
- Need for additional housing and residential density
- Housing mix
- Affordable Housing
- Design and impact upon the character and appearance of the area and the setting of the Conservation Area
- Impact on neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Fire Safety
- Safety and Security considerations
- Sustainable design and construction
- Flooding and Drainage
- Air quality
- Biodiversity
- Response to issues raised in objection letters

7.2 Principle of development

7.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

7.2.2 The proposal would provide 16 residential units within a relatively sustainable location and is considered to be acceptable in principle subject to compliance with the relevant policies of the Development Plan.

7.2.3 The site is close to the Wandle Valley Conservation Area, wherein development should preserve or enhance the setting of the Conservation Area.

7.2.4 Officers consider that the principle of development is acceptable, subject to consideration against the policies of the Development Plan.

7.3 Need for additional housing and residential density

7.3.1 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to

provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.

7.3.2 Policy H1 of the new London Plan sets the ten-year targets for net housing completions that each local planning authority should plan for. The ten year target for the London borough of Merton is 9,180 (i.e. 918 per year)

7.3.3 Against the requirement of 918 units per year, which equates to 4083 over 5 years (the year 20/21 would remain as per the previous London Plan target), the London Borough of Merton can demonstrate a supply of 4369 units, a provision of 107% of the required five year land supply.

7.3.4 Notwithstanding the above the scheme would make a valuable contribution towards the Council's housing stock.

7.3.5 Policy D3 of the new London Plan requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

7.3.6 The proposed development would have a density of 376 dwellings per hectare (compared to the existing 282 dwellings per hectare).

7.3.7 New London Plan, Policy D6 sets out that:

“Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:

1. the site context
2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
3. the capacity of surrounding infrastructure”

7.3.8 The new London Plan does not include a density matrix as it does not necessarily provide a consistent means of comparing proposals. Density has been measured and monitored in London over recent years in units per hectare (u/ha). Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower Hamlets at 488 u/ha. However, comparing density between schemes using a single measure can be misleading as it is

heavily dependent on the area included in the planning application site boundary as well as the size of residential units. Planning application boundaries are determined by the applicant. These boundaries may be drawn very close to the proposed buildings, missing out adjacent areas of open space, which results in a density which belies the real character of a scheme. Alternatively, the application boundary may include a large site area so that a tall building appears to be a relatively low-density scheme while its physical form is more akin to schemes with a much higher density.

7.3.9 Therefore, whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.

7.4 Housing mix

7.4.1 New London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.

7.4.2 Policy DM H2 sets out that residential development proposals will be considered favourably where they contribute to meeting the needs of different householders such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix.

7.4.3 The supporting text to the policy explains that there has been a disproportionate provision of smaller homes compared to larger homes: 84% of dwellings completed in the borough between April 2000 and March 2011 consisted of 1 or 2 bedroom units.

7.4.4 The supporting text to the policy sets out borough level indicative proportions which are as follows:

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

- 7.4.5 The mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment 2010.
- 7.4.6 The current scheme proposes the following mix: 1 bed (50%), 2 bed (50%).
- 7.4.7 The new London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.
- 7.4.8 Policy H12 Housing size mix of the new London Plan sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. The supporting text to Policy H12 sets out that such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H12. Moreover, they do not necessarily meet the identified need for which they are being required; for example, larger units are often required by boroughs in order to meet the needs of families but many such units are instead occupied by sharers.
- 7.4.9 The housing mix proposed has been dictated in part by the layout of the existing building below. However, it is noted that the scheme includes 2b/4p flats which may be suitable for some degree of family occupation. Officers are not persuaded in the context of this application that the introduction of larger family units at high level and increasingly remote from larger areas of outdoor space would be entirely appropriate. The proposed housing mix of this flatted development is considered to reflect the needs of the area and no objection is raised in this regard.

7.5 Affordable Housing

- 7.5.1 The Council's policy on affordable housing is set out in the Core Planning Strategy, Policy CS8. For schemes providing over ten units, the affordable housing target is 40% (of which 60% should be social rented and 40% intermediate), which should be provided on-site.
- 7.5.2 In seeking this affordable housing provision LMB will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

7.5.3 The Mayor's SPG on affordable housing and viability (Homes for Londoners) 2017 sets out that:

"Applications that meet or exceed 35 per cent affordable housing provision, by habitable room, without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement)...

... Schemes which do not meet the 35 per cent affordable housing threshold, or require public subsidy to do so, will be required to submit detailed viability information (in the form set out in Part three) which will be scrutinised by the Local Planning Authority (LPA)."

7.5.4 These requirements are reflected in the New London Plan, which states that:

"to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:
1.meet or exceed the relevant threshold level of affordable housing on site without public subsidy,
2.be consistent with the relevant tenure split (Policy H7 Affordable housing tenure),
3.meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant,
4.demonstrate that they have taken account of the strategic 50 per cent target in Policy H5 Delivering affordable housing and have sought grant where required to increase the level of affordable housing beyond 35 per cent."

7.5.5 Provided that the scheme meets the 35% provision, meets the tenure split set out in policy CS8 and demonstrates that the developer has engaged with Registered Providers (RPs) and the LPA to explore the use of grant funding to increase the proportion of affordable housing, then the proposal could be dealt with under the Mayor's Fast Track Route, which would not require the submission of additional viability information.

7.5.6 The application is accompanied by a financial viability assessment which indicates that the proposal would not be able to deliver any on-site affordable housing or a commuted sum and remain financially viable.

7.5.7 This assessment is currently being scrutinised by independent financial viability assessors, employed by the Council, who will determine whether the scheme can reasonably yield a commuted sum towards affordable housing. Given what officers consider to be the overall acceptability of the scheme, it is recommended that any commuted sum arising from the independent review should be secured by way of legal agreement and should not delay consideration of the application.

7.5.8 Therefore, officers recommend that the legal agreement includes provision for this commuted sum as well as a clawback mechanism to ensure that any potential uplift in profit can be utilised for affordable housing contributions.

7.6 Design and impact upon the character and appearance of the area and setting of the Conservation Area

7.6.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London-wide planning policy advice in relation to design is found in the new London Plan in Policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering Good Design). These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.6.2 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to ensure that development within Conservation Areas either preserves or enhances their character and also seeks to protect heritage assets. Core Planning Policy CS14 supports these SPP Policies.

7.6.3 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The

following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

7.6.4 According to Paragraph 129, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

7.6.5 Sites and policies plan policy DM.D4 requires that:

b) All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

7.6.6 Merton Abbey Mills is an enclave of historically significant buildings related to the historic mill use. Generally, the buildings are low level (one and two storeys in height). More recent development to the south and southeast of the site is at a greater scale, with buildings up to 6/7 storeys in height. The application site accommodates buildings of 6 storeys in height.

7.6.7 In terms of negative features, the Wandle Valley Conservation Area Sub-Area 3 Character Assessment (Post Consultation Draft 2007) identifies the modern buildings to the west of the Conservation Area as harmful to the setting of the Conservation Area:

“The new residential development immediately to the east of the conservation area to the south of Merantun Way is of a rather monolithic in appearance and does not relate to the existing character of the area in terms of its architectural appearance. Although not itself within the conservation area it does have a negative impact on the historic character of this part of the conservation area...

...Similarly the new hotel and fitness centre to the east of the Merton Priory Scheduled Ancient Monument does not relate to the character of the nearby conservation area in terms of its built form, scale, size and materials used in its construction and has a negative impact on the setting of the conservation area to the west.”

- 7.6.8 It is important that the scheme respects the impact on the character, appearance and setting of the Conservation Area and in particular, the historic core of buildings within Merton Abbey Mills.
- 7.6.9 The historic core of buildings at Merton Abbey Mills is located some 140m to the west of the application site. There are views available from the Conservation Area across the ground level car park, across to the application site, although part of this view is obscured by the existing residential flatted blocks at Vista House, Prospect House and Independence House. In addition, there are views of the building from the surrounding roads, the A24, the A236 and Runnymede.
- 7.6.10 The proposed rooftop extension would result in a taller building on site, which would be more visible from surrounding vantage points, including the Conservation Area. However, it is noted that the building is viewed with the backdrop of the Premier Inn/Nuffield Health centre building, which is itself taller than the proposed building would be.
- 7.6.11 The proposal would have a contrasting external finish material to the floors below which is considered to assist with breaking up the visual bulk and massing of the building. The proposed fenestration would assist in creating a degree of verticality across the building façade, whilst maintaining the existing sense of rhythm.
- 7.6.12 Following amendments to the scheme at the validation stage of the application, the end walls of the rooftop extension have been set back by 1.5m to further minimise the impact of the increased bulk and massing.
- 7.6.13 The proposal would remove the existing overhanging roof. However, this design feature is not considered to be so vital to the success of the building as to insist on its reinstatement.
- 7.6.14 Officers acknowledge that the building would become more visually prominent from surrounding vantage points. However, this increased height would be viewed in the context of other tall buildings around the site. The building

would be partially screened from views from the heart of the Conservation Area at Merton Abbey Mills and whilst there is considered to be a change in the appearance of the building, the impact is considered to be neutral in terms of its impact on the character and appearance of the area and the backdrop to the adjacent Conservation Area.

7.7 Impact on neighbouring amenity

7.7.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.7.2 Privacy and overlooking

7.7.3 The proposed rooftop extensions would not be positioned any closer to properties on Runnymede or Independence House than the existing building, with the separation distance between windows being in excess of 30m to the rear of properties on Runnymede and therefore it is considered that the scheme would not result in material overlooking. Objections have raised concern that the existing tree line would not block views from the proposed rooftop extension and therefore would result in a loss of privacy to occupiers along Runnymede. Officers have carefully considered these concerns. However, due to the separation distances proposed, an objection based on overlooking and a loss of privacy could not reasonably be substantiated. Whilst there would be some overlooking to the Premier Inn to the north, this is not a residential, transient use and as the main outlook to the proposed flats is to the south, there would not be such a degree of intervisibility between the two buildings as to amount to planning harm.

7.7.4 Loss of light, shadowing and visual intrusion

7.7.5 The additional floors would have a marginally lesser bulk and massing than each of the floors below. The proposal would have minimal impact on the floors below (once in-situ) in terms of light and overshadowing.

7.7.6 Impact on Runnymede

7.7.7 The proposed rooftop extensions are to the north of the properties at Runnymede and therefore the impact on sunlight would be very limited. The building would be taller and more imposing in terms of views from the rear of properties along Runnymede. Members should consider this

relationship in reaching their conclusions. However, due to the separation distance, the intervening screening and the backdrop of other large buildings, the visual impact of the proposed roof extension would amount to material intrusion warranting a refusal of planning permission.

7.7.8 Impact on Independence House

7.7.9 The proposed rooftop extension would be approximately 21m away from the closest point of Independence House (21m to the projecting balconies at Independence House). Due to the juxtaposition of the two buildings, with the application building to the east/northeast of Independence House, there would only a very marginal impact in terms of morning sunlight and this would not amount to a materially harmful impact on neighbouring amenity.

7.7.10 Impact on the Premier Inn

The Premier Inn is situated to the north of Nonsuch House. As a non-residential use in more transient occupation it is not considered to be a sensitive receptor in respect of potential daylight / sunlight effects and no objection is raised on this basis.

7.7.11 Conclusion on residential amenity impact

7.7.12 The proposal is not considered to result in material harm to residential amenity as outlined above. Issues relating to the impact on the construction process are discussed later in this report under the heading 'response to objectors'.

7.8 Standard of Accommodation

7.8.1 Policy D6 of the London Plan states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas).

7.8.2 All units would meet or exceed the minimum GIA and private external amenity space requirements of the London Plan.

7.8.3 Policy DMD2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of sunlight and daylight and quality of living conditions for future occupants.

7.8.3 It is noted that the existing building features a high proportion of single aspect units (or with very limited outlook to the

north). This is, in part due to the relationship with the adjacent building to the north (Premier inn/Nuffield Health Centre), which only allows for north facing windows to the fifth floor only currently. Conversely, the majority of the proposed units would be dual aspect or triple aspect units. Four of the studio units would be single aspect (south facing). The proposal is considered to be satisfactory in this regard and an improvement over the layout in existing flats below.

7.8.4 Policy S4 of the London Plan deals with the provision of children's playspace. The policy sets out that: "Off-site provision, including the creation of new facilities or improvements to existing provision, secured by an appropriate financial contribution, may be acceptable where it can be demonstrated that it addresses the needs of the development whilst continuing to meet the needs of existing residents. This is likely to be more appropriate for the provision of play facilities for older children, who can travel further to access it, but should still usually be within 400 metres of the development and be accessible via a safe route from children's homes."

7.8.5 The proposed development has a play space requirement of 25.2sqm, as calculated through the GLP Population Yield Calculator. Officers conclude that an area of this size would not provide for a functional, useable play area for children and as such this matter would be more appropriately addressed by way of a commuted sum of £1,549.80 towards existing or new play space provision in the locality. This matter would be addressed by way of legal agreement.

7.9 Transport, highway network, parking and sustainable travel

7.9.1 Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.

7.9.2 The Council's Transport Planner have considered the proposals and raise no objection as the proposal is unlikely to have a significant impact on the adjoining public highway.

- 7.9.3 Chapter Way is a no parking zone with double yellow lines along both sides of the road. Private residential parking areas are provided in relation to the existing buildings. A pay and display car park (operated and managed privately) is located to the northeast in relation to the existing food court. Unrestricted on-street car parking is located to the south of the site including on Runnymede.
- 7.9.4 It is noted that Chapter Way is a private road and therefore controlled by the management company on-site rather than the Council, as Highway Authority. Therefore, parking and access within the site is handled by the management company. A number of objections have focussed on the issues of car parking and access concerns as a result of additional parking pressure created by the additional units.
- 7.9.5 In planning policy terms, the London Plan sets out maximum provision and in Outer London PTAL 1a areas the maximum parking provision is 1.5 spaces per unit.
- 7.9.6 Officers conclude that the limited parking demand could be adequately managed on site and would not warrant a refusal in planning terms, as set out by the Council's Transport Planner.
- 7.9.7 The provision of cycle parking would meet the requirements of the London Plan and no objection is raised on this basis.
- 7.9.8 The scale of the development is unlikely to result in trip generation which would have a significant impact on highway capacity.
- 7.9.9 Whilst the concerns raised in representations are noted, there is no reasonable planning basis to refuse the application based on highway or servicing arrangements and the proposal is considered to comply with the relevant development plan policies.
- 7.10 Refuse storage and collection
- 7.10.1 Policies SI8 and SI 10 of the London Plan and policy CS 17 of the Core Strategy requires details of refuse storage and collection arrangements.
- 7.10.2 A storage area for refuse has been indicated at ground level, which provides suitable access to residents and for the transportation of refuse for collection. It is considered this arrangement would be acceptable and a condition requiring its implementation and retention will be included to safeguard this.

7.11 Fire Safety

7.11.1 In terms of fire safety, the London Plan sets out, in the supporting text to Policy D12, that “fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.”

7.11.2 As set out above, officers advise that the issue of fire safety is a consideration under the Building Regulations. However, officers note that the application includes a Fire Strategy, which indicates that matters of fire safety have been considered in the proposed development. The proposed development will be subject to Building Regulations relating to fire safety and therefore, this matter would be considered in its entirety, at that stage.

7.12 Safety and Security considerations

7.12.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.

7.12.2 The comments of the Secured by Design Officer have been carefully considered. However, the existing entrance arrangements are considered sound and would not provide an area for concealment to the extent that the building should be redesigned.

7.12.3 The proposal is considered to be acceptable in terms of safety and security considerations.

7.13 Sustainable design and construction

7.13.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

7.13.2 As per CS policy CS15, major residential developments are required to achieve a 35% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.

7.13.3 An Energy and Sustainability Statement is submitted with the proposal, which sets out the proposals strategy against the policy requirements of the London Plan. This indicates that the development will deliver the following:

- 36.5% domestic regulated CO2 reduction against 2013 Part L compliant baseline
- 27% domestic regulated CO2 reduction by renewable sources
- £25,085 will be paid into the borough's carbon offset fund

7.13.4 The final figure for the carbon offset fund has yet to be verified by the Council's Climate Change officer and a combination of a planning condition and S106 requirement would safeguard the Council's position and avoid delay in the determination of the application

7.13.5 Subject to conditions, the proposal is considered to be acceptable in terms of sustainable design and construction.

7.14 Flooding and Drainage

7.14.1 New London Plan policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage), Core Planning Strategy policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.

7.14.2 The proposed development would be "More Vulnerable" and the NPPF flood risk vulnerability of the site will remain unchanged post-development.

7.14.3 The risk of the proposed rooftop development increasing flood risk elsewhere is considered negligible.

7.14.4 The proposed development could potentially result in a very small increase in impermeable surface areas on site (as a result of bin and bike stores). This would result in an increased area of impermeable area within Flood Zone 3, which is not supported in policy terms. However, officers strongly consider that a technical solution exists in that the base of the bin and bike stores can be constructed so as to

have highly permeable surface, which would ensure that there is no change to run-off rates and would effectively mean that there would be no additional built form footprint within Flood Zone 3 and therefore there would not increase the risk of flooding elsewhere. In addition to this measure, the agent has agreed to provide a detailed SUDS scheme to be secured by condition, which will include measures to improve the runoff rates, which could include a green roof (subject to structural issues). The imposition of such a condition would ensure that the Council retains control of the final SUDS approach.

7.14.5 Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including SUDS, adequate warning procedures and means of escape) can be maintained for the lifetime of the development (this matter can be secured by way of condition).

7.14.5 While a formal response is awaited from the Environment Agency, officers consider that a delay in determining the application can be avoided and that suitably conditioned to deliver technical solutions to avoid an increased built form footprint within the Flood Zone Area may be employed in this instance. Subject to condition, to ensure suitable measures are delivered, the proposed development would be acceptable in terms of flooding, drainage and runoff.

7.15 Air quality

7.15.1 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development: a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development. b) Individually or cumulatively, should not result in an adverse impact against human or natural environment. London Plan policy SI 1 (Improving Air Quality) recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur. To meet the aims of the National Air Quality Objectives, the Council

has designated the entire borough of Merton as an Air Quality Management Area (AQMA).

7.15.2 Officers raise no objection subject to a condition to ensure that dust and emissions are controlled throughout the construction process. Subject to this condition, officers raise no objection.

7.16 Biodiversity

7.16.1 The site is directly adjacent to a Green Corridor and Site of Nature Conservation Importance. The development itself would not encroach onto this area but concerns have been raised by residents regarding the impact of the proposed bin and bike stores. The impact of these small stores would be minimal and officers conclude that an objection could not be reasonably substantiated on this basis. However, to ensure a net gain in biodiversity across the site it is recommended to include a condition to secure biodiversity enhancements, such as the provision of bird/bat boxes, hibernaculas etc.

7.16.2 The Construction Method Statement will ensure that storage of materials or equipment/plant ensures that there is no encroachment into the SINC and Green Corridor (this matter can be secured by way of condition).

7.17 Response to issues raised in objection letters

7.17.1 The majority of issues raised in the objection letters have been addressed in the body of the report. However, in addition, the following response is offered:

- The proposal does have the potential to cause disturbances throughout the construction process. Whilst this cannot reasonably form a reason for refusal officers recommend that conditions are imposed to minimise this impact where possible.
- Issues relating to the structural stability of the application are not material planning considerations but would be considered under the Building Regulations.
- Issues relating to fire safety are primarily addressed at the Building Regulations stage and therefore whether the proposal would result in the building being subject to a EWS1 (External Wall Survey) relating to fire regulations is not a material planning consideration.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. Conclusion

9.1 The principle of residential development is considered to be acceptable.

9.2 The proposal would provide additional housing units, for which there is an on-going need. The proposal would result in a more visually prominent building, however, this is set against a backdrop of other tall buildings, separated from the Conservation Area by some distance. The character and appearance of the neighbouring conservation area would be preserved.

9.3 The proposal would not have unacceptable impacts on neighbouring amenity and whilst the concerns of those residing in the flats currently is noted, the impact of the construction process itself cannot reasonably form a reason for refusal.

9.3 Technical and other measurable issues pertaining to affordable housing contributions, carbon offset contributions, playspace improvements and flood risk mitigation may be adequately dealt with via S106 undertakings and/or conditions.

9.4 For the reasons set out above in this report, it is concluded that the proposal would be acceptable in planning terms.

10. RECOMMENDATION

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Carbon offset fund commuted sum of £25,085, or a suitable carbon off set contribution in the event that CO2 reductions fail to meet the target indicated in the submission.
- Commuted sum (£1,549.80) towards off-site children's playspace,
- Affordable housing commuted sum (TBC) and Financial viability claw-back mechanism
- The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.

And the following conditions:

1. A1 Time limit
2. A2 Approved Plans
3. B1 External Materials to be Approved
4. The development shall be carried out in accordance with the recommendations of the following approved documents:
 - Design and Access Statement;
 - Air Quality Screening Assessment;
 - Design & Access Statement;
 - Built Heritage Statement;
 - Daylight and Sunlight Review
 - Energy and Sustainability Statement
 - Flood Risk Assessment
 - Noise Impact Assessment;
 - Transport Statement;
5. C07 Refuse & Recycling (Implementation)
6. D10 External Lighting
7. H07 Cycle Parking to be implemented
8. H10 (Construction vehicles, washdown facilities, etc)
9. H13 (Construction Logistics Plan)
10. Non Standard Condition. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

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

11. Non Standard Condition.
Prior to the first occupation of the development hereby approved a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and the London Plan.

12. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new external plant/machinery shall not exceed LA90-5dB at the boundary with any residential property.

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

13. Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the submitted noise assessment, must be implemented as a minimum standard for the development.

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

14. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
- hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

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

15. Construction Management Plan, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated

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

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

Reason: To ensure that the development would not result in a deterioration of air quality.

17.
 1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:
 - a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include continuous dust monitoring.
 - b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and

groundwork and construction phases of the development.

2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

18. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions in accordance with those outlined in the approved documents, and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

19. The development shall be implemented in accordance with the recommended mitigation measures outlined in the submitted Flood Risk Assessment (by Ambiental Consulting Ltd).

Reason: To ensure that flood risk to and from the site is not increased and that risk to occupants of the proposed development is appropriately managed.

20. Prior to the occupation of the scheme, a Flood Warning and Evacuation Plan must be submitted and approved by the Local Authority and the plan must be implemented in perpetuity.

Reason: To manage the risk of flooding to occupants to the building and to ensure appropriate measures are taken before, during and after flooding occurs.

21. Prior to the commencement of development, the final construction detail of the proposed surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall dispose of surface water by means of a sustainable drainage system (SuDS) including a green roof, permeable paving or a form of above ground storage measures, based on the 100yr plus 40% climate change event. The drainage scheme must be in accordance with drainage hierarchy

contained within the London Plan Policy 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 SI 13.

22. 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 SI 13.

23. Prior to the commencement of development, a scheme detailing biodiversity enhancements across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed measures have been installed and the measures shall be retained thereafter.

Reason: Having regard to the biodiversity value of the site and to accord with Policy G6

Informatives:

1. Carbon emissions evidence requirements for post construction stage assessments must provide: 'As Built' SAP Compliance Reports and detailed DER and TER worksheets for the as built development. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction. The outputs must be dated and include the accredited energy assessor's name and registration number, the 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. AND, where the developer has used SAP 10 conversion factors: The completed Carbon Emissions Reporting Spreadsheet based on the 'As Built' SAP outputs. AND, where applicable: MCS certificates and photos of all installed renewable technologies.

2. Water efficiency evidence requirements for Post Construction Stage assessments must provide:
 - Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
 - the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
 - Water Efficiency Calculator for New Dwellings; OR
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
3. INF 15 Discharge conditions prior to commencement of work
4. INF 20 Street naming and numbering
5. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
6. NPPF Note to Applicant – approved schemes
7. Flood Risk Activity Permit Under the Environmental Permitting (England and Wales) Regulations 2016,

you must submit plans to the Environment Agency and apply for a Flood Risk Activity Permit if you want to do work:

- In, over or under a main river
 - Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)
 - Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river
- Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment. Further guidance on applying for flood risk activity permits can be found on the following link <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>.

8. "A
Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

9. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://urldefense.proofpoint.com/v2/url?u=https-3A_developers.thameswater.co.uk_Developing-2Da-2Dlarge-2Dsite_Apply-2Dand-2Dpay-2Dfor-2Dservices_Wastewater-2Dservices&d=DwIFaQ&c=HmJinpA0me9MkKQ19xEDwK7irBsCvGf6AWwfMZqono&r=UPh-bqCqZrMn_44nU46Lx-cHcrYEvpn3iscaT65Yo14VpFF4q7jJukrZjK94_6aU&m=FDfo7yHKcZ1_cadF-

[4mEIQ5Bz8zm6x3eWFBX4mbYDR8&s=ydqvS2U7Wt0ovmW0cjvgU7aylQGHcnmKj3XQCQaqQmA&e](https://www.google.com/search?q=4mEIQ5Bz8zm6x3eWFBX4mbYDR8&s=ydqvS2U7Wt0ovmW0cjvgU7aylQGHcnmKj3XQCQaqQmA&e)
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10. 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.

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