

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

Tobin Byers

David Dean

Ross Garrod

Daniel Holden

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Substitute Members:

Janice Howard

Najeeb Latif

Ian Munn BSc, MRTPI(Rtd)

John Sargeant

Imran Uddin

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

Date: 21 August 2014

Time: 19:15

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

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357

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Planning Applications Committee

21 August 2014

1. Declarations of interest
2. Apologies for absence
3. Minutes of the last meeting 1 - 4
4. Town Planning Applications covering report 5 - 8
Officer Recommendation:
The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised below).
5. The Meadows, Commonside East, Mitcham, CR4 1HX (Ref 14/P0561) Pollards Hill ward 9 - 64
Officer Recommendation:
Grant permission subject to S106 obligation and conditions
6. 67 Murray Road, Wimbledon, SW19 4PF (Ref 14/P0738) 65 - 84
Village ward
Officer Recommendation:
Grant permission subject to conditions
7. RO 7 Somerset Rd, Wimbledon, SW19 5JU (Ref 13/P2414) Village ward 85 - 106
Officer Recommendation:
Grant permission subject to S106 obligation and conditions
8. 191-193 Western Road, Colliers Wood, SW19 2QD (Ref 14/P1241) Lavender Fields ward 107 - 162
Officer Recommendation:
Grant permission subject to S106 obligation and conditions
9. Planning Appeals Decisions 163 - 168
Officer Recommendation:
That members note the contents of the report.
10. Planning Enforcement - Summary of Current Cases 169 - 174
Officer Recommendation:
That members note the contents of the report.

Declarations of Pecuniary Interests

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

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

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

NOTES

- 1) **Order of items:** Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) **Speakers:** Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: planning@merton.gov.uk) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings:** Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
 - a. requests to speak at meetings; and
 - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/drawings etc) by the public during the course of the meeting will not be permitted.
- 4) **Copies of agenda:** The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
 - the Planning Officer dealing with the application (or e-mail: planning@merton.gov.uk) or
 - the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

2 Submission of additional written evidence at meetings

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
 - planning@merton.gov.uk or;
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
 - Contact details for Committee Members and all other Councillors can be found on the Council's web-site: <http://www.merton.gov.uk>

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

PLANNING APPLICATIONS COMMITTEE

10 JULY 2014

(19.15 - 20.50)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
Councillor Daniel Holden, Councillor Abigail Jones,
Councillor Philip Jones, Councillor Peter Southgate,
Councillor Geraldine Stanford,
Councillor Najeeb Latif (Substitute for Councillor David Dean)
and Councillor Ian Munn (Substitute for Councillor Ross Garrod)

ALSO PRESENT: Hilary Gullen (Democratic Services), Neil Milligan (Development Control Manager, ENVR) and Sue Wright (North Team Leader - Development Control)

1. FILMING (Agenda Item)

The Chair stated that the meeting would not be filmed and broadcast via the Council's web-site due to technical issues.

2. DECLARATIONS OF INTEREST (Agenda Item 1)

None given.

3. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from: Councillors David Dean and Ross Garrod.

4. MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 19 June 2014 be agreed as a correct record.

5. TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications sheet tabled at committee form part of the Minutes.

(a) Modifications Sheet: A list of modifications for items 6, 7, 8 and 9 was tabled at the meeting.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 5, 6, 8 and 9. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that applicants/agents would be given the same amount of time to speak as objectors for each item.

(c) Order of the Agenda – The Chair confirmed the agenda items would be taken in order as published, but that items 7 and 10 were to be deferred.

RESOLVED : That the following decisions are made:

6. 37 EDGE HILL, WIMBLEDON, SW19 4NP (REF.14/P1159) (HILLSIDE WARD) (Agenda Item 5)

Proposal:

Demolition of existing single storey house and erection of replacement part single/part 2-storey house with basement.

Discussion took place on the building design, privacy issues and impact of basement work.

Decision: Item 5 - ref. 14/P1159 (37 Edge Hill, Wimbledon, SW19)

GRANT PERMISSION subject to the conditions given in the report.

7. 1 HOOD ROAD, WEST WIMBLEDON, SW20 0SR (REF. 14/P0266) (VILLAGE WARD) (Agenda Item 6)

Proposal:

Erection of a single storey rear extension with basement underneath and associated rear lightwell, change in roof pitch to increase ridge height by 1.8m and addition of 2 front dormers and 3 rear dormers.

Discussion took place on flood risk, inclusion of basement and the quality of the plans.

Decision: Item 6 - ref. 14/P0266 (1 Hood Road, West Wimbledon, SW20 0SR)

GRANT PERMISSION subject to the conditions given in the report and the tabled modifications sheet.

8. 67 MURRAY ROAD, WIMBLEDON, SW19 4PF (REF. 14/P0738) (VILLAGE WARD) (Agenda Item 7)

Officers advised that this application was deferred for clarification on a legal issue.

9. 95 PEPYS ROAD, RAYNES PARK, SW20 8NW (REF. 14/P1250) (RAYNES PARK WARD) (Agenda Item 8)

Proposal:

Proposed replacement single storey rear extension; excavation of basement with front and rear light wells and a new wall to the front boundary.

Discussion took place relating to the lightwells, the impact report and the boundary wall.

Decision: Item 8 - ref. 14/P1250 (95 Pepys Road, Raynes Park, SW20 8NW)

GRANT PERMISSION subject to conditions given in the report and the tabled modifications sheet.

10. 2 TABOR GROVE. WIMBLEDON, SW19 4EB (REF.13/P2359) (HILLSIDE WARD) (Agenda Item 9)

Proposal:

Erection of a part single, part two storey rear extension.

Discussion took place regarding the bathroom windows and privacy issues.

Decision: Item 9 - ref. 14/P2359 (2 Tabor Grove, Wimbledon, SW19 4EB)

GRANT PERMISSION subject to the conditions given in the report and the tabled modifications sheet and also subject to a further condition requiring that new bathroom windows in the flank elevation be fixed and obscure glazed up to 1.7m in height above floor level to avoid overlooking issues.

11. 191-193 WESTERN ROAD, MITCHAM, SW19 2QD (REF. 14/P1241) (LAVENDER FIELDS WARD) (Agenda Item 10)

Officers advised this item had been deferred at the request of the applicant to further discuss affordable housing contributions.

12. PLANNING APPEAL DECISIONS (Agenda Item 11)

RECEIVED

13. PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

Discussion relating to the time period for compliance and appeal timings took place.

RECEIVED

14. MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 13)

See above Minute on Item 4 (Town Planning Applications – Covering Report)

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 21st August 2014

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

Recommendations:

A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

2. DETAILS

2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.

2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires 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.

- 2.3 In Merton the Development Plan comprises: The London Plan (July 2011) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 is also of particular relevance in the determination of planning applications.
- 2.4 Members’ attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 All letters, petitions etc. making representations on the planning applications which are included in this report will be available, on request, for Members at the meeting.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking providing for example affordable housing contributions, and applications for advertisement consent.

3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.
- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that “the purpose of the planning system is to

contribute to the achievement of sustainable development” and that “there are three dimensions to sustainable development: economic, social and environmental”.

- 3.3 The NPPF states that “pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life”, and that “at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking”.
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011. Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

- 6.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report unless indicated in the report for a particular application.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. As set out in the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These applications have been considered in the light of the Human Rights Act (“The Act”) and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.
- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and

to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

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

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. As set out in the body of the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. As set out in the body of the report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- 11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2011)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

- Appropriate Government Circulars and Guidance Notes and in particular the NPPF.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011

PLANNING APPLICATIONS COMMITTEE

21 August 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P0561	23/04/2014
Address:	Land forming part of the former Windmill Trading Estate, (forming part of the development known as 'The Meadows') 302-312 Commonside East, Mitcham, CR4 1HX	
Ward:	Pollards Hill	
Proposal:	Erection of a part three, part four storey building to provide 20 dwellings (2 one bedroom flats, 9 two bedroom flats, 4 three bedroom flats, 1 four bedroom flat and 4 three bedroom houses) car parking, refuse and recycling facilities and landscaping on vacant land at the corner of Commonside East and Windmill Road (forming part of The Meadows development).	
Drawing No's:	Csa/2090/100A; A10691-D0001-P1; D0100-P1; D0101-P1; D0102-P1; D0103-P1; D0104-P1; D0110-P1; D0200-P1; D0201-P1; D0202-P1; Design and Access Statement; Arboricultural Report and Landscape and Visual Appraisal.	
Contact Officer:	Tony Ryan (020 8545 3114)	

RECOMMENDATION: **GRANT PLANNING PERMISSION subject to planning conditions and a s106 legal agreement.**

CHECKLIST INFORMATION.

- S106: on site affordable housing and cost to the Council of work to draft the legal agreement and monitoring the obligation.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted: No
 - Press notice: Yes
 - Site notice: Yes
 - Design Review Panel consulted: No
 - Number of neighbours consulted: 125
 - External consultations: Mitcham Common Conservators.
 - Public Transport Accessibility Level (PTAL): Zone 1b TFL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility)
 - Density: 317 habitable rooms per hectare (site area of 0.23 hectares and provision of 73 habitable rooms)
 - Number of jobs created: N/A.
-

1. INTRODUCTION

- 1.1 This application is brought before the Planning Application's Committee following the level of interest in this proposal as a result of public consultation, an earlier request by former ward councillor Richard Williams, and to seek members' authority to enter into an s106 legal agreement.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located towards the northwest edge of Mitcham Common and to the south east of Mitcham town centre. The site is at the junction of Windmill Road and Commonside East. The borough boundary with the London Borough of Croydon is 1,000 metres to the south east of the site. The London Borough of Sutton boundary is 750 metres to the south of the site. Mitcham town centre is 1,300 metres to the north west of the site.
- 2.2 The current planning application site covering 0.23 hectares forms one corner of the larger rectangular site of 1.6 hectares that was originally occupied by Windmill Trading Estate. Following an appeal against the Council's refusal of planning permission, the Secretary of State granted planning permission in 2007 for the redevelopment of Windmill Trading Estate. The development included 212 residential units, a retail shop unit and a three-storey commercial employment building (2,932 square metres) with a separate parking area and access on to Commonside East.
- 2.3 Following the approval of planning permission the land that provided residential and retail uses was sold by the landowner to Notting Hill Housing Association (incorporating Presentation Housing Association). The construction of the residential buildings providing 212 units have now been completed by Notting Hill Housing Association and these units are now fully occupied in this development which is now called The Meadows.
- 2.4 The approved redevelopment of Windmill Trading Estate includes the provision of a three-storey commercial employment building on the land that forms the current application site. This land was not sold to Notting Hill Housing Association and was retained by the original landowner. The planning permission for the redevelopment of Windmill Trading Estate has been implemented [with the construction of the residential buildings] and as a result the approval for the employment building remains extant and this building could be built at any time without any need for further planning permission.
- 2.5 The vacant land that forms the current application site is currently hardstanding with a mixture of brick wall and fencing along the site boundary and a double width gate providing vehicle access onto Commonside East. The application site was last in use as a temporary

compound for construction and demolition contractors associated with the adjoining residential development called The Meadows.

- 2.6 Adjacent to the current application site along the Windmill Road frontage, to the southwest is a new 5 storey high building within The Meadows development called Reed Lodge (22 flats). A single storey building providing an electrical substation is also located adjacent to the south west site boundary within The Meadows site. A 3 storey high building called Meadow Lodge (vacant retail use on the ground floor with 18 flats above) is located to the south east of the site along Commonsides East with the end property in a terrace of 7 four-storey houses also located adjacent to this boundary.
- 2.7 The grass verges that separate the application site from Windmill Road and Commonsides East on the north east and north west boundaries form part of Mitcham Common. These strips of land are part of a green chain and are maintained by Mitcham Common Conservators. The strip of land along the Windmill Road site frontage (but not Commonsides East) is designated in the Sites and Policies Plan as Metropolitan Open Land. A Tree Preservation Order that was introduced in November 2011 protects the 17 Lime trees located along the grass verges.
- 2.8 A further parcel of common land located on the opposite side of Commonsides East is designated as Metropolitan Open Land and a Site of Importance for Nature Conservation (SINC). The site is not located within a Conservation Area, not in a Controlled Parking Zone and not in an area at risk from flooding. The application site is located in an Archaeological Priority Zone, and has a Public Transport Accessibility Level rating of 1b (where 1a represents the least accessible areas and 6b the most accessible).

3. CURRENT PROPOSAL

- 3.1 As part of the redevelopment of the trading estate, the current application site currently benefits from an extant planning permission for a three-storey employment building. The current planning application involves the erection of a residential building in place of this employment building.
- 3.2 The proposed part three, part four storey building will provide 20 new dwellings on land located at the corner of Windmill Road and Commonsides East. The development includes provision of 16 flats in a part three, part four storey building on along Windmill Road and to the road junction and 4 three storey three-bedroom houses fronting Commonsides East. The proposed terrace of houses and the proposed block of flats are joined at ground floor level.

- 3.3 The proposed development will use the existing separate vehicle entrance from Commonsides East. The development will provide a total of 34 off street car parking spaces, including 6 spaces for those with a disability and 22 cycle parking spaces.
- 3.4 The development includes a mix of flats and houses and the following table provides the internal floor space and amenity space areas for the 16 flats that are proposed as part of the current development.

Table 1: Floor areas and amenity space – proposed flats.

Flat and floor	Floor area (Sq. M)	London Plan standard (Sq. M)	Amenity space (Sq. M)	Minimum Standard (Sq. M)
1 Ground	133	99 (4 bedroom 6 person)	107	9
2 First	105	86 (3 bedroom 5 person)	28	8
3 First	80	70 (2 bedroom 4 person)	10	7
4 First	85	70 (2 bedroom 4 person)	12	7
5 First	112	86 (3 bedroom 5 person)	16	8
6 First	77	70 (2 bedroom 4 person)	9	7
7 Second	105	86 (3 bedroom 5 person)	20	8
8 Second	80	70 (2 bedroom 4 person)	10	7
9 Second	85	70 (2 bedroom 4 person)	12	7
10 Second	112	86 (3 bedroom 5 person)	16	8
11 Second	77	70 (2 bedroom 4 person)	9	7
12 Third	79	70 (2 bedroom 4 person)	60	7
13 Third	52	50 (1 bedroom 2 person)	21	5
14 Third	58	50 (1 bedroom 2 person)	34	5
15 Third	79	70 (2 bedroom 4 person)	36	5
16 Third	72	70 (2 bedroom 4 person)	30	5

- 3.5 The table below relates to the four proposed three bedroom houses. The table provides the minimum internal floor areas standards set out in London Plan for and in terms of private external amenity space standards sets out the standards within the Council's recently adopted Sites and Policies Plan (7 July 2014). As external amenity space is measured on the basis of private space, the external amenity space figures provided by the applicant have been adjusted to exclude the incidental external space that adjoins the communal internal car parking area.

Table 2: Floor areas and amenity space – proposed houses.

House	Floor area (Sq. M)	London Plan standard (Sq. M)	Amenity space (Sq. M)	Minimum Standard (Sq. M)
1	109	102 (3 storey - 3 bed 5 person)	55	50
2	111	102 (3 storey - 3 bed 5 person)	54	50
3	111	102 (3 storey - 3 bed 5 person)	54	50
4	109	102 (3 storey - 3 bed 5 person)	55	50

- 3.6 The table provided below shows the internal floor space and amenity space areas for the 16 flats that are proposed as part of the current development.

4. PLANNING HISTORY.

- 4.1 The application site has a long-standing industrial and warehousing use. The site occupied during the 19th Century and early 20th Century for various purposes including a dairy, a rubber works and for motor manufacture. The site was redeveloped after 1945 for industrial and manufacturing purposes. Planning records from the 1960's indicate a modern dairy with laboratories and office uses present on the site. It is believed that a company manufacturing margarine also previously occupied the site.
- 4.2 Between 1946 and 1973 there were various permissions for alterations and extensions to factory premises. Between 1970 and 2000 there were various minor applications for alterations to the site access and telecommunications equipment on the site. In 1973 planning permission was granted for use of part of the site for warehousing (MER 900/73). In 1980 an established use certificate was granted for use of part of site for offices (MER 995/80).
- 4.3 In October 2006 the Council refused planning permission (06/P1691) for the "Demolition of existing buildings and structures and erection of 11 new blocks ranging between three and five storeys in height and associated

landscaping to provide:- a) 212 residential units, b) 2,932 square metres business centre (class B1), c) 404 square metres retail unit, including 141 parking spaces, 80 square metres car-club (class sui generis)". The reasons for refusal were as follows:

1."The proposal would result in the loss of employment land, for which the applicant has failed to demonstrate its unsuitability and unviability for any employment or community purposes through full and proper marketing, and which is considered suitable, by reason of its size, configuration and access arrangements, for continued use for employment purposes, and would undermine the Council's objectives of safeguarding employment land for long term job opportunities within the Borough and would be contrary to policies ST.14 and E.6 of the Merton Unitary Development Plan (2003)".

2. "The proposals by reason of the quantum and the density of the residential element of the development in an area of poor public transport accessibility would increase the demand for car borne trips, would result in an unsustainable increase in private car journeys, and would be contrary to policies ST.1, ST.3, ST.10, ST.31, ST.32, HP.4, LU.2, LU.4 and the adopted transport hierarchy in Merton Unitary Development Plan (2003) and the sustainable objectives in its SPG "Sustainable Transport" and policies 2A.1 and 3C.1 of the London Plan (2004)".

3. "The proposals by reason of their scale, bulk, design, layout and their proximity in relation to the adjoining Metropolitan Open Land (MOL) would give rise to a visually dominant development that would fail to complement the character and distinctiveness of the adjoining landscape, would be harmful to open character of the MOL, would fail to successfully enhance the value of the adjoining green chains and would result in a poor quality of environment for future occupiers, arising from a poor internal layout and shortfalls in amenity space, and would be contrary to policies NE.2, NE.3, ST.17, HS.1, BE.15, BE.16 BE.19 and BE.22 of the Merton Unitary Development Plan (2003)".

- 4.4 The Secretary of State held a public inquiry over 8 days in November 2006 and February 2007 that considered an appeal against the refusal of planning permission. A letter from the Secretary of State dated 4 June 2007 confirmed that the appeal had been allowed and planning permission granted subject to planning obligations (contained in the unilateral undertaking submitted by the developer) and planning conditions.

- 4.5 In September 2009 the Planning Applications Committee agreed to vary the unilateral undertaking submitted by the developer and attached to the planning permission under reference 06/P1691. The agreed variations were as follows:
- (a) To remove of the obligation (clause 1.4) in the unilateral undertaking restricting tenure to allow a revised mix of residential accommodation.**
- (b) Removal of the obligation (clause 5.1) in the unilateral undertaking linking the delivery of the employment floor space with 50% of the market housing.**
- (c) Consideration of amendments to the approved development including the internal layout of the proposed residential accommodation and the external appearance.**
- 4.6 In March 2010, following a call-in by former Councillor Richard Williams, the Planning Applications Committee agreed to discharge conditions 3 (window details), 4 (slab levels), 19 (facilities for disabilities), 20 (parking and phasing) and 21(storage of refuse) attached to the planning appeal decision made in relation to the planning permission (06/P1691).
- 4.7 In November 2011, the Planning Applications Committee agreed an amendment to the definition of 'shared ownership units' that was included within the unilateral undertaking attached to the planning appeal decision (06/P1691).
- 4.8 In April 2012, a Lawful Development Certificate (12/P0167) was approved in relation to construction of soil bund, on land owned and managed by the Mitcham Common Conservators. The bund was on land to the south and not immediately outside the current application site. The bund would be a maximum of 1 metre high, 74 metres in length and 2.3 metres in width. The purpose of the bund was to prevent vehicles parking on Common Land and to screen the development.
- 4.9 In June 2012 members agreed the reallocation of unspent financial contributions associated with the unilateral undertaking that formed part of the planning permission for the completed residential development (06/P1691). This included £60,000 towards pedestrian crossing or footway works in Commonsides East: £80,000 Commonsides East or Windmill Lane junction improvements: £60,000 towards Beddington Lane footway and/or cycleway improvements: and £100,000 for the enhancement, maintenance and management of the Common.

- 4.10 In November 2011 a Tree Preservation Order (no.576) was approved. This order covers the 17 Lime trees that are located along the strip of common land that separates the application site from Commonsides East and Windmill Road.
- 4.11 In June 2013 the Planning Applications Committee resolved to refuse planning permission (overturned officer recommendation) for the erection of a part three, part four, part five storey building on the current application site to create 23 dwellings (2 one bedroom, 10 two bedroom, 10 three bedroom and 1 four bedroom). The proposal also included car parking, refuse and recycling facilities and landscaping (13/P0051). The two reasons for the refusal of planning permission were as follows:
- 1. "The proposals would fail to provide affordable housing, for which there is a recognised need, and would be contrary to policies 3.12 and 3.13 of the London Plan (2011) and policy CS.8 of the Merton LDF Core Planning Strategy (2011)"**
- 2. "The proposals by reason of siting, scale, density, in relation to the site's public transport accessibility, and height, and location in relation to both neighbouring development and Metropolitan Open Land would: a) fail to achieve a high standard of design that would complement the character and local distinctiveness of the adjoining townscape; b) be visually intrusive and mar the backdrop of views from the nearby Metropolitan Open Land, namely Mitcham Common; and would be contrary to policy 3.4 of the London Plan (2011), policy CS.8 of the Merton LDF Core Planning Strategy (2011), policies NE 2, and BE.22(ii) of the Merton Unitary Development Plan (2003)".**
- 4.12 An appeal submitted to the Secretary of State against the Council's refusal of planning permission was dismissed in November 2013, with the planning inspector's decision letter attached to this report. The table on the following page provides a comparison between the development previously refused by the Council and the current amended proposal.
- 4.13 In May 2014 planning permission was approved under delegated authority (14/P1071) for the construction of a front extension to the existing vacant retail unit (increasing floor space from 372 to 558 square metres) on the ground floor of Meadow Lodge that is located immediately adjacent to the application site in Commonsides East. The application included the subdivision of the approved floor space into three separate retail units; installation of a new shop front to the front and side elevations of the building and installation of a new satellite dish on the roof of Meadow Lodge. In May 2014 advertisement consent was approved (14/p1075) for an internally illuminated double sided projecting sign fixed at a height of 3.2 metres on the frontage of Meadow Lodge.

Table 3: Current proposal and earlier refused proposal comparison.

Proposal and comparison measure	Proposal previously refused under reference 13/P0051	Current proposal submitted under reference 14/p0561
Building height	Part three, part four, part five storeys	Part three, part four storeys
Total number of dwellings	23 (19 flats and 4 houses)	20 (16 flats and 4 houses)
1 bedroom flats	2	2
2 bedroom flats	10	9
3 bedroom flats	6	4
4 bedroom flats	1	1
3 bedroom houses	4	4
Car parking spaces	34 (ratio of 1:1.5)	34 (ratio of 1:1.7)
Cycle parking spaces	22	22
Residential density	343 habitable rooms per hectare (site area of 0.23 hectares, provision of 79 habitable rooms)	317 habitable rooms per hectare (site area of 0.23 hectares, provision of 73 habitable rooms)

5. CONSULTATION

- 5.1 The planning application was publicised by means of a site notice displayed in the vicinity of the application site, together with individual letters to 144 nearby addresses.
- 5.2 In response to this public consultation, 11 letters have been received objecting to the planning application on the following grounds:

Transport, access and traffic

- Although the Council are providing more on street spaces this will not be enough to meet demand;
- The development will lead to an increase in traffic with greater potential for accidents;
- The development provides inadequate off street parking that will lead to extra on street parking pressure;
- The impact on traffic and parking will be made worse by the presence of a local school.

Impact on amenity and design

- The development will be imposing on the local area due to its height;
- The existing development is already a blight on the area and the current proposal will make it more unattractive;
- This site was set aside for business use.

- There is no reason why this site should have residential use apart from the greed of the owners;
- The development will put a strain on local services such as doctors, schools, buses and transport;
- The development will worsen existing fly tipping and rubbish problems;
- Development of this nature is not appropriate next to the common, 'which fundamentally is a conservation area'.
- The residential density is too high for this location;

Mitcham Common Conservators.

- 5.3 The Conservators have considered the amendments that have been made, however consider that the original concerns expressed in relation to the previous application have not been resolved. There is an objection to the application on the following grounds:

Site access

- 5.4 The only vehicular access and the main pedestrian access to the application site is from Commonsides East and the land on either side of this access is owned and regulated by the Conservators and is registered common land. The existing 4.5 metre wide vehicular access to the site is inadequate in terms of providing free flowing and safe passage for vehicles and pedestrians. The access would compromise public safety due to queuing traffic at peak times and as a result the proposal is contrary to policy CS.20 of the Council's Core Strategy. The applicant is aware of the need to obtain a licence from the Conservators for any widening of the access.

Amenity space

- 5.5 The development does not meet minimum space standards set out in policy HS.1 of the Unitary Development Plan. The proposed development fails to provide sufficient external amenity space and the space that is provided, in the form of a roof terrace, is located at the top of the building and therefore it is doubtful that it will be used.

Impact on Mitcham Common

- 5.6 The development will lead to increased pressure on Mitcham Common due to the inadequate provision of on site external amenity space. The proposed development will lead to an increase in the problems that have resulted from the completed Meadows development including new pedestrian desire line paths' and increased littering. The development is likely to worsen the existing problem of car parking on common land that has led to the need for expensive enforcement action that has put a further strain on the already limited maintenance budget of the Mitcham Common Conservators.

Former local ward councillor Richard Williams.

- 5.7 Whilst the revised proposal addresses a number of previously stated concerns including the provision of affordable housing it is considered that the application should be turned down on the basis that it is not compatible with Merton's planning policies on a range of grounds including the following:

Loss of employment land

- 5.8 The proposals are incompatible with planning policies CS 12 c) iii Economic Development: 'Facilitating new employment by protecting and improving scattered employment sites for small and growing businesses or community uses' and E 6: development will only be considered where 'the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for any employment or community use as confirmed by full and proper marketing of the site for 5 years for employment or community purposes.'
- 5.9 The site is the remaining part of a much larger site, which is now primarily used for housing. This site was previously light industrial, which supported local employment. The previous planning application was refused by the Council but upheld on appeal. Part of the grounds for the success of the appeal was that the employment land was retained through the provision of office space (albeit that office space was not the Council's preferred means of reprovisioning the employment land). The pre-application advice makes clear the tests that will be applied.
- 5.10 The applicant claims that there has been 'active and on-going marketing' of the proposed business accommodation. This should not be sufficient to meet the test set out in Merton's planning policies on two grounds: Firstly the evidence provided in the application does not support a claim of 'active and on-going marketing'. I would have expected to see much more significant activity; certainly there has been no approach to ward councilors or the local community as to whether there might be any identifiable interest in the use of the land for community purposes.
- 5.11 Secondly and particularly important is the disclosure hinted at by the applicant that the site has been successfully rented for employment use within the last five years. The site was used as a storage yard by 777 Demolition for some time subsequent to demolition work being completed on the site and its neighbour. While in part this was related to the demolition, the extended usage would point to this being a broader use.

Appropriateness of design, scale and positioning of the development

- 5.12 The applicant proposes a five-storey development in place of the existing permission for a three-storey office building. Planning policies CS 14

and BE.22 would apply here and should lead to the application being rejected.

- 5.13 The previous permission for the site was opposed locally on the grounds of bulk and massing, especially in relation to dominating the surrounding Common. This was mitigated in that no part of the development would be taller than the previous chimney stack on the site and that the taller blocks would be to the rear and centre of the site. By proposing a tall block on the edge of the former Windmill site that looks toward neighbours and is surrounded by common land, this is an inappropriate scale and design of development.

Increased density of use and parking problems

- 5.14 It is also noted that Commonside East is a quiet residential road with common land on one side for all of its length. The scale of the development is likely to worsen existing parking problems caused by the previous development, particularly given the number of properties proposed.

- 5.15 While the ratio of off street car parking spaces to dwellings is higher, the number of spaces is still likely to be insufficient given that the overall number of units is only being reduced from 23 to 20. With the existing parking problems in the area the additional pressure on car parking would create "...unacceptable density issues locally". The previous permission recognised this given the balance of use between residential and employment land and their different patterns of parking. The continued failure of the applicant to engage with local residents prior to this further application shows contempt for them.

Friends of Mitcham Common

- 5.16 The Friends of Mitcham Common object to the current planning application. There is already too much housing in the area and inadequate infrastructure. The provision of more housing is going to make existing parking problems worse. The Council should insist that the land is used for business and if this is not possible then the land should be used for car parking, a community centre or a children's play area. The Secretary of State should never have allowed the original Meadows development and the current application will worsen the problems that this development has caused.

LB Merton Transport Planning.

- 5.17 No objection to the proposal on the basis that planning conditions are attached to any approval of planning permission to ensure that the off street parking spaces are retained, in relation to the vehicle access, cycle parking, a parking management strategy and maintaining to ensure that the access gate in the southern boundary of the site is maintained.

- 5.18 Merton Council has introduced double yellow lines in the area close to the application site and this helps to maintain the free flow of traffic by restricting on street parking to one side of the road and to protect the junctions with local residential roads.
- 5.19 Under national guidelines the trip generation from the new units is not calculated to be severe and the parking provision (1 per unit plus 5 visitor spaces including disabled bays) is more than satisfactory in this location. They have included cycle parking provision. The provision of 34 car parking spaces (including 6 disabled parking spaces) for 20 dwellings is more than adequate to cater for the parking demand generated by such a development. A parking management plan condition should be included to ensure that the spaces are allocated efficiently.
- 5.20 The plans show an access width of 4.5 – 4.6 metres at the narrowest point of entry to the site. This is sufficient to accommodate simultaneous vehicle movements from cars and details will be secured through a planning condition.
- 5.21 In order to encourage permeability through the site the access gate, connecting to the remainder of the residential development, should remain open at all times. This should be secured via a condition. The flats will need to be provided with undercover and secure cycle parking facilities. The provision of the spaces will also need to be secured through a planning condition.

LB Merton Tree and Landscape Officer

- 5.22 No objection to this development on arboricultural grounds including in terms of any potential impact on the trees covered by a Tree Preservation Order subject to planning conditions on tree protection, site supervision and implementation of the landscaping works set out on the submitted drawings.

6. POLICY CONTEXT

National Planning Policy Framework (March 2012)

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster

the delivery of sustainable development, not to hinder or prevent development.

- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 The framework advises “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.5 The National Planning Policy Framework (NPPF) urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.6 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
- 6.7 The National Planning Policy Framework states that local authorities should normally approve planning applications for change to residential use from commercial buildings where there is an identified need for additional housing in that area, unless there are not strong economic reasons why such development would be inappropriate.

The London Plan (July 2011).

- 6.8 The relevant policies in the London Plan (July 2011) are 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 (Quality and design of housing developments); 3.6 (Children and young people’s play

and informal recreation facilities); 3.8 (Housing choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 4.1 (Developing London's Economy); 4.4 (Managing industrial land and premises); 5.1 (Climate change mitigation); 5.2 (Minimising carbon dioxide emissions); 5.3 (Sustainable design and construction); 5.7 (Renewable energy); 5.10 (Urban greening); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated land) 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing traffic flow and tackling congestion); 6.12 (Road network capacity); 6.13 (Parking); 7.2 (An inclusive environment); 7.3 (Designing out crime); 7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture); 7.14 (Improving air quality); 7.15 (Reducing noise and enhancing soundscapes); 7.21 (Trees and woodlands) and 8.2 (Planning obligations).

Mayor of London Supplementary Planning Guidance

- 6.9 The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).

Policies within the Merton LDF Core Planning Strategy (adopted July 2011)

- 6.10 The relevant policies within the Council's Adopted Core Strategy (July 2011) are CS.8 (Housing choice); CS.9 (Housing provision); CS.13 (Open space; nature conservation; leisure and culture); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

Policies within Merton Sites and Policies Plan (adopted July 2014)

- 6.11 The relevant policies within the adopted Sites and Policies Plan are as follows: DMD1 (Urban Design and the Public Realm); DMD2 (Design Considerations and the Public Realm); DME1 (Employment Areas in Merton); DME3 (Protection of scattered employment sites); DMEP2 (Reducing and mitigating against noise); DMEP4 (Pollutants); DM T1 (Support for sustainable travel and active travel); DM T2 (Transport impacts from development); and DMT3 (Car parking and servicing standards).

Merton Supplementary Planning Guidance

- 6.12 The key supplementary planning guidance relevant to the proposals includes New Residential Development (1999); Design (2004) and Planning Obligations (2006).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the loss of potential employment use, the need for additional housing; the design, massing and siting of the proposed buildings; the impact of the development on

neighbour amenity; the impact of the development on trees and the adjacent neighbour amenity the standard of the proposed residential accommodation, potential issues relating to transport, parking and cycling; and matters relating to sustainability.

Loss of employment floor space

- 7.2 The Secretary of State appointed Inspector who considered the original appeal against the Council's refusal of planning permission for 'The Meadows' development accepted the loss of the majority of the employment land that was originally provided within Windmill Trading Estate. The appointed Inspector concluding that '*...in quantitative terms the loss of the majority of the employment floor space would not cause any significant harm*'.
- 7.3 The extant planning permission for the redevelopment of Windmill Trading Estate granted by the appointed Inspector includes a new three-storey building providing 2,932 square metres of business floor space. This part of the planning permission has not been implemented but this building could be constructed now without any need for further planning permission. The Inspector considered that this replacement business floor space (that will be lost as part of the current application) was suitable compensation for the loss of the employment land within Windmill Trading Estate as a whole. The Inspector stating that the appellant was correct to note that the new business floor space '*...is likely to provide as much, if not more employment potential as the existing site*'.
- 7.4 In light of these conclusions and the loss of the employment floor space currently proposed the Council's employment planning policies need to be considered as part of the current planning application.
- 7.5 The provisions of national legislation govern the change of use of buildings and land (The Town and Country Planning (General Permitted Development) Order 1995 (as amended by the 2005 Order)). The approved three-storey building provides business floor space within Planning Use Class B1 and the building if constructed could be used as office accommodation, for light industry or for research and development uses without any requirement for further planning permission. The suitability of providing these uses in this location is considered in the following sections of this report.

Office accommodation

- 7.6 Policy CS 12 of the Council's Adopted Core Strategy (July 2011) states that the Council will seek to ensure that there is an adequate supply of viable and appropriate sites and premises for employment use in locations which minimise the need to travel by private car, whilst meeting the needs of business by directing 'town centre type uses' especially retail, office and

- leisure development that generate a large number of trips towards the Major Centre (Wimbledon) and District Centres (Mitcham; Morden, and Colliers Wood.
- 7.7 In terms of protecting their vitality and viability the Sites and Policies Plan (policy DM R2) directs town centre type uses such as new office accommodation to town centre locations. Without the public transport accessibility that is available in these town centre locations it is considered that the majority of journeys made to employment uses to locations such as the application site outside town centres are likely to be made by private car.
- 7.8 The original appeal decision includes a planning condition stating that individual future occupiers of office floor space can only occupy a maximum of 200 square metres of floor space. It is considered that whilst this condition would be unlikely to reduce the overall impact of the building in terms of traffic movements from multiple individual units, the condition would make the building less attractive to prospective future occupiers. It is considered that due to the location outside a town centre and with the poor access to public transport 1b (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility) the application site is an inappropriate and unsustainable location for office floor space of this size.
- Other alternative business uses.
- 7.9 Whilst the provision of office accommodation would not be supported in this location and is contrary to adopted planning policies, the possibility of other business uses (within Planning Use Class B1) occupying the floor space also needs to be considered.
- 7.10 The adopted Sites and Policies Plan (policy DM E3) provides a detailed framework for assessing whether a site outside the main industrial areas should be released from general employment use. This policy states that the loss of employment land will only be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics of the site make it unsuitable for employment or community uses. In order to illustrate this unsuitability the applicant would need to demonstrate a lack of demand for the site for employment or community uses following an active, full and proper programme of marketing of the site at a reasonable price.
- 7.11 The applicant has submitted a marketing report that seeks to assess the demand for this site for employment use. This report includes evidence of the marketing that has been carried out of the site including the agents that were used, the time frame and the responses that have been received. The applicant has said that the marketing that has been conducted since 2007 consisted of on site marketing boards, a marketing

- brochure, a direct mailing campaign; online marketing that included the South London Business Website and press adverts. This report also sets out the terms on which the site was offered to the market, as a cleared site providing a development opportunity either for sale or to let and as suitable for other employment uses subject to separate planning permission.
- 7.12 The information supplied by the applicant shows that the 5 of the 13 responses to marketing up until November 2012 related to a residential development on the application site, with other responses relating to non-residential institution uses (4) and general investment opportunities (3). There was a single response in relation to a proposed business use within Planning Use Class B1, with this party seeking a larger office building and who decided not to pursue an interest in this site due to the poor access to public transport. In response to a press notice in the Estate Gazette in November 2012 there were 18 responses, with 17 responses relating to potential residential development on the application site and a response from a utility company seeking a storage compound for vehicles.
- 7.13 The use of the application site by a demolition contractor has been put forward in consultation responses as evidence of a demand for employment use. A demolition contractor and the construction contractor used the application site on a temporary basis for parking vehicles and for storage whilst they were directly engaged in works associated with the redevelopment of adjacent land. The application site was used for this purpose to reduce potential impact on the road network and so that the adjacent development could be completed with greater efficiency.
- 7.14 The temporary use of the site by demolition contractor and the construction contractors (storage or distribution - Use Class B8) as it was associated with the adjacent development would not have required separate planning permission. With the direct link to adjacent land this is not considered evidence of demand for continued employment use. It should be noted that the application site located immediately adjacent to residential accommodation is not considered a suitable location for storage or distribution uses and the use of this site for these purposes would also be contrary to Sites and Policies Plan policy DM E1 that directs such uses to designated employment areas.
- 7.15 It is highlighted to members that the loss of the employment floor space was not cited as part of the earlier decision to refuse planning permission by the Planning Committee and there is no new evidence that would justify a change in this view. Whilst the appeal was dismissed, the loss of the employment floor space and the principle of providing residential accommodation on the application site was considered acceptable by the

appeal Inspector in the decision made in November 2013 (paragraph 16 of the attached appeal decision letter).

Relaxation of permitted development legislation.

- 7.16 On the 30 May 2013 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force as part of the Growth and Growth and Infrastructure Act 2013.
- 7.17 Class J of the Order permits office accommodation (Planning Use Class B1 (a)) subject to certain conditions to convert to residential accommodation without the need for planning permission. One of these conditions is that the building was used as office accommodation prior to 30 May 2013. As the building on the application site has not currently been constructed this new legislation would not apply.
- 7.18 In conclusion the application site is considered an inappropriate and unsustainable location for office floor space of this size with poor access to facilities and public transport. The applicant has conducted marketing of the site for other business uses and this has been unsuccessful in finding an occupier for the building. It is considered that the loss of the employment use on this site is acceptable and in line with Sites and Policies Plan policies DM E2, DM E3 (July 2014) and policy CS 12 of the Council's Adopted Core Strategy (July 2011)

Need for additional housing, housing mix and affordable housing

Need for additional housing

- 7.19 The National Planning Policy Framework (March 2012) requires the Council 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.
- 7.20 Policy CS. 9 within the Council's Adopted Core Strategy (July 2011) and policy 3.3 of the London Plan (July 2011) state that the Council will work with housing providers to provide a minimum of 4,800 additional homes (320 new dwellings annually) between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of 1550 to 1850 additional new homes in the Mitcham sub area where the proposal site is located.
- 7.21 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'. The current application site is a 'windfall site' and is located on brownfield land.

7.22 The provision of residential development on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development will assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Housing mix

7.23 London Plan policy 3.8 that seek to ensure new housing development provides a good mix of accommodation. Policy CS. 8 within the Council's Adopted Core Strategy (July 2011) states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

7.24 The majority of new housing in the area surrounding the application site including the residential accommodation on the adjacent site (7 houses and 205 flats) has provided accommodation in the form of flats. The majority of other established local residential accommodation is provided as housing. It is considered that the current proposal that will provide 16 flats and 4 houses will contribute to the mix of new housing types and sizes in the local area and help create a socially mixed and sustainable neighbourhood.

Affordable housing

7.25 London Plan policy 3.12 states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential schemes. Policy CS. 8 within the Council's Adopted Core Strategy (July 2011) states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector. Policy CS.8 states that for developments providing ten or more residential units 40% of the new units should be provided as affordable housing.

7.26 The development will provide a total of 20 new dwellings and the applicant has stated that this will consist of 12 general market dwellings (7 two bedroom, 4 two bedroom and 1 four bedroom flats); 4 social rented dwellings (4 three bedroom houses) and 4 intermediate dwellings (2 one bedroom and 2 two bedroom flats). This provision is considered acceptable and to address the first reason for the refusal of the planning application under reference 13/P0051.

Layout, building design, scale, bulk, massing and residential density

7.27 Policy CS8 within the Council's Adopted Core Strategy (July 2011) states that the Council will require redevelopment proposals to be well designed.

- Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. Policy CS14 advises that this should be achieved in various ways including promoting high quality design and providing functional spaces and buildings.
- 7.28 Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character.
- 7.29 Sites and Policies Plan policy DM D1 states that development must impact positively on the character and quality of the public realm including the maintenance and enhancement of identified important local views and their settings. Sites and Policies Plan policy DM D2 states that to achieve high quality design within the borough proposals for all development will be expected to meet various criteria that includes relating positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns and using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- Design, layout, building scale, bulk and massing
- 7.30 In terms of local character and massing, the application site has the strongest relationship to the recent completed residential blocks known as The Meadows. The land on the application site is the remaining undeveloped corner plot within the site that originally provided Windmill Trading Estate
- 7.31 To the south west of the application site is a 5 storey high building called Reed Lodge (22 flats) that is located within The Meadows development. This building is directly next to adjacent common land in Windmill Road. To the south west of the application site is a 3 storey high building called Meadow Lodge (vacant retail use on the ground floor with 18 flats above) and also the end property in a terrace of 7 four-storey houses. The remaining residential blocks within this development including blocks are 4 and 5 storeys high.

- 7.32 Along the Commonsides East frontage the proposed development provides 4, three-storey houses with a four-storey building along the Windmill Road frontage. It is considered that the scale of development is in keeping with adjacent development that consists of an existing 3 storey high building (Meadow Lodge) on the Commonsides East frontage and a five-storey building adjacent to the site on Windmill Road (Reed Lodge).
- 7.33 The previously approved three-storey employment building on the application site provided business accommodation, and as a result and in order to accommodate necessary services, the floor to ceiling heights were higher than adjacent residential buildings. The employment building was also designed with a pitched roof in contrast to the flat roofs provided on the constructed adjacent residential blocks. As accepted by the appeal inspector (paragraph 8 of the appeal decision), this combination of factors would have resulted in a building of an equivalent height to a four storey residential block.
- 7.34 The adjacent completed residential building in Windmill Road is five storeys in height and the proposed development will be a storey lower along Windmill Road and two storeys lower along the Commonsides East frontage. In the majority of views of the new building, it will be seen against the backdrop of existing taller residential buildings.
- 7.35 The residential building currently proposed is of a lower height and has a smaller footprint than the employment building that forms part of the extant planning permission for this site. The building currently proposed is also set further away from the Commonsides East and Windmill Road frontages of the application site.
- 7.36 It is considered that the scale, bulk and massing of the development that will be seen in the context of existing adjacent buildings of the same scale is acceptable and in keeping with the character of the area. The layout of the development has been designed to take account of adjacent buildings and the trees protected by a Tree Preservation Order that are along the two road frontages of the site.
- 7.37 The Council refused planning permission for The Meadows development on several grounds, including in terms of the design and appearance of the development, however following the granting of permission by the appeal inspector it has now to be accepted that the completed development now forms part of the character of this area. The site of The Meadows is surrounded by common land and has a weak relationship with other nearby buildings. In this context it is considered the right design approach has been taken that provides a building that is in keeping with adjacent buildings within The Meadows development.

- 7.38 In conclusion the design, scale, layout and appearance of the proposed development is considered in keeping with the local context and respects the local pattern of development in accordance with policy CS14 of the Core Strategy, policies 3.5, 7.4 and 7.6 of the London Plan and Sites and Policies Plan policies DM D1 and DM D2.

Residential density

- 7.39 Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. Policy 3.4 of the London Plan states that after taking account of local context and character, design principles and public transport capacity development should optimise housing output within the relevant density range. The relevant density range for the application site in a suburban location is between 150 and 200 habitable rooms per hectare.
- 7.40 The residential density of the completed development called The Meadows is 403 habitable rooms per acre. Whilst the development called The Meadows was refused planning permission by the Council for matters that included density, the Secretary of State appointed planning inspector overturned this decision and considered that this residential density was appropriate in this location.
- 7.41 The development on the current application site that was previously refused planning permission provided 343 habitable rooms per hectare (site area of 0.23 hectares, provision of 79 habitable rooms). The current proposal reduces this density to 317 habitable rooms per hectare (site area of 0.23 hectares, provision of 73 habitable rooms). Whilst it is accepted that the density of the current proposal is above the standard set out in the London Plan, in the context of The Meadows development it is of more importance that the proposed building reflects the scale of adjacent development rather than this density standard

Neighbour amenity.

Daylight and sunlight, privacy and visual intrusion

- 7.42 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' (1999) sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing residential windows.
- 7.43 The closest existing residential properties to the proposed new building are within Reed Lodge (16 metres separation) and Meadow Lodge (13 metres separation). Whilst the design of the proposal incorporates balcony

screening a planning condition is recommended seeking further details of measures to protect privacy including use of obscured glazing and the permanent retention of these features. Other established residential development in Commonsides East is separated from the application site by a distance of 100 metres. With the separation distances from the nearest residential accommodation it is not considered that the proposed development will not have any impact on daylight and sunlight provision.

- 7.44 It is considered that the separation distances from adjacent existing residential accommodation will ensure that the development does not give rise to visual intrusion or result in loss of daylight or sunlight. In views from adjacent common land the proposed development will be seen in the context and against the backdrop of existing buildings that are of a similar height.

Standard of residential accommodation.

- 7.45 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, CS9 and CS14 within the Council's Adopted Core Strategy (2011) states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.46 Policy 3.5 of the London Plan (July 2011) states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.

- 7.47 The tables provided in section 3 of this report set out the gross internal areas for the proposed residential accommodation. The tables show that the proposed accommodation provides good levels of internal floor space that complies with the London Plan standards. The internal layout of the accommodation is considered to make good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.

External amenity space

- 7.48 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.

- 7.49 The standard within the Sites and Policies Plan (adopted in July 2014) states that in accordance with the London Housing Design Guide, there should be 5 square metres of external space provided for one and two

bedroom flats with an extra square metre provided for each additional bed space and 50 square metres for a house of any size. The proposed houses are each provided with private rear garden space with amenity space for the flats provided as either garden space at ground floor level or balconies on the upper floor levels. This provision is in accordance with the Sites and Policies Plan.

- 7.50 In conclusion it is considered by officers that the proposed residential accommodation is of a good general standard and makes efficient use of the land available on the site.

Lifetime Homes standards.

- 7.51 Planning policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. As part of the planning application the applicant has confirmed that the development aims to meet Lifetime Home Standards.

- 7.52 A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

Traffic, transport, trip generation, car parking, servicing and access

- 7.53 The application site is located towards the northwest edge of Mitcham Common and to the south east of Mitcham town centre. The site is at the junction of Windmill Road and Commonsides East. The borough boundary with the London Borough of Croydon is 1,000 metres to the south east of the site. The London Borough of Sutton boundary is 750 metres to the south of the site. Mitcham town centre is 1,300 metres to the north west of the site. The site has a public transport accessibility level (PTAL) of 1b (On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility).

Car parking

- 7.54 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy (July 2011) states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.

- 7.55 Car parking standards are set out within the London Plan at table 6.2 and these set out a 'maximum' of one of street parking space for dwellings with one or two bedrooms, a 'maximum' of 1.5 spaces for three bedroom dwellings and a 'maximum' of 2 spaces for four bedroom dwellings. The

- proposed development provides 11 one and two bedroom units (11 spaces), 4 three bedroom units (6 spaces) and 5 four bedroom units (10 spaces).
- 7.56 The proposed development provides a total of 34 off street car parking spaces that includes 6 spaces designed for people who have a disability. Whilst this provision is contrary to the maximum car parking standards set out in the London Plan (as it exceeds the maximum standard of 26 spaces) it is considered acceptable in this location with the car parking issues that have occurred locally that are linked to the adjacent development of The Meadows. Planning conditions are recommended to seek the submission of a parking management strategy to ensure that the proposed car parking spaces are allocated efficiently, and to ensure that the off street parking that is provided is retained for the benefit of occupiers and visitors to this development.
- 7.57 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles (a requirement of 20% of total spaces). A planning condition is recommended to ensure that these facilities are provided.
- 7.58 Any car parking issues that may have arisen from the adjacent Meadows development do not provide grounds to refuse the current planning application, especially in the context of overprovision of off street parking space as part of the current proposal. Whilst not considered grounds to refuse permission it is highlighted that the various measures are in progress to seek to reduce the car parking problems in this area.
- 7.59 These measures include highways works for the provision of dedicated parking spaces on Commonside East, a new footway along the entire frontage of the site and double-height kerbs adjacent to the common land within the vicinity of the junction of Commonside East and Windmill Road to prevent indiscriminate parking. Notting Hill Housing Association, managers of the Meadows development, also plan to reorganise the layout on this site to provide an additional 13 off street car parking spaces.
- Trip generation and vehicle access
- 7.60 Policy CS20 of the Core Strategy (July 2011) states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to, and from the public highway.

- 7.61 In order to ensure that traffic and vehicles associated with the construction phase do not impact upon the public highway, planning conditions are recommended seeking the submission of a construction logistics plan and a construction working method statement.
- 7.62 The layout plan submitted as part of the application demonstrates that there is adequate space provided on the site for vehicles to manoeuvre and to avoid the need for vehicles to reverse on to the public highway. The proposed development site has an existing vehicular access on to Commonsides East. This access was in use as part of the former trading estate and accommodated a range of vehicles that were associated with the former uses of the site. The plans submitted with the current planning application show the vehicle access with a width of 4.5 metres at the narrowest point. It is considered that this existing access is sufficient for the access required to the development however a planning condition is recommended to request the submission and approval of further details of the proposed vehicular access.
- 7.63 After assessment of the submitted proposal the Council's transport planning officer has concluded that the trip generation from the proposed development can be safely accommodated on the existing road network and that adequate off street car parking has been provided.

Refuse storage and collection.

- 7.64 Policy CS20 of the Core Strategy (July 2011) states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.65 The proposed houses each have individual refuse storage areas, with an internal area shown on the submitted plans for the refuse bins associated with the proposed flats. These storage locations are considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.
- 7.66 Subject to attaching suitable conditions to any planning permission it is considered that the proposed development is acceptable in terms of the impact on trip generation, car parking, servicing and access and has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy (July 2011).

Cycling and pedestrian access

- 7.67 Policy CS 18 of the adopted Core Strategy (July 2011) states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. Policy CS20 of the Core Strategy (July 2011) states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect pedestrian and cycle movements.
- 7.68 Cycle parking standards are set out within the London Plan at table 6.2 and these set out a 'minimum' of one cycle parking space for dwellings with one or two bedrooms and a 'minimum' of 2 cycle parking spaces for each larger unit. The proposed development provides 11 one and two bedroom units (11 spaces), and 9 larger units (18 spaces).
- 7.69 The proposed development includes cycle parking within the rear gardens of the proposed houses and cycle parking for the flats in an internal area at ground floor level. Whilst a total of 22 cycle parking spaces are provided this provision is below the minimum requirement in the London Plan. A planning condition is recommended to ensure that cycle parking is provided in accordance with minimum standards for the benefit of future residents and that this parking is retained.
- 7.70 In order to encourage sustainable transport choices and increase permeability the pedestrian and cyclist access gate that is shown connecting the current application site to the remainder of The Meadows development is welcomed. A planning condition is recommended seeking further details in relation to future management and the detailed design of this access.

Trees, landscaping and the adjacent open land.

- 7.71 The grass verges that separate the application site from Windmill Road and Commonside East on the north east and north west boundaries form part of Mitcham Common. These strips of land are part of a green chain and are maintained by Mitcham Common Conservators.
- 7.72 The strip of land along the Windmill Road site frontage (but not Commonside East) is designated in the Sites and Policies Plan as Metropolitan Open Land. A further parcel of common land located on the opposite side of Commonside East is designated as Metropolitan Open Land and a Site of Importance for Nature Conservation (SINC).

- 7.73 Adopted Core Strategy (2011) policy CS13 states that development adjacent to green corridors will be expected to enhance the nature conservation value of the land and must not adversely affect the amenity, quality or utility of the open space. Policy CS.13 within the Adopted Core Strategy (2011) states that the Council will protect and enhance Metropolitan Open Land. Sites and Policies Plan policy DM 01 states that development in proximity to and likely to be conspicuous from Metropolitan Open Land or designated open space will only be acceptable if the visual amenities of the land will not be harmed by reason of siting, materials or design.
- 7.74 The application site is broadly rectangular in shape and located at the busy road junction of Windmill Road and Commons East. The two application site boundaries without a road frontage adjoin the five storey building called Reed Lodge to the south west and the three storey Meadow Lodge to the south east that form part of The Meadows development.
- 7.75 It is considered that the proposed development appropriately reflects the design and appearance of the existing buildings within The Meadows development that now form the existing character of this area. The proposed part three, part four storey development that will infill a corner within The Meadows development will be seen from areas of Metropolitan Open Land against the backdrop of these adjacent buildings that are three and five storeys in height. In the context of the existing adjacent development it is considered that the current proposal will not harm adjacent areas of Metropolitan Open Land and is in line with Sites and Policies Plan policy DM 01.

Trees

- 7.76 Sites and Policies Plan policy DM 02 states that development will not be permitted if it would damage or destroy trees which have significant amenity value as perceived from the public realm area unless either removal is necessary in the interest of good arboricultural practice, or the reason for the development outweighs the amenity value of the trees.
- 7.77 There are no trees located within the application site. A Tree Preservation Order was introduced in November 2011 that protects 17 Lime trees that are located along the grass verges of the two road frontages of the proposal site. The layout of the proposed building has sought to reduce any potential impact on these trees.
- 7.78 The potential impact of the development on these trees has been assessed by the Council's Tree officer and no objection has been raised to the development subject to planning conditions relating to protection and site supervision to prevent damage during construction work.

Site contamination and archaeology

- 7.79 The London Plan (Policy 5.21) indicates that the Mayor supports bringing contaminated land into beneficial use. Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health.
- 7.80 In light of the commercial uses on the application site there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.
- 7.81 The application site is located within an archaeological priority area as designed by the Sites and Policies Plan. The archaeological priority zones are designated heritage assets and policy DM D4 of the Sites and Policies Plan aims to conserve and enhance these features. It is acknowledged that the ground would have been disturbed by buildings previously on the site however planning conditions are recommended that seek further investigation into the presence of possible archaeological remains under the site.

Sustainable design and construction.

- 7.82 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.83 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £64,050. This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 1,830 square metres. This figure is subject to future reassessment prior to commencement of development.

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.

- 9.5 The provisional London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would be £210,450. This is based on the charge of £115 per square metre and on the information provided by the applicant that states that there will be additional floor space of 1,830 square metres. This figure is also subject to future reassessment prior to commencement of development.

Planning Obligations

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.

- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Financial contribution towards education provision;

- 9.8 Funding towards education provision is now provided from the Merton Community Infrastructure Levy.

Financial contribution towards open space;

- 9.9 Funding towards open space is now provided from the Merton Community Infrastructure Levy.

Financial contribution towards provision of affordable housing;

- 9.10 Policy CS. 8 within the Council's Adopted Core Strategy (July 2011) states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.

- 9.11 Having regard to characteristics such as site size, site suitability, financial viability issues and other planning contributions Core Strategy policy CS 8 states that affordable housing provision on developments of ten or more residential units should include a minimum of 40% of new units on the site as affordable housing. Within this affordable housing provision, 60% of the units should be provided as social/affordable rented and 40% as intermediate accommodation.

- 9.12 The development will provide a total of 20 new dwellings and the applicant has stated that this will consist of 12 general market dwellings (7 two bedroom, 4 two bedroom and 1 four bedroom flats); 4 social rented dwellings (4 three bedroom houses) and 4 intermediate dwellings (2 one bedroom and 2 two bedroom flats). This provision is considered acceptable and to address the first reason for the refusal of the planning application under reference 13/P0051.

Monitoring and legal fees

- 9.13 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fee would be £250. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. It is considered that the proposals overcome the grounds for refusal on the earlier scheme. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

1. Provision of not less than 40% on-site affordable housing.
2. The developer agreeing to meet the Council's costs of preparing (including legal fees) the Section 106 Obligations (to be agreed).
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And the following conditions:

1. Standard condition (Time period) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: (Csa/2090/100A; A10691-D0001-P1; D0100-P1; D0101-P1; D0102-P1; D0103-P1; D0104-P1; D0110-P1; D0200-P1; D0201-P1; D0202-P1; Design and Access Statement; Arboricultural Report and Landscape and Visual Appraisal. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition (Timing of construction work) No construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.

4. Amended standard condition (Construction phase impacts) Prior to the commencement of development a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Amended standard condition (Construction Logistics Plan) Prior to the commencement of development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place be in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
6. Amended standard condition (Archaeology - commencement) Prior to the commencement of development the applicant (or their heirs and successors in title) shall have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing with the development proceeding in accordance with the approved Written Scheme of Investigation Reason for condition: In order to provide the opportunity to record the history of the site and to comply with Sites and Policies policy DM D2.
7. Amended standard condition (Archaeology - occupation) Prior to first occupation of any of the proposed new dwellings the site investigation and post investigation assessment shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under the preceding planning condition and provision made for the analysis, publication and dissemination of the results and archive deposition secured. Reason for condition: In order to provide the opportunity to record the history of the site and to comply with Sites and Policies policy DM D2.
8. Non standard condition (Land contamination – site investigation) Prior to the commencement of development a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority with the agreed measures

in place prior to first occupation of any residential unit. Reason for condition: In order to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.

9. Non standard condition (Land contamination – site investigation) The submitted scheme to deal with the risks associated with contamination of the site shall include 1) a preliminary risk assessment identifying all previous uses and potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination. 2) A site investigation scheme, based on 1 providing information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment including an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.
10. Non standard condition (Land contamination – construction phase) If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.
11. Non standard condition (Land contamination – validation) Prior to first occupation of any of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation The report

shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.

12. Amended standard condition (Code for Sustainable Homes Pre-Commencement - New build residential) Prior to the commencement of development a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4, together with a minimum improvement in the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
13. Amended standard condition (Code for Sustainable Homes Pre-Occupation- New build residential) Prior to first occupation of any of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition (Tree Protection) Prior to the commencement of development an Arboricultural Method Statement and

Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority and the approved measures and details put fully in place. The details and measures as approved shall be retained and maintained, until the completion of all site operations. Reason for condition: To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

15. Standard condition (Tree Site Supervision) The measures outlined in the submitted Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree protection measures throughout the course of the demolition and site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
16. Amended Standard condition (Landscaping Implementation) Prior to first occupation of any of the proposed new dwellings the landscaping shown on drawings Csa/2090/100A shall be in place. Any landscaping which within a period of 5 years from the completion of the development die, is removed, becomes seriously damaged or diseased or is dying shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
17. Amended standard condition (New vehicle access) Prior to first occupation of any of the proposed new dwellings further details of the vehicular access to serve the development shall have been submitted to and approved in writing by the Local Planning Authority and the approved works completed in full. Reason for condition: In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
18. Amended standard condition (Parking management strategy) Prior to first occupation of any of the proposed new dwellings a Parking Management Strategy shall be submitted to, and approved in writing by the Local Planning Authority with the approved measures fully implemented prior to first occupation of the proposed new dwellings. The approved measures

shall be maintained for the duration of the use. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

19. Amended standard condition (Car parking spaces) Prior to first occupation of any of the proposed new dwellings, the car parking spaces shown on the approved drawing to serve the development shall have been provided and shall thereafter be kept free from obstruction and retained for parking purposes for users of the development and visitors and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
20. Non standard condition (Facility for charging electric vehicles) Prior to first occupation of any of the proposed new dwellings facilities for charging electric vehicles shall be provided on site in accordance with London Plan standards. These facilities shall thereafter be kept free from obstruction and retained for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
21. Non Standard condition (Pedestrian and cycle access) Prior to first occupation of any of the proposed new dwellings further details of the pedestrian and cycle access link between the proposed development and the adjacent completed development called The Meadows shown on drawing A10691 D0100 P1 shall have been submitted to and approved in writing by the Local Planning Authority. These measures shall include details of the future management of this access including lighting. Prior to first occupation of the proposed new dwellings the pedestrian and cycle access link shall be provided in accordance with the approved plans and permanently retained and managed in accordance with the approved details. Reason for condition: To ensure that the development provides suitable opportunities for cycle and pedestrian movement between the site and the neighbouring residential development in accordance with promoting the principles of good urban design and promoting sustainable travel in line with policies CS18 and CS19 of the of the Adopted Merton Core Planning Strategy 2011.
22. Non-standard condition (Cycle storage and parking) Prior to first occupation of any of the proposed new dwellings, cycle storage for occupiers and cycle parking for visitors shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of

satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy (July 2011).

23. Non-standard condition (Refuse and recycling facilities) Prior to first occupation of any of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy (July 2011).
24. Amended standard condition (Lifetime homes) Prior to first occupation of any of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy (July 2011).
25. Amended standard condition (Protection of privacy – obscured glazing) Prior to first occupation of flat B3 [first floor level]; flat C3 [second floor level]; and flat D3 [third floor level] the windows to the south elevation of these flats shall be fitted with obscured glass and fixed shut and maintained as such permanently for the lifetime of the development. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
26. Amended standard condition (Protection of privacy – screening) Prior to first occupation of flat B4 [first floor level]; flat C4 [second floor level]; and flat D4 [third floor level] further details of the design, appearance and extent of the privacy screening to external amenity areas above ground floor level shall be submitted to and approved in writing by the by the Local Planning Authority. The approved measures shall be in place prior to first occupation of these proposed new dwellings and maintained permanently thereafter for the lifetime of the development. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
27. Amended standard condition (Protection of privacy – box windows) Prior to first occupation of house H4 further details of the design and appearance of the box windows to the east elevation of house H4 shall be submitted to and approved in writing by the by the Local Planning

Authority. The approved measures shall be in place prior to first occupation of this house and maintained permanently thereafter for the lifetime of the development. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.

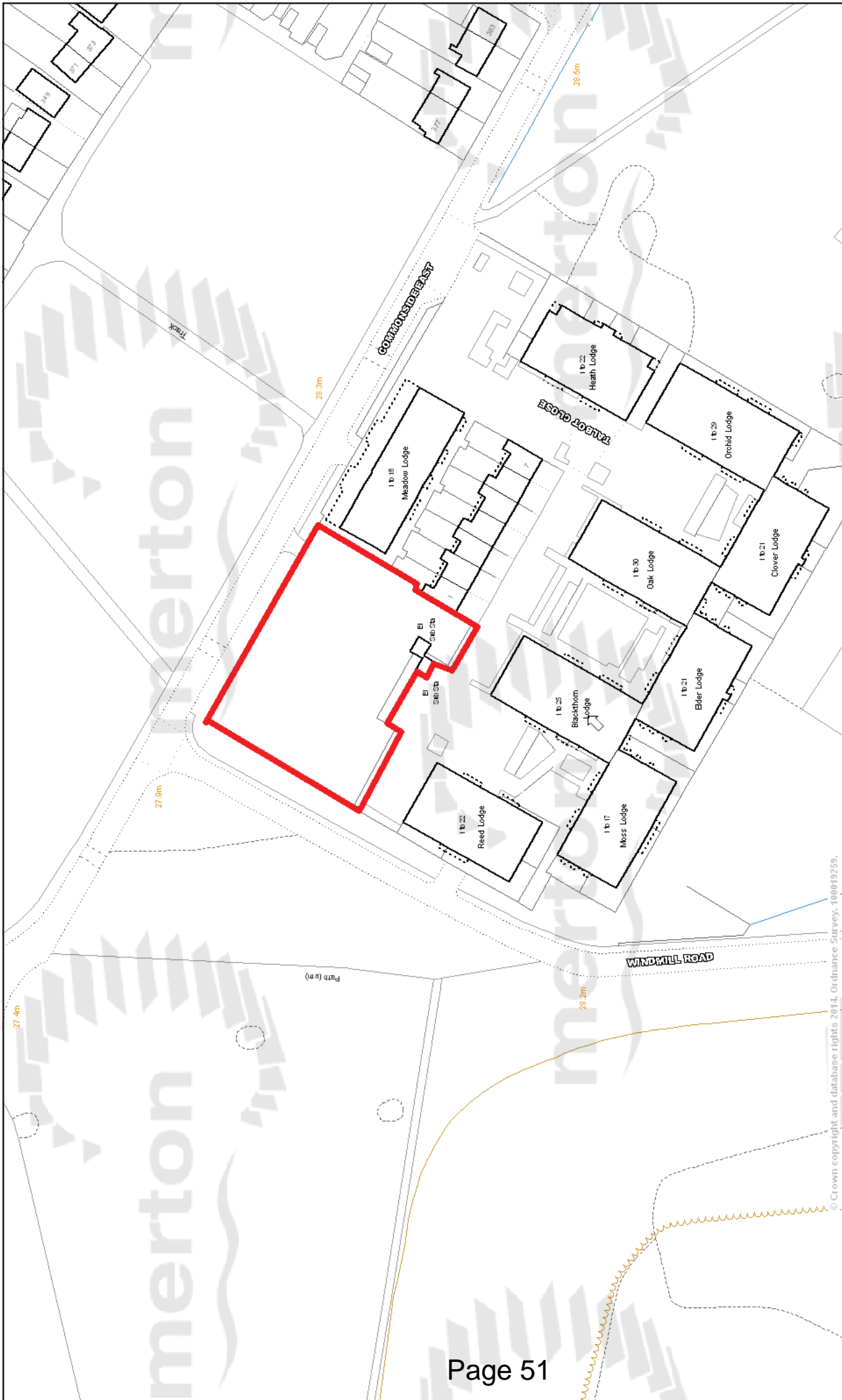
28. Standard condition (Removal of permitted development - extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling houses other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
29. Standard condition (Removal of permitted development - windows and doors) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

- c) The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
- d) The applicant is advised that the written scheme of investigation in relation to archaeology will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

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London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 5/8/2014

The Meadows

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DEVELOPMENT CONTROL

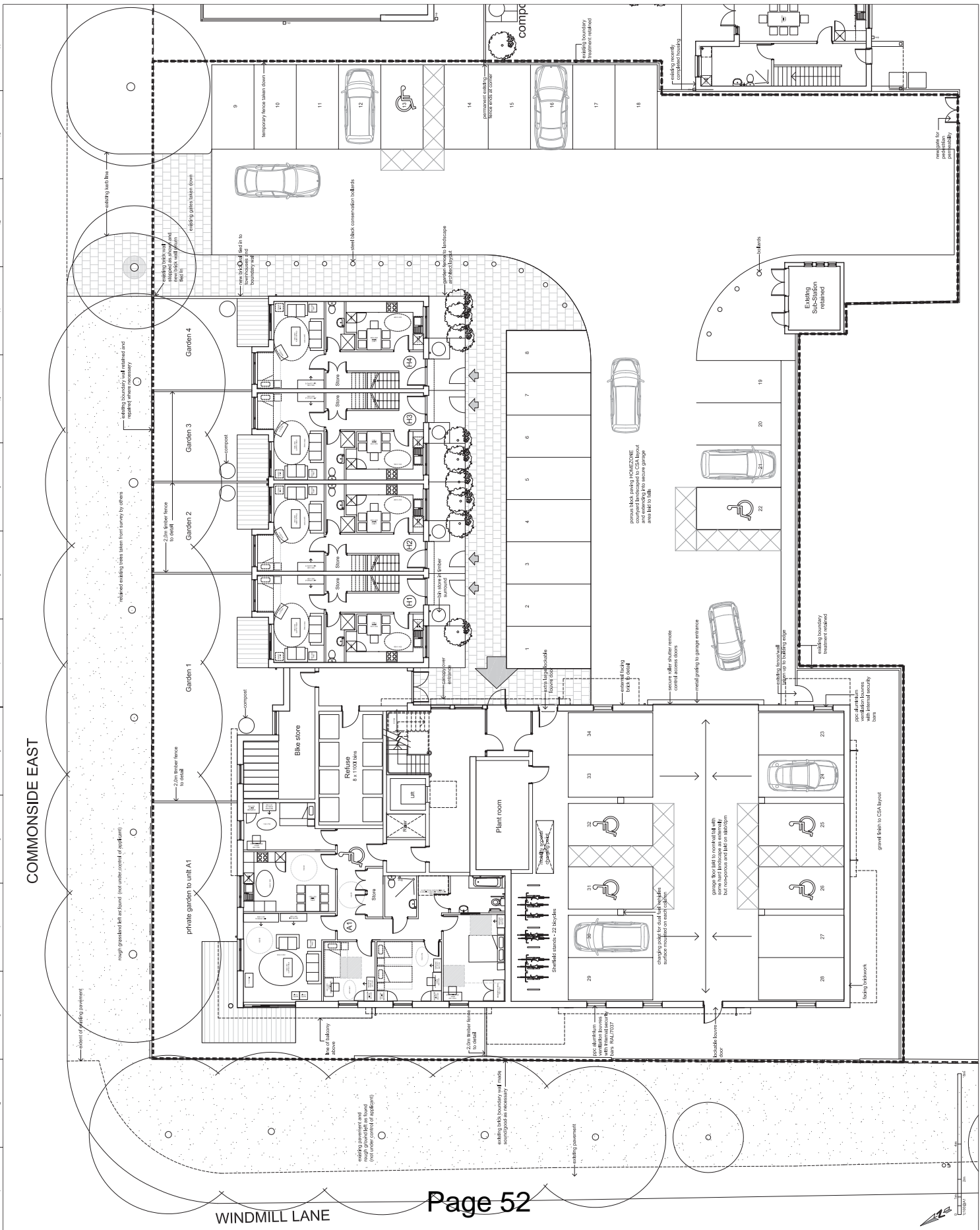
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



amenity terrace/balcony shown thus

Drawn	CS	Scale	AS 1:100	Alt. No.	A10691.001.00
Check	CS	Date	15/11/22	Contract Number	
Project	Windmill Park Corner Windmill Road/Commonside East Miltonham, CR4 2QA				
Client	Windmill Park Corner				
Discipline	Proposed Ground Floor Plan				
Revision	1	By	CS	Date	15/11/22
2	By	CS	Date	15/11/22	
3	By	CS	Date	15/11/22	
4	By	CS	Date	15/11/22	
5	By	CS	Date	15/11/22	
6	By	CS	Date	15/11/22	
7	By	CS	Date	15/11/22	
8	By	CS	Date	15/11/22	
9	By	CS	Date	15/11/22	
10	By	CS	Date	15/11/22	
11	By	CS	Date	15/11/22	
12	By	CS	Date	15/11/22	
13	By	CS	Date	15/11/22	
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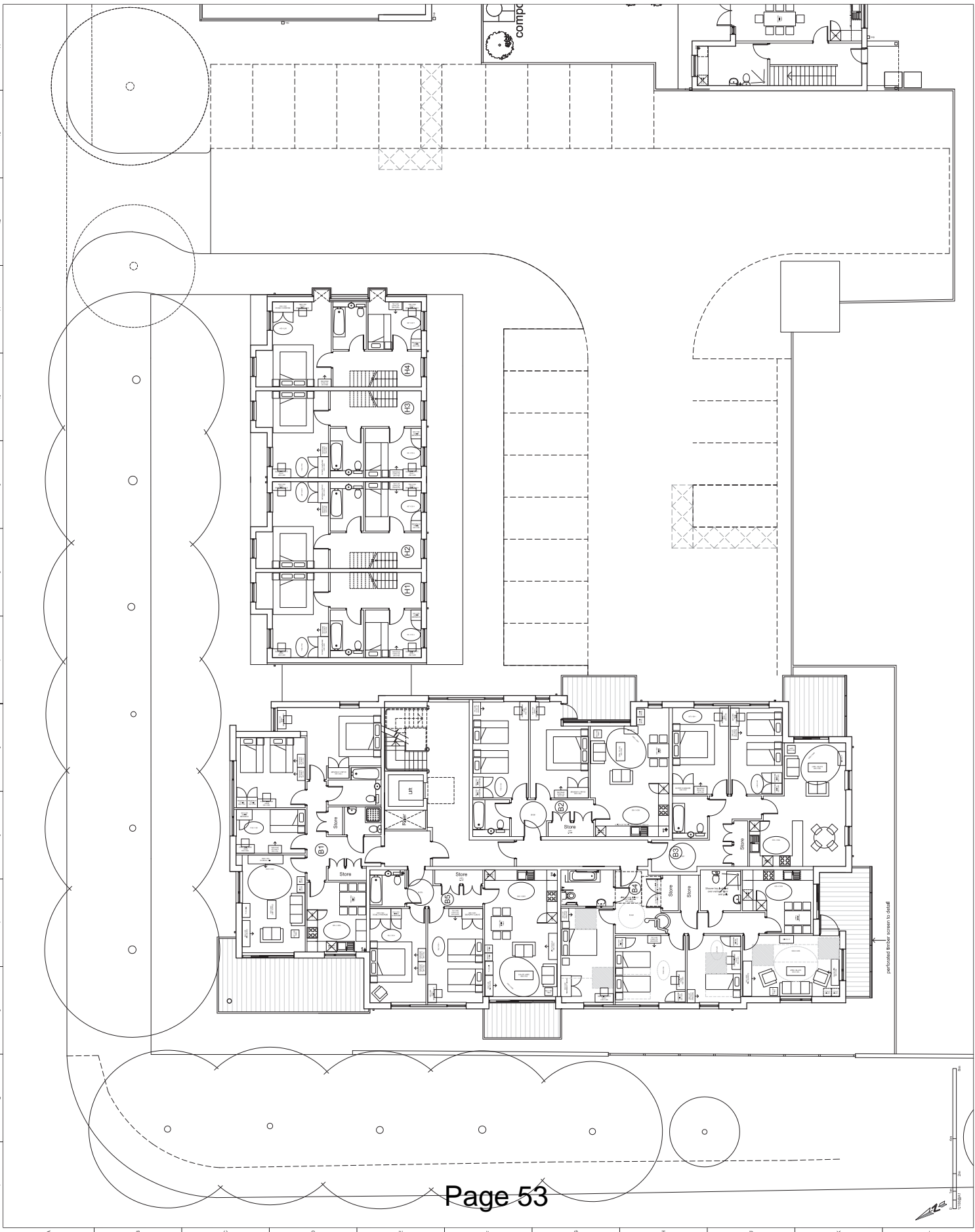


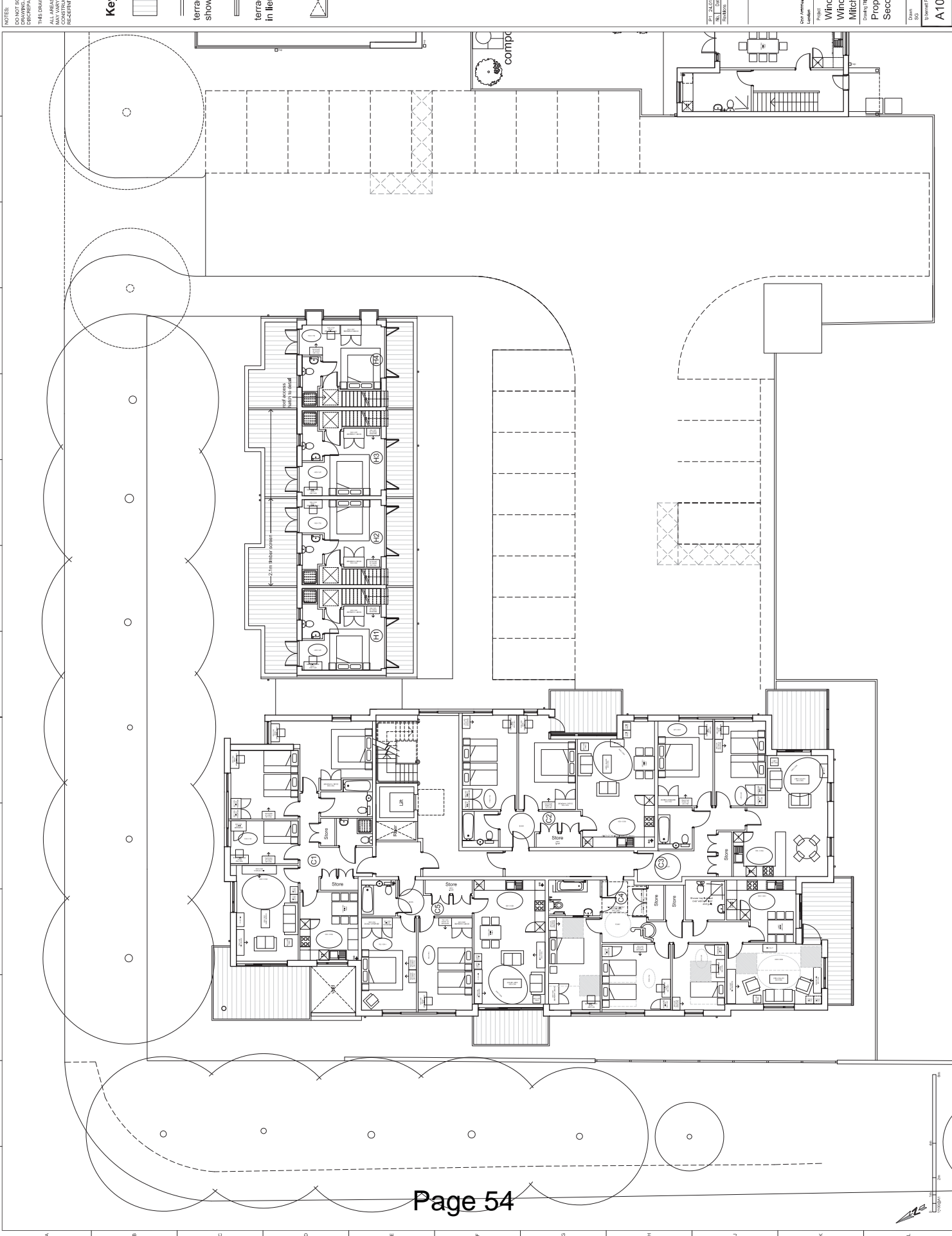
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Key:

-  amenity terrace/balcony shown thus
-  terrace/balcony with balustrade shown thus
-  terrace/balcony with full height screen in lieu of balustrade shown thus
-  window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns

Project No.	10000000000000000000
Client	Windmill Park Corner
Location	Windmill Road/Commonside East Milton, CR4 2QA
Project Name	Proposed First Floor Plan
Drawn	SKM/SLA
Checked	SLA
Date	10/11/22
Scale	1:100
Project No.	A10691
Drawn	D 0101
Checked	P1





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Key:

amenity terrace/balcony shown thus

terrace/balcony with balustrade shown thus

terrace/balcony with full height screen in lieu of balustrade shown thus

window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns

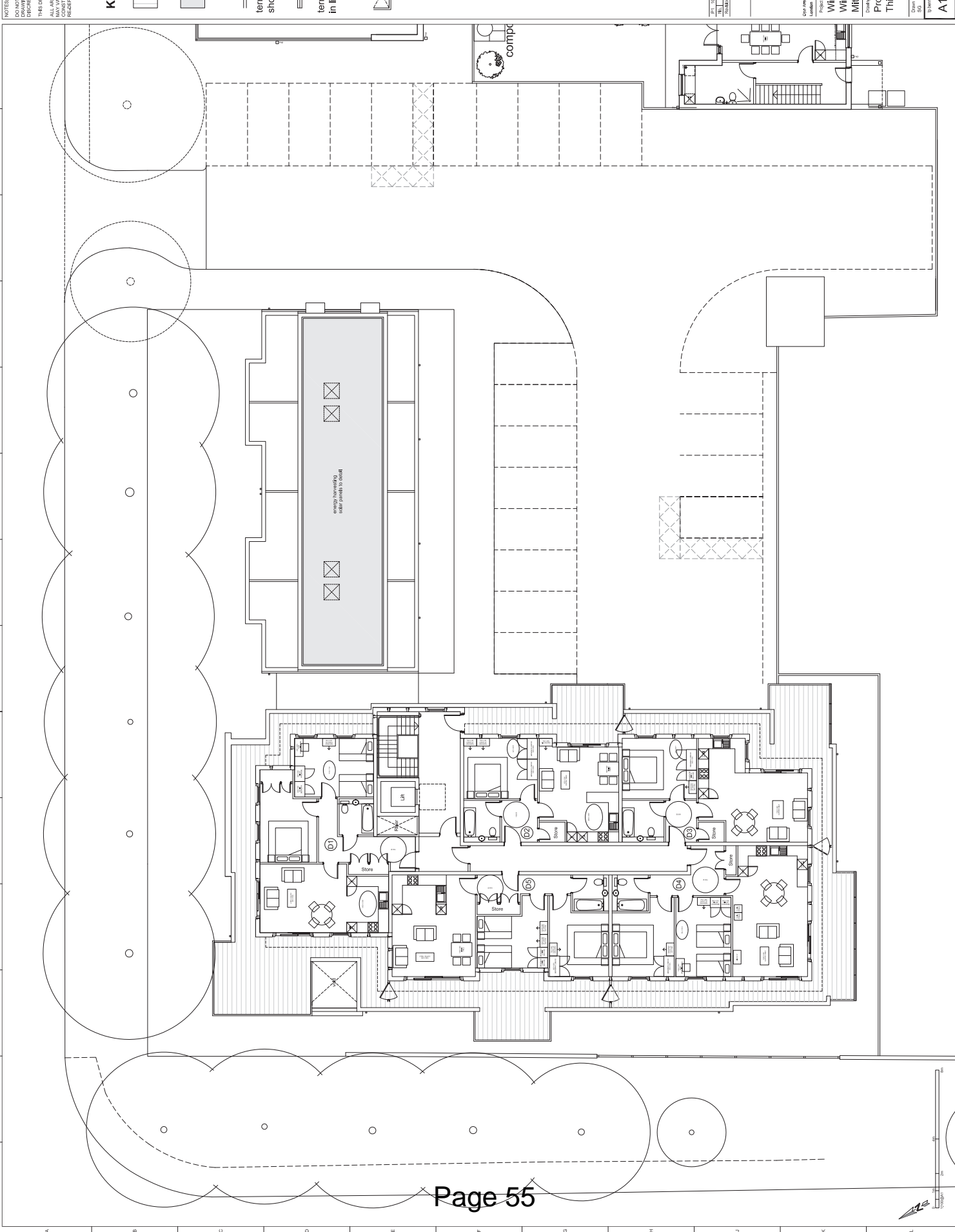
Rev. No. 001
 Date 10/01/14
 Drawn By J.P. Bennett
 Checked By J.P. Bennett
 Scale 1:100
 DWG. NO. A10691/02

PLANNING
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 architects
 interiors
 planning

One Avenue Nine, London, SE1 2DL, UK +44 (0)20 7308 1000 www.tpbbennett.com
 Project: Windmill Park Corner
 Address: Windmill Road/Commisside East
 Mitcham, CR4 2QA






Drawn By: J.P. Bennett
 Checked By: J.P. Bennett
 Date: 10/01/14
 Scale: 1:100
 Drawing No: A10691/02/02

Project: Windmill Park Corner
 Address: Windmill Road/Commisside East
 Mitcham, CR4 2QA
 Drawing No: A10691
 Drawing Title: Proposed Second Floor Plan
 Rev: P1



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Key:

-  amenity terrace/balcony shown thus
-  non accessible roof area shown thus, complete with collective edge protection system
-  terrace/balcony with balustrade shown thus
-  terrace/balcony with full height screen in lieu of balustrade shown thus
-  window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns

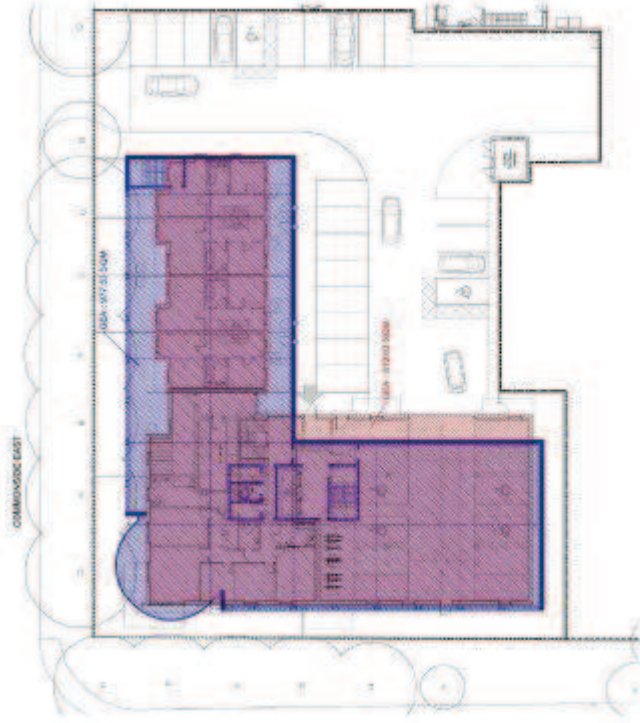
Project No.	10011.14	Revision	01
Client	TP Bennett Architects	Drawn	TP Bennett Architects
Project	Windmill Park Corner	Scale	1:100
Phase	Proposed	Date	10/01/14
Author	TP Bennett Architects	Client Ref	A10011001003
Check	TP Bennett Architects	Project No.	A10691
Drawn	TP Bennett Architects	Drawn No.	D 0103
Checked	TP Bennett Architects	Revision	P1

PLANNING
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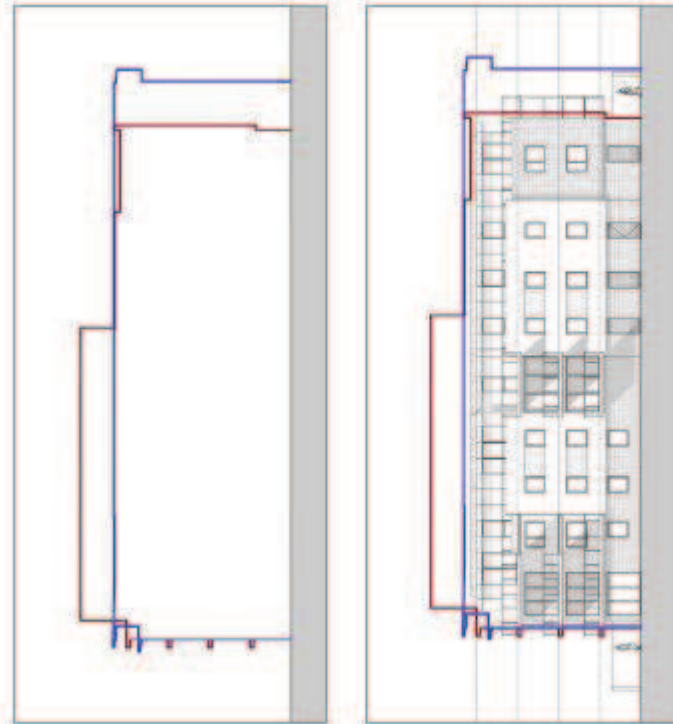
Windmill Park Corner
 Windmill Road/Commside East
 Mitcham, CR4 2QA

Proposed
 Third Floor Plan

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Above: The Business Centre (blue) and the application scheme (red) superimposed. It shows similar footprints and an application proposal some 17.5% smaller than the approved Business Centre.



Above we show the outline of the originally approved B1 Business Centre in blue, and superimposed over it, the outline of the refused scheme, reference 13/P0051. Below that again we show the same section, but with the new scheme now being brought forward sitting entirely within the silhouette of the approved B1 Business Centre.

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Finishes:

1. Fair Face Brickwork as Biscoe Bradgate Light Buff (0025)
- 1a. Facing brick as a Bradgate Red to selection
2. PPC aluminium framed glazing with matching PPC aluminium divs. Mid grey RAL 7037
- 2a. PPC aluminium framed glazing with timber fill panel. Mid grey RAL 7037, all set back from brick face
- 2b. PPC aluminium framed patio doors. Mid grey RAL 7037
3. Glass balustrade with PPC aluminium upright and handrail
- 3a. Handrail carpeted over onto brick parapet
4. Factory coloured satin aluminium cladding panels in light grey RAL 7001 with glazing frames to match
5. Satin anodised brise soleil sunshade to colour match adjacent cladding
6. Insulated render - colour to selection
7. Existing historical wall refurbished/repointed as necessary to match existing decoration
- 7a. New brickwork to match retained boundary wall tied in as shown
8. PPC aluminium louvered external panel/door. Mid grey RAL 7037
9. Opaque glass canopy on aluminium supports. Similar to brise soleil to detail.
10. Stained timber cladding
11. Stained timber louvre panel
12. Same as annotation 2a but with opaque glazing
13. Timber balcony screen to detail designed as full height balustrade shown thus.
- 13a. Same as annotation 13 but seen sideways on only
14. Window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns.



Project Name	Windmill Park Corner
Client	tp bennett architecture interiors planning
Location	Windmill Road/Commons East
Date	10/01/14
Scale	1:100
Drawn By	AW
Checked By	AW
Project No.	A10691
Revision	P1

PLANNING

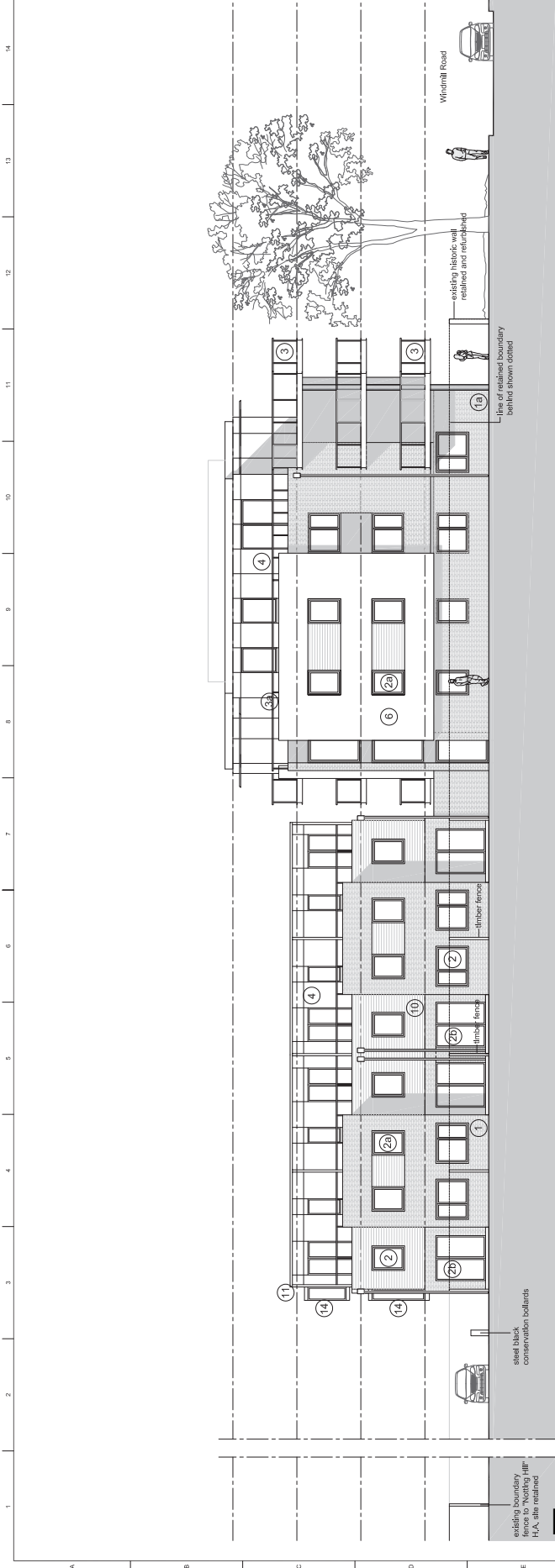
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tp bennett architects, London SE1 1NL, UK +44 (0)20 7300 0000 www.tp-bennett.com
Architects

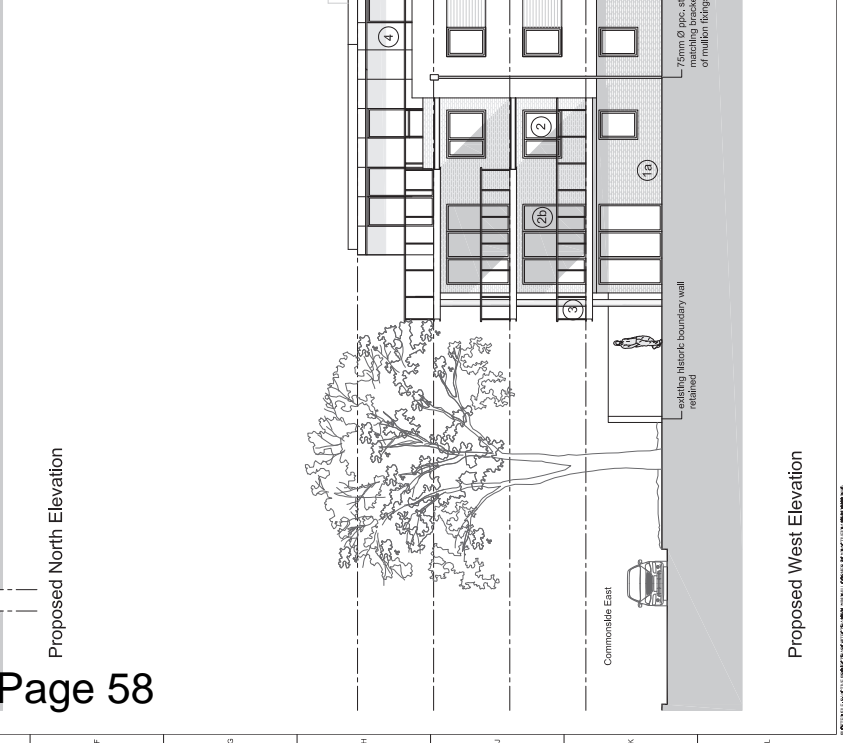
Windmill Park Corner
Windmill Road/Commons East
Mitcham, CR4 2QA

Drawing No.
Proposed North and West Elevations (inside boundary)

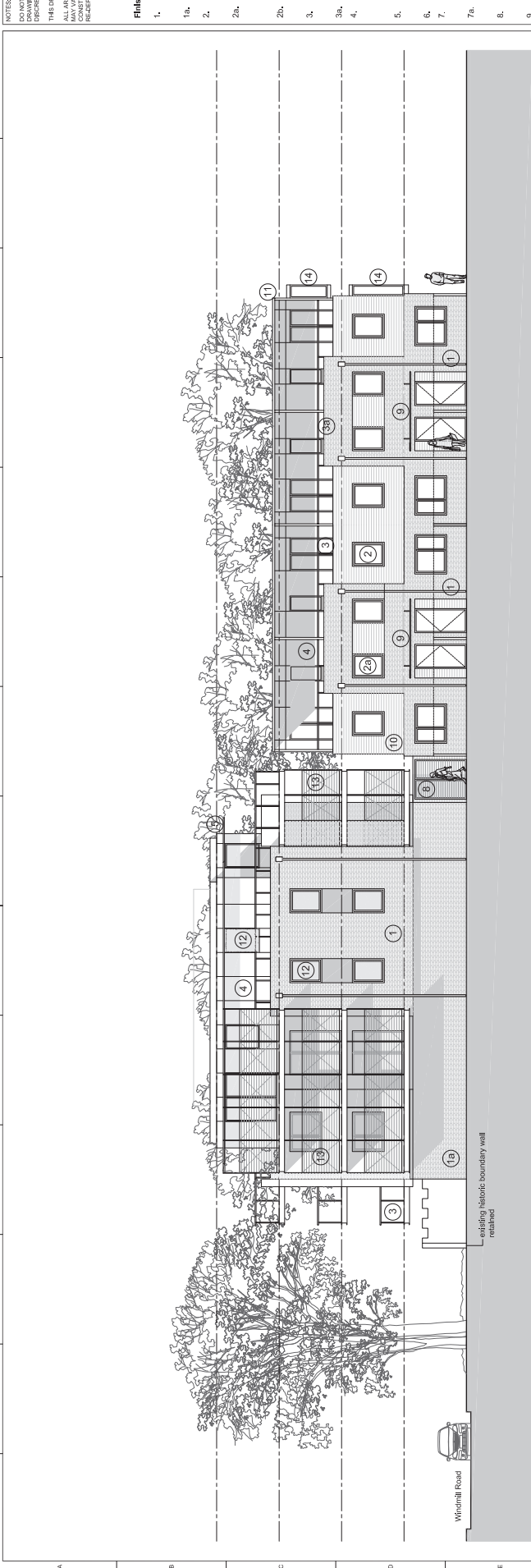
Project Name	Windmill Park Corner
Client	tp bennett architecture interiors planning
Location	Windmill Road/Commons East
Date	10/01/14
Scale	1:100
Drawn By	AW
Checked By	AW
Project No.	A10691
Revision	P1



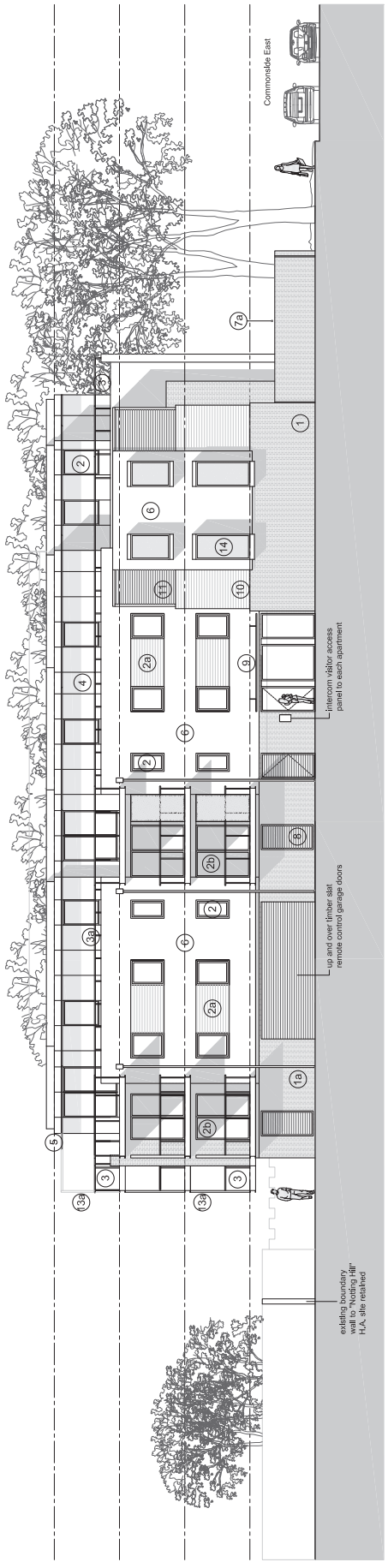
Proposed North Elevation



Proposed West Elevation



Proposed South Elevation
 Page 59



Proposed East Elevation

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Finishes:

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- 1a. Facing brick as a Bragiate Red to selection
2. PPC aluminium framed glazing with matching PPC aluminium clts. Mid grey RAL 7037
- 2a. PPC aluminium framed glazing with timber finish panel. Mid grey RAL 7037. All set back from brick face
- 2b. PPC aluminium framed patio doors. Mid grey RAL 7037
3. Glass balustrade with PPC aluminium upright and handrail
- 3a. Handrail completed over onto brick parapet
4. Factory coloured satin aluminium cladding panels in light grey RAL 7001 with glazing frames to match
5. Satin anodised brise soleil sunshade to colour match adjacent cladding
6. Insulated render - colour to selection
7. Existing historical wall refurbished/respined as necessary to match existing decoration
- 7a. New brickwork to match retained boundary wall tied in as shown
8. PPC aluminium boarded external panel/door. Mid grey RAL 7037
9. Opaque glass canopy on aluminium supports. Similar to brise soleil to detail.
10. Stained timber cladding
11. Stained timber bourse panel
12. Same as annotation 2a but with opaque glazing
13. Timber balcony screen to detail designed as full height balustrade shown thus.
- 13a. Same as annotation 13 but seen sideways on only
14. Window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns.



Project	24/21/17 - Biscoe Park Planning	Scale	1:50
Client	Commonwealth	Date	02/04/2024
Author		Drawn	

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 tp bennett
 architecture
 planners
 planning

tp bennett
 10001/14
 10001/14
 10001/14
 10001/14

Windmill Park Corner
 Windmill Road/Commonside East
 Mitcham, CR4 2QA
 Drawing No:
 Proposed South and East
 Elevations

Date	02/04/24	Alt. No.	
Scale	1:50	Drawn	
Project No.	A10691	Client No.	D 0201
Revision	P1		

Appeal Decision

Site visit made on 26 November 2013

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2013

Appeal Ref: APP/T5720/A/13/2200506

Windmill Park Corner, Former Windmill Trading Estate, Commonsides East, Mitcham, London, CR4 1HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by City and Provincial Properties PLC against the decision of the Council of the London Borough of Merton.
 - The application Ref 13/P0051, dated 17 December 2012, was refused by notice dated 4 June 2013.
 - The development proposed is the erection of part four and part five storey block to create 23 dwellings (2 x 1 bed; 10 x 2 bed; 10 x 3 bed and 1 x 4 bed); car parking; refuse and recycling facilities; and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development used above has been amended from the application form to include reference to the 10 two bedroom units which are part of the proposal.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area with particular regard to the Metropolitan Open Land adjoining the site
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Character and Appearance

4. The appeal site sits at the corner of Commonsides East and Windmill Road. Now vacant, it was formerly part of an industrial and trading estate set within Mitcham Common. Planning permission was granted on appeal for residential and business development of the estate. The rest of the estate has been re-developed for housing and is known as The Meadows. Permission for a three storey business centre (Use Class B1) at the appeal site is extant.
-

5. The 'L' shaped appeal building would include three storey houses on the Commons side east frontage, rising to a five storey apartment block at the road junction and falling to four storeys along the Windmill Road frontage. The appellant argues that this arrangement of building heights responds to the adjoining buildings at The Meadows.
6. I recognise that The Meadows includes five storey blocks and that there can be a rationale for increasing the scale of buildings at significant corners. However, in this case, rather than occupying a significant position in an urban setting, the corner where the five storey building would be located adjoins Metropolitan Open Land (MOL) on two sides. *Merton's Unitary Development Plan* (UDP) policy NE2 seeks to ensure that development which is likely to be conspicuous protects the visual amenity of MOL. As such, I consider that the key consideration determining the height of the building on this corner should be its relationship with the MOL.
7. Looking east from Commons side East, the appeal site is visible over a considerable distance. It is more prominent than The Meadows which sits behind it in these views. Mature trees in the adjoining verges help to filter views of the site, but would not block views of the proposed building. In particular, the five storey element would not only rise above the trees, but would occupy the most conspicuous part of the site. The height of buildings in The Meadows generally reduces toward the Commons side East frontage. This seems to me an appropriate response to the setting adjoining the MOL. In contrast, the transition from open space to built development created by the proposed five storey block would be too abrupt and the scale of the building too imposing. It would, therefore, be harmful to the character of the area and contrary to UDP policy NE2. Nor, for this reason, would the proposal comply with policy CS8 of the Council's *Core Strategy* which requires proposals for new homes to be well designed.
8. In reaching this conclusion, I have had regard to the permission for a Class B1 building on the site. I understand that this building would be, effectively, four residential storeys in height, including a pitched roof. The Class B1 building would, therefore, not only be less tall, but would be less bulky and assertive than the appeal building, which would have just a small set back at the top storey level. Based on the information available therefore, I consider that the effect of the Class B1 on the character of the area would not be comparable with the appeal proposal.
9. Policy 3.4 and table 3.2 of the *London Plan 2011* (LP) set out optimum density ranges for housing proposals based on their location and accessibility to public transport. The appeal site is best categorised as a suburban location and has a PTAL rating of 1b, taking into account the recently opened Mitcham Eastlands railway station. On this basis, table 3.2 indicates an optimum density of 150 to 200 habitable rooms per hectare. The appeal proposal would provide 315 habitable rooms per hectare.
10. As the appellant states, the table should not be applied mechanistically. However, the density of the appeal proposal would very significantly exceed the top of the range set out in table 3.2. It would not, therefore, accord with LP policy 3.4. Since the height of the proposed building contributes to the overall density of the scheme, this finding adds weight to my conclusion on the effect of the proposal on the character and appearance of the area. I note that the LP density ranges referred to above post date the earlier appeal decision for residential and business development of the estate.

Affordable Housing

11. Reason for refusal 3 refers to the failure of the proposal to provide for affordable housing. As part of the appeal submissions the appellant has lodged a unilateral undertaking which would secure the provision of four houses for affordable rented housing and five apartments for intermediate housing. The unilateral undertaking has not been contested by the Council.
12. The proposed level of provision accords with the requirements of CS policy CS8 which seeks 40% affordable housing on sites of 10 or more units, of which 60% should be for affordable rent and 40% for intermediate housing. These requirements are supported by a Strategic Housing Market Assessment and an Affordable Housing Viability Study. The provision is also consistent with LP policies 3.11 and 3.12 (as amended by the *Revised Early Minor Alterations*) on affordable housing. The unilateral undertaking would, therefore, satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and would overcome the third reason for refusal.

Other Matters

13. In its appeal statement the Council contends that the proposal should make a financial contribution of £37,928 in order to meet the requirements of UDP policy C13 on planning obligations for education provision. Whilst the Council states that this figure is based on a formula set out in its *Planning Obligations Supplementary Planning Document (SPD)*, no details of the calculation have been provided. Nevertheless, the figure appears to be based on the use of the 'Merton cost multiplier' which, the SPD advises, is appropriate where there is a shortfall in places in schools. However, the Council's justification for a contribution is based on a general requirement for funding for secondary school provision. According to the SPD, 10% of the 'Merton cost multiplier' should be applied in such cases.
14. Consequently, I am not persuaded that the amount of the education contribution sought by the Council has been adequately justified or that it would meet the tests set out at paragraph 204 of the *National Planning Policy Framework* (the Framework).
15. I have had regard to the other concerns expressed locally and by the Member of Parliament for Mitcham and Morden. However, they have not led me to a different overall conclusion.
16. I recognise that the proposal would provide additional housing. However, my concerns relate to the height of the building rather than the principle of residential development of the site. As such, they do not preclude the possibility that the site could contribute to the housing needs of the area at a scale which is more appropriate to the setting of the site adjoining the MOL.
17. There is nothing to indicate that the development plan policies referred to above are in conflict with the Framework.

Conclusion

18. For the reasons outlined above, the appeal should be dismissed.

Simon Warder

INSPECTOR

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PLANNING APPLICATIONS COMMITTEE
21st August 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	14/P0738	03/03/2014
Address/Site	67 Murray Road, Wimbledon, London, SW19 4PF	
Ward	Village	
Proposal:	Erection of a single storey rear extension, excavation of basement and alteration to the roof pitch.	
Drawing Nos	Existing plans- P96_MSSP_01, P96_MS_01, P96_MS_02, P96_MS_03, P96_MS_04, P96_MS_05, P96_MS_06, P96_MS_07, P96_MS_08, Site Location plan – P96_LP_01, Proposed Plans - P96_GASP_0.01 Rev A, P96_GA_0.00 Rev A, 0.01.Rev A, 0.02.B, 0.03, 0.04, 0.05, 006, 0.07, 008, 00.9 and Design and Access Statement, Tree Survey Assessment, Construction Method Statement Rev1 dated 24/06/14	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

Heads of agreement: - N/A

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – No

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 3

External consultations – No.

PTAL score – 2

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration because of the number of objections.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey detached house in Murray Road, Wimbledon. The road is characterised by large detached houses.
- 2.2 It is locally listed and falls within the Wimbledon West Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of a single storey rear extension, provision of a basement and alterations to the roof pitch.
- 3.2 The proposed single storey rear extension would have a modern appearance, with glass the predominant material. It would have a depth of 2.8m, width of 9.5m and flat roof height of 3.2m.
- 3.3 The proposed basement would be sited predominantly beneath the original house and single storey rear extension with the exception of the front light well, small sunken terrace to the side and 3.6m additional projection into the rear garden area. The rear basement area would be lit by a glass rooflight flush with the ground level.
- 3.4 The basement contains a plant room, utility room, wine cellar, media room, library, gym/office, sauna, storage and spare bedroom with kitchenette and bathroom.
- 3.4 The proposed alteration to the roof pitch of the original dwellinghouse would involve bring part of the existing roof forward to create a new flat roof section between the existing twin pitched roof features of the main roof. The existing tiles would be retained and reused on the new roof pitch to match the existing roofs.

4. **PLANNING HISTORY**

4.1 92/P0481 - Erection of dormer window on north west elevation – Grant - 28/08/1992

5. CONSULTATION

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

5.1.1 In response to the consultation, 10 letters of objection were received (including one from Murray Road (North) Residents' Association and one from the Wimbledon Society). The letters of objection raise the following points:

- Permanent stream on this side of street. Are dealing with this with pumps in the cellar, flooding of existing cellars
- Too many applications for underground extensions to existing houses which interfere with water courses and water levels, will cause drainage problems for adjacent houses and gardens,
- Impact upon trees (altered ground water levels)
- Basement far too big and will cause structural problems
- Extensive works will lose the character of this arts and craft house
- Increased massing of an already sizeable house which, cumulatively, along with others, will adversely affect the Conservation Area), undesirable precedent
- Modern rear extension is out of keeping
- Disruption during works

5.1.2 Murray Road (North) Residents Association

- Enormous basement and huge displacement of earth and interference with water courses, drainage affecting both properties and gardens with mature trees requiring a balanced water supply
- New basement policy to deal with precisely these type of concerns in the light of similar applications
- Request that proposal does not involve excavations simultaneous with others
- Disruption during construction, noise, parking and construction activity for many months

5.1.3 The Wimbledon Society

- Valued and unique arts and crafts characteristics. Comprehensive changes would compromise its structure and character.
- Merton's policy DMD2 (B)iii specifically states that excavation of

basements under listed buildings is to be opposed (note: the building is not statutorily listed)

- Basement should be accompanied by a detailed study of the method of removal of spoil and protection of neighbouring properties and amenities.

6. **POLICY CONTEXT**

6.1 **Adopted Core Planning Strategy (July 2011)**

CS14 - Design

CS20 - Parking, Servicing and Delivery

6.2 **Adopted Sites and Policies Plan (July 2014)**

DM D2 (Design Considerations in all developments)

DM D3 (Alterations and extensions to existing buildings)

DM D4 (Managing heritage assets).

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relates to the design of the proposed extensions and impact upon the locally listed building, the Murray Road street scene, West Wimbledon Conservation Area and trees, neighbouring amenity and concerns related to the proposed basement (drainage, flooding and structural integrity of adjoining buildings).

7.2 **Amendments**

7.2.1 One of the front light wells (right hand side) has been removed from the scheme due to concerns regarding its proximity to the root protection area of the adjacent tree within the front curtilage.

7.3 **Impact upon the Locally Listed Building, Murray Road Street Scene and the West Wimbledon Conservation Area**

7.3.1 67 Murray Road is a locally listed building, and as such is an undesignated Heritage Asset within the West Wimbledon Conservation Area and a valued component of the historic environment. It dates from 1909 and is designed in an Arts and Craft style. The most notable features of interest include the brick detail to the chimneys to the gable and the semi-circular arches over the two first floor front windows, the porch design with its supporting pillars and leaded glass and the eaves detailing.

7.3.2 The proposed single storey rear extension would be a small flat roofed predominantly glazed addition. Whilst it is noted that its design would not

- match the arts and crafts design of the original dwellinghouse, the Conservation Officer has not raised any objections to this approach. The extension would have a lightweight appearance with its glass walls and roof, is modest in size and located at ground floor level to the rear of the property and therefore not visible from the public realm. It should be noted that if it were not part of a wider proposal, the rear extension would fall within permitted development .
- 7.3.3 The proposed new section of flat roof between the properties existing twin pitched roof features would not be clearly evident from street level due to the set back position from the frontage at roof level and its siting between the existing twin gable roof forms. Due to its lack of visibility from street level, the proposed new flat roof section is not considered to have an unacceptable impact upon the character and appearance of the original building.
- 7.3.4 The only element of the proposed basement visible from the public realm would be the proposed front light well, which at 1m in depth and between 1.1 and 2.1m in width, is modest in size and would be covered with a flush grille. The proposed sunken terrace to the side of the property is set 8.6m back from the road frontage and 4m back from the front wall, and would be set behind gates to the side of the property. An additional front light well has been removed to avoid any adverse impact on the adjacent tree and the Council's tree officer has confirmed that there are no trees with public amenity value that would be affected by the excavation of the land.
- 7.3.5 One of the objections refers to part b) of planning policy DM D2 (Design Considerations in all Developments) of the Sites and Policies Plan (July 2014) which precludes basements under listed buildings. Members are advised that the definition of listed building for the interpretation of planning policy DM D2 has been confirmed by the Council's Planning Policy section to refer to Statutorily Listed Buildings only, not locally listed buildings, so there is no conflict with policy DM D2 in this respect. The impact on general structural stability is dealt with in more detail later in the report.
- 7.3.6 In summary, the works that would be visible above ground and from the public realm are limited to the grille of the front lightwell. None of the key external design features of the locally listed building are affected. Although an additional floor level is being added below ground, the impact on the visible mass of the building is negligible. It is therefore considered that the impact of the proposal on the character and appearance of the West Wimbledon Conservation area, the Murray Road streetscene and the locally listed building is acceptable and accords with Policy DM D4 (Managing Heritage Assets), policy DM D2 parts a) and b) (Design Considerations in all Developments).

7.4 **Impact on Neighbour amenity/Basement Impact**

7.4.1 Given the modest nature of the above ground elements of the proposal, they are not considered to have an adverse impact on the amenities of neighbouring properties. The main source of concern and objection is the impact of the basement in terms of ground stability, hydrology and impact of construction works. Policy DM D2 (c) requires an assessment of impacts of basement and subterranean schemes on structural stability, groundwater conditions and flooding from all sources and drainage.

7.4.2 The applicant has commissioned an independent structural engineer (Green Structural Engineering) to produce a Construction Method Statement which provides a detailed assessment for the preparation and construction of the basement. The report advises the following:

7.4.3 **Geology and Hydrology Conditions**

The British Geological Survey website indicates the ground conditions to be Black Park Gravels overlying London Clay. A site specific borehole has been conducted determining the strata to be Black Park Gravels from 1.6-4.7 meters followed by London clay beneath as expected. Water was encountered at a depth of 2.90 meters, thus adequate sumps and pumps will need to be designed for. Monitoring of ground water levels is recommended before the construction stage as well as a de-watering system designed for the construction phase. Heave will need to be designed and accounted for in the permanent works design. Furthermore to heave forces, the permanent works design will account for upwards forces caused by the ground water table.

7.4.4 The site lies outside the floodplain of the River Thames and more than 100 meters away from surface water and Lost Rivers. The Environmental Agency flood maps show no risk of flooding due to rivers or reservoirs etc to the area. The site is within the 1000 year flood return zone.

7.4.5 The new foundations will be designed for the ground conditions encountered and be formed in the gravel formation. The existing geology at the depth of the proposed lowered floor level will be capable of supporting the new imposed loads.

7.4.6 **Potential Impact on Structural stability**

Proposed construction sequencing is set out in the method statement. The proposed basement under the existing property will be formed using an underpinning method, reducing the amount of potential ground movement and minimising the effects of settlement of the adjacent structures. Expected settlement is minimal provided an experienced contractor is appointed who undertakes the works using good practice in accordance with the structural design and follows all agreed method statements. .

7.4.7 Slope Stability

The site is located on ground that is relatively flat and so geological slope instability is not an issue. The only issue of ground stability is in the temporary condition as the proposed underpins are being constructed when the risk is associated with a local collapse of a partially formed underpinning. If the methods and temporary support outlined in the report are used this is highly unlikely. All temporary propping will be designed for the loading present.

7.4.8 Potential impact on drainage, sewage, surface and ground water levels and flows including suds

All existing drainage and sewage connections will be maintained throughout the construction works so there will be no impact on these existing systems. The proposed development will not alter the current state of the property, which will remain as part of a single residence; therefore there will be no significant change in discharge to the existing drainage and sewage systems and there will be little or no impact on the foul drainage.

7.4.9 Surface water will not be greatly altered as the proposed drawings show that the current ratio of flower beds and hard surfacing will be maintained and therefore no loss of infiltration to the underlying aquifer is expected. The proposed basement is not expected to have any effect on the hydrology of the site.

7.4.10 The new basement will be constructed within the relatively permeable Black Park Gravel Member and therefore, it is considered unlikely that the new basement will create a significant 'cut off' obstruction to groundwater flow beneath the site. The new basement is therefore expected to have a relatively limited effect on the hydrological flows below this site and the adjacent properties. As a cut off to the ground flow will not occur due to the ground water being able to flow around and underneath the proposed basement, any damming effect will be negligible and any effect on the hydrological flows would be negligible.

7.4.11 Basement Conclusion

An assessment of potential impact on hydrology and structural stability has been submitted in accordance with Policy DM D2 9 (c). A condition will be imposed requiring adherence to the construction method statement. It should be noted that the structural stability of adjacent properties may be properly dealt with by means of a party wall agreement under the Party Wall Act 1996. A construction management plan will be required prior to commencement of works in relation to deliveries to and from site and control of dust etc.

7.5 **Archaeology**

The application site is located within an Archaeological Zone as identified on the policies map. A planning condition would therefore be imposed to secure a programme of archaeological investigation.

7.6 **Parking and Traffic**

7.6.1 The site has a PTAL rating of 2 and is located within CPZ- VO's. Suitable parking provision is retained within the front curtilage for the enlarged house.

7.7 **Local Financial Considerations**

7.7.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project and Merton's CIL. The CIL amount is non-negotiable.

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

8.1.1 The proposal is for minor householder development and an Environmental Impact Assessment is not required in this instance.

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

9. **CONCLUSION**

9.1.1 The proposed extensions and alterations would respect the original dwelling, would preserve the character and appearance of the Wimbledon West Conservation Area and would have no undue impact upon trees or neighbouring amenity. The proposal is in accordance with Adopted Unitary Development Plan, Core Planning Strategy and London Plan policies. The

proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B3 Materials as Specified
4. No Use of Flat Roof
5. F4 – Tree Survey Approved
6. F5P – Tree Protection
7. Design and Construction of Foundation; No work shall be commenced until details of the proposed method of excavation and construction of the basement to be constructed within 8.4 metres radius of the Cedar tree shall be submitted to and approved in writing by the LPA and the work shall be carried out in accordance with the approved details. Such details shall have regard to the BS 5837:2012 and shall also form part of the Arboricultural Method Statement and Tree Protection Plan.

Reason; To protect and safeguard the existing Cedar tree located in the neighbouring garden in accordance with policy CS13 of the AMCPS 2011;
8. F8 – Site Supervision
9. Replacement trees: No development shall take place until there has been submitted in writing for approval to the LPA details of the size, native species, and location for 2 replacement trees. The planting shall be carried out in accordance with the approved details. The planting shall be carried out at the conclusion of site works or within the first available planting season, whichever is the sooner, If either tree within a period of 5 years from the completion of the development dies, is removed or becomes seriously damage or diseased or is dying shall be replaced in the next planting season with another tree of the same specification, unless the LPA gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the AMCPS 2011.

- 10 Implementation in accordance with construction method statement
- 11 Construction Hours
- 12 Construction Management Plan

AMENDED

LIGHT SHOWN AREA INDICATES
EXTO EXTENT OF GARDEN

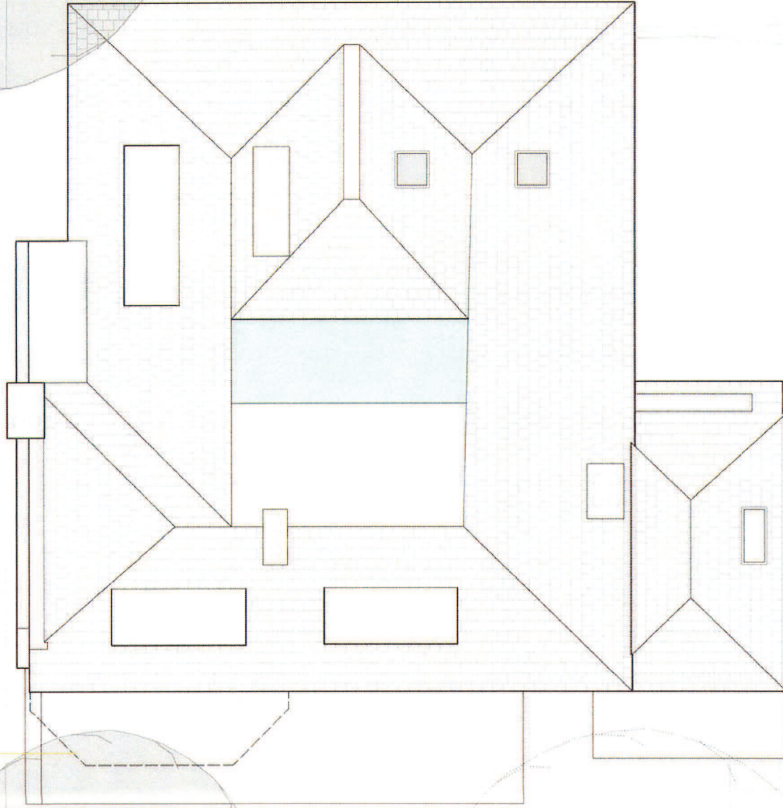
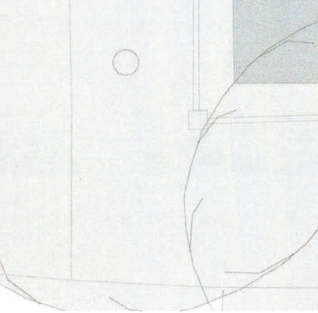
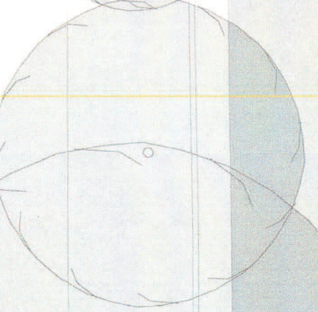
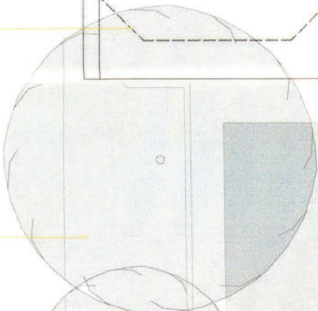
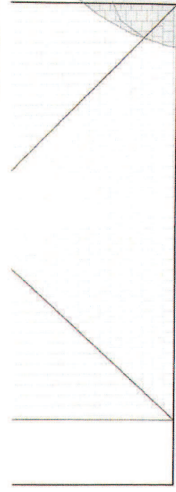
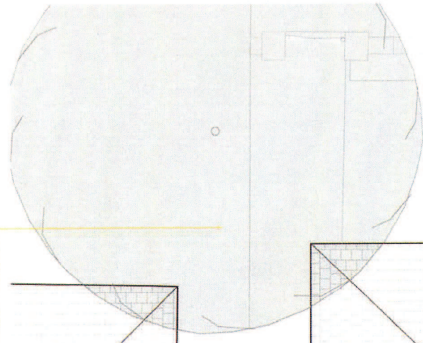
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REPORT (REF 140711.1)

TREE T8 TO BE RETAINED AS PER
AGRICULTURAL ASSESSMENT &
REPORT (REF 140711.1)

DASHED LINE INDICATES
DEPTH OF EXISTING EXTENSION

TREE T1 TO BE REPLACED WITH NATIVE
SPECIES AS PER PARAGRAPHS 12.2.3 OF
AGRICULTURAL ASSESSMENT &
REPORT (REF 140711.1)

EXISTING LOCATION OF
TREE T1 TO BE REMOVED
(SHOWN DOTTED)



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Scale: 1:50

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Notes:

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DATE

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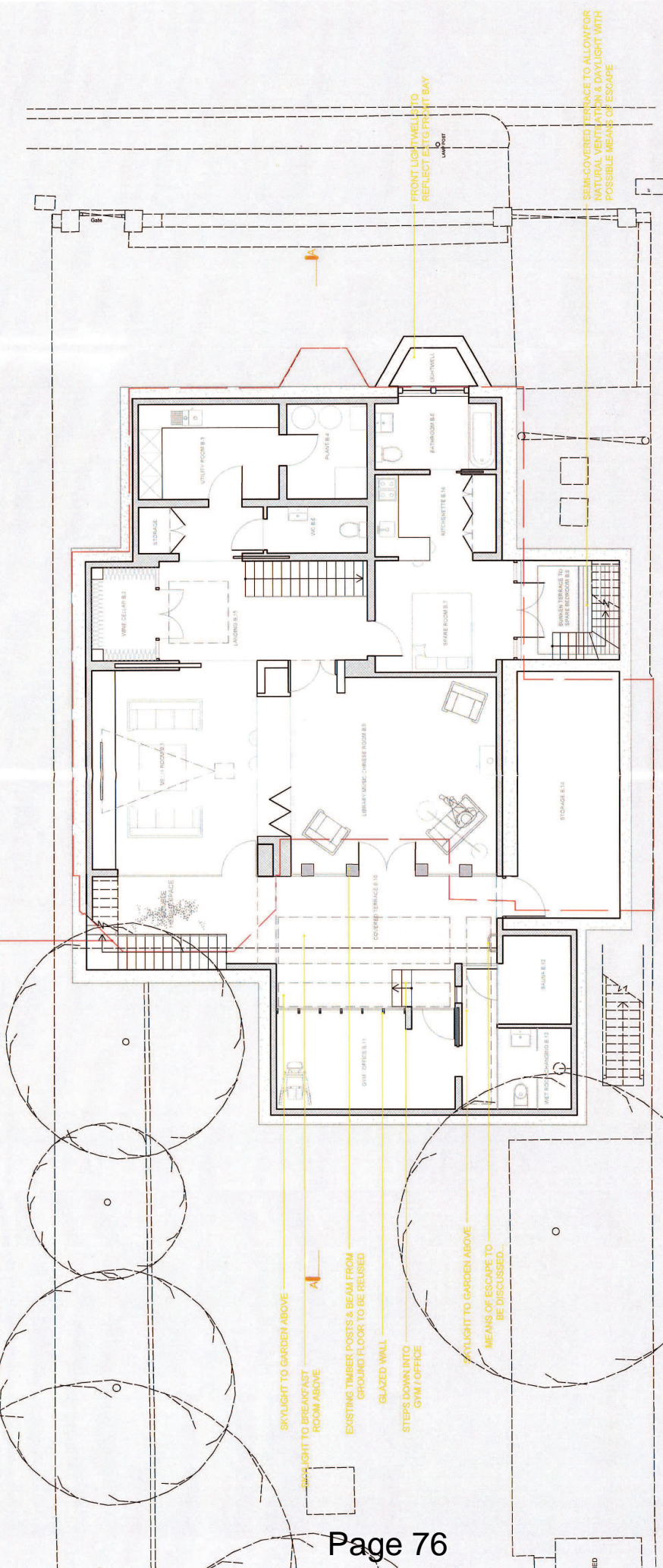
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 Tel: 020 7625 1500 Fax: 020 7625 1501
 E: london@thomaspiers.com W: www.thomaspiers.com

Client: MR AND MRS LOMBARDI
 Drawing: SITE PLAN
 Purpose: PLANNING
 Dwg no: P16_CASEP_001
 Rev: A Date: 29/04/2014
 Scale: 1:100 @ A3

DASHED AREA INDICATES FOOTPRINT OF EXTG HOUSE



AMENDED

Client: MR AND MRS LOMBARDI
 Drawing: PROPOSED BASEMENT PLAN
 Purpose: PLANNING
 Dwg no: REG. CAL. 0.00
 Rev: 01
 Date: 20/08/2014
 Scale: 1:100 @ A3

THOMAS & SPIERS ARCHITECTS
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 WWW: thomasandspiers.com

Job: 07 MURRAY ROAD

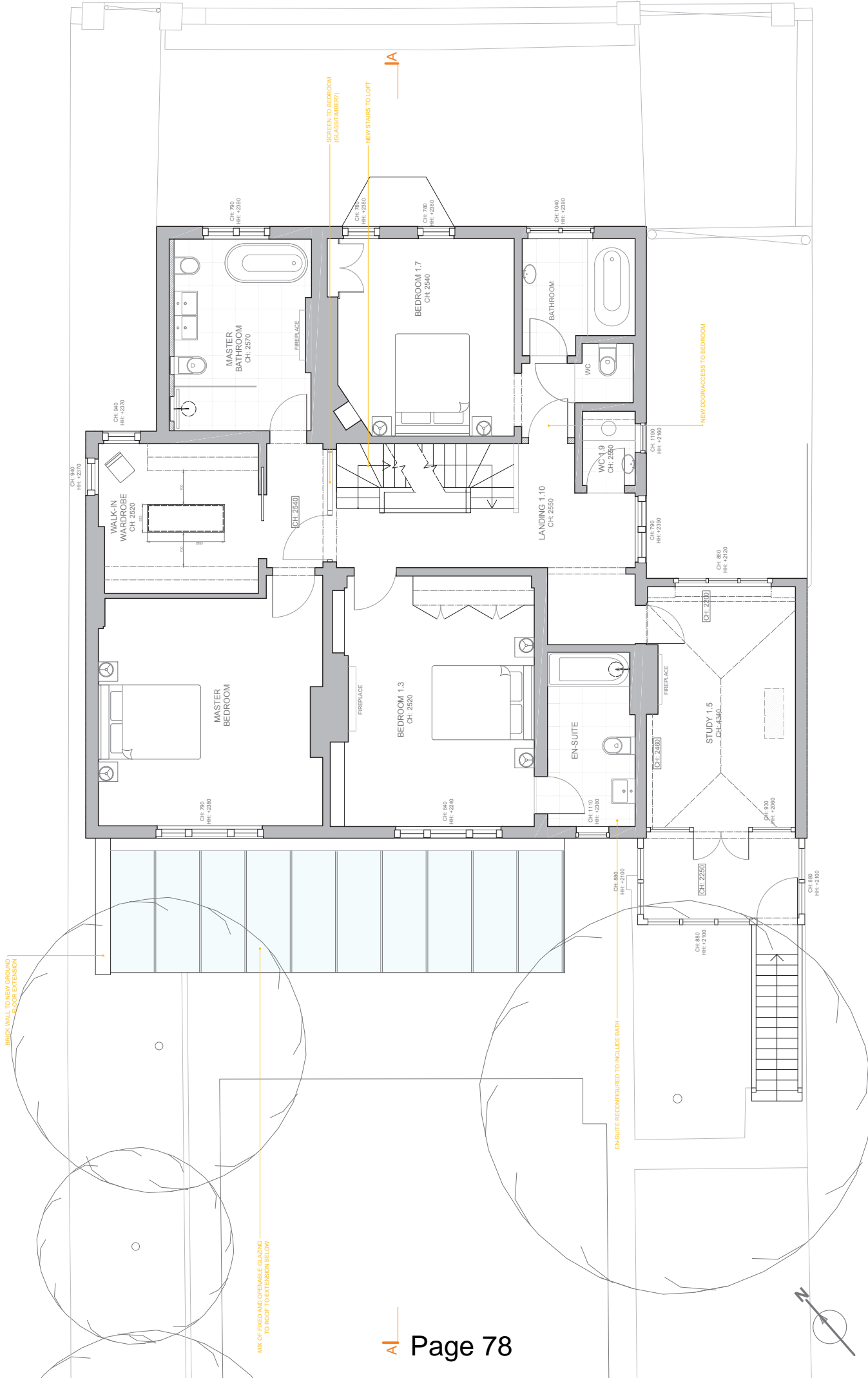
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SCALE
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Notes:

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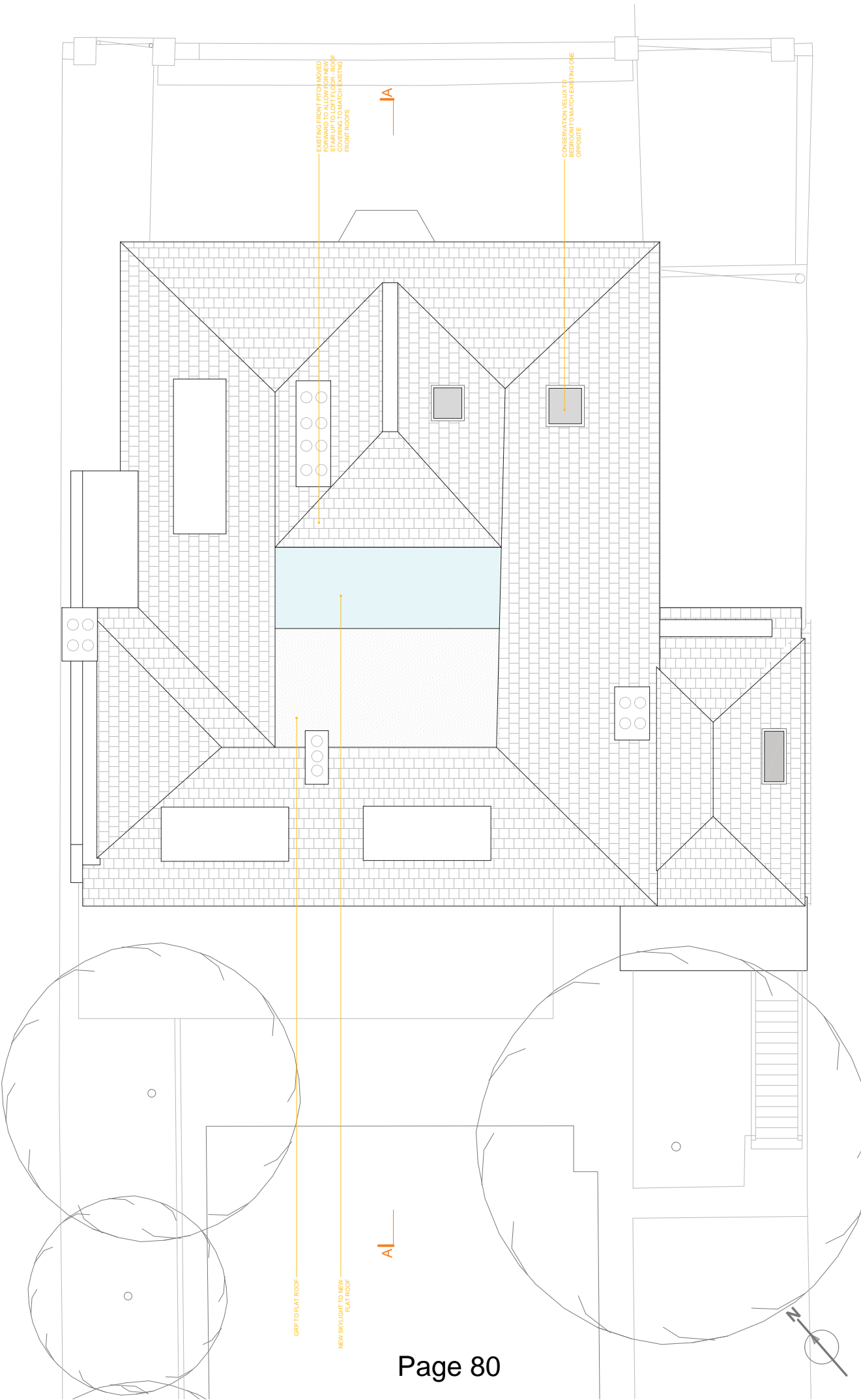
REVISION

DATE	REV	DESC

Client: MR ANDRÉS LOBATO
Drawing: PROPOSED FIRST FLOOR PLAN
Purpose: PLANNING
Draw no.: PBL CA 012 E
Rev.: 1
Date: 17/02/2014
Scale: 1:50 @ A2
Job: 07 ALBANY ROAD

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REVISION

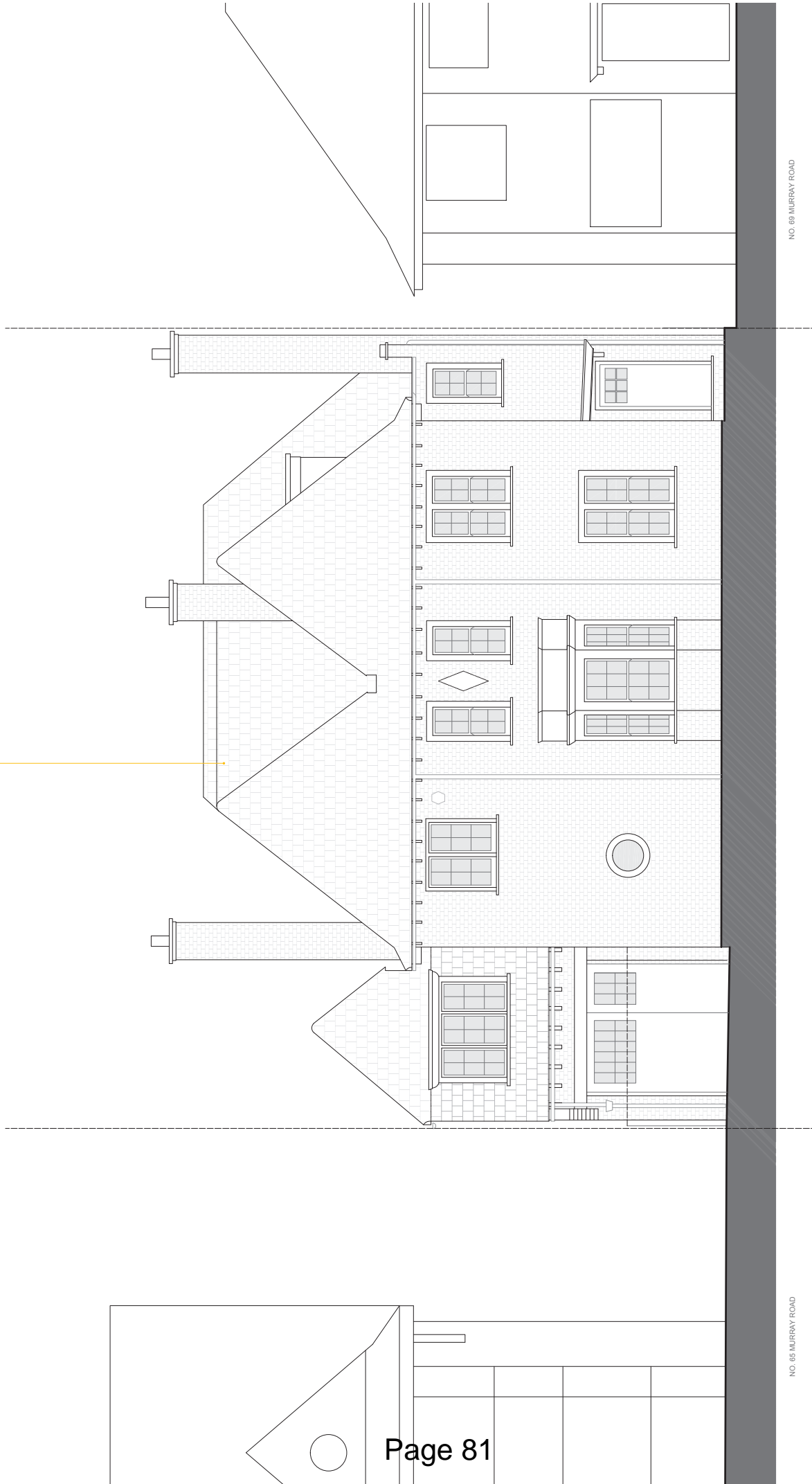
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 10 BRIDGE STREET, HULL, HU1 1EE
 T: +44 (0)1482 422100 W: www.thomasandspiers.com

Client: AIR ANDRÉS LOZADO
Drawing: PROPOSED ROOF PLAN
Purpose: PLANNING
Draw no.: PDR_03A_03A
Rev.: 1
Date: 17/02/2014
Scale: 1:50 @ A2
Job: 07 ALBERTA CLOUD

PITCH TO BE MOVED FORWARD TO
ALLOW FOR NEW STAIR UP TO LOFT LEVEL



NO. 69 MURRAY ROAD

NO. 65 MURRAY ROAD

FRONT ELEVATION TO REMAIN AS EXISTING IN APPEARANCE

Notes:

SCALE



REVISION

DATE

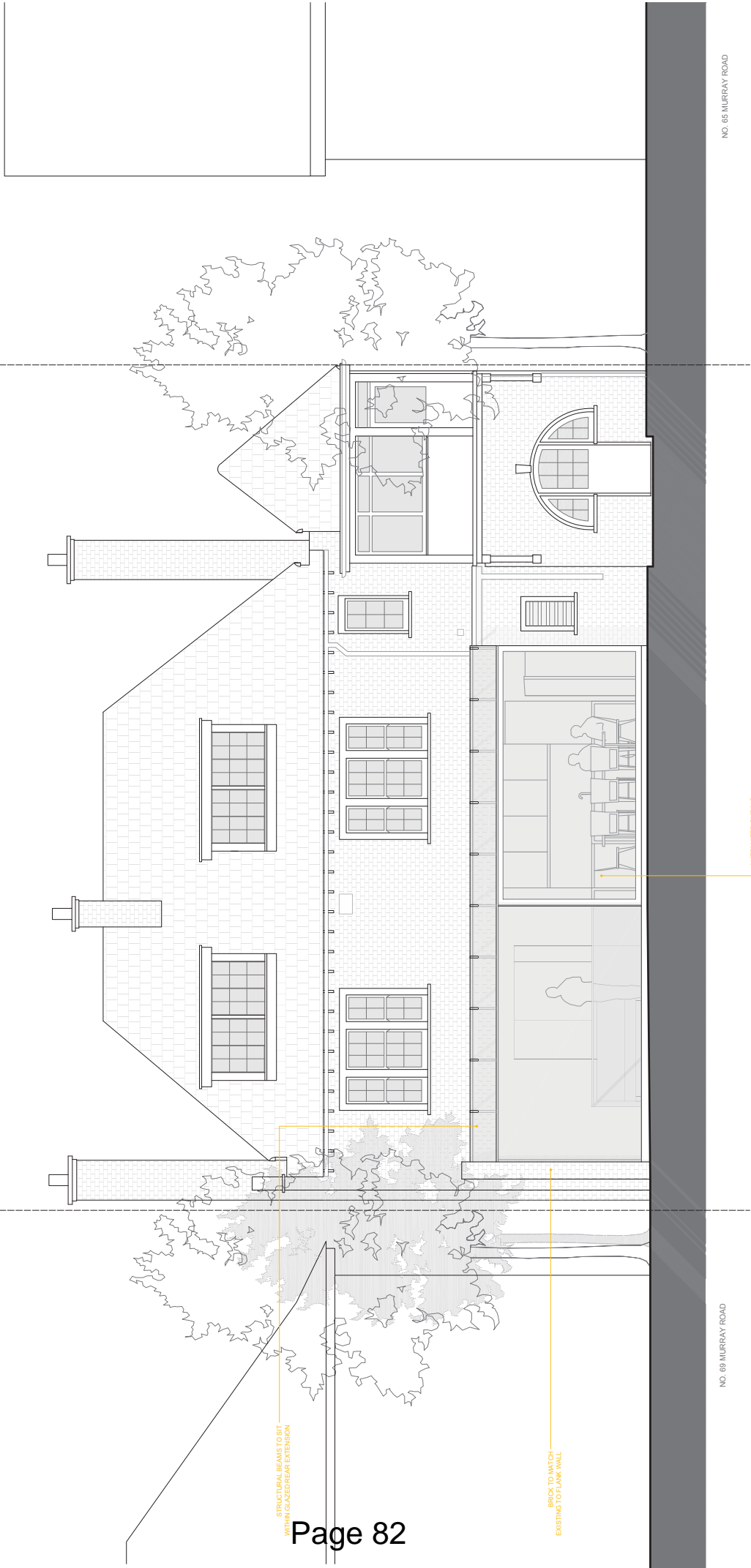
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contractor supervision and full compliance with all
relevant codes and standards.

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Client: AIR ANDERSON LOWRIE
 Drawing: FRONT ELEVATION
 Purpose: PLANNING
 Draw no.: PBL_03_035
 Rev: 1
 Date: 17/02/2014
 Scale: 1:50 @ A2
 Job: 07 ALBERTA CLOUD



NO. 65 MURRAY ROAD

NO. 69 MURRAY ROAD

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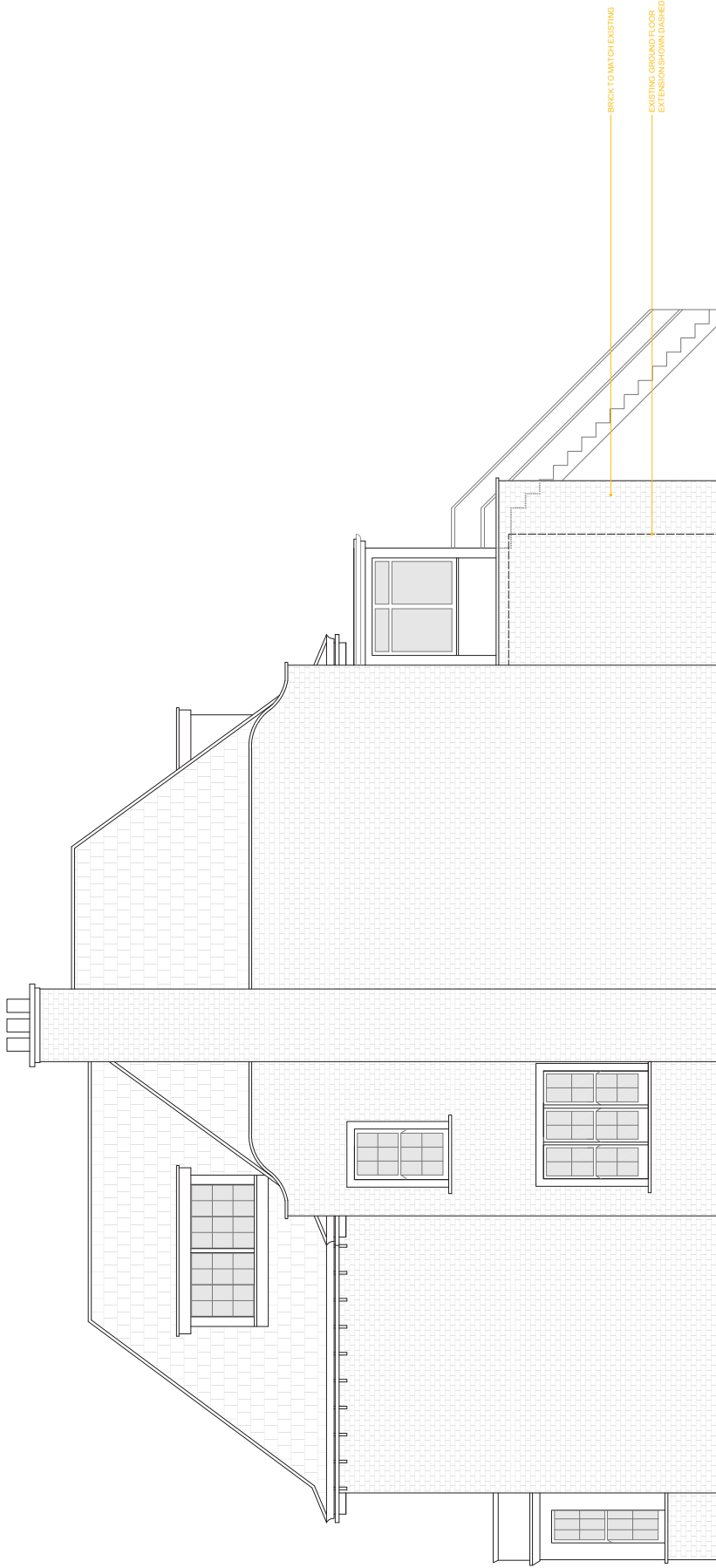
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REVISION	DATE

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 LICENSED ARCHITECTS (REG. NO. 1000)
 11/11/2014 10:00 AM 11/11/2014 10:00 AM
 67 MURRAY ROAD

Client:	MR AND MRS LOWARD
Drawing:	REAR ELEVATION
Purpose:	PLANNING
Drawn by:	TSB, CL, DS
Rev:	
Scale:	1:50 @ A2
Date:	11/02/2014



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The drawings show planning proposals only and must not be used for construction without full consultation with the relevant authorities.

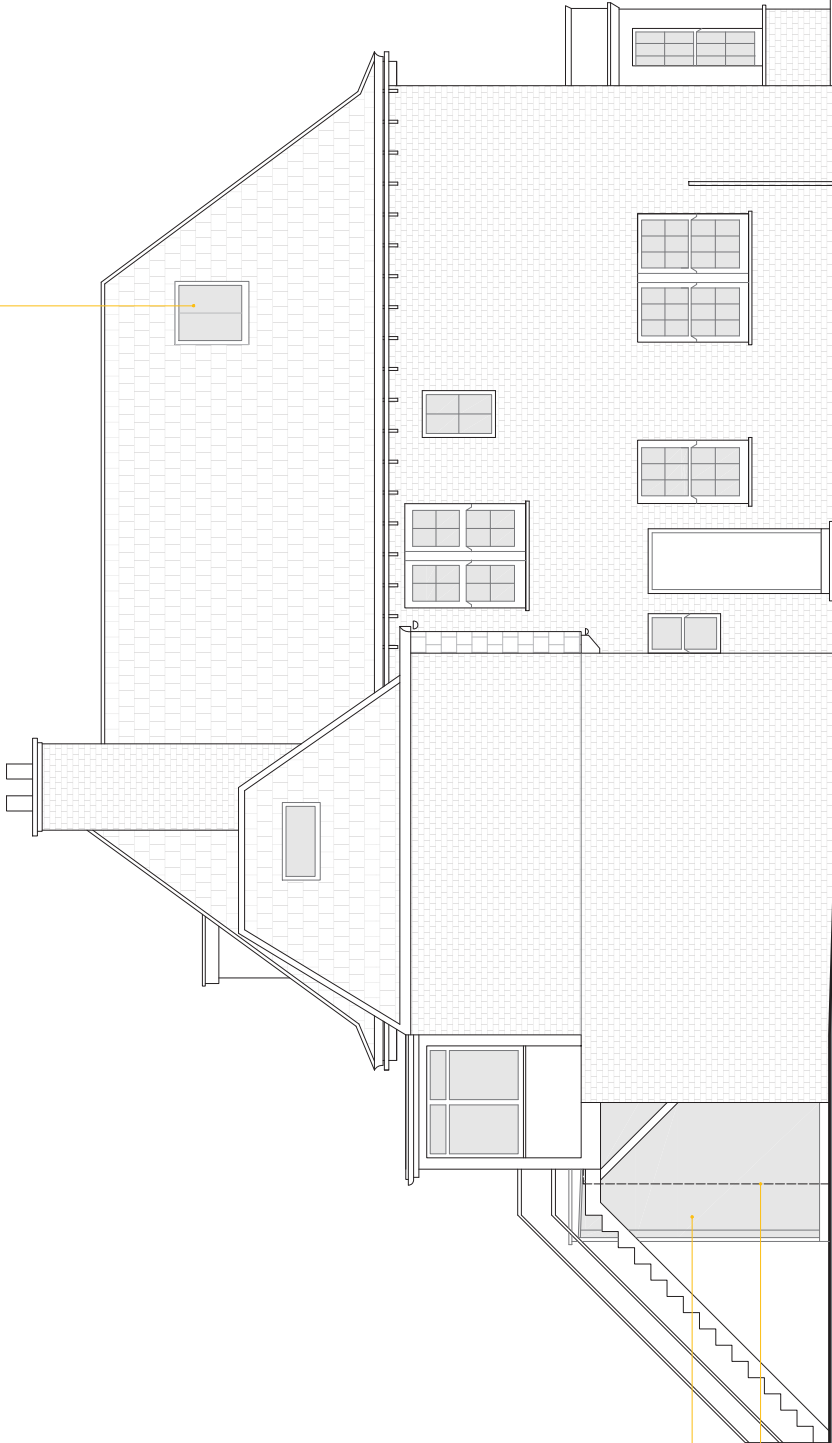
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JOB: 07 AIRBRAY ROAD

Client: MR AND MRS LONBARDI
Drawing: SIDE ELEVATION
Purpose: PLANNING
Drawn by: PSL, DS, DT
Rev: 1
Date: 17/02/2014
Scale: 1:50 @ A2

CONSERVATION VELUX TO
MATCH EXISTING
ONE OPPOSITE PITCH



NEW GLAZED GROUND FLOOR
EXTENSION (BEYOND)

LINE OF EXISTING GROUND FLOOR
EXTENSION (SHOWN DASHED)

EXISTING GATE TO BE
MATCHED

Notes

SCALE



REVISION

DATE	REV.	DESC.

The drawings and planning application only represent the proposed development and should not be used for construction without full consultation with the relevant authorities.

THOMAS & SPIERS ARCHITECTS
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

Client: MR AND MRS LONGBARD
 Drawing: SIDE ELEVATION
 Purpose: PLANNING
 Date: 17/02/2014
 Scale: 1:50 @ A2

**PLANNING APPLICATIONS COMMITTEE
21 AUGUST 2014**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	13/P2414	29/07/2013
Address/Site:	Rear of 7 Somerset Road, Wimbledon, SW19 5JU	
(Ward)	Village	
Proposal:	Proposed erection of new detached 6 bedroom dwelling (to be built on existing tennis court area) to rear of 7 Somerset Road and fronting Lincoln Avenue	
Drawing No's:	0404177/PL.300, 0404177/PL.301, 0404177/PL.302 D, 0404177/PL.303, 0404177/PL.304, 0404177/PL.305, 2013/049a, 2013/049b, 13179-BT2, BAN18738-12a, Topography Plan, Design and Access Statement, Arboricultural Impact Appraisal and Method Statement, Landscape Specification Report, Badger Survey and Mitigation Strategy Report, Sustainable Construction Supplementary Planning Statement.	
Contact Officer:	Sabah Halli (0208 545 3297)	

RECOMMENDATION

GRANT Permission subject to Section 106 Agreement and Conditions

CHECKLIST INFORMATION

- Heads of Agreement: Financial contribution towards affordable housing within the borough, and badger mitigation strategy
- 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: 25
- External consultations: No
- Controlled Parking Zone: No

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination at the request of a Ward Councillor.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises part of the large rear garden area of 7 Somerset Road, Wimbledon. It occupies a part of the garden that is currently laid out as a tennis court. The site is bounded by the side and rear garden boundaries of adjoining properties.
- 2.2 The application site is not within a Conservation Area. Properties along Somerset Road and Lincoln Avenue are subject to an Article 4 direction prohibiting the erection of marquees and other temporary structures.
- 2.3 There are six Tree Protection Orders (TPO) at no.7 and one TPO at no.9

3. **CURRENT PROPOSAL**

- 3.1 This application comprises the erection of a new detached 6 bedroom dwelling within the rear curtilage of 7 Somerset Road, with accommodation at basement level. It is very similar to an earlier application that was granted permission at Planning Applications Committee in 2010 but which has now expired.
- 3.2 The proposed house would be two storeys in height with a flat roof (plus basement), and would project only slightly forward of the adjoining double garage at 3 Lincoln Avenue. The new property would be set 16m from the existing property at 7 Somerset Road and would be lower in height than both 7 Somerset Road and 1 Lincoln Avenue.
- 3.3 It would have a height of 5.8m from ground level (the same as the previously approved dwelling) and depth of 13.1 – 13.4m. The dwelling would have a similar footprint to that previously approved except that it would have a wider frontage and is sited further away from 3 Lincoln Avenue. There would be a 1.5 – 2m gap between the flank and the side boundary with 3 Lincoln Avenue and 2.5m from the side boundary to be established with no.7. The dwelling would be 17 – 25m from its rear boundary.

- 3.4 The basement level would have the same footprint as the main dwelling and would provide two bedrooms, kitchenette/laundry, bathroom, plant room, TV room, and gym area, opening out into a sunken courtyard area at the rear. The basement would receive natural light from a side light well courtyard and rear access into the garden.
- 3.5 Accommodation at ground floor level would comprise a single garage, hall, Kitchen, drawing room, and family room and would also directly access the garden to the rear. The first floor level would comprise 4 bedrooms with en-suite facilities and includes a small rear terrace attached to the master bedroom.
- 3.6 In addition to the single integral garage, there is sufficient space to park a car on the front driveway.
- 3.7 The proposed dwelling would be of a simple, modern design and be constructed of through coloured render with powder coated aluminium window frames and doors. Boundary treatments are proposed to be timber fencing and/or hedgerows.

4. **RELEVANT PLANNING HISTORY**

Tennis Court Land at 7 Somerset Road

12/P1707 – ERECTION OF NEW DETACHED 2 - STOREY DWELLING WITH BASEMENT FRONTING LINCOLN AVENUE – Previously deferred at January 2013 Planning Applications Committee (PAC) for further information. This application has been made by the site owners and will be required to be considered at a later date at PAC.

*The application subject of this report is made by Banner Homes.

09/P2458 - ERECTION OF NEW DETACHED 2-STOREY DWELLING WITH BASEMENT FRONTING LINCOLN AVENUE – Approved at June 2010 PAC. (Not implemented – permission expired 4th June 2013)

12/P0181 and 09/P1855 – APPLICATIONS FOR DETACHED HOUSES FRONTING LINCOLN AVENUE (both withdrawn)

7 and 9 Somerset Road

13/P2401 - DEMOLITION OF 2 X EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT DETACHED HOUSES – Approved September 2013 (Applicant is Banner Homes)

12/P2102 - DEMOLITION OF 2 x EXISTING DETACHED HOUSES AND

ERECTION OF 3 HOUSES (2 x 3 STOREY REPLACEMENT DWELLINGS FRONTING SOMERSET ROAD AND NEW DETACHED 2 STOREY DWELLING TO REAR OF 9 SOMERSET ROAD) – Previously deferred at January 2013 Planning Applications Committee (PAC) for further information. This application has been made by the site owners and will be required to be considered at PAC at a later date.

12/P1709 - DEMOLITION OF TWO EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT HOUSES DETACHED HOUSES – Approved (Applicant is the site owner)

5. CONSULTATION

The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties. Three representations have been received:

- The flat roofed, modern, and stark appearance is not in keeping with the pitched roofed properties of Lincoln Avenue
- The proposed house needs to be in keeping with the semi-rural nature of this part of Wimbledon
- The greenery should be maintained or replaced in such a way that the current levels of seclusion are kept
- Loss of privacy to adjoining properties if vegetation along the side and rear boundaries is lost
- This application in addition to another application by the same applicant and applications submitted by the owner of 3 Lincoln Avenue would result in an overdevelopment of the area
- The scheme is an over-development of the site

Natural England – No objection. Advise that it is not likely to have a significant effect on the interest features for which Wimbledon Common has been classified as an SSSI and SAC and that the SSSI does not represent a constraint in determining this application.

Natural England Standing Advice to be applied to this application. Standing Advice is a material consideration in its determination in the same way as any individual response received from Natural England following consultation. The authority should consider securing measures

to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Tree Officer – No comments.

Transport Officer - No comments on this application however comments on the previous approval (12/P1709) were:

‘Somerset Road has double yellow lines along both sides of the road but is not in CPZ however Lincoln Ave is therefore any new access will be subject to a change in the Traffic Management order. There are no transport objections subject to a condition in respect of details of the new vehicular access being submitted to the Council for approval and an informative in respect of construction of accesses impacting upon a controlled parking zone being added to any approval.’

6. **POLICY CONTEXT**

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

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub - Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)

The relevant policies within the Adopted Sites and Policies Plan (October 2003) are:

DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (transport Impacts of Development), and DM T3 (Car Parking and Servicing Standards)

New Residential Development – SPG
Design – SPG
Planning Obligations – SPD

The relevant policies in the London Plan (2011) are:

3.3 (Increasing Housing Supply);
3.4 (Optimising Housing Potential);
3.5 (Quality and Design of Housing Developments)
3.11 (Affordable Housing Targets)

5.7 (Renewable Energy)
8.2 (Planning Obligations).

Natural England Standing Advice on Protected Species

National Planning Policy Framework (2012)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the erection of a new dwelling within the rear curtilage of 7 Somerset Road, the design and appearance of the proposed dwelling, and its effect upon neighbour amenity and the Lincoln Avenue street scene.

7.2 Principle of Development

7.3 An earlier similar proposal for a new detached dwelling on the tennis court land was approved at Planning Applications Committee in June 2010 (ref. 09/P2458) which only recently expired. As for this application, the approved dwelling was of a flat roofed modern design. The approved plans are attached as an appendix to this report. The general principle of development for a two storey flat roofed house with basement has therefore been previously considered to be acceptable.

7.4 The existing property has a very generous rear garden. The property is not in a Conservation Area, nor is it statutorily or Locally Listed. Government guidance encourages the more intensive use of land for residential purposes. As such, there is still no objection in principle to the redevelopment of the site for residential purposes subject to its impact on the street scene, adjoining properties, and the existing house.

7.5 Since the approval granted in June 2010, permission has been granted for the demolition of the existing houses at 7 and 9 Somerset Road and the erection of two detached replacement dwellings (ref. 13/P2401). They were considered and approved in the context of both the existing situation and the approved house on the tennis court. The permission for the replacement houses is still extant and capable of implementation.

7.6 This current scheme needs to be assessed in the context of the previous approval (09/P2458), the current site situation of 7 and 9 Somerset Road, and the recent approval for replacement dwellings at 7 and 9 Somerset Road.

7.7 Design

- 7.8 The scheme has been amended since its original submission at the request of Officers so that it is now the same height as the previously approved dwelling (5.8m).
- 7.9 The proposed dwelling would front onto Lincoln Avenue, which is a residential road comprising detached, pitched roofed properties of similar design. Some have been extended two storeys to the side and/or the rear.
- 7.10 In common with the previously approved scheme (09/P2458), the proposed dwelling is of a simple, modern design, with a flat roof. Materials are proposed to be render, with aluminium windows and lead roof whereas the previous proposal was for multi-toned grey brick. The footprint is very similar to the approved footprint however the overall design has been simplified, with a vertical rather than a horizontal emphasis to the fenestration. The front and rear building lines have still been designed so as to respect the front building line along Lincoln Avenue, and the rear building line of no.3.
- 7.11 The proposed dwelling also retains a satisfactory height relationship between its flat roof and the massing of 7 Somerset Road and 3 Lincoln Avenue. The dwelling would be lower in height than 3 Lincoln Avenue and lower in height than no.7. The property is set at least 1.5m from each side boundary and 24m from the rear of 7 Somerset Road, and as such is considered would retain the characteristic spacing along the roads.
- 7.12 There is a range of spacing between dwellings within the street in this instance, the dwelling would also be separated from no.3 by no.3's double garage. To the opposite boundary, it would abut the rear garden of 7 Somerset Road. This will retain the feeling of openness between dwellings.
- 7.13 The recently approved replacement dwellings at 7 and 9 Somerset Road are larger in footprint than the existing dwellings however not significantly so and are sited in broadly the same locations. This proposed scheme has an acceptable relationship with both the existing dwellings and the approved dwellings, if they were to be built.
- 7.14 In light of the above, the proposed development is considered to be acceptable in terms of its design, siting, form, and would not comprise an overdevelopment of the site, and satisfies the aims of policies BE.16 (Urban Design), and BE.22 (Design of New Development).

7.15 Landscaping/Trees

7.16 Representations received have voiced concerns regarding the potential impact of the development on the semi-rural nature of area. The site as it currently exists comprises a rear tennis court and part of the rear garden of 7 Somerset Road, which has been unused and has become overgrown since the site became vacant over a year ago.

7.17 The proposed development would result in less than half of the plot being built on and with the remainder to the front, sides, and rear being soft landscaped. Concerns have been raised regarding a loss of privacy if the existing side and rear vegetation is lost however it is intended that a scheme of landscaping be installed which enhances the appearance of the site, complements the proposed dwelling, and retains the existing level of amenity and privacy. It is recommended that a condition be added to any approval requiring that prior to development commencing a scheme of landscaping be submitted to and approved by the Local Planning Authority.

7.18 There are no protected trees on site however there is a tree of amenity value located within the curtilage of 3 Lincoln Avenue, in close proximity to the site and it is recommended a condition be added to any approval requiring that prior to development a scheme of tree protection be submitted to and approved by the Local Planning Authority.

7.19 Impact on Residential Amenity

7.20 The provisions of policy BE.15 and the relevant Supplementary Planning Guidance's (SPGs) require there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.

7.21 It is considered that there would not be a detrimental impact on the outlook or daylight/sunlight of the occupiers of the properties nearest to the site because the height of the unit would be similar to that of no.3 and the dwelling would not fill the entire plot and appear excessively large or overbearing. The properties opposite the site would be 24.5 - 25m away and the closest property to the rear of the site, along Bathgate Road, would be at least 75m away. The dwelling would be 25m from the rear of 7 Somerset Road and the depth of the dwelling (approximately 13m) is not excessive. The front and rear building lines follow those of 3 Lincoln Avenue and so it is not considered that there would result a detrimental impact on the amenities of the occupiers of that property.

- 7.22 There are flat roofed areas proposed and a front and rear terrace shown and this can be restricted for maintenance purposed only by a condition an any approval if considered necessary. Only one first floor side windows is proposed and this would serve a bathroom and be obscure glazed. As such there would not be a loss of privacy to the occupiers of the adjoining properties from the proposed side window or flat roofed areas.
- 7.23 Conditions are proposed prohibiting the insertion of any new windows/doors without planning permission and removing permitted development rights in order to protect residential amenity.
- 7.24 In light of the above, the proposals would not result in any loss of amenity to occupiers of neighbouring properties and the proposal accords with policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise).
- 7.25 Standard of Accommodation
- 7.26 Table 3.3 of the London Plan (2011) advises a minimum of 107m² gross in internal floor area for new dwellings. The GIA of the proposed dwelling would be in keeping with this guidance.
- 7.27 The proposed internal layout is considered acceptable and each habitable room is considered would have a satisfactory light and circulation area.
- 7.28 The rear garden amenity space meets the 50m² minimum size required by policy DM D2 and the Council's guidelines.
- 7.29 Basements
- 7.30 There has been a marked increase in the number of applications within the Borough including extensive basements and as a consequence, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, a new policy has recently been adopted within Merton's Sites and Policies Plan July 2014, which requires a construction method statement to be submitted as well as details of impact on surface water and ground water. In this instance, given that the application was submitted almost a year ago and a long time prior to the adoption of this policy, in combination with the flat nature of the site and the distances from adjoining properties, it is considered that a condition requiring these details prior to commencement of development is acceptable.
- 7.31 Parking and Traffic Issues

- 7.32 The proposed parking provision is for 2 spaces (one single garage and one space in front of the garage, and this is considered acceptable.
- 7.33 The proposed access arrangements are also considered to be acceptable in principle, subject to exact details being submitted to the Council for approval prior to development commencing.
- 7.34 Ecology/Protected Species
- 7.35 A full survey has been undertaken of both 7 and 9 Somerset Road and mitigation measures are proposed in relation to protected species . This report has been assessed by the Council's Ecology Officer and they have raised no objections to the scheme however advise that Natural England's standing advice should be followed when preparing any final scheme for mitigation.
- 7.36 **MAYORAL COMMUNITY INFRASTRUCTURE LEVY**
- 7.37 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

8 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

- 8.1 Merton's Community Infrastructure Levy was implemented on 1st April 2014. This enables the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected.

9. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 9.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 9.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

- 9.3 The new dwelling would be required to be built to Lifetime Homes standards and would be required to achieve Code 4 of the Code for Sustainable Homes.

10 **S106 LEGAL AGREEMENT**

- 10.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£238, 226)

- 10.2 An approved badger mitigation strategy and its installation and retention will be required.

11. **CONCLUSION**

- 11.1 The proposal makes efficient use of this generous garden area and will not be to the detriment of the residential amenities of the occupiers of the surrounding properties, the existing house, local parking, or pedestrian safety.

Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PERMISSION

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

1. Financial contribution towards affordable housing within the borough (£238, 226).
2. Installation of an approved Badger mitigation strategy prior to any works commencing

Notwithstanding any details contained within the submitted 'Badger Survey and Mitigation Strategy' report, no works shall commence, including demolition and site clearance, unless or until a fully detailed mitigation strategy in relation to works which may affect Badgers, their breeding sites, or resting places, has been submitted to and approved in writing by the Local Planning Authority, including details of a timetable relative to demolition and construction works, specification, and monitoring, and

confirmation that the relevant licence(s) for works have been obtained from Natural England. All works shall then proceed in accordance with the approved strategy, with any amendments first agreed in writing by the Local Planning Authority.

4. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. B1 External Facing Materials (to be approved)
4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C1 No Permitted Development (Extensions)
8. C2 No Additional Windows (in side elevations of new building)
9. C7 Refuse & Recycling (Implementation)
10. C8 No Use of Flat Roof
11. D9 No external Lighting
12. D.11 Hours of Construction
13. F1 Landscaping/Planting Scheme (including additional tree planting to enhance the site and retain the wooded character of the surroundings)
14. F2 Landscaping (Implementation)
15. F5P Tree Protection
16. F9 Hardstanding
17. H1 New Vehicle Access – Details to be submitted
18. H4 Provision of vehicle parking

- 19. H10P Construction vehicles
 - 20. J.1 Lifetime homes
 - 21. L2 Code for Sustainable Homes – Pre-Commencement (New build residential)
 - 22. L3 Code for Sustainable Homes – Pre-Occupation (New Build Residential)
- 2.3 Non – Standard Condition: No development shall commence until a detailed construction method statement and drainage details indicating precisely how the approved dwelling will be built to have regard of local ground and water conditions, including surface run-off, has been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The approved development shall then be carried out as per the details of the Construction Method statement.

Reason: To safeguard the adjoining properties and to comply with policies CS 16 of the Adopted Merton Core Planning Strategy and DM D2 of the Adopted Merton Sites and Policies Plan.

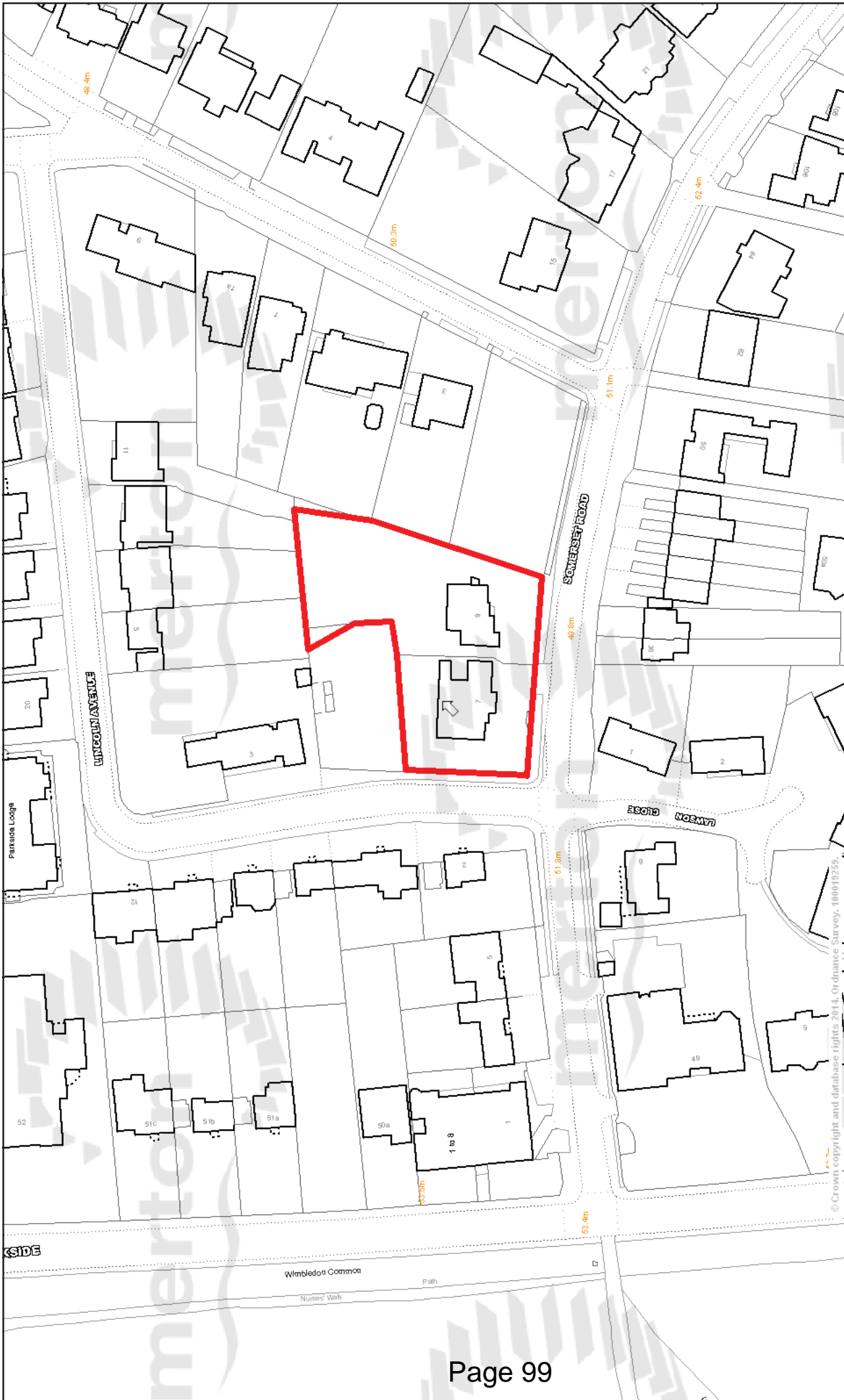
Informatives:

INF12 Works affecting the public highway

THE APPLICANT IS MADE AWARE THAT THEY MUST CONTACT NATURAL ENGLAND TO OBTAIN THE RELEVANT LICENCE(S) PRIOR TO ANY WORKS COMMENCING ON SITE.

Note 1 to Applicant

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London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 5/8/2014

RO 7 Somerset Road

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DEVELOPMENT CONTROL

29 JUL 2013

Planning Development Control



Rev.	Date	Description



BANNER HOMES LIMITED
Riverside House, Holspur Lane, Woodburn Green
Hillingdon, Uxbridge, Middlesex, UB8 3PJ
Tel: 01895 532000 Fax: 01895 532010
DX: 128510 Woodburn Green E-mail: info@banner-homes.co.uk

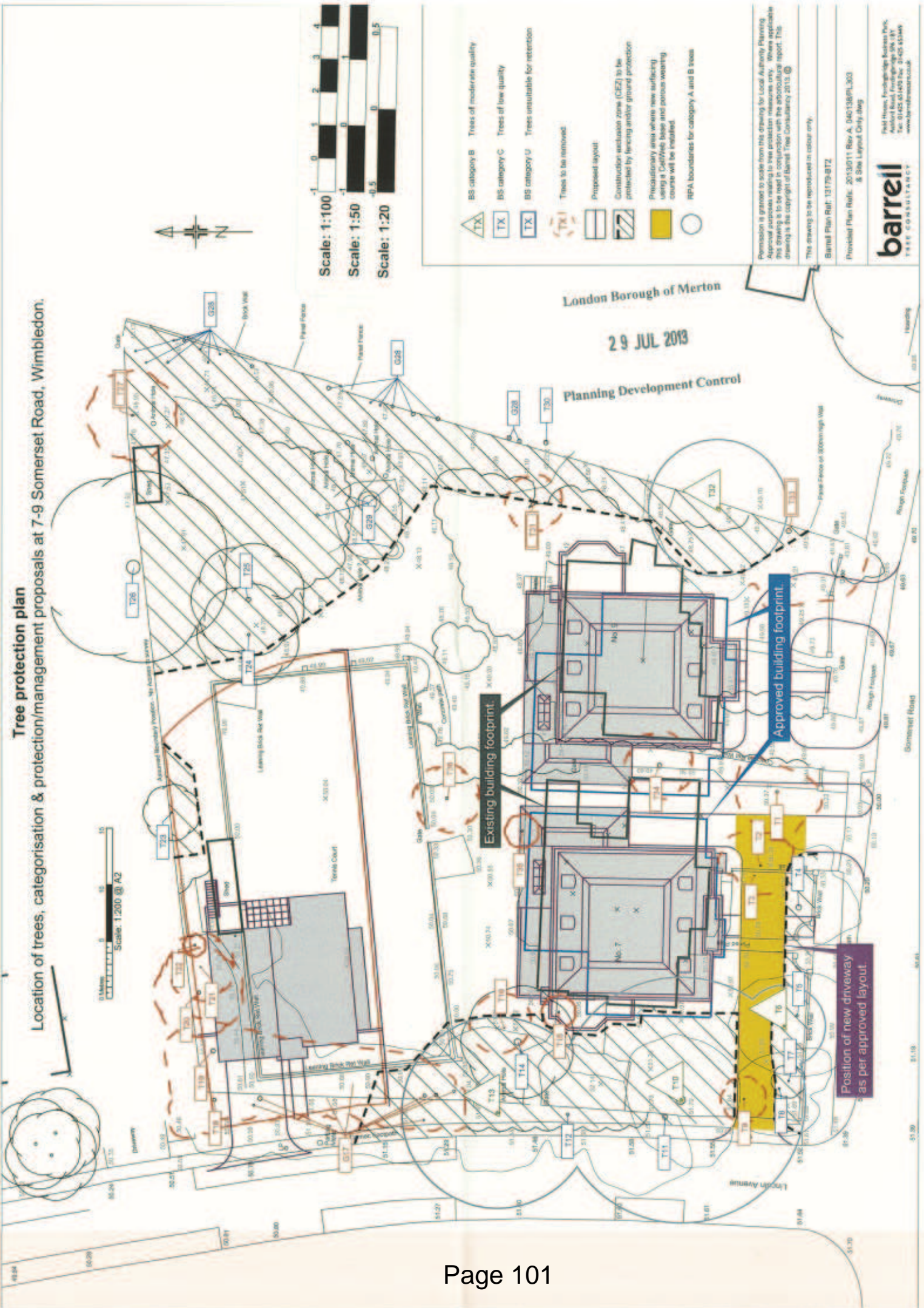
Project
Somerset Road
Wimbledon

Drawing title
Location Plan

Scale	Dwg No.
1:1000 @ A3	040177/PL 300
Date	Rev
23.07.13	
Drawn	
CLB	



Tree protection plan
 Location of trees, categorisation & protection/management proposals at 7-9 Somerset Road, Wimbledon.



London Borough of Merton

29 JUL 2013

Planning Development Control

- BS category B Trees of moderate quality
- BS category C Trees of low quality
- BS category U Trees unsuitable for retention
- Trees to be removed
- Proposed layout
- Construction exclusion zone (CEZ) to be protected by fencing and/or ground protection
- Precautionary area where new tree surfacing using a Calfees base and porous wearing course will be installed
- RPA boundaries for category A and B trees

Permission is granted to scale from this drawing for Local Authority Planning purposes only. This drawing is to be used in conjunction with the accompanying report. This drawing is the copyright of Barrel Tree Consultancy 2013 ©

This drawing to be reproduced in colour only.

Barrel Plan Ref: 13179-BT2

Proposed Plan Ref: 2013011 Rev.A 040136PL303 & Site Layout Only.dwg

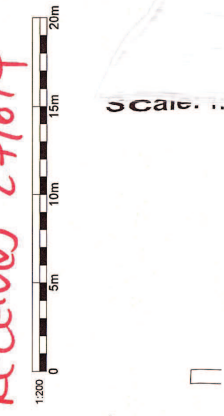
barrell
 TREE CONSULTANCY

Paul Hines, Fordingbridge Business Park,
 Andover Road, Fordingbridge, SP6 3BT
 Tel: 01425 61400 Fax: 01425 65349
 www.barrelltree.co.uk

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131P2914 AMENDED PLAN

RECEIVED 27/6/14



Rev	Date	Description
B	27.06.14	Street scene amended
A	16.04.14	Street scheme amended to sh



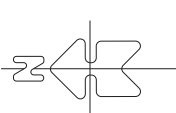
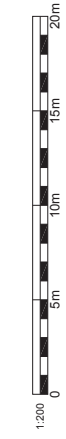
BANNER HOMES LIMITED
 Riverside House, Halesowen Lane, Wood
 High Wycombe, Buckinghamshire, HP12
 3RQ
 Tel: 0494 232222 Fax: 01628 5362
 DX: 123810 Woburn Gwent E-mail: info@bann

Project
 Somerset Road
 Wimbleton

Drawing title
 Site Layout & Street Scene

Scale	1:200 & 250 @ A2
Date	23.07.13
Dwg No.	040177/P
Rev	B

Site layout + Street Scene - Area



Rev	Date	Description
A	16.04.14	Street scheme amended to show existing house

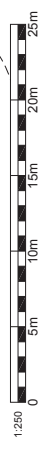


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Project
 Somersset Road
 Wimbleton

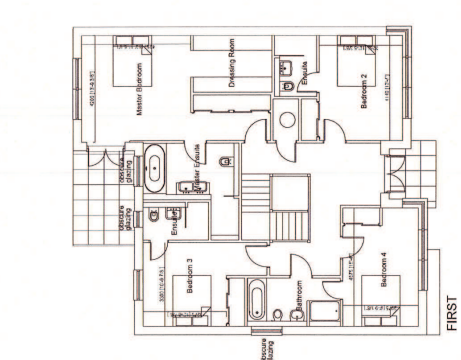
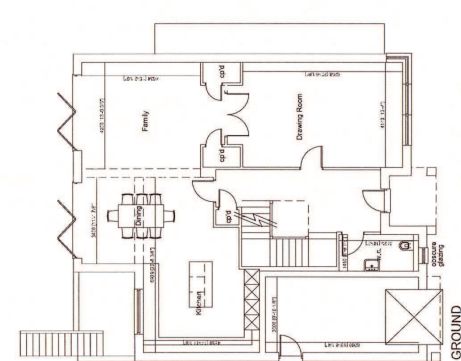
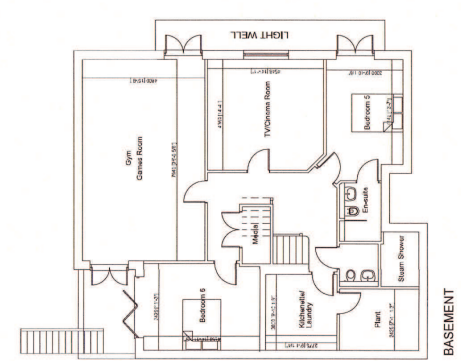
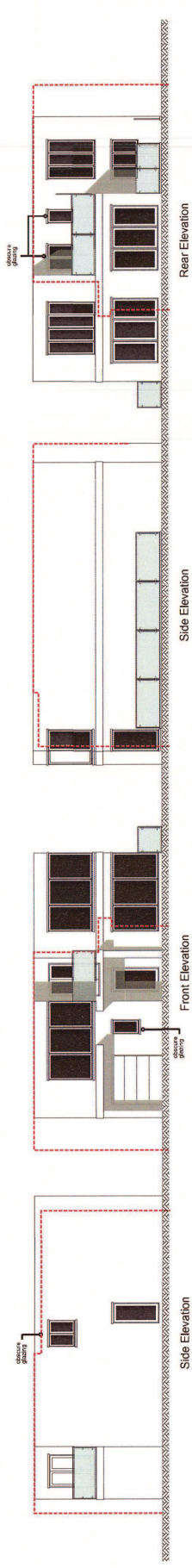
Drawing title
 Site Layout & Street Scene

Scale	Dwg No.
1: 200 & 250 @ A2	040177PL.301
Date	Rev
23.07.13	A
Drawn	



RECEIVED 7/7/14

131P2414
ADDITIONAL PLAN
FOR INFO



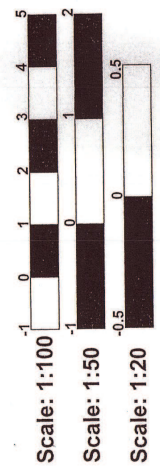
Rev	Date	Description
A	16.07.14	Approved outline shown in red
B	27.08.14	Building height indicated
C	30.08.14	Scale bar added
D	07.07.14	Approved outline shown

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Project
 Somerset Road
 Wimbeldon

Drawing title
 Plot 3
 Floor Plans

Dwg No.	040177/PL_302
Scale	1:100 @ A1
Date	16.07.13
Rev	D
Drawn	CLB



PLANNING APPLICATIONS COMMITTEE
21 August 2014

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P1241	23/04/2014
Address:	191 - 193 Western Road, Mitcham, London, SW19 2QD	
Ward:	Lavender Fields	
Proposal:	Demolition of the existing buildings [940 square metres of B8 floor space] and the redevelopment of the site for residential purposes [48 residential units in three and four storey buildings comprising 11 one bedroom flats; 21 two bedroom flats, 14 three bedroom houses and 2 four bedroom houses] together with associated landscaping, car parking [27 off street spaces] and other associated works.	
Drawing No's:	P0-001; P0-100D; P1-100; P1-101; P1-102; P1-103; P1-104; P1-100; P1-200; P1-110; P1-111; P1-112; P1-101; P1-101 P1-102; P1-105; P1-103; P1-106; P1-104; Design and Access Statement; Planning Statement; Flood Risk Assessment and Surface Water Drainage Strategy; Transport Statement; Energy Statement; Sustainability Statement; Archaeological Assessment; Ecological Report; Arboricultural Assessment and Tree Constraints Plan; Services Appraisal; Contamination Report; and Waste Management Plan.	
Contact Officer:	Tony Ryan [020 8545 3114]	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106: Affordable housing [dependent on outcome of viability assessment]
 - Has an Environmental Impact Assessment been submitted: No
 - Press and site notice: Yes
 - Design Review Panel consulted: No
 - Archaeological Priority Zone: Yes
 - Area at risk of flooding: Yes [Zone 2]
 - Controlled Parking Zone: No
 - Conservation Area: No
 - Trees: No Tree Preservation Orders.
 - Number of neighbours consulted: 47
 - Sites and Policies Plan: Proposal Site 78 – residential use.
 - External consultations – Secured by Design Officer, Environment Agency Transport for London, English Heritage and Western Road Allotments Society
 - PTAL: 3 [TFL Planning Information Database];
 - Density – 296 habitable rooms per hectare [151HR and 0.51H]
 - Number of jobs created: N/A
-

1. INTRODUCTION

- 1.1 This application is brought back to Committee for Members' consideration following the deferral of a decision at the meetings on the 19 June 2014 and the 10 July 2014. A decision was deferred to allow further discussion on affordable housing provision in terms of the viability of the proposal

2. SITE AND SURROUNDINGS

- 2.1 The irregular shaped application site (0.51 hectares) is located on the south west side of Western Road. A red brick commercial building is currently located on the Western Road frontage of the application site. The land at the rear of this building is occupied by small scale structures associated with the open yard storage uses operating from the site. The site currently has a double width vehicle access in the middle of the Western Road frontage with two advertisement hoardings incorporated into the front boundary fencing to the site.
- 2.2 Western Road is a classified road [A236] which forms part of the Strategic Road Network (SRN) and carries a large quantity of traffic as a busy arterial thoroughfare. The application site is proposal site 78 in the Sites and Policies Plan that designates the site for residential use. The land on the opposite side of Western Road is located within an industrial area as designated by the Sites and Policies Plan.
- 2.3 To the north west and south east of the application site along Western Road there are semi-detached and terraced residential properties. Residential properties in Church Road are located to the west, and to the south properties in a cul-de-sac called Reynolds Close. The Western Road allotments are located to the south east of the application site. A pedestrian access from the allotments on to Western Road separates the application site from the two storey semi-detached residential property at 189 Western Road.
- 2.4 The general scale of local development is of buildings of up to four storeys in height. A three storey commercial building with a flat roof is located opposite the application site. Two storey residential buildings with pitched roofs are located next to the site in Western Road, and to the rear in Reynolds Close and Church Road. Several detached three and four storey residential buildings are located on the opposite side of Western Road further to the east.
- 2.5 The site is located in an archaeological priority zone and over half of the site is located in an area at risk from flooding [flood risk zone 2]. The site is not located in a controlled parking zone. The site is not in a conservation area and there are no buildings either on the site or nearby that are on the statutory or local list of historically important buildings.

3. CURRENT PROPOSAL

- 3.1 The current application involves the demolition of existing building [940 square metres of B8 floor space] and the removal of existing structures and advertisement hoardings and the redevelopment of the site for residential purposes.

- 3.2 The development consists of a four storey residential building at the front of the site that will provide 32 flats [11 one bedroom – 2 person, 9 two bedroom - three person and 12 two bedroom – four person flats]. These flats are separated between three staircase cores that have been annotated on the submitted plans as blocks A [11 units], B [11 units – proposed shared ownership units], C [10 units].
- 3.3 In the eastern part of the site and to the rear of 364 to 376 Church Road the proposal includes a part two storey, part three storey terrace. This terrace will provide five houses [3 three bedroom- 6 person houses and 2 four bedroom 6 person houses]. At the rear of existing adjacent properties in Reynolds Close the proposal includes a terrace of 11 houses, all of these houses will provide 3 bedrooms and would accommodate up to 6 persons.
- 3.4 The existing vehicle access to the application site is in the centre of the Western Road frontage. The proposed development involves the relocation of this access to the western end of the site frontage and adjacent to the existing property at 195 Western Road.
- 3.5 Further information on the proposed residential accommodation is provided in the two tables that are included as an appendix to this report. These tables set out the number of bedrooms for each individual residential unit, the number of bed spaces, gross internal areas and the level of external space provided for future occupants. The table also sets out current relevant policy requirements set out in London Plan and the Sites and Policies Plan.

4. PLANNING HISTORY.

- 4.1 In November 2007 planning permission was refused [LB Merton reference 06/P3006] for the use of the current application site for the storage of skips and lorry parking. The proposed use also included office floor space that was ancillary to the skip hire use.
- 4.2 The reasons for the refusal of planning permission are provided below. A subsequent appeal to the Secretary of State against the Council's decision to refuse planning permission was dismissed:
- “The skip hire business, by reason of the mode of operation involving re-cycling of scrap metal, and the noise and activity associated with the use, is considered detrimental to the amenities of neighbouring occupiers and an inappropriate use of the land, which is designated for use for B1 purposes in the proposals map, and contrary to policies E1, E6, E7, E8 of the Merton Unitary Development Plan (2003)”.***
- 4.3 Planning permission was granted in September 2010 [LB Merton reference 10/P1354] for the use of part of the current application site for open car storage and overflow parking for a garage located in Plough Lane. This permission was for a temporary period with a planning condition attached to this permission stating *“This permission is for a temporary period and the use hereby permitted shall cease and the land restored to its former condition on*

or before 09/09/2013". The reason for this condition was that the use was not be considered an appropriate long term use of the site. In November 2013 planning permission was approved [LB Merton reference 13/p2877] that extended the temporary open car storage use on the site until 20 November 2016.

5. CONSULTATION

- 5.1 Prior to the submission of the current planning application the applicant distributed leaflets to 50 local addresses advising of the impending planning application and providing details of the proposed development.
- 5.2 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 47 neighbouring properties. As a result of this consultation four letters have been received objecting to the proposal on the following grounds:
- The building work will be disruptive, in terms of noise and timing of construction works;
 - Will the development provide any wider community benefit;
 - It is considered that the development of this site can support affordable housing;
 - There is a concern in relation to loss of sunlight to the land at the rear of the site;
 - The development will lead to a loss of privacy to nearby residents;
 - The development will lead to a fall in local property values.
- 5.3 Transport for London There is no objection to the proposal on the basis that planning conditions are used to secure the provision of electric vehicle charging points on the site; to secure additional visitor cycle parking in accordance with the draft revisions to the London Plan, and the submission of a Construction Logistics Plan.
- 5.4 Environment Agency There is no objection to the proposal on the basis that planning conditions are used to secure the submission of a further site investigation report, measures to consider unexpected contamination found during construction work; the submission of verification information once works have been completed; a programme of long term monitoring; a restriction on sustainable drainage and foundation design.
- 5.5 English Heritage [Archaeology] There is no objection to the proposal on the basis that planning conditions are used to preserve the archaeological interest that is expected to have survived on the application site.
- 5.6 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to the reinstatement of redundant crossovers; submission of details of the new vehicle access; submission of further details of cycle parking, further details on the management of construction vehicles; details of car parking layout and an informative highlighting to the applicant the need for separate approval for any works affecting the public highway.

- 5.7 LB Merton Environmental Health There is no objection to the development subject to planning conditions requesting the submission of a contaminated land survey, measures to protect existing and future residents from light pollution and noise disturbance including the timing of construction work.
- 5.8 Councillor Nick Draper The proposed development will be exciting and vibrant but also lucrative for the developer. The capacity of the development to provide affordable housing needs to be investigated.
- 5.9 Design Review Panel. At the pre-application stage the Council's Design Review Panel considered the proposed development on the 18 January 2014. The comments from the panel are provided below and are followed by a response from the applicant to the points that were made.
- 5.10 *"The Panel felt that this was a generally well resolved development. The Mews approach was felt to be appropriate for the site and the buildings were had a well detailed, refreshing palette. The Panel welcomed the contemporary style of the buildings, which it felt worked very well.*
- 5.11 *The difference between the front and back of the flats was felt to be good – both the vertical and horizontal styles worked well. At the front, however, it was important to get a quick and positive impression of the whole 'DNA' of the scheme and this needed further work. It was felt there was a danger of the frontage having a 'blocky' feel. It was suggested that strong attention to detail was needed on the stairwell glazing. It was felt the mansard was jarring a bit with the otherwise simple architectural language. It sat uncomfortably with the base of the building, the proportion of roof to wall could be adjusted, the attic could possibly be set back with a vertical face.*
- 5.12 *At the rear of the flats some concern was raised about the amount of light that would reach it from over the mews housing, and that this was an important space. The single aspect one-bed units on the south side were noted. It was suggested that these units could be projected forward a little more to allow some small windows with a side aspect, dependent on resolving any privacy issues.*
- 5.13 *Whilst the Panel liked the mews concept, they felt the open space had been designed as a road, rather than having been designed as a place. This was evident with some of the planting, and the footpath on the north side. It was suggested that the space be designed as a mews from the outset and this would lead to a more informal feel and more meaningful planting. The footpath on the north side of the mews would become unnecessary and the space added to the communal garden. The arrangement of the space could possibly become more efficient – especially the turning head at the southern end.*
- 5.14 *Questions were raised about the quality and security of the undercroft space to access the sub-station. It was felt this needed careful detailing and lighting. The fence at the rear would reduce light penetration and should be lowered or removed. The applicant was urged to explore either gating the front of the*

undercroft or negotiating with the utility company to access it from the rear via the mews. This latter solution could then enable more units to be provided.

5.15 *The Panel felt that the ends of both the housing and flats buildings needed to be treated differently. The design wasn't taking advantage of the locations to make them more visually appealing or maximising their saleability and distinctiveness. The south-east and north-western houses in the main terrace for example, could express their unique situation. This could include architectural detailing, side windows etc. or even a more significant change.*

5.16 *The Panel felt that the most uncomfortable part of the site was the 'annex' at the north-western end. The Panel was unsure whether the layout worked successfully here and suggested the applicant explore possible alternatives, though they themselves struggled to find any in the discussion.*

5.17 *The close and somewhat awkward proximity with the back gardens on the east side of this area seemed to be driving this unease and one suggestion was that a new brick wall would go some way to addressing this – instead of the current fence. Overall, though the Panel felt the layout was good and appropriate and the architecture refreshing. VERDICT: GREEN”*

- Response from the applicant to comments from the Design Review Panel.

5.18 In response to the comments from the Design Review Panel various amendments were made to the design and layout of the development and the description of these changes provided in the submitted Design and Access Statement is copied below:

5.19 *“The height of blocks A-C was reduced by 400 mm and the brick parapet raised by 200 mm to increase the wall to roof proportion. The mansard was reviewed to include a vertical face and was discounted due to the 'blocky' feel identified by the DRP.*

5.20 *The path along the eastern boundary was removed and the amenity space increased. The turning head and road have been designed and tracked to be as pedestrian friendly as possible. The gate and fence to the undercroft have been reduced to 1.3m from 1.8m to allow more light into the space. Windows have been added to the east and west elevations to the southern terrace to take advantage of the aspect. A new brick wall has been included to address the awkward proximity with the back gardens on the west side of the development”.*

5.21 In response to the concern raised about the amount of light that the amenity space would receive, the Design and Access Statement highlights additional diagrams included with the application that seek to demonstrate that the amenity space receives a good level of natural sunlight all year.

6. POLICY CONTEXT

The London Plan [July 2011].

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of

housing developments; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 4.1 [Developing London's Economy]; 4.4 [Managing industrial land and premises]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 5.12 [Flood risk management]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 7.21 [Trees and woodlands] and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

- 6.2 The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).

Merton Supplementary Planning Guidance

- 6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

Merton LDF Core Planning Strategy [adopted July 2011]

- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.8 [Housing choice]; CS.9 [Housing provision]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Merton Sites and Policies Plan.

- 6.5 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DME1 [Employment Areas in Merton]; DME3 [Protection of scattered employment sites]; DMEP2 [Reducing and mitigating against noise]; DMEP4 [Pollutants]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

- 6.6 The site at 191-193 Western Road is proposal site 78 within the Sites and Policies Plan with a suggested designation for residential use.

National Planning Policy Framework [March 2012]

- 6.7 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.

- 6.8 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.9 The NPPF states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.10 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development in terms of the loss of the existing employment floor space; the Sites and Policies site designation; the introduction of residential accommodation, the design and appearance of the proposed buildings, the standard of the residential accommodation including potential ground contamination, the impact on residential amenity and impact on car parking and traffic generation.

Existing and proposed land uses

- 7.2 In assessing the loss of the existing employment use on the application site, the appropriateness of this use needs to be considered in terms of the impact on amenity and in relation to adopted planning policy. The introduction of a residential use also then needs to be considered in the context of adopted planning policies

Loss of the existing land use

- 7.3 The application site is located outside a designated industrial area and is currently occupied by general industrial [Planning Use Class B2] and storage and distribution [Planning Use Class B8] uses and bordered on three sides by residential properties.
- 7.4 As part of the current planning application, the applicant has provided information on the current occupation of the application site. The submitted

information shows that the majority of the land and buildings are occupied by businesses on short term leases and that these existing uses support a low number of jobs [8-10 employees]. These existing uses appear to include floor space used by a removals company and a company manufacturing a hand sanitiser. An open car storage use also operates on the site that is used in association with a local garage.

- 7.5 The applicant has stated that the existing commercial building and land on the application site is unlikely to attract a commercial occupier that will make efficient and long term economical use of the space that is available. The land and building are in a poor state of repair and the building currently provides sub-standard commercial floor space that fails to meet current health and safety and environmental standards. With the age and design of the building there are also additional costs for any prospective tenant. The applicant also highlights “...a healthy supply of modern and better employment floor space within the local area” that would be more attractive to prospective tenants both in terms of the building and location.
- 7.6 Whilst the applicant has not provided any evidence of the marketing of the site, officers are satisfied that there is no realistic prospect of a suitable alternative employment use being attracted to the application site. It is considered that the provision of modern employment floor space [Planning Use Class B1] on the application site, in accordance with the existing site designation would not be economically viable due to the significant investment that would be required and the uncertainty in finding a future tenant.
- 7.7 The London Borough of Merton ‘Sites and Policies Plan’ was considered by the independent Planning Inspector appointed by the Secretary of State at a public hearing in January 2014 and the final report was published on 4 June 2014. Within the ‘Sites and Policies Plan’ that was adopted on the 9 July 2014 the Council’s preferred land use on the application site is given as residential use.
- 7.8 The site designation for residential use [proposal site 78] in the Sites and Policies Plan is considered in accordance with guidance in the National Planning Policy Framework. The National Planning Policy Framework states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Need for additional housing, residential density and housing mix.

Need for additional housing

- 7.9 The National Planning Policy Framework [March 2012] requires the Council 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. Policy CS. 9 within the Council’s Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target

that should be exceeded where possible including a minimum of 1550 to 1850 homes in the Mitcham sub area where the proposal site is located.

7.10 The Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'. The Core Strategy states that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including the development of sites that have been designated in the Sites and Policies Plan as being suitable for residential accommodation.

7.11 The current application site has been designated as suitable for residential use within the Sites and Policies Plan. The application site is on brownfield land and in a sustainable location adjacent to other existing residential properties. The site benefits from good access to public transport and with Colliers Wood urban centre located nearby other local facilities that are accessible without the use of a car.

7.12 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Residential density

7.13 The London Plan states that in urban areas such as the application site with a Public Transport Accessibility Level of 3 the residential density should be within a range of 200 to 450 habitable rooms per hectare. With the application site covering a site area of 0.51 hectares and provision of 151 habitable rooms the residential density of the development is 296 habitable rooms per hectare.

7.14 In conclusion the residential density of the proposed development is within the density range set out in the London Plan and is considered acceptable for this location.

Housing mix

7.15 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

7.16 The application site is located in an area, where there is currently a mixture of housing types with terraced and semi-detached houses adjacent to the site and blocks of flats located further to the west. The current application provides 48 residential units consisting of 11 one bedroom flats; 21 two bedroom flats, 14 three bedroom houses and 2 four bedroom houses.

- 7.17 In conclusion it is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Layout, scale and design

- 7.18 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character.
- 7.19 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.

Building layout

- 7.20 The general building layout shown on the submitted plans consists of a building along the Western Road site frontage providing 32 flats with three entrances and staircase cores providing access to 11 flats [block A] , 11 flats [block B] and 10 flats [block C]. At the rear of the site there are two terraces proposed, the first terrace that is parallel to Western Road will provide 11 houses, [block D three bedroom houses] and the second terrace that is parallel to nearby properties at the rear of the site in Church Road will provide 5 houses [block E - 2 four bedroom and 3 three bedroom houses].
- 7.21 It is considered that the proposed layout would successfully address the Western Road frontage with a building that is set back from the back edge of the pavement to reflect the layout of existing adjacent buildings. It is considered that the layout of the buildings makes efficient use of this irregular shaped site whilst maximising other land that is available for amenity space and car parking. As discussed later in this report the buildings have also been positioned to provide a good standard of residential accommodation and to reduce any potential impact on residential amenity.

Building design and materials

- 7.22 The existing buildings on application site are of poor quality and are considered to detract from the appearance of the local area. As a result subject to the design and appearance of a replacement building it is considered that the loss of the existing buildings will enhance the character of the area.

- 7.23 In terms of references for the design and appearance of a replacement building, there is some variety in building design present in the local area with two storey Victorian properties in London stock brick located to the east along Western Road. These properties have protruding front bay windows, red brick detailing around first floor windows, walls running up the roof slope between the houses and a number of front roof gables. To the west of the application site there are larger semi-detached properties which are part of a larger group located along this side of Western Road finished with light coloured render. Commercial buildings of a simple red brick appearance are located opposite the application site with further red brick residential buildings in a variety of styles located further to the east of these commercial uses.
- 7.24 The design of the front elevation of the proposed building fronting Western Road is considered appropriate in this location and would provide a rhythm that reflects that of existing adjacent residential properties. The development respects the existing building lines in Western Road and provides defensible space in the form of gardens in front of the proposed ground floor residential windows.
- 7.25 The submitted design and access statement lists the proposed facing materials for the new building. The proposed facing materials include timber panelling, glass balustrades, light buff coloured brick. The Design and Access statement highlights a reference to the William Morris textile printing works that were present in this area, with areas of William Morris patterned laminated glass on some of the balconies. The proposed materials are considered in keeping with the surrounding area whilst also reflecting the contemporary design of this development.

Building scale and massing

- 7.26 The scale of nearby development ranges from two storey residential buildings with pitched roofs adjacent to the site to three storey commercial building with a flat roof located opposite the application site and four storey residential buildings with a pitched roof located nearby to the east.
- 7.27 The proposed development includes a four storey building with a flat roof [12.6 metres high] along the Western Road site frontage with the bulk and massing of the building reduced by a set back from the front elevation on the top floor of the building. The scale of this building is considered in keeping with the existing commercial building on the application site and comparable to the three storey commercial buildings opposite.
- 7.28 The adjacent two storey residential buildings [roof ridge height of 9 metres] in Western Road have a pitched roof. With the height of the pitched roof similar to an additional building storey, the proposed flat roof building will appear as a single storey higher than these adjacent buildings. The height of the proposed building is considered in keeping with the height of adjacent residential buildings.

- 7.29 The two proposed terraces [blocks E and D] located at the rear of the site are three storeys high with a flat roof to the front elevation [9.5 metres high] with a pitched roof sloping down to two storeys at the rear elevation. The scale of these two terraces is considered in keeping with nearby development.
- 7.30 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy CS14 of the Core Strategy and policy 3.5 of the London Plan. Whilst the proposal was given a 'Green' verdict by the Council's Design Review Panel at the pre application stage, the architect has subsequently amended the proposal to address the comments that the panel made. These changes are set out earlier in the consultation section of this report.

Neighbour amenity.

- 7.31 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens.

Loss of privacy and overlooking

- 7.32 To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.
- Blocks A, B and C
- 7.33 Blocks A, B and C are in a building fronting Western Road. The side [east] elevation of this proposed building is separated from the side elevation of the adjacent property at 189 Western Road by a distance of 4.3 metres across the pedestrian access to Western Road allotments. There are existing windows on the side elevation of 189 Western Road that appear to be secondary windows or to serve non habitable floor space.
- 7.34 The side [west] elevation of this proposed building is separated from the side elevation of the adjacent property at 195 Western Road by a distance of 10 metres across the relocated vehicle access to the site. There is one ground floor window on the side elevation of 195 Western Road that appears to serve non habitable floor space.
- 7.35 In order to ensure that the development does not give rise to overlooking or a loss of privacy a planning condition is recommended to ensure that the proposed non habitable floor space and secondary windows on the side elevation of the proposed building [blocks A, B and C] on the upper floor levels are fitted with obscured glass.
- 7.36 The rear elevation of blocks A, B and C includes balconies on the upper floor levels both within the building envelope and protruding past the rear elevation. With the screening provided by the side wall of the building it is considered that the balconies within the building envelope and closest to the boundary at

first and second floor level [flats C4 and C7] do not require any additional screening. A planning condition is recommended to ensure that screening is provided to the third floor balcony [flat C10] and to the balconies protruding past the rear elevation and that the existing screening shown on the submitted plans is maintained to the other balconies in this location.

- Block E

7.37 The separation distance between the main rear building elevations of properties in Church Road and the rear elevation of block E is 27 metres. Whilst a number of the properties in Church Road have had substantial two storey rear extensions, a minimum separation distance of 20 metres is also maintained provided between existing and proposed windows in the respective elevations. There are no windows proposed on the side elevations of block E and a planning condition is recommended to ensure that the future insertion of windows would require planning permission.

7.38 At the closest point a distance of 24 metres will separate the front elevation of block E from the rear elevation of the adjacent properties at 195 to 209 Western Road. With this separation distance it is considered that the development would not result to a loss of privacy or overlooking to these adjacent occupiers. At the closest point a distance of 7 metres would separate first floor windows from adjacent garden boundaries and this is considered a sufficient distance to maintain the privacy of the nearest adjacent gardens.

7.39 Following comments made in consultation responses it is confirmed that these houses are not provided with a rear roof terrace. The submitted plans show an access door from the accommodation at second floor level to the rear roof void under a pitched roof.

- Block D

7.40 Whilst the rear elevation of block D does not directly face the rear elevation of the existing adjacent property at 12 Reynolds Close, there is still a separation distance of 15 metres at the closest point. This separation distance is considered sufficient to avoid any loss of privacy or overlooking. The windows in the side elevations of block D overlook, either, the adjacent allotments, or circulation space within the application site and as a result do not raise any issues in terms of overlooking or loss of privacy.

Loss of daylight, sunlight and visual intrusion.

7.41 In support of the application the applicant has conducted a detailed daylight and sunlight assessment following the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The submitted proposal was found to pass this detailed assessment.

7.42 With the height of the proposed development, the separation from adjacent residential buildings [outlined in the previous section of this report] and the proposed orientation of the buildings it is considered that the proposed development will not give rise to visual intrusion or a loss of daylight or sunlight to adjacent residential occupiers.

7.43 In conclusion it is considered that the new development would not have a harmful impact on residential amenity in terms of loss of daylight and sunlight, overlooking and privacy or be visually intrusive. The proposed development is considered to be in line with the requirements set out in the Council's Supplementary Planning Guidance.

Standard of residential accommodation.

7.44 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

7.45 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.

7.46 The tables provided as an appendix to this current report set out the gross internal areas for the proposed residential accommodation. The tables show that the proposed accommodation provides good levels of internal floor space that complies with the London Plan standards. The internal layout of the accommodation is considered to make good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.

External amenity space

7.47 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.

7.48 The standard within the emerging Sites and Policies Plan states that in accordance with the London Housing Design Guide, there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed space and 50 square metres for a house of any size.

7.49 The proposed houses are each provided with private rear garden space with amenity space for the flats provided as either garden space at ground floor level or balconies on the upper floor levels. The flats also have a communal amenity space covering 351 square metres.

7.50 In conclusion it is considered by officers that the proposed residential accommodation is of a good general standard and makes efficient use of the land available on the site.

Lifetime Homes standards.

- 7.51 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. As part of the planning application the applicant has confirmed that the development aims to meet Lifetime Home Standards.
- 7.52 A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

Trip generation, car parking, servicing and access.

- 7.53 The site is located on Western Road [A236] that forms part of the Strategic Road Network. The site has a public transport accessibility level [PTAL] of 3 [On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility]. This PTAL level indicates that the site has a fair level of access to public transport services, however it is highlighted that the site is within a reasonable walking distance of Colliers Wood underground station and various buses servicing Colliers Wood Urban Centre. The application site benefits from access to the day-to-day facilities in the Colliers Wood Urban Centre including shops, places of employment and recreational areas and from direct access to the strategic highway network.

Car parking

- 7.54 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.55 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with one or two bedrooms a 'maximum' of 1.5 spaces for three bedroom dwellings and a 'maximum' of 2 spaces for four bedroom dwellings. The proposed development includes 27 off street car parking and this provision is in line with the 'maximum' car parking standards set out within the London Plan.
- 7.56 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles [a requirement of 20% of total spaces]. The applicant has stated an intention to provide facilities to charge electric vehicles and a planning condition is recommended to ensure that these facilities are provided.

Trip generation and vehicle access

- 7.57 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to, and from the public highway.
- 7.58 The proposed development includes the relocation of the existing vehicle site access from the middle of the Western Road frontage to the western end of the site. The vehicle access to the commercial site on the opposite side of Western Road is located opposite the existing access on the application site. The relocation of the vehicle access is welcomed in principle as it will more efficient use of the application site and will remove the conflict with vehicles using the entrance to the commercial site opposite. Planning conditions are recommended to seek the submission of further details of the new access for approval. In order to improve the environment for pedestrians, a second planning condition is recommended to seek the reinstatement of the pavement in the location of the existing vehicle access.
- 7.59 In order to ensure that traffic and vehicles associated with the construction phase do not impact upon the public highway a planning condition is recommended seeking the submission of a Construction Logistics Plan.
- 7.60 The applicant has submitted a transport statement in support of the current planning application. This statement has been considered by the Council's transport planning officer and it was found that the trip generation from the proposed development can be safely accommodated on the existing road network.

Refuse storage and collection.

- 7.61 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.62 The submitted application drawings show refuse and recycling storage areas for the new flats and houses. These storage locations are considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.

Cycling and pedestrian access

- 7.63 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. Policy CS20 of the Core Strategy [July 2011]

states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect pedestrian and cycle movements.

- 7.64 The proposed development includes a total of 64 cycle parking spaces. A planning condition is recommended to ensure that this cycle parking is provided for the benefit of future residents and following advice from Transport for London that additional visitor cycle parking is also provided.
- 7.65 Subject to attaching suitable conditions to any planning permission it is considered that the proposed development is acceptable in terms of the impact on trip generation, car parking, servicing and access and has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy [July 2011].

Trees, landscaping and biodiversity

- 7.66 Policy CS.13 within the Adopted Core Strategy [2011] states that development should seek to integrate new or enhanced habitat or design and landscaping that encourages biodiversity.
- 7.67 The conclusions of a tree survey commissioned by the applicant found ten existing trees on the application site. The majority of these trees are along the rear site boundary in an area that will provide private gardens for new family housing as part of the proposed development.
- 7.68 The tree survey found that the trees on the application site have suffered from poor management and as a result the survey concludes that two of these trees should be felled. These trees are a self-seeded sycamore [T1] that is growing out from a fence on the side boundary and a second sycamore adjacent to the rear boundary that has suffered from storm damage and is currently supported by an adjacent building. In these circumstances the felling of the trees is considered acceptable and to represent good arboricultural management. Management works such as crown reductions are also recommended to the retained trees on the site.
- 7.69 A planning condition is recommended to seek details of tree protection measures during construction and for details of proposed new landscaping to be submitted, approved and in place prior to the occupation of the proposed new dwellings.
- 7.70 As part of the planning application the applicant has submitted the results of a biodiversity survey of the application site that included a bat survey. The areas of the application site not occupied by the building or structures are mainly covered in hardstanding and as a result little biodiversity was found on the site, there was also no evidence of bats found in the building or on existing trees. As part of a recommended planning condition that relates to new landscaping, measures to increase biodiversity on the site have been requested.

Site contamination and flooding

- 7.71 The London Plan (Policy 5.21) indicates that the Mayor supports bringing contaminated land into beneficial use. Sites and Policies Plan policy Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health.
- 7.72 In light of the commercial uses on the application site there is a potential for the site to suffer from ground contamination. Following advice from the Council's Environmental Health Officer, planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.
- 7.73 Over half of the area of land on the application site has been determined by the Environment Agency to be in an area at risk from flooding. This land is in flood risk zone 2 [between a 1 in 100 and 1 in 1000 chance of flooding from rivers in any one year]. A Flood Risk assessment has been submitted in support of the application and this has been considered by the Environment Agency.
- 7.74 The Environment Agency has advised that the application site is located over a secondary aquifer and the application form indicates that contamination is suspected on this land due to previous commercial uses. In line with the Environment Agency advice planning conditions are recommended in relation to investigations and mitigation of potential contamination and a restriction on infiltration by surface water drainage.

Sustainable design and construction.

- 7.75 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.76 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is over 0.5 hectares in area the site falls within the scope of Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context screening opinion has been issued stating that there is no requirement for an Environmental Impact Assessment as part of this development.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £134,589 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 3,845 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £845,99. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 3,845 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

- Financial contribution towards education provision;
- 9.8 Funding towards education provision is now provided from the Merton Community Infrastructure Levy.
- Financial contribution towards open space;
- 9.9 Funding towards open space is now provided from the Merton Community Infrastructure Levy.
- Provision of affordable housing and other off site financial contribution towards the provision of affordable housing.
- 9.10 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.
- 9.11 Having regard to characteristics such as site size, site suitability, financial viability issues and other planning contributions Core Strategy policy CS 8 states that affordable housing provision on developments of ten or more residential units should include a minimum of 40% of new units on the site as affordable housing. Within this affordable housing provision, 60% of the units should be provided as social/affordable rented and 40% as intermediate accommodation. In relation to proposals of over ten units policy CS 8 states that off-site financial contributions towards affordable housing will only be allowed in exceptional circumstances and must be justified.
- 9.12 Council officers and the applicant have engaged in lengthy discussions regarding the ability of the site to deliver affordable housing and for the scheme to remain viable. The applicant proposes 23% affordable housing (comprising 11 shared ownership units accessed via the stair core to Block B). In lieu of additional units that might otherwise be provided on site had the scheme delivered 40% affordable housing, an off-site contribution of £323,000 is offered. The proposed package of affordable housing arrangements have been the subject of independent scrutiny and testing as to whether the scheme would remain viable. On the basis of 11 shared ownership units along with the off-site contribution (payable at the start of the development) this would leave the scheme viable.
- 9.13 Advice from the independent assessor however caveats the above to the effect that evidence has not been received that demonstrates that the Western Road scheme could not viably support a policy compliant on-site affordable housing contribution. Whether a scheme would be viable and whether it would be attractive to a Registered Provider are however not one and the same.
- 9.14 The provision of the flats on the basis of the layout of the blocks as currently designed enables a readily manageable cluster of units for a Registered Provider. Without revisiting the internal design of the blocks, the provision of additional flats as affordable units, so as to close the gap on the 40% target, could entail peppering these in the other blocks accessed via separate stair

cores and the attractiveness of such an arrangement to a Registered Provider is open to question. So as to make the tenure arrangements of the scheme more closely aligned with policy, the delivery of affordable rented units rather than shared ownership units could impact on the sum offered as an off-site contribution.

- 9.15 In contrast to the position at the opening of negotiation on the issue of affordable housing, where none was offered, officers consider significant progress has been made, albeit, for the moment the affordable housing tenure arrangement being offered is not consistent with adopted policy.
- 9.16 Having established that a viable scheme can be delivered on site along with a substantial off-site contribution, officers consider that the scheme may be determined on the basis of a minimum of 11 units being delivered on site as affordable housing. In the absence of a justification to depart from policy, and as a pragmatic way forward, officers seek Committee's authority to engage in further more detailed examination of viability figures to achieve a tenure mix that is closer to adopted policy rather than capture the proposed surplus solely as an off-site contribution, before concluding a S106 agreement.

Monitoring and legal fees

- 9.17 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution [to be agreed]. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity.
- 10.2 The proposals would ensure the delivery of affordable housing for which there is a recognized need. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

S106 Heads of terms:

1. The provision of affordable housing (11 units in Block B – equivalent to 23% of the total number of units) and the provision of a financial contribution towards the delivery of affordable housing off site in the event that a policy compliant tenure mix continues to deliver a residual value and for that contribution to be based on the residual value.
2. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: P0-001; P0-100D; P1-100; P1-101; P1-102; P1-103; P1-104; P1-100; P1-200; P1-110; P1-111; P1-112; P1-101; P1-101 P1-102; P1-105; P1-103; P1-106; P1-104; Design and Access Statement; Planning Statement; Flood Risk Assessment & Surface Water Drainage Strategy; Transport Statement; Energy Statement; Sustainability Statement; Archaeological Assessment; Ecological Report; Arboricultural Assessment and Tree Constraints Plan; Services Appraisal; Contamination Report; and Waste Management Plan. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.
4. Non-standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with Sites and Policies policy DM D2.
5. Amended standard condition [Construction Logistics Plan] Prior to the commencement of development [including demolition], a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place be in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
6. Amended standard condition [Archaeology - commencement] Prior to the commencement of development [including demolition] the applicant (or their heirs and successors in title) shall have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and

approved by the local planning authority in writing with the development proceeding in accordance with the approved Written Scheme of Investigation
Reason for condition: In order to provide the opportunity to record the history of the site and to comply with Sites and Policies policy DM D2

7. Amended standard condition [Archaeology - occupation] Prior to first occupation of the proposed new dwellings the site investigation and post investigation assessment shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under the preceding planning condition and provision made for the analysis, publication and dissemination of the results and archive deposition secured. Reason for condition: In order to provide the opportunity to record the history of the site and to comply with Sites and Policies policy DM D2
8. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
9. Amended standard condition [Tree Protection] Prior to the commencement of development [including demolition] details of construction exclusion zones shall be submitted to and approved in writing by the Local Planning Authority with ground protection as detailed in BS 5837:2012, [or as required by the Local Planning Authority] in place for areas of the site outside the exclusion zone but within an area identified for root protection with the submitted details in place and maintained until the completion of all site operations. Reason for condition: To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
10. Amended standard condition [Redundant Crossovers] Prior to first occupation of the proposed new dwellings the existing crossover made redundant by this development shall have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011
11. Non-standard condition [Car parking spaces] Prior to first occupation of the proposed new dwellings details of how the car parking spaces are allocated to individual residential units and details of electric vehicle charging points in accordance with the London Plan, shall be submitted to and approved in writing by the Local Planning Authority with the car parking spaces shown on the approved drawing to serve the development and the charging points

provided and thereafter kept free from obstruction and retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.

12. Standard condition (Removal of permitted development - extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
13. Standard condition (Removal of permitted development - windows and doors) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
14. Non-standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings walls and fences or other means of enclosure shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
15. Non-standard condition [Access to under croft] Prior to first occupation of the proposed new dwellings measures to restrict general access to the proposed under croft area adjacent to 189 Western Road shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with these measures retained for the lifetime of the development. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure

compliance with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.

16. Amended standard condition [Landscaping] Prior to first occupation of the proposed new dwellings landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority with the landscaping scheme to include on a plan, full details of the size, species, spacing, quantities and location of plants, and measures to increase biodiversity together with any hard surfacing and means of enclosure and measures to prevent vehicles encroaching on to amenity space areas and graffiti prevention measures for exposed flank walls. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
17. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 together with a minimum improvement in the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
18. Amended standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
19. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of

households and comply with policy CS8 of the Adopted Core Strategy [July 2011].

20. Standard condition [New vehicle access] Prior to first occupation of the proposed new dwellings the new vehicle access to the site shall be in place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the access maintained permanently as such thereafter Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Core Strategy [July 2011].
21. Amended standard condition [Screening of external amenity areas] Prior to first occupation of the proposed new dwellings screening to the proposed external amenity areas above ground floor shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved screening maintained permanently thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
22. Amended standard condition [Obscured glazing] Prior to first occupation of the proposed new dwellings the windows in the side elevations of the building providing blocks A, B and C above ground floor level shall be fitted with obscured glass and fixed shut and shall be permanently maintained as such thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
23. Non-standard condition [Landscaping] Prior to first occupation of the proposed new dwellings or the first planting season following occupation new landscaping shall be in place that is accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority, with the submitted plan including full details of the size, species, spacing, quantities and location of plants, together with any hard surfacing, 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 for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
24. Non-standard condition [Cycle storage and parking] Prior to first occupation of the proposed new dwellings cycle storage for occupiers and cycle parking for visitors shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].

25. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].
26. Non-standard condition [External noise] Prior to first occupation of the proposed new dwellings measures shall be place to prevent nuisance to future occupiers from external noise with these measures achieving the noise criteria detailed in BS8233:2014 [Guidance on sound insulation and noise reduction for buildings] and with these measures in accordance a scheme that has previously been submitted to and approved in writing by the local planning authority with the scheme including details of additional passive or mechanical ventilation that will be installed in habitable rooms that do not meet the aforementioned noise criteria with windows open and including the results of a noise assessment carried out prior to first occupation to validate the predicted noise levels have been achieved. Reason for condition In order to safeguard the amenities of future residential occupiers and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
27. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
28. Non-standard condition [Land contamination – site investigation] No development shall commence until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the Local Planning Authority with agreed measures in place prior to first occupation of any residential unit. Reason for condition: In order to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.
29. Non-standard condition [Land contamination – site investigation] The submitted scheme to deal with the risks associated with contamination of the site shall include 1) a preliminary risk assessment identifying all previous uses and potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination. 2) A site investigation scheme, based on 1 providing information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment including an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination

30. Non-standard condition [Land contamination – construction phase] If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination
31. Non-standard condition [Land contamination – validation] Prior to first occupation of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination
32. Non-standard condition [Groundwater contamination monitoring] Prior to the commencement of development a long-term monitoring and maintenance plan in respect of groundwater contamination shall be submitted to and approved in writing by the Local Planning Authority with monitoring, maintenance and any necessary contingency action arising from the monitoring completed in accordance with the approved plan for the lifetime of the development. The plan should include a timetable of monitoring, and the submission of reports of

this monitoring to the Local Planning Authority Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination

33. Non-standard condition [No infiltration of surface water drainage] No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, this consent may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy with Sites and Polices policy DM EP4 and to protect controlled waters as the infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.
34. Non-standard condition [Foundation design] Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Polices policy DM EP4 and to protect controlled waters as the infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. . In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- c) The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
- d) The applicant is advised that there are potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. The Environment Agency recommend that where soil contamination is present, a risk assessment is

carried out in accordance with Environment Agency guidance. The Environment Agency will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- e) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
- f) The applicant is advised that the written scheme of investigation in relation to archaeology will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

Appendix 1: Bedrooms, bed spaces, internal areas and amenity space.

Table 1: Proposed building adjacent to the front site boundary

Unit	Type	Floor / size	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]			Sites and Policies standard
							Garden	Balcony	Shared	
A1	Flat	Ground	2	3	79	61	27	-	351	6
A2	Flat	Ground	2	4	88	70	26	-	351	7
A3	Flat	First	2	4	75	70	-	7	351	7
A4	Flat	First	1	2	50	50	-	5	351	5
A5	Flat	First	2	4	74	70	-	7	351	7
A6	Flat	Second	2	4	75	70	-	7	351	7
A7	Flat	Second	1	2	50	50	-	5	351	5
A8	Flat	Second	2	4	74	70	-	7	351	7
A9	Flat	Third	2	3	63	61	-	8	351	6
A10	Flat	Third	1	2	50	50	-	5	351	5
A11	Flat	Third	2	3	61	61	-	7	351	6
B1	Flat	Ground	1	2	50	50	10	-	351	5
B2	Flat	Ground	2	4	73	70	31	-	351	7
B3	Flat	First	2	4	73	70	-	7	351	7
B4	Flat	First	1	2	50	50	-	5	351	5
B5	Flat	First	2	4	73	70	-	7	351	7
B6	Flat	Second	2	4	73	70	-	7	351	7
B7	Flat	Second	1	2	50	50	-	5	351	5
B8	Flat	Second	2	4	73	70	-	7	351	7
B9	Flat	Third	2	3	61	61	-	7	351	6
B10	Flat	Third	1	2	50	50	-	5	351	5
B11	Flat	Third	2	3	61	61	-	7	351	6
C1	Flat	Ground	2	3	78	61	36	-	351	6
C2	Flat	First	2	4	73	70	-	7	351	7
C3	Flat	First	1	2	50	50	-	5	351	5
C4	Flat	First	2	3	73	61	-	7	351	7
C5	Flat	Second	2	4	73	70	-	7	351	7
C6	Flat	Second	1	2	50	50	-	5	351	5
C7	Flat	Second	2	3	73	61	-	7	351	6
C8	Flat	Third	2	3	61	61	-	7	351	6
C9	Flat	Third	1	2	50	50	-	5	351	5
C10	Flat	Third	1	2	61	50	-	8	351	5

Table 2: Proposed terraces at the rear of the application site

Unit	Type	Floor / size	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]			Sites and Policies standard
							Garden	Balcony	Shared	
D1	House	3 storey	3	6	125	113*	70	-	-	50
D2	House	3 storey	3	6	125	113*	55	-	-	50
D3	House	3 storey	3	6	125	113*	52	-	-	50
D4	House	3 storey	3	6	125	113*	55	-	-	50
D5	House	3 storey	3	6	125	113*	51	-	-	50
D6	House	3 storey	3	6	125	113*	54	-	-	50
D7	House	3 storey	3	6	125	113*	55	-	-	50
D8	House	3 storey	3	6	125	113*	52	-	-	50
D9	House	3 storey	3	6	125	113*	54	-	-	50
D10	House	3 storey	3	6	125	113*	51	-	-	50
D11	House	3 storey	3	6	125	113*	168	-	-	50
								-		
E1	House	3 storey	4	6	164	113	52	-	-	50
E2	House	3 storey	3	6	125	113*	107	-	-	50
E3	House	3 storey	3	6	125	113*	53	-	-	50
E4	House	3 storey	3	6	125	113*	53	-	-	50
E5	House	3 storey	4	6	164	113	93	-	-	50

* NB: Members are advised that there is no standard within the London Plan for 3 bedroom, 6 person dwellings and as a result the standard for a 4 bedroom, 6 person has been used.

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London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 3/6/2014

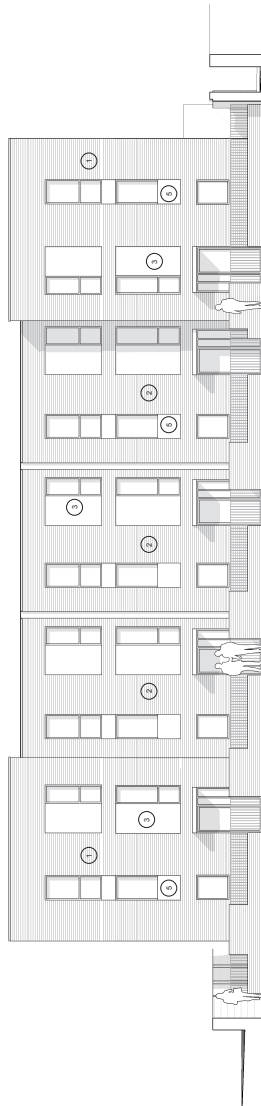
191-193 Western Road

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of HMSO. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil proceedings. London Borough of Merton 100019259, 2012.

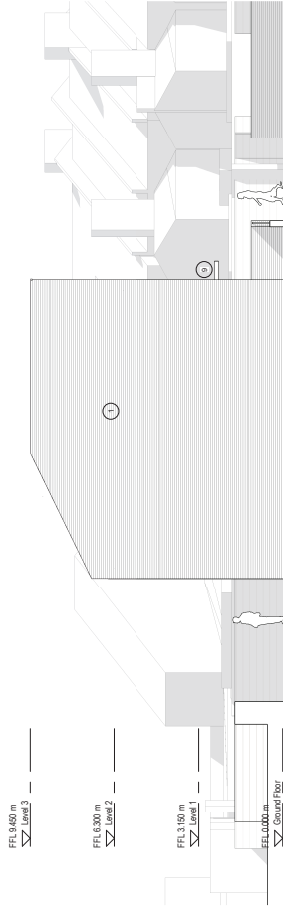
DEVELOPMENT CONTROL

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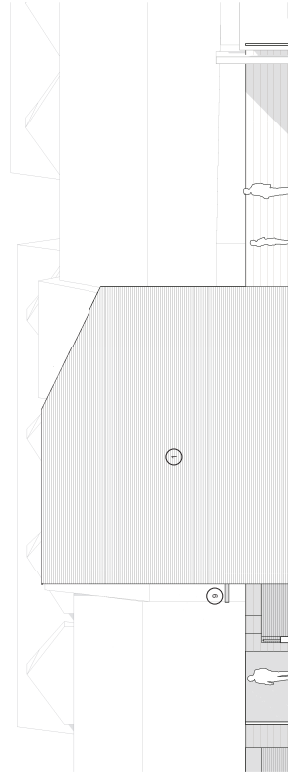
1 North Elevation Block E
1:100



3 East Elevation Block E
1:100



2 South Elevation Block E
1:100

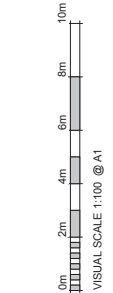


4 West Elevation Block E
1:100

NOTES
 1. All dimensions are in meters unless otherwise specified.
 2. All dimensions are rounded to the nearest millimeter.
 3. All dimensions are rounded to the nearest millimeter.
 4. All dimensions are rounded to the nearest millimeter.
 5. All dimensions are rounded to the nearest millimeter.
 6. All dimensions are rounded to the nearest millimeter.
 7. All dimensions are rounded to the nearest millimeter.
 8. All dimensions are rounded to the nearest millimeter.
 9. All dimensions are rounded to the nearest millimeter.
 10. All dimensions are rounded to the nearest millimeter.



Item	Material	Color
1	Light buff brick	
2	Dark charcoal metal cladding	
3	Polished stainless steel cladding	
4	Polished stainless steel cladding	
5	Polished stainless steel cladding	
6	Polished stainless steel cladding	
7	Polished stainless steel cladding	
8	Polished stainless steel cladding	
9	Polished stainless steel cladding	
10	Polished stainless steel cladding	



- Materials**
- Light buff brick
 - Dark charcoal metal cladding
 - Polished stainless steel cladding
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 - Polished stainless steel cladding



The Planning Inspectorate

Room: 3/04
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2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-6115
Switchboard: 0117-372-8000
Fax No: 0117-372-8443
GTN: 1371-6115

<http://www.planning-inspectorate.gov.uk>

Ms P Press
London Borough of Merton
Environmental Services
Department
Merton Civic Centre
London Rd
Morden
Surrey
SM4 5DX

Your Ref: 06/P3006i/INVALID/INV
Our Ref: APP/T5720/A/08/2073902/NWF
Date: 11 December 2008

London Borough of Merton

Dear Ms Press

12 DEC 2008

**Town and Country Planning Act 1990
Appeal by Alpha Skip Hire
Site at 191-193 Western Road, London, SW19 2QD**

Planning Development Control

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

Amanda Baker



COVERDL1

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 1 December 2008

by **Vincent Maher MA (Cantab) MCD MBA MRTPI**

Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
11 December 2008

Appeal Ref: APP/T5720/A/08/2073902 191 - 193 Western Road, London SW19 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Alpha Skip Hire against the decision of the Council of the London Borough of Merton.
- The application Ref 06/P3006, dated 17 September 2007, was refused by notice dated 5 December 2007.
- The development proposed is use of land for storage of skips and lorry parking in connection with skip hire business including recycling of scrap metal in single Merton.

Decision

1. I dismiss the appeal.

Procedural matters

2. The Council has relied, in part, on Policy E.1 of the London Borough of Merton Unitary Development Plan 2003 (the UDP) to support its decision to refuse planning permission. This policy expired in September 2007. I therefore attach little weight to it.
3. I observed that the site is currently used for the storage of skips although I did not see any sign of scrap metal recycling. I have amended the description of the proposal as retention is not a form of development.

Main issue

4. Based on the submissions received and my observations on site, I consider the main issue in this case is whether the continued use would have an adverse impact on the living conditions of neighbouring residents by reason of noise and disturbance, having regard to development plan policy.

Reasons

5. The appeal site forms part of a larger planning unit which I observed was being used for a number of purposes including car parking and the storage of lamp posts. Western Road is a heavily trafficked road with a mix of uses but employment generating activity is located predominantly on the northern side of this road. By contrast, the southern side of the road has a stronger residential element and the rear parts of the appeal site adjoin residential properties on Church Road to the west. A car park associated with residential development at Reynolds Close abounds the southern boundary of the appeal

12 DEC 2008

Planning Development Control

- site. A screening fence has been erected around the edge of the site along the length of its boundary with surrounding housing.
6. On the basis of the evidence provided, it appears that the site is not located in a designated industrial area within the Proposals Map accompanying the UDP. UDP Policy E.7 identifies that the Council will encourage light industrial, studio and small office premises to locate on sites outside of designated industrial areas such as the appeal site. General industrial and storage/ distribution uses will not be approved. The justification to Policy E.8 identifies that yard-based uses such as the appeal proposal can provide important environmental and economic services but are more appropriately located within industrial areas, including two Special Industrial Zones.
 7. Given this policy context and the site's proximity to a number of nearby residential properties, I remain concerned that the activity is both an inappropriate use for the site in policy terms with activities, especially scrap metal recycling in an uncovered yard, that are inappropriately located adjacent to a residential area and likely to cause noise and nuisance contrary to Policies E.7 and E.8 of the UDP. The activities could not reasonably be controlled via planning conditions.
 8. I have carefully considered the economic issues identified by the appellant including his statement that the business would close down as it did not have another site to move to. I note further that he has met with local residents to explain his business. Neither point overcomes my control about the potential for these activities to cause serious disturbance to nearby residents or their inappropriateness in policy terms.
 9. For the reasons given above I conclude that the appeal should be dismissed.

Vincent Maher

INSPECTOR

London Borough of Merton

12 DEC 2008

Planning Development Control

Committee: Planning Applications

Date: 21st August 2014

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphreys

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: 13/P0260
Site: 18 & 18a Oakwood Road, West Wimbledon
Ward: Raynes Park
Development: Demolition of 2 x houses and erection of block of 5 flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079311/13P0260_Appeal%20Decision.pdf

Application Number: 13/P0372
Site: 211 Worple Road, Raynes Park SW20 8QY
Ward: Raynes Park
Development: Installation of new aluminium shopfront
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079420/13P0372_Appeal%20Decision.pdf

Application Number: 13/P1118
Site: Rear Of 18 Lansdowne Road SW20 8AW
Ward: Raynes Park
Development: Demolition of garages RO Aston Court and erection of single storey 1 bed dwellinghouse
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th August 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080132/13P1118_Appeal%20Decision%20Notice.pdf

Application Number: 13/P1898
Site: 34 - 40 Morden Road SW19 3JB
Ward: Abbey
Development: outline permission for demolition of existing two storey buildings and erection of an eight storey building providing an 'aparthotel' consisting of 31 serviced apartments and 9 residential flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th August 2014

Link to Appeal Decision

<http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080871/13P1898%20-%20Appeal%20Decision.pdf>

Application Number: 13/P2211
Site: 231 Coombe Lane SW20 0RG
Ward: Raynes Park
Development: Demolition of garage and side extension and erection of 5 bed dwellinghouse over three floors plus two storey rear extension & roof extension to original house
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081159/13P2211_Appeal%20Decision.pdf

Application Number: 13/P2323
Site: Ground Floor Flat, 28 Maple Close, Mitcham CR4 1AQ
Ward: Longthornton
Development: Variation of condition 2 (approved plans) attached to 11/P1441 altering layout of ground floor flat
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 28th July 2014

Link to Appeal Decision

<http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081262/13P2323%20-%20Appeal%20Decision.pdf>

Application Number: 13/P2843
Site: 10 Victory Road Mews & 140 Merton High Street SW19 1HA
Ward: Abbey
Development: Erection of part two storey rear extension, front and rear mansard roof extensions and change of use of ground floor retail storage room into 3 x flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081745/13P2843_Appeal%20Decision.pdf

Application Number: 13/P3882
Site: 137 Queen's Road, Wimbledon SW19 8NS
Ward: Trinity
Development: Demolition of conservatory and erection of single storey rear and side extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082707/13P3882_Appeal%20Decision.pdf

Application Number: 13/P4074
Site: 106 Park Avenue, Mitcham CR4 2EP
Ward: Graveney
Development: Conversion of house into 2 x self-contained flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th June 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082885/13P4074_Appeal%20Decision%20Notice.pdf

1 ALTERNATIVE OPTIONS

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

2 CONSULTATION UNDERTAKEN OR PROPOSED

- 2.1. None required for the purposes of this report.

3 TIMETABLE

- 3.1. N/A

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 8.1. See 6.1 above.

9 BACKGROUND PAPERS

- 9.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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Committee: Planning Applications Committee

Date: 21st August 2014

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	810 ¹ (754)	New Appeals:	1 (0)
New Complaints	88 (60)	Instructions to Legal	5
Cases Closed	32 (13)	Existing Appeals	1 (2)
No Breach:	12	<hr/>	
Breach Ceased:	20	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	61 (16)
Total	32 (13)	% Determined within time limits:	100%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (0)
New Enforcement Notice issued	2	Tree Replacement Notice	0
S.215: ³	1	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	3 (3)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (1st July to 11th August 2014)*) and the figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 **New Enforcement Actions**

- 2.01 110 Nelson Road** An enforcement notice was issued on 23rd July 2014 against the breach of condition 3 forming part of a planning permission (Council ref. No. 04/P1366) granted on 26th August 2004 for the works to the property at 110 Nelson Road and its conversion from a house into two flats. Condition 3 prohibits the occupation of the Land unless a privacy screen has been formed on the first floor roof terrace to a design and with materials which shall first have been approved by the Council. The notice takes effect on 27th August 2014 unless an appeal is made prior to that date and the owners have 7 days to comply with the requirement of the notice.
- 2.02 Burn Bullock, 315 London Road, Mitcham CR4** An enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice would come into effect on 20th August 2014 unless there is an appeal prior to that date and the compliance period would be 2 calendar months.
- 2.03 5 Brooklands Avenue Wimbledon Park SW19** A section 215 was issued on 1st July 2014 to require remedial works to the front and rear of the land involving clearing overgrown garden of weeds, carrying out repairs/painting to (or replacing) broken gutters and fenestration. The notice came into effect on 29th July 2014 as there was no appeal and given the owner's special circumstances, the Council is likely to carry out the required works and put a charge on the land.

Some Recent Enforcement Actions

- 2.04 Rapid ReadyMix, Alpha Place, Garth Road** a Breach of Condition Notice (BCN) was issued on 23rd June 2014 against the business for breaching a planning condition relating to the hours of working which states the use of the site for receiving deliveries, the loading and unloading of vehicles and the use of mechanized equipment and vehicles shall only operate between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 15.00 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.

This is the second notice and it came into effect immediately as there is no right of appeal and the business has 28 days to comply and operate within the approved hours or face prosecution. Officers have been monitoring the development by carrying out early morning random visits and also checking the company's on-site CCTV recordings. Until recently, a contractor was carrying out some works required by planning condition which related the installation of canopy.

- 2.05 17 Homefield Gardens Mitcham.** A Breach of Condition Notice (BCN) was issued on 10th June 2014 to require an ice cream business operating from the property to comply with a planning condition that requires that no construction, conversion, repair or maintenance works to the ice cream vans shall be carried out on the premises. The notice came into effect immediately with a compliance period of 28 days.

Compliance checks have been carried out but this has been restricted to when Police presence was possible due to a previous incident during which an officer was threatened. Subsequent officer visits have been carried out in pairs.

- 2.06 Land at 52 Cannon Hill Lane, Raynes Park,** an enforcement notice was issued on 16th April 2014 against the construction of a brick and block-work wall to the front of the property. The notice came into effect on 16th June 2014 as there was no appeal. The requirement is to demolish the structure and clear the resulting debris. Notice has been complied with and file recommended for closure.

- 2.07 Land at Flat 2, 43 Richmond Avenue Wimbledon SW** an enforcement notice was issued on 7th April 2014 against the erection of a satellite dish on the front façade of the building with a requirement for its removal. The notice came into effect on 12th May as there was no appeal and the compliance period is three months. The notice has been complied with as the satellite has been removed. The file is recommended for closure.

2.08 Land at 39 West Barnes Lane, Raynes Park SW20. An enforcement notice was issued against the erection of a metal shed type structure, capable of accommodating two vehicles for painting and drying, metal fencing panel and the placing of floodlights atop existing fence posts. The notice was issued on 3rd December 2013 and required the removal of the unauthorised structures, including the large metal shed and fencing with floodlights and would come into effect by 14th January 2014 with a month's compliance period unless there was an appeal before that date. The notice is now effective as the Council has not been notified that an appeal has been received. Compliance period expired on 14/2/14. A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared. However, there has been some delay following the departure of the case officer.

A second enforcement notice was issued against a material change of use of the land to a hand car wash/repair and car breaking yard and paint shop. The notice was issued on 3rd December 2013 and requires the unauthorised use to cease within one month of the effective date. The notice came into effect on 14th January 2014 as there was no appeal.

A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice was being prepared. The case officer has now left and the case will have to be re-allocated.

2.09 16 – 20 Kingston Road, Wimbledon SW19 A breach of Condition Notice (BCN) was issued on 6th November 2013 against Grenfell Housing Association for breaching a planning condition requiring an identified vehicle parking area to be kept for parking. The notice came into effect immediately as there is no right of appeal and the business has 39 days to comply. (NB – an appeal against the refusal of planning permission for the retention of an erected communication aerial has now been refused the mast has now been removed an the file is recommended for closure

3.0 New Enforcement Appeals

- **Unit 6, Mitcham Industrial Estate, Streatham Road Mitcham CR4.** An enforcement notice was issued on 24th June 2014 against the installation of three extraction vents to the rear roof of the building. The notice would have come into effect on 5th August 2014 but an appeal has been registered with a start date from 8th August 2014. The owner would have two months to remove the vents if the appeal is dismissed.

3.1 Existing enforcement appeals

- None

3.2 Appeals determined –

- **150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21st August 2013 against the unauthorised erection of a four storey building

with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An enforcement appeal and two planning appeals have been registered but are co-joined to be dealt together. The appeals were determined on 23/7/14 as follows:

Appeal A – Dismissed, enforcement notice upheld with compliance date varied from 4 to 6 months.

Appeal B – Allowed and planning permission granted for the addition of a second basement to create offices and storage and revised layout for first floor basement to create offices.

Appeal C – Dismissed and permission refused for the increased roof void height by 660 mm to accommodate 2 studio flats at 3rd floor.

- **27 Pitcairn Road, Mitcham CR4.** An enforcement notice was issued on 10th October 2013 against an unauthorised change of use of a garage/outbuilding into residential accommodation. The appeal was abandoned as the appellant discarded his interest in the property making the appeal invalid. This was confirmed by inspector's letter dated 14/7/14.
- **2A Crown Road, Morden SM4.** An enforcement notice was issued on 30th October 2013 against an unauthorised conversion of an Islamic prayer meeting room (D1 community use) into three self-contained residential units comprising two 1-bedroom apartments and a 2-bedroom flat.

The appeal was dismissed on 24/6/14 and the landlord has 6 months to comply with the requirements of the notice. .

3.3 Prosecution case.

None

3.4 Requested updates from PAC

Burn Bullock PH, London Road, Mitcham –

An instructing memo is now with Legal Services requesting for a Listed Buildings Repairs Notice to be issued to require works to be carried out for the preservation of the building.

4. **Consultation undertaken or proposed**

None required for the purposes of this report

5 **Timetable**

N/A

6. **Financial, resource and property implications**

N/A

7. **Legal and statutory implications**
N/A
8. **Human rights, equalities and community cohesion implications**
N/A
9. **Crime and disorder implications**
N/A
10. **Risk Management and Health and Safety implications.**
N/A
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
12. **Background Papers**