

PLANNING APPLICATIONS COMMITTEE

21st January 2016

Item No:

	APPLICATION NO.	DATE VALID
	15/P3114	21/08/2015
Address/Site:	360-364 (Former Kwik Fit site) London Road, Mitcham, Surrey CR4 3ND	
(Ward)	Cricket Green	
Proposal	Demolition of existing building and the erection of a part 3, part 4 storey building comprising 22 residential units and 195 sqm (GIA) of ground floor flexible retail/commercial floorspace (use class A1, A2, A3, and B1) including the provision of car and cycle parking and other associated developments	
Drawing No's	Site location plan, Drawings D4100 08, D4101 06, D4103 06, D4500 02, D4700 02, D4701 02, D4702 02 & D4800 01	
Contact Officer	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

GRANT PLANNING PERMISSION subject to a S106 Agreement and planning conditions

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - Yes
- Number of neighbours consulted - 91
- Press notice - Yes
- Site notice - Yes
- External consultations: Three
- Density – 200 Dwellings/ha
- Number of jobs created N/A
- Flood risk assessment – No

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to the level of objection to the proposal, the planning history on the site including and earlier overturned officer recommendation by PAC that was subsequently allowed on appeal an proposed affordable housing contributions comprising an off-site financial contribution which, having regard to adopted policy and for the number of units proposed, would only be justified where there are exceptional circumstances.

2. SITE AND SURROUNDINGS

- 2.1 The application site is occupied by the vacant Kwik Fit (for tyre and exhaust replacement) building located on the northwest side of London Road in Mitcham. The site faces London Road and is sited directly opposite the Burn Bullock public house (grade II listed) on the southern side of the Cricket Green. The return frontage is along Broadway Gardens, a small residential side road characterised by two-storey terraced properties.
- 2.2 Adjoining the site to the north is the three-storey terrace comprising Highfield Court. This building has commercial premises on the ground floor with residential accommodation on the upper floors. The other side of this terrace is the grade II listed public house formerly known as the White Hart. On the opposite corner of Broadway Gardens is an open site providing a car wash. London Road is characterised by a variety of building styles and sizes, many of which do little to enhance the surrounding area.
- 2.3 The subject site is situated within the Mitcham Cricket Green Conservation Area and an Archaeological Priority Zone. The site has a PTAL rating of 3 and is not situated within a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of existing buildings and the erection of a part 3, part 4 storey building comprising 22 residential units and 195 sqm (GIA) of ground floor flexible retail/commercial floorspace (use class A1 (retail), A2 (offices for financial and professional services), A3 (restaurants and cafes), and B1 (business)) including the provision of car and cycle parking and other associated development. The proposal has been revised since its original submission to remove the D2 (assembly and leisure) use and a reduction in commercial space from the 290sqm originally proposed.

- 3.2 The commercial unit would be located on the ground floor London Road elevation with a glazed frontage on that elevation and the entrance on the junction with Broadway Gardens. The lobby and refuse area for the flats would face Broadway Gardens and, along with a plant rooms, the lift, staircase and the cycle stores, they would be attached to the side and rear of the commercial unit. An undercroft accessed via Broadway gardens would lead to the loading serving area to the rear of the commercial unit as well as five parking spaces, two of which would be allocated for disabled drivers.
- 3.3 On the other side of the undercroft facing Broadway Gardens there would be two 2 bedroom flats at ground floor level with access to the rear. On the first and second floors the layout would be identical with seven flats served by a central rear service core. The same service core would also allow access to the third floor where there would be a further six flats.
- 3.4 The building would be finished in exposed brickwork whilst the roof design has been amended from the original flat roof to incorporate a saw tooth design.

4. PLANNING HISTORY

- 4.1 Historic planning decisions, including refusals from 1986/7 relating to proposed use of former Allen's garage as a tyre and exhaust fitting centre involving erection of extension to form new tyre bays formation of new entrances and provision of car parking on London Road and Broadway Gardens frontages.
- 4.2 87/P1566 Planning permission granted on appeal for change of use of pair of premises to form motorists' centre involving demolition of buildings fronting Broadway Gardens construction of wall and provision of car-parking and landscaping.
- 4.3 92/P0202 Planning permission granted for variation of planning permission 87/P1566 to enable the premises to be open on Sundays between 10.00 and 16.00 hours)
- 4.4 05/P2607 Planning permission granted for use of premises to provide MOT testing in conjunction with existing use of premises as a motorists centre for the sale and fitting of tyres, exhausts, brakes and other "fast fit" motorist repairs.

- 4.5 06/P2352 & 2355 Planning permission and Conservation Area Consent REFUSED for redevelopment of site to provide 2 x 2 storey 3 bedroom houses, part 3 and part 4 storey building comprising of class b1 (business)/a2 (offices for financial and professional services)(536 sq.m) uses on ground floor and 1st floor, 2 maisonettes, 6 x 2 bedroom flats and 4 x 1 bedroom flats on the upper floors together with car and cycle parking. Vehicle access from Broadway Gardens to 3 parking spaces.

REASONS; 1) The proposals by reason of height, design, size, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design and would be harmful to the character and appearance of the Mitcham Cricket Green Conservation Area and to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of privacy and outlook and would be contrary to policies ST.17, ST.18, BE.1, BE.15, BE.16 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).

2) The proposed development, by reason of the size, massing and siting of the proposed houses, would fail to secure a satisfactory environment for future occupiers arising from poor outlook from habitable rooms, overshadowing and visual intrusion, thereby detracting from the quality of available amenity space, contrary to policies HS.1, BE.15 of the Adopted Merton Unitary Development Plan (2003).

3) The proposed B1/A2 floorspace would be an inappropriate form of development in this location for which the applicant has failed to demonstrate that there are exceptional circumstances to warrant its approval and would detract from the Council's objectives of directing economic activity towards the town centres to the detriment of achieving sustainable revitalisation of these areas, and would be contrary to policies ST.7, ST.28, ST.29 and TC.9 of the Adopted Merton Unitary Development Plan (October 2003).

APPEAL DISMISSED

- 4.6 07/P0647 & 0648 Planning permission and Conservation Area Consent REFUSED for redevelopment to provide 2 x 2 storey 3 bedroom houses; a three storey building comprising class B1 (business)/A2 (financial and professional services) (268 sq.m) uses on the ground floor, 2 maisonettes, 6 x 2 bed units & 4 x 1 bed units on the upper floors together with car & cycle parking provision. Access to parking spaces and servicing area from Broadway Gardens. **REASONS; 1) The proposals by reason of design, massing and siting would result in a visually intrusive and incongruous form of development, that would fail to achieve a high standard of design and would be harmful to the character and appearance of the Mitcham Cricket Green Conservation Area and to**

the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of privacy and outlook and would be contrary to policies ST.17, ST.18, BE.1, BE.15, BE.16 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).

2) The proposed development, by reason of the layout, size, massing and siting, would fail to secure a satisfactory environment for future residential occupiers arising from poor outlook from habitable rooms, overshadowing, visual intrusion, poor internal layout, and poor access to available amenity space, contrary to policies HS.1, BE.15 of the Adopted Merton Unitary Development Plan (2003).

3) The proposed B1/A2 floorspace would be an inappropriate form of development in this location for which the applicant has failed to demonstrate that there are exceptional circumstances to warrant its approval and would detract from the Council's objectives of directing economic activity towards the town centres to the detriment of achieving sustainable revitalisation of these areas, and would be contrary to policies ST.7, ST.28, ST.29 and TC.9 of the Adopted Merton Unitary Development Plan (October 2003).

4.7 07/P2489 & 2490 Planning permission and Conservation Area Consent REFUSED for redevelopment to provide 2 x 2 storey 3 refused for bedroom houses; part 3 & part 4 storey building comprising class B1/A2 use on the ground & 1st floors; 2 maisonettes; 6 x 2 bed flats & 4 x 1 bed flats on the upper floors together with car & cycle parking.

REASONS; The proposed development, by reason of the design and layout would fail to secure a satisfactory environment for future residential occupiers arising from poor outlook from habitable rooms, overshadowing and poor internal layout, and would be harmful to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of outlook and visual intrusion contrary to policies HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (2003). & The demolition of the existing building would be premature in the absence of an acceptable replacement building for the site and harmful to the appearance of the Mitcham Cricket Green Conservation Area and would be contrary to policies BE.1 and BE.2 of the Merton Unitary Development Plan (October 2003).

- 4.8 07/P3358 & 3416 Planning permission and Conservation Area Consent REFUSED for the redevelopment to provide two x 2 storey 3 bed houses, part 3 & part 4 storey building comprising class b1/a2 use on the ground & first floors, 2 maisonettes, 4 x 3 bed flats and 4 x 1 flats on the upper floors together with car & bicycle parking provision. **REASONS; The proposed development, by reason of the design and layout would provide a cramped and unsatisfactory standard of accommodation for future residential occupiers, arising from poor outlook from habitable rooms, overshadowing, poor internal layout and lack of amenity space for family sized flats, and would be harmful to the amenities of neighbouring residential occupiers in Highfield Court in terms of loss of outlook and visual intrusion contrary to policies HS.1 and BE.15 of the Adopted Merton Unitary Development Plan (2003) and the Council's Supplementary Planning Guidance - New Residential Development. & The demolition of the existing building would be premature in the absence of an acceptable replacement building for the site, and the resultant gap would be harmful to the appearance of the Mitcham Cricket Green Conservation Area contrary to policies BE.1 and BE.2 of the Merton Unitary Development Plan (October 2003).**

APPEAL DISMISSED

- 4.9 08/P2129 & 2130 Planning permission and Conservation Area Consent REFUSED for development of a part two, part three and part four-storey building comprising 2 ground floor b1 commercial units, 1 first floor b1 commercial unit, 11 [4 x3 bedroom & 7 x 2 bedroom] self contained flats and 3 terraced properties [2 x 3 bedroom & 1 two bedroom] along Broadway Gardens. **REASONS; The proposals by reason of their scale, bulk, massing and siting would detract from the views into and out of the Mitcham Cricket Green Conservation Area and would detract from the visual amenities of the London Road street scene contrary to Policies BE.3 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003).**

ALLOWED ON APPEAL

5. CONSULTATION

- 5.1 The application was advertised by means of a press notice, neighbour notification letters and site notice.
- 5.2 There were eight letters of objection to the proposal which raised the following issues;
- Inadequate parking provision for the number of flats, problems for residents particularly of Broadway Garden which is a Fire Lane, already high use of unauthorized parking to rear of the pub.
 - It will ruin the image of Mitcham Cricket Green.
 - No need for new housing; should be commercial only.

- No provision for affordable housing.
- Visually intrusive.
- Loss of light and there are faults with the light report.
- Noise disturbance for balcony activities.
- Balconies not a feature of the area and will overlook Cricket Green.
- DRP commented on a three step not two step building.
- Building out of scale with its surroundings and fails to complement the conservation area.
- Houses would be better in this location.

5.3 The Mitcham Cricket Green Community & Heritage group.

Concerns to the original design;

- There were no changes as a result of public consultation despite claims to the contrary.
- Proposals too large and will overwhelm neighbouring properties.
- Will have a significant imposition on the key view from Mitcham Cricket green and damage its setting.
- Sits uneasily alongside neighbouring development.
- The commercial space may remain vacant, little demand in the area.
- Parking is inadequate.
- Unclear if the materials will be of suitable quality.
- Token approach to green landscaping.
- Balconies will be cluttered and have negative impact on visual integrity of the Cricket Green.
- Any development should provide s106 monies to improve the road junction.

Comments on the revised design.

- The scheme increases the overall height and does not address excessive scale and bulk of the new development which is unsuited to the site.
- Does not address relationship with adjacent buildings.
- Jagged roof design is without precedent and is an incongruous gateway to the Conservation Area.
- Roofline bears no relationship to the lines of the rest of the building and does not respond to or complement the surrounding buildings.

5.4 Merton Highways section raised no objection subject to the imposition of conditions relating to parking, servicing and construction.

5.5 Merton Transport planning section were consulted and made the following observations;

- Trip generation is not expected to be significantly greater than the existing use provided non-residential is restricted to A1, A2, A3 or B1 use.
- Based on the 2011 Census car ownership is expected to increase such that by 2010 the occupants of the 22 residential dwellings would be

expected to own approximately 14 vehicles. The 200 metre survey provided by the applicant suggests that unrestricted local roads could accommodate the 9 extra vehicles.

- The on-site parking requires management and a parking management plan should be required by condition.
- The proposed 36 cycle storage spaces comply with the London Plan standards. Details of the provision of two visitor cycle spaces and details of the resident's cycle storage method should be secured through condition.
- The proposed onsite servicing area is constrained and would impact vehicle movements as they would have to reverse around a right angled corner. The use of the area in front of the site for deliveries causes concerns that this could impact on traffic flows on the approach to the junction with Cricket Green (A239). To address this concern a Servicing and Delivery management plan should be secured by condition. Refuse collection would be similar to the existing method for servicing the houses in Broadway Gardens whereby the refuse vehicle has to wait on the carriageway for the operators to collect the refuse.

5.6 Historic England.

The Archaeology adviser at the Greater London Archaeological Advisory Service requests that an archaeological watching brief be a requirement of any approval with scope for excavation and recoding where significant remains are encountered and that this should be carried out during all groundworks in order to safeguard the archaeological interest.

5.7 Metropolitan Police Safer by Design Officer.

- The rear elevation should also have a hedge buffer
- The undercroft should be fitted with an automated gate with a separate pedestrian access.
- Gates and communal entrance doors should be fitted with access control
- Cycles stores need to be adequately anchored and designed so that people cannot be locked in accidentally.

5.8 Thames Water.

No objections to the principle of the development subject to the imposition of a condition relating to impact piling and informatives.

5.9 The Design Review Panel discussed the proposal pre submission at their meeting on May 21st 2015 and commented:

'The Panel liked the rationality of the architectural approach, the plan form and the overall composition and proportions of the building. It generally felt that the height and massing was right. It was felt that the building showed some stylishness and that the internal layouts were good.

There was a question raised about the visual impact of the building on the adjacent house in Broadway Gardens, and its rear garden but it is understood that the existing building overbears the garden of this property at the moment.

The Panel felt that the composition of the secondary elevation to Broadway Gardens was more successful than that of the more important primary elevation facing London Road. The stepping form was welcomed but lacked depth and it was felt the sections of different colour bricks would not be very noticeable. It needed more depth in some way, maybe by increasing the stepping, doing something with the balconies or introducing some subtle disruption in the rational form.

A key concern the Panel had was regarding the corner. It was felt the building came very close to the edge of the pavement and there was ambiguity about the accuracy of the drawings relating to the site boundary, existing kerb lines and those shown on the OS maps. This needed to be clarified, possibly on a single plan.

Although the pavement had been widened in a colonnade under the corner, it was felt this would not be a pleasant place to be, as it was well recessed, shady, and obscured by substantial brick piers. This corner needed to feel generous, bright and welcoming. The entrances to the flats and the commercial unit are shown on this corner, making this even more critical.

On the main elevation there was a concern there could be dead frontage where an active one is most needed and a suggestion the commercial entrance could be on this elevation. The plans also did not show how the architecture would accommodate shop signage, particularly above windows. A clear signage strategy should be shown and enforced, i.e. built into leases and covenants. The plans should reconcile what the architect wants and what the retailer wants.

On the Broadway Gardens frontage, it was felt the public-private interface was a bit awkward, with narrow 'garden' space adjacent to bedrooms facing the street. These units did not have front doors onto the street. Balconies were prominent in the elevations and need a management plan to avoid them becoming cluttered or unsightly.

The Panel noted the sensitive heritage location and felt more needed to be done to show how the building relates to these and draws on local contextual cues. It was felt the cricket-jumper pattern in the brickwork was a good start, but that there were other, deeper references that could reflect the unique sense of place and identity of the area. It was also important to

show a contextual elevation, from the site northwards to Vestry Hall, to show how the building's form and materials relate to those in the area.

Overall the Panel felt that whilst the architecture was simple and stylish, it needed a number of subtle changes to the elevations and the corner in order to make it 'sing' more.'

VERDICT: **AMBER**

Officers note that in response to these comments changes have included the saw tooth effect for the roof design, the provision of signage facilities and active window frontage for the commercial space and the setting of the ground floor bedrooms behind the private amenity spaces.

5.10 Merton Environmental Health.

Requested conditions be imposed in relation to matters involving, air quality, noise, land contamination, demolition and construction method statements, delivery & construction hours and external lighting.

6. POLICY CONTEXT

6.1 The relevant policies in the Council's Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban design)

DM D2 (Design considerations)

DM D4 (Heritage assets)

DM E3 (Protection of scattered employment sites),

DM T2 (Transport impacts of developments)

DM T3 (Car parking and servicing standards)

Merton Supplementary Planning Guidance for New Residential Development 1999

6.2 London Plan 2015

3.3 (Increasing housing supply)

3.4 (Optimising housing potential)

3.5 (Quality and design of housing developments)

6.9 (Cycling)

6.13 (Parking)

7.4 (Local character)

7.6 (Architecture)

7.8 (Heritage assets and archaeology)

London Housing Supplementary Planning Guidance 2012

- 6.3 LDF Core Strategy 2011
CS.2 (Mitcham Town Centre and surrounding area).
CS 9 (Housing provision)
CS 14 (Design)
CS 20 (Parking, servicing and delivery)

7.0 PLANNING CONSIDERATIONS

- 7.1 The main issues for consideration are the loss of potential employment floor space, the provision of housing, the design of the flats, the impact on neighbour amenity, the appearance and character of the Cricket Green Conservation Area, archaeology , parking and .

7.2 Loss of employment floorspace and the provision of housing:

The existing Kwik Fit garage has been closed for a number of years, has fallen into disrepair and has been the subject of a number of applications for redevelopment including the scheme allowed on appeal in 2009. The principle of a mixed use development has been accepted on the site and this proposal is consistent with that. While the former use does not fall strictly within those classes of uses that SPP policy DM E3 (Protection of scattered employment sites) seeks to safeguard, as with the allowed appeal application, the current application will reintroduce employment generating uses on part of the site that are appropriate given the context of the site.

- 7.3 Policy CS. 9 of the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. The proposal will provide twenty two new flats of which nearly half will be suitable for small family accommodation and is therefore considered to accord with these policies.

7.4 Affordable housing

LDF policy CS.8 seeks the provision of a mix of housing types including affordable housing. For developments providing more than 10 units the Council requires seeks 40% of the development to provide on-site affordable housing of which 60% should be social rented and 40% Intermediate. Only in exceptional circumstances will the Council consider financial contributions in lieu of provision on site. The applicant submitted a viability report that stated the proposal could not sustain any affordable housing contribution. This was independently assessed by a third party assessor, the Valuations Office (VO). The Valuations Office advised that it was unlikely that a Registered Provider would want one or two small flats in isolation and the cost of including them in the scheme would be likely to make the scheme unviable. An off-site financial contribution was

considered feasible. Officers consider this approach is justifiable in this specific instance and the applicant has agreed to make such a contribution (£200,500).

7.5 Housing standards and amenity space provision.

The proposal would provide 1 x three bedroom, 9 x two bedroom and 12 x one bedroom flats. The 3 bedroom unit (No. 22) would accommodate 6 persons on one floor and with a Gross Internal Area of over 110m² which easily exceeds the 95m² minimum Gross Internal Area requirements of the London Plan 2015. The 9 x 2 bedroom units accommodate 4 persons on one floor and with GIAs of between 73 & 78m² and these easily exceed the minimum requirement for 70m². The 12 x 1 bedroom units accommodate 2 persons on one floor and will have GIAs of between 51 and 54m² which exceed the required minimum of 50m². Each unit is also to be provided with amenity space in accordance with London Housing SPG standards. Consequently it is considered that the proposal would provide additional housing capacity to an acceptable standard and accords with relevant planning policies.

7.6 The impact on neighbour amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals do not have a negative impact on neighbour amenity in terms of loss of light, privacy, visual intrusion or noise and disturbance. There have been objections from neighbouring occupiers raising a number of concerns with regards to the impact on their amenity.

7.7 Loss of light. The applicant has commissioned a Daylight and Sunlight report and subsequent addendum for the proposal which addresses the impact on various surrounding properties and follows a recognized methodology for the purposes of the assessment.

- With regards to 9-11 Broadway Gardens (opposite the site) the report states that all the windows which face over the development meet the BRE recommendations in relation to the Vertical Sky Component (VSC) form of daylight assessment and that with the exception of one window which fails by less than 1%, all the windows meet the BRE recommendations in relation to the amount of sky view and all meet the relevant sunlight assessment.
- For 10-16 Broadway Gardens (adjoins the site to the west) the report is able to conclude that the rear of these houses would benefit from the demolition of the existing warehouse on the boundary and that with the exception of a small reduction in VSC for one first floor window at the rear of Number 10 all the windows meet the BRE recommendations for sunlight and daylight.
- 1-17 Highfield Court is a block of flats to the rear of the application site. This block was built with a number of overhanging walkways such that light is already restricted to a number of the existing windows. While the

proposals would result in some technical breaches of guidelines to six of the windows in the block the primary reason is due to the limitations in place by the existing external walkways above the windows. The breaches are only marginal and as a matter of judgement it is considered that it may be unreasonable to withhold permission on this basis.

Similarly the analysis shows the proposals would reduce sunlight to the same windows. However, while there may be seasonal shortfalls in sunlight to these rooms during Winter months, overall sunlight levels would be satisfactory.

356 London Road. The report was subject to an addendum after objections claimed the report was inaccurate to include windows on the facing elevation at that site. The building has been subdivided into a number of flats and studios but the applicant's research shows that the windows most affected by the scheme, those facing the site, would be either serving staircases, separate bathroom windows for the studio flat or in a dual aspect studio flat.

- 7.8 Visual intrusion has been a cause of concern for neighbours the proposal being bigger than the existing structures on site. However, in order to mitigate the impacts of this the rear of the London Road facing element is further from Highfield Court than is the existing structure and the third floor has been pulled in from the boundary with 10 Broadway Gardens by 4m.
- 7.9 Noise and disturbance has also been raised but the use of the site primarily for residential purposes is considered likely to result in far lower levels of noise and disturbance than the previous use of the site for a garage and MOT testing facility.
- 7.10 With regards to loss of privacy the majority of balconies face the street elevations so that only bedroom windows and the access walkways face residential properties to the rear to the north west and these are around 17m away. This is less than the Council's standard requirement for a 20m separation distance and, notwithstanding the submitted plans, officers recommend that the design of the bedroom windows and the treatment of the walkway are conditioned so as to mitigate against the potential for overlooking and loss of privacy.
- 7.11 Impact on Mitcham Cricket Green Conservation Area
London plan 7.8 and SPP policy DM D4 seek to ensure that developments within conservation areas should conserve and where appropriate enhance such areas whilst Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and its surroundings. London Plan 2015 policy 7.6, Core Strategy policy

CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape.

7.12 A number of objections raised concerns relating to the impact of the appearance of the proposed building on the street scene, in particular being out of keeping with the local area. The design was submitted to the DRP at pre-application stage and received an Amber light with recommendations for further works to improve the design and its impact on the corner. The bulk, scale and massing has been designed to respect and complement the surrounding buildings on this corner and following further discussions with Council design officers the applicant revised the scheme to include features such as the saw tooth roof design and the use of complementary but contrasting brick colours which officers consider would conserve and enhance the conservation area. Officers note that a scheme of similar scale and bulk was allowed on appeal in 2009, a copy of the appeal decision and drawings is appended to this report.

7.13 Parking, servicing and deliveries.

Core Strategy Policy CS.20 is concerned with issues surrounding pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection whilst SPP policy DM T3 requires the provision of parking and servicing suitable for its location and that is managed to minimise its impact on local amenity and the road network.

7.14 A number of objections were raised because of the levels of on-site parking provision for this development (5 spaces for 22 flats. The appeal scheme had 6 parking spaces for 14 units comprising a mix of flats and houses). London Plan maximum standards recommend no more than 1 space per unit given the site's location and PTAL score and all developments in areas of good public transport should aim for significantly less. The applicant has provided information to the effect that there is sufficient space on the surrounding streets to accommodate what Transport Planners anticipate to be the additional cars (9) likely to be generated by the scheme. They also draw attention to the previous appeal decision where the Inspector was of the opinion that the transport impacts would be no greater than the lawful use of the site as a garage and MOT centre.

Appeal scheme: 4 x 3b flats, 7 x 2b flats, 2 x 3b house, 1 x 2b house = 34 bedrooms.

Current scheme: 12 x 1b flats, 9 x 2b flats, 1 x 3b flat = 33 bedrooms.

- 7.15 While on-site parking would be limited, on the basis of the available information for parking spaces locally and the predicated parking demand based on census data there would not appear to be sound grounds to withhold permission on parking.
- 7.16 There would be no on-site provision for parking for staff from the commercial unit, the exact use of which is not known at this stage. Given the size of the unit, and the reasonable levels of public transport accessibility increased pressure from staff for parking would be unlikely to impact on the amenities of neighbouring residents and would be insufficient grounds to refuse. However, in order to ensure that on-site parking and serving and deliveries are managed effectively it is recommended that relevant plans are provided and approved by means of condition.
- 7.17 Core Strategy policy CS18 and London Plan policy 6.9 encourage the provision of adequate secure cycle spaces. The proposal meets the residential requirements set out in the London Plan. The commercial element should provide two cycle spaces for visitors but given that there is no confirmed end user at this stage it is considered that it would be appropriate to secure the provision and approval of details by condition prior to occupation of that unit.
- 7.18 Archaeology
SPP policy DM D4 and London Plan policy 7.8 seek to protect heritage assets including archaeological assets. The Archaeology advisor requested conditions to be attached requiring a watching brief for archaeology.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.
- 8.2 The new dwellings would be required to be built to Lifetime Homes Standards.

9. CONCLUSION

The existing site has been vacant and neglected for a number of years. While the permission has lapsed, a relatively contemporary application for a mixed commercial and residential use in a part four storey building has been allowed on appeal (LBM Ref 08/P2129 & 08/P2130) establishing the acceptability of a more intensive mixed use development of the site. This proposal follows a similar foot print and whilst at a higher density with more flats but less bedrooms, it is within a similar basic outline to the

permitted appeal application. There is an identified need for additional housing within the borough and this proposal provides 22 new flats. The design and appearance has been developed through consultation with officers and the Design Review Panel and is considered to conserve and enhance the Mitcham Cricket Green Conservation Area. The design is also considered to satisfactorily address issues of loss of light, privacy and visual intrusion and is not considered to be harmful to the amenity of local residents. The applicants have provided information to show that there is capacity on local roads for the anticipated additional vehicles and this level of residential development on the site has been considered previously by the Inspector to be no more problematical than the lawful use of the site as a garage and MOT centre. For these reasons the proposal is recommended for approval subject to conditions

10. **RECOMMENDATION**

Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:

- 1) Off-site financial contribution towards affordable housing contribution. (£202,500).
- 2) The applicant agreeing to meet the Council's costs of preparing drafting and monitoring the section 106 obligations

Conditions

1. A1 Commencement of Development

2. A7 Construction in accordance with plans Site location plan,

3. B1 The materials to be approved

No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason; To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

4. B8 Piling Condition
Piling or any other foundation design using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, in liaison with the relevant utility providers, which may be given where it has been demonstrated that there is no resultant unacceptable risk to below ground utility infrastructure. The development shall be carried out in accordance with the approved details. Reason; To ensure that the piling design is protective of below ground utility infrastructure assets and controlled waters.
5. C6 Details of the provision to be made for the storage of refuse and recycling shall be submitted to and approved
No development shall take place until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
Reason; To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Polices Plan 2014
6. D5 Soundproofing of Plant and Machinery; Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property. To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
7. D8 Delivery hours Deliveries to the commercial unit associated with the development shall not be undertaken outside of the hours of 07.30 hours to 21:00 hours Monday to Saturday, and 08:30 to 20:00 hours on Sunday and Public Holidays. To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014
8. D10 External lighting Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. To

safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014

9. D11 Construction times.

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

Reason. To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

10. F1 Landscape details be approved (amended)

The development hereby approved shall not be occupied until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

11. F9 Hardstandings

The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason; To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Polices Plan 2014.

12. H1 New Vehicle Access – Details to be submitted (amended)

No construction shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and

the development shall not be occupied until those details have been approved and completed in full.

13. H4 Provision of Vehicle Parking

The vehicle parking area shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. The parking area shall include 20% provision for electric vehicles with an additional 20% for passive provision in the future and space for disabled people. Reason. To ensure adequate provision for on-site parking, to accord with the Mayor's objectives for electric vehicle infrastructure, to ensure an inclusive environment and to accord with London Plan policies 3.1 and 6.13 and Merton LDF policy CS.20.

14. H6 Cycle Parking - Details to be Submitted (amended)

The commercial unit hereby approved shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, that element of the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the commercial development and thereafter retained for use at all times. Reason; To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014

15. H7 Cycle parking implementation

The development hereby permitted shall not be occupied until the residential cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times. Reason; To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Polices Plan 2014.

16. H9 Construction vehicles

The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

17. H11 Parking Management Strategy (amended)

Construction shall not commence until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

18. H12 Delivery and Servicing Plan to be Submitted (amended)

The commercial unit hereby approved shall not be occupied until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason; To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

19. Non standard condition

Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to

the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Reason In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

20. Non standard condition

Subject to the site investigation for contaminated land, if considered necessary by the Council a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

21. Non standard condition

Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

22. Non standard condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

23. Non standard condition

No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

24. Non standard condition

No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason; Built heritage assets on this site may be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF and policies 7.8 in the London Plan 2015 and DM D4 of the Merton Sites and Policies Plan 2014.

25. Non standard condition Sustainable Drainage

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be

- provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
26. **Non Standard Condition (Sustainability)** No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO₂ reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4.
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 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
27. 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).
28. Prior to occupation of the flats hereby approved, details of the mechanical ventilation and filtration system and the impact of the building heating system on air quality for the apartment block shall be submitted and approved in writing by the Local Planning Authority. The scheme shall detail how the system will adequately mitigate against air pollutants in the Air Quality Management Area. Details of the high specification and air tight glazing on both the windows and doors for the facades along London Road shall be submitted and approved prior to the use/occupation of the development. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

29. Non standard informative

The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. The works should conform to Historic England Historic Building Guidance Level 2-3.

30. Informative:

Evidence requirements in respect of condition 26 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide".

31. NPPF Informative