

## PLANNING APPLICATIONS COMMITTEE

23 May 2016

Item No:

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	15/P0890	03.03.2015

**Address/Site** The Cricketers Public House, 340 London Road,  
Mitcham, CR4 3ND

**(Ward)** Cricket Green

**Proposal:** Demolition of existing buildings and construction of a part 2, part 3 storey building to provide 10 homes with associated access, car parking, cycle parking, refuse/recycling storage and landscaping

**Drawing No's** Site location plan, drawings; 00842\_B\_01 P02, 00842\_B\_02 P02, 00842\_B\_03 P03, 00842\_B\_04 P02, 00842\_S\_02 P02, 00842\_S\_03 P05 & 00842\_S\_04 P02,

**Contact Officer:** Leigh Harrington (020 8545 3836)

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**RECOMMENDATION**  
**GRANT PERMISSION SUBJECT TO CONDITIONS.**

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### CHECKLIST INFORMATION.

- S106 Heads 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 – 40
  - Press notice – Yes
  - Site notice – Yes
  - External consultations: Two
  - Number of jobs created – n/a
  - Density 142 units per ha
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## **1. INTRODUCTION**

- 1.1 The application is brought back before PAC following a deferral at the meeting of March 17<sup>th</sup> to allow the proposals to be discussed by the Design Review Panel.

## **2. SITE AND SURROUNDINGS**

- 2.1 This is a 0.07 hectare site located at the junction of Lower Green West with London Road, south of Mitcham Town Centre. The Cricketers is a vacant two storey 1950s public house with ancillary living accommodation. Currently the site boundary is marked by a dilapidated wooden fence and hedging. Land on the opposite side of London Road and the land that borders the Fire Station and Vestry Hall to the west and north, is designated as Open Space and Green Corridor.
- 2.2 The site is within Mitcham Cricket Green Conservation Area, and an Archaeological Priority Zone. To the north is Vestry Hall and to the west is Mitcham Fire Station, both of which are locally listed buildings. There are also a number of statutorily listed buildings in the immediate area. The surrounding character is mixed, comprising properties from various periods with different design features and massing, and a wide range of uses, including retail, office, school, residential and community.
- 2.3 Members recently approved the demolition of the nearby Kwik Fit building and the erection of a block of 22 flats on that site.
- 2.4 The application site enjoys good access to public transport, (PTAL level 4), and is not in a Controlled Parking Zone.

## **3. CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing buildings and construction of a part 2, part 3 storey building to provide 10 homes with associated access, car parking, cycle parking, refuse/recycling storage and landscaping. The proposed internal layout comprises one x 2 bedroom and one x 3 bedroom flats at ground floor level, three x 2 bedroom and one x one bedroom flats at first floor and two x 2 bedroom, one x 1 bedroom and 1x studio units on the second floor. On-site provision is made for 20 new cycle parking spaces and 6 car parking spaces including a disabled bay are provided as well as a self contained refuse area.
- 3.2 There would be a shared screened garden space of around 130sqm along the Lower Green West frontage as well as new planting on the London Road elevation. Works to the pavement area on both these elevations to provide two extra parking spaces, landscaping and four waiting bays are also included.

- 3.3 Separate access to the front ground floor flat and a communal entrance for the other 9 flats is proposed from London Road.
- 3.4 Following the initial public consultation and in response to ongoing discussions with officers the scheme has been amended in terms of external appearance, internal layout and the quantum of development with the number of units being reduced from 11 to 10.

#### **4. PLANNING HISTORY**

- 4.1 14/P1087 Planning permission granted for demolition of an existing outbuilding and conversion and extension of the ground floor of existing building to provide a commercial use (use within classes A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes) and A4 (drinking establishments)) and conversion of upper floors to provide three residential units and ancillary commercial office for ground floor use with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.
- 4.2 13/P1019 Lawful development certificate issued in respect of the proposed change from public house (class A4) to retail (class A1), professional & financial services (class A2) and/or restaurant and cafe use (class A3).
- 4.3 13/P1077 Application granted by PAC for change of use of existing public house (class A4) into 7 x self-contained flats (comprising 4 x 1 bed flats and 3 x studio flats).
- 4.4 12/P2083- Appeal against non-determination dismissed - Demolition of existing public house and redevelopment of the site with a new building providing 16 flats (11x1 bed, 5x 2bed) over four floors with associated parking.

**Decision of Committee: Had the Council been in a position to determine the application, it would have refused planning permission for the following reasons:**

- i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would:**
- (a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;**
  - (b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**
  - (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;**
  - (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**
  - (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton**

**Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011) and London Plan 2011 policies 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.9 (Heritage-Led Regeneration).**

- 4.5 12/P2084 – Appeal against non-determination dismissed – Conservation Area Consent in respect of 12/P2083.

**Decision of Committee - Had the Council been in a position to determine the application, it would have refused Conservation Area Consent for the following reason:**

**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**

- 4.6 11/P3229 – Planning permission refused at PAC -16 February 2012 – Demolition of existing public house and redevelopment of the site with a new building, providing 16 flats (11 x 1 and 5 x 2 bedrooms), over four floors, with associated parking provision.

**Reason for refusal:**

**i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would –**

- (a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;**
- (b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**
- (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;**
- (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**
- (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011).**

- 4.7 11/P3273 - Conservation Area Consent refused at PAC 16 February 2012 - Demolition of existing public house in connection with planning application 12/P2083.

**Reason for refusal:**

**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**

**The above application references (11/P3229 and 11/P3273) were both dismissed at appeal.**

- 4.8 10/P1090 – Planning permission refused at PAC - 9th December 2010 - and dismissed at appeal – Demolition of existing public house and redevelopment with a commercial (Classes A1, A2, A3, B1 or D1uses) unit at ground floor and 17 flats (10 x 1, 6 x 2 and 1 x 3 bedroom) over part ground, first, second and third floors, with associated parking provision.

**Reason for refusal:**

**The proposed development, by virtue of its design, bulk and scale, on this landmark site within a Conservation Area, would –**

- (a) fail to respect or complement the design, scale and form of existing nearby buildings, particularly Vestry Hall, a locally listed building and the Fire Station, and also Listed Buildings in the vicinity;**
- (b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**
- (c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area; (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**
- (d) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 (iii) and BE.22 (i) & (ii) of the Adopted Merton Unitary Development Plan (October 2003).**

- 4.9 10/P1911 – Conservation area consent refused at PAC - 9th December 2010 - and dismissed at appeal - Demolition of existing public house in connection with planning application 10/P1909.

**Reason for refusal:**

**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**

**5. CONSULTATION**

- 5.1 The proposal was publicised by means of major and conservation area press and site notices, also letters were sent to 40 neighbouring occupiers. In response one objection letter has been received from local residents raising the following issues:

- This is an important historic site and development needs to respect that.
- The proposal will result in additional traffic in a busy area and vehicular access to and from the site will be difficult.
- The amount of development will leave little space for landscaping

Mitcham Cricket Green Community and Heritage Group - objection to the initial design:

- This is an important site and the proposals are neither modest nor of outstanding design.
- The new building is too large to avoid disrupting the visual relationship of the existing buildings and open space and too poorly designed to compete with Vestry Hall and the old Fire Station for attention without damaging the area.
- Bland 'could be anywhere' approach that owes little to context.
- Competes with Vestry Hall for size and scale without an equivalent high standard of design
- Has the same failings as the 2013 refusal
- Still introduces a large scale urban bulk into a sensitive Triptych of buildings on this landmark site
- Damages views of the Cricket Green with a clumsy roof, too many windows facing Cricket Green
- Introduces large area of private land in heart of an area of common land
- Has living spaces that don't meet the London Plan requirements
- Fails to address issues of ownership of the land in front of the site
- Does not address detrimental impact of light pollution identified by the Inspector in 2013
- Prevents the future of the whole island site, Vestry Hall and the Fire Station being considered together
- Fails to address the NPPF requirements for schemes to understand the potential impact of the proposals on the significance of other neighbouring Heritage assets.

The Group was re-consulted on the revised drawings and whilst they consider the revision to be an improvement their comments above continue to stand and add the following comments;

- The proposals introduce private residential development onto Lower Green West, an open area which only has buildings of community use
- Don't preserve or enhance the CA and won't be capable of being listed in 30 year's time. The revised design is derivative and lacks any distinction. Takes its cues from the other buildings rather than adding to the character.
- Still introduces a large scale urban bulk into a sensitive triptych of buildings on this landmark island site between two critically important open spaces at the heart of the conservation area. It competes with the locally listed buildings rather than enhance them.
- Does not respect the prominence of the site which can be viewed from many angles, view across Lower Green West will be a notably weaker

elevation of inferior design quality. The front and back have not been given equal attention in the plans.

- If the scheme is approved careful attention needs to be given to the materials and the way that they will weather and for this to be approved by conservation expert.
- A landscaping scheme should be submitted for approval

One letter was received stating the proposed brickwork should match the colour of the surrounding buildings.

- 5.2 Transport Planning have confirmed the site has good access to public transport (PTAL level 4) and is not located in a CPZ. London Road is part of the strategic road network with significant levels of pedestrian and vehicular traffic along its length. There is no on street parking in the vicinity of the site because of bus lanes and double yellow lines. The numbers of on-site parking bays are within London Plan guidelines, but a parking management condition should be imposed. The proposed level of cycle storage is acceptable but needs a condition attached requiring details to be approved of the design and method of storage. Subject to appropriate conditions there are no anticipated adverse impacts in terms of traffic generation or highway safety and therefore no objections to the principle of the development.
- 5.3 Environmental Health advise that the site is located on a busy road junction, in close proximity to the Fire Station and Vestry Hall. In the event that the scheme is recommended for approval, conditions relating to Noise Survey, Air Quality Survey, hours for demolition and construction, ground contamination/ remediation and working method statement should be imposed.
- 5.4 The Police Safer by Design Officer was consulted on both designs and offered the following comments on this revision; Planting should not impede the opportunity for natural surveillance and avoid the creation of hiding places, Lighting should there should be to British Standard avoiding various forms of light pollution, Communal space should not abut ground floor windows and doors and a defensible buffer zone should reduce ease of approach to Bedroom 1 of the corner plot and beds 1 7 2 of the rear unit, communal door should be video controlled, undercroft parking should have light colour finishes to maximise effectiveness of the lighting, cycle racks need two securing points, refuse and cycle store locks need a thumb turn to prevent accidental locking, fencing and gates design is needed, clear demarcation is needed for the front bays to prevent continued use by non-residents and the development should seek full Safer by Design accreditation.
- 5.5 Historic England were consulted as the site is located within an Archaeological Priority Zone and they raised no objection subject to the inclusion of suitable conditions.

5.6 Design Review Panel. In May 2015 an earlier version of the application went to the Design Review Panel which gave that design a RED. The design was therefore amended in response to those comments, resulting in the scheme currently before members.

The current proposal was discussed by the DRP at their meeting on April 19<sup>th</sup> 2016. They noted:

“The Panel spent almost an hour discussing the application for this site. They acknowledged that the applicant had addressed many of the concerns expressed at an earlier meeting and had explained the reasons for not adopting 4 others. However, this was seen as like a process of attrition, which made a good design difficult to come up with. The applicant needed to make it their own building, not one designed by committee

In assessing the proposal the Panel reiterated the importance of the heritage assets across the Conservation Area and confirmed its belief that ‘the bar should be set higher’ for the design of any application at this site. The site would form part of a group of high quality buildings in a wider context of many heritage assets.

The Panel felt that one measure of the quality of a building was how well it turned a corner. The Panel felt that the two primary elevations, if viewed together, did not sit well with each other (e.g. different window openings) and that the corner was not taken advantage of as a means of defining the building and its quality. The primary corner is the ‘specialness’ that an individual design could be built around

The Panel saw the proposal as ‘inoffensive’ but not as good as it should be. The design seemed too muted and deferential and this prevented the architecture from being engaging or expressing a feeling of delight. The Panel welcomed the analysis of the Vestry Hall, but saw that the end windows on the primary elevation did not match, with the southern one being half window, half south facing balcony. The northern ground floor opening frames a car space. Such compromises show the design is not of the highest quality. The panel still maintained that there was scope for balconies on this elevation.

Of the earlier concerns that the applicant has chosen not to address there was general agreement that the site was not suitable for residential accommodation on the ground floor with a number of reasons offered. This included the treatment of the private garden space in front of the building. Here the Panel felt that it would be a poor quality space that residents would either not use or would attempt to screen in a way that would reduce natural surveillance, screen the building and create clutter.

Visually the building should serve a public benefit but it was difficult to do with a private use. The Panel was unsure how a protected private



space on a publicly prominent site could be made to work. A non-residential use could have a raised ground floor and improve the building proportions. It could also see the building being located closer to the edge of the site and so allow a more private amenity space at the rear.

There was still a belief that increasing the pitch of the roof had design merit. Similarly there was still a feeling that within the right design there could be scope to move the building closer to the Vestry Hall and for balconies fronting onto the Cricket Green. The Panel reiterated their previous assertion that a new building had the potential to successfully abut the blank end wall of Vestry Hall, whilst maintaining servicing access to the rear at ground level.

The Panel recognised the efforts that the applicant was making but in its final analysis concluded that the proposal did not achieve the design criteria expected for this very important site. 4 members gave the application a red light and 2 gave it amber.”

VERDICT: **RED**

- 5.7 In response to these comments the applicants have commented; “The DRP’s focus of comments as part of this presentation related to the introduction of a non-residential use at ground floor level and the design of the ‘corner’ of the scheme. There is also a suggestion that the pitch of the roof for the scheme should increase.

With regards to the introduction of a non-residential use at ground floor level, our client is pursuing a solely residential scheme based on previous appeal decisions and planning applications which supported solely residential development on the site. There is no planning policy requirement for a non-residential use.

In terms of the design approach taken, we have made significant alterations to the elevations of the proposed development following the first DRP. We consider that the proposal is of a high quality design. The planning policy ‘test’ is to preserve or enhance the Conservation Area and we strongly believe that the demolition of the existing building and the delivery of this new scheme meets this ‘test’. The elevational treatment facing Lower Green West provides visual interest and the pitch of the roof has been designed to reflect the character of the Vestry Hall building, but not to compete with it.

There are a number of material considerations that have been taken into account when developing this scheme which include previous Inspectors comments, DRP comments, Officer comments and the view of local residents. In our opinion, this proposals provides a design solution which seeks to balance these competing objectives.”

## **6. POLICY CONTEXT**

- 6.1 Relevant policies in the London Plan (March 2015) are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction) & 7.8 (Heritage assets and Archaeology)
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).
- 6.3 Relevant policies in the Adopted Sites and Policies Plan 2014 are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to buildings), DM D4 (Managing Heritage Assets), DM D5 (Advertisements), DM R2 (Development of town centre type uses outside town centres) DM R5 (Food and drink uses), DM EP 2 (Reducing and mitigating against noise) & DM EP 4 (Pollutants).

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include the loss of a public house; the impacts on the Mitcham Cricket Green Conservation Area; housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; planning obligations.
- 7.2 Redevelopment involving loss of a public house.  
The loss of the pub use has been considered in all of the previous planning applications with reference to former UDP policy L.16. This policy has now been superseded by policy DM R5 in the SPP 2014 and is also considered relevant as it seeks to protect public houses outside town centre locations unless:
- i) The applicant can demonstrate that the pub is no longer economically viable and
  - ii) There is alternative provision within the local area.
- 7.3 The Cricketers ceased trading in August 2010 and the building has been vacant since. Within the last month the other three public houses, the Queens Head, White Hart and Burn Bullock have all closed for an undisclosed period. However, in the previous applications the principle of the loss of the public house was not considered to warrant grounds for refusal and officers do not consider there to be grounds to depart from this position.
- 7.4 Impacts on the Conservation Area.  
Mitcham Cricket Green Conservation Area was originally designated in 1969 and the particular features which merit the designation include its

historical background, the number of listed buildings and the character and diversity of buildings generally and the generous open spaces. The Cricketers Public House stands at a prominent corner site between the Vestry Hall and Mitcham Fire Station.

- 7.5 SPP policy DM D4 states that proposals for new development in conservation areas are required to preserve or enhance the character and appearance of the conservation area and development proposals are expected to complement the character and appearance of the wider setting, by careful consideration of how the proposed density, scale, design and materials relate to the urban setting in which the development is placed.
- 7.6 A number of previous applications have involved demolition of the pub and redevelopment of the site with a new building. Key reasons for refusal had related to the negative impact that larger replacement buildings would have had, particularly in relation to height, bulk and massing. However this scheme has been developed and refined such that whilst the eaves lines of the proposal and Vestry Hall are the same the roof scale and height of this proposal is significantly lower and subservient to that of Vestry Hall and marginally lower than the old Fire Station such that officers would dispute suggestions that the proposal is trying to compete with its locally listed neighbours.
- 7.7 The Council published the draft Mitcham Cricket Green Conservation Area Appraisal and Management Plan in 2010 and this noted that the Lower Green and Cricket Green form the central focus of the conservation area. The Inspector noted in his consideration of the 2010 scheme that the most dominant feature of the conservation area is the visual impact of the large areas of green space, around which built form is clustered creating well defined edges. The current scheme reflects the footprint of the existing building and retains much of the open space along the Lower Green West elevation whilst making a noticeable increase in the greenery on the London Road elevation.
- 7.8 The Mitcham Cricket Green Community and Heritage Group raised the issue of light pollution from windows overlooking Cricket Green which had been a concern of the Inspector at the appeal for application 12/P2083. In that scheme there were 13 single windows and four double units on three upper floors (Including a mansard roof). In this scheme there are only two upper floors and they have 8 windows and four balcony units facing the Cricket Green. Given the site's well lit nature and busy road in front of it, officers consider that the reduction in fenestration in terms of both the overall height and the number of actual windows is such that this concern has been satisfactorily addressed.
- 7.9 The principle of residential development on the site.  
Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 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. This proposal will provide a new three bedroom house suitable for family accommodation and is therefore considered to accord with these policies.

7.10 Schemes for new development involving housing of 10 or more dwellings should provide on-site affordable housing subject to justification. The proposal was submitted with an Economic Viability Assessment that has been independently assessed by the Valuations Office taking into consideration matters such as construction costs, CIL costs, development costs including fees etc, the assigned existing use value of the site and sales values of the scheme's market homes. This assessment concluded that the scheme is unable to support an on-site affordable housing contribution.

7.11 Standard of Accommodation and Amenity Space.

The London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2015 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards are based on the numbers of bedrooms and therefore likely future occupiers. Each flat either meets or exceeds this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. Guidance suggests that the 5 person unit, Flat 1 should have a separate living and kitchen/dining area. However it does benefit from being more than 25m<sup>2</sup> larger than the minimum and has dual aspect with a larger than required amenity area and consequently officers do not consider that this would represent a matter that could justify refusal of the application. Whilst the other units all provide the required level of amenity space, unit 7 the studio has no private amenity space. However the floor area is above the minimum, there is garden space on site and the proposal is opposite the open space of the Cricket Green and therefore officers consider that this would not have a negative impact on occupier amenity that justified a refusal of consent.

## Floor and Amenity space provision

Apartment	Floor Area m2	London Plan GIA standard m2	Amenity space m2	London Plan Standard m2
1 3b5p	111.1	86	20.3	8
2 2b3p	68.9	61	14.9	6
3 2b3p	63.8	61	14.9	6
4 2b3p	61	61	6.5	6
5 2b3p	61.2	61	8.6	6
6 1b2p	50	50	11.2	5
7 Studio	41	39	0	5
8 2b3p	61	61	6.5	6
9 2b3p	61.2	61	8.6	6
10 1b2p	50	50	11.2	5

### 7.12 Neighbour Amenity.

The existing public house building is a two storey structure with rooms in the roof and given the separation distances to the nearest dwellings in Lower Green West on the opposite side of a busy through route, no direct or adverse impacts are anticipated for any existing residential occupiers with regard to overlooking or noise levels and there have been no objections on these grounds.

### 7.13 Traffic, Parking and Servicing.

Current central government guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. The current scheme makes provision for 20 cycle parking spaces with 6 car to the side of the building and this is in line with London Plan guidelines. (The existing parking bays to the front of the building are not on land within the title of the owners of The Cricketers, neither is the land registered. Although it is understood that the pub has over many years used the area for seating and parking by patrons and tenants of the pub, this area of land cannot be considered as part of the planning process).

7.14 The Council's Transport Planning Officer had no objections to the proposal and has advised that the proposal should be subject to a standard condition to provide a Parking Management Strategy. On-street parking is controlled by double yellow line restrictions and the level of additional traffic generated by the residential units is unlikely to result in undue detriment to the existing highway conditions which already carry heavy traffic loads. Given the level of on-site parking, it is considered that the development would be unlikely to result in adverse impacts for highway safety or increased demand for on-street parking to an extent that would warrant refusal of the scheme.

7.15 The proposed level of cycle parking is satisfactory, but the design of the stores and method of securing the cycles will need to be secured by way of condition. The refuse and recycling store has been positioned away from the flats with its access facing Lower Green West. The proposal would involve changes to the existing roadway at this point to replace the now unused fire station access land with a section of pavement and a series of four roadside bays that would allow parking for servicing and delivery vehicles.

7.16 Archaeology and contaminated land.

The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to archaeological investigation and potential land contamination.

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

8.1 A Written Ministerial Statement dated March 2015 and Planning Practice Guidance set out the government's approach for the setting of housing standards for new housing. There is a new system of Building Regulations (BR) with new additional optional BR on water efficiency and access and a new national space standard. The Code for Sustainable Homes and BREEAM standards cannot be applied under the new system and neither can Lifetime Homes Standards. However, Merton is permitted to enforce the mandatory minimum requirements for energy performance and water efficiency at a level equivalent to Code for Sustainable Homes Level 4 for the delivery of new residential units across the borough. A condition to that effect is recommended.

8.2 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

## **9. CONCLUSION**

9.1 The principle relating to the loss of the vacant public house and the use of the site for residential purposes have previously been considered as acceptable by the Planning Inspector and the current scheme raises no fresh issues in that respect. Thus, while the DRP have expressed a view that the site is not suitable for residential use on the ground floor this position is not supported in appeal decisions by independent planning inspectors.

9.2 The proposed design of the scheme has been amended prior to submission following the comments of the previous appeal Inspectors and following further comments from officers. Consequently, and notwithstanding the views of the DRP, it is considered by officers that the proposal has now satisfactorily addressed previous reasons for refusal and that the scheme is now of a suitable scale, bulk, massing

design that allows the redevelopment of this site for good quality well serviced housing, for which there is an identified demand, with a building that can sit comfortably in this location and preserve and enhance the Mitcham Cricket Green Conservation Area in which it will be located.

- 9.3 While the DRP have expressed views to the effect that the proposals are not as good as they could be, the key test for development in conservation areas is whether a proposal would preserve or enhance the character and appearance of the area. As a matter of judgement officers consider the proposals would meet this test.

**RECOMMENDATION:**

**Grant planning permission subject to conditions**

1. A.1 Commencement of development for full application
2. A.7 Approved plans Site location plan, drawings; 00842\_B\_01 P02, 00842\_B\_02 P02, 00842\_B\_03 P03, 00842\_B\_04 P02, 00842\_S\_02 P02, 00842\_S\_03 P05 & 00842\_S\_04 P02,
3. B 1 Material to be approved. No construction shall take place until details of particulars and samples of the materials (including details of weathering) 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.
4. B.4 Surface treatment No construction shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.
5. B.5 Boundary treatment No development shall take place until details of all boundary walls or fences are 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 details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition

relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

6. C.6 No construction 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.
7. D.9 No external lighting shall be installed without the prior approval in writing of the Local Planning Authority
8. D.11 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.
9. F.1 Landscaping/ Planting Scheme No construction shall take place 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.
10. F.2 Landscaping (Implementation) All hard and soft landscape works shall be carried out in accordance with the details approved by condition 9. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, 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.
11. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the



development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

Evidence requirements are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010). Evidence to demonstrate a 19% reduction compared to Part L regulations (equivalent to a 25% reduction compared to 2010 Part L regulations) and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

12. H.3 Redundant crossovers The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
13. H.4 Provision of Vehicle Parking The vehicle parking area (including any garages hereby approved) 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
14. H.7 Cycle Parking to be implemented The development hereby permitted shall not be occupied until the details of the secure cycle parking shown on the plans hereby approved has been provided, approved in writing by the Local Planning Authority and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.
15. H.10 Construction vehicles Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
  - (i) Parking of vehicles of site workers and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of construction plant and materials;
  - (iv) Wheel cleaning facilities
  - (v) Control of dust, smell and other effluvia;
  - (vi) Control of surface water run-off.No development shall be carried out except in full accordance with the approved method statement.
16. H.11 Parking Management Strategy 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.

17. H. 14 Gates The doors of the garage or gates hereby approved shall not open over the adjacent highway.
18. K1 Archaeology No development [including demolition] pursuant to this consent shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority and in accordance with the approved written scheme of investigation.
19. Non standard condition An air quality assessment shall be undertaken and submitted to the Council before development commences. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme of proposed remedial measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to the occupation of the residential properties.  
Reason: To safeguard the amenities of occupiers of the development hereby approved and ensure compliance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014
20. Non standard condition; Due to the potential impact of the surrounding locality on the development, a noise survey undertaken by a competent person is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise. The survey shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme for sound insulation and noise control measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to occupation of the residential properties.  
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy DM EP 2 of the Adopted Merton Sites and Policies Plan 2014.
21. Non standard condition. No construction may commence until a Section 278 Highways Act agreement has been entered into with the Local Highways Authority in relation to those works outside the confines of the site on the London Road and Lower Green West elevations as shown on

drawing 00842\_S\_03 Rev P05. Reason; To ensure a satisfactory appearance for the development and to improve parking and servicing for this development and ensure compliance with policy DM D4 of the Adopted Merton Sites and Policies Plan 2014 and policy CS 20 of Merton's Core Planning Strategy 2011.

22. Non standard condition. The development hereby approved shall not be occupied until details relating to planting, lighting, defensible buffer zones, communal entrance security, undercroft parking area painting, refuse and cycle store locking systems, security fencing and parking demarcation for the front bays has been submitted and approved in writing by the Local Planning Authority.

Reason; to ensure a safe and secure layout for the development that takes account of crime prevention in accordance with policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

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