

**PLANNING APPLICATIONS COMMITTEE**  
**16th June 2016**

<b>UPRN</b>	<b>APPLICATION NO.</b> 15/P4633	<b>DATE VALID</b> 22.12.2015
<b>Address/Site</b>	Albany House, 300 Burlington Road, New Malden, Surrey, KT3 4NH	
<b>(Ward)</b>	West Barnes	
<b>Proposal:</b>	Demolition of existing MOT garage (Sui generis) and carpet shop (A1) and the erection of 41 residential units (C3), 25 car parking spaces, 63 cycle parking spaces and associated landscaping.	
<b>Drawing No's</b>	Site location plan, drawings; 6519_D6000 Rev 00, 6519_D6100 Rev 03, 6519_D6101 Rev 03, 6519_D6102 Rev 02, 6519_D6103 Rev 02, 6519_D6104 Rev 02, 6519_D6150 Rev 02, 6519_D6500 Rev 01, 6519_D6501 Rev 00, 6519_D6502 Rev 00, 6519_D6600 Rev 00, 6519_D6700 Rev 02, 6519_D6701 Rev 01, 6519_D6702 Rev 01, Surface Water Drainage Strategy (produced by Cole Easton Ltd Dated March 2016 Rev 2), Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119	
<b>Contact Officer:</b>	Leigh Harrington (020 8545 3836)	

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**RECOMMENDATION**  
**GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND**  
**CONDITIONS.**

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**CHECKLIST INFORMATION.**

- S106 Heads of agreement: Yes
  - 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 – 1279
  - Press notice – Yes
  - Site notice – Yes
  - External consultations: Environment Agency, Network Rail, Metropolitan Police
  - Number of jobs created – n/a
  - Density 242 units per ha/ 783 hab rooms per ha
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## **1. INTRODUCTION**

- 1.1 The application is brought before PAC due to the level of objection to the proposal and for authority to enter into a section 106 agreement for affordable housing (Less than 40% provision).

## **2. SITE AND SURROUNDINGS**

- 2.1 0.17 hectare roughly triangular shaped site located on the east side of Burlington Road to the north of the junction with Claremont Avenue. The rear of the site abuts the mainline rail line between Raynes Park and Motspur Park stations and the site is just south of a nearby level crossing. The site is situated opposite commercial units on Burlington road including the Tesco Extra store whilst to the south the site adjoins residential properties in Claremont Avenue. The site is currently occupied by an MOT centre and carpet retailer with a flat above the carpet premises.
- 2.2 The site is not within a Conservation Area, Archaeological Priority Zone or Controlled Parking Zone .
- 2.3 The application site enjoys reasonable access to public transport, (PTAL level 3) although this may rise with the advent of Crossrail 2. It is not in a Controlled Parking Zone.

## **3. CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing MOT garage (Sui generis) and carpet shop (A1) with associated C3 flat and the erection of 41 residential units (C3), 25 car parking spaces, 63 cycle parking spaces and associated landscaping. The scheme has been reduced from 43 units and has undertaken a number of design revisions in response to comments received including those from the Design Review Panel.
- 3.2 On the ground floor the layout aligns with the pavement and improve the layout of the communal amenity area. The building at this level provides the ground floor of the three duplex units as well as a family sized unit. There are two entrance lobbies, three plant rooms, two refuse stores, two secure cycle parking areas providing 63 spaces and a 25 space parking area with four disabled spaces and 11 electric vehicle charging points.
- 3.3 The layout of the residential units are similar on each of the first, second and third floors whilst the building only provides a fourth floor of accommodation on the north of the site with the south being given to a communal roof garden.

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

- 4.1 04/P1071 Planning permission granted for a change of use from mixed use of site including car sales, servicing and ancillary mot testing to use of southern part of site as an MOT testing station with ancillary vehicle servicing and the use of the northern part of the site for the sale and display of motor vehicles. The proposals include the erection of a brick dividing wall across part of the open yard facing Burlington Road in connection with the division of the site.
- 4.2 02/P2030 Planning permission refused for change of use from garage workshops/repair centre and vehicle showrooms to retail and storage. Reasons for refusal: The proposed development would be detrimental to the vitality and viability of the Borough's established town centres as defined in the shopping hierarchy, and the existing shopping parades within the vicinity of Burlington Road contrary to Policy S.11 of the Adopted Unitary Development Plan (April 1996) and Policies ST.29 and S.6 of the Second Deposit Draft Unitary Development Plan (October 2000) and inconsistent with Government advice contained in PPG 6 (Town Centres and Retail Development).  
And  
The proposal would result in the loss of an employment generating site, prejudicial to the Council's objectives of maintaining an adequate supply of employment land for small and growing businesses and preventing the erosion of land and buildings in business use, contrary to Policies SW.1 and W.9 of the Adopted Unitary Development Plan (April 1996) and Policies ST.14 and E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).
- 4.3 96/P0794 Planning permission granted for a change of use from ancillary offices for car sales showroom and servicing to a caretakers flat.
- 4.4 95/P0705 Planning permission granted for a change of use of premises from storage, distribution, sales and karate studio to vehicle sales, showroom and servicing area involving provision of ancillary car parking, landscaping, creation of new front elevation and demolition of existing single and two storey flat roofed extensions.

#### **5. CONSULTATION**

- 5.1 Prior to the submission of the application the applicants undertook their own community involvement consultation process with letters sent to local residents and businesses. Meetings were also held with immediate neighbours, residents from the wider community, the Raynes Park and West Barnes Resident's Association and held a public event to allow local residents to view and comment on the proposals on November 4<sup>th</sup> 2015.

5.2 The proposal was publicised by means of major press and site notices, and letters were sent to 1279 neighbouring occupiers on both the original and amended designs. In response 24 objection letters have been received from local residents and businesses raising the following issues:

- Insufficient on-site parking with 25 spaces for 43 (41) flats. Already pressure from local business visitors and staff, residents, commuters and Local Indian Community hall. Parking is insufficient and will add to congestion to the detriment of other businesses.
- Should provide one space per flat. 2 & 3 bed flats will have more than 1 occupant, total would be at least 82 people which equates to a need for at least 47 spaces meaning 22 will have to park on side streets.
- PTAL rating is 2 not 3
- Reference to Crossrail 2 is misleading as it is at least 17 years away.
- Increased pressure on traffic levels.
- 66 cycle parking spaces too many would be better used for car parking.
- Increased pressure on local infrastructure including schools, medical services, electrical and water supplies.
- Increased risk of flooding.
- Building too high, with too many units and out of keeping.
- Loss of daylight/sunlight, impact on Seaforth Avenue not been considered.
- Loss of privacy to buildings and gardens, 26 flats will overlook Seaforth Avenue houses
- Not enough Affordable Housing will be provided. Local people should get first refusal.
- Proposal involves forced closure of a viable business that provides local services to the community
- Architecture is horrendous, cheap and nasty, just a lumpy concrete structure that will add nothing to the area.
- Increased dust levels during construction.
- No consultation with local community.
- Not been assessed under the Countryside and Wildlife Act 1981.

5.3 A letter was received from MOTEST, one of the businesses on the site raising objections on the grounds that;

- The applicants have not supported their search for alternative premises.
- They have never seen the Levene Commercial documentation before and it does not address their needs.
- This is not just an MOT station; 70% of the work is servicing and repair so is important local service.
- The business should be integrated into the scheme or alternative site found before any development goes ahead.
- Employs 13 at the MOT centre and 7 at the carpet shop.
- Application fails to accord with policy DM E3.

- 5.4 Six letters of support were received making the following comments;
- Glad that it is not a commercial use next door, shops would become fast food or of licence outlets.
  - Provides much needed high quality accommodation.
  - This will help define the area as residential not a commercial/light industrial area.
  - Will improve look of the local area.
  - It has been planned in conjunction with the local community.
  - Council should sell the triangular plot of grassland to north of the site to allow it to be landscaped as part of this development.
  - Ideal location for an apartment block.
- 5.5 Future Merton Policy Team. Flexible application of policy DM.E3 appropriate subject to applicant clearly demonstrating actively assisting the current occupiers of the site with finding new suitable alternative accommodation.
- 5.6 Transport Planning have confirmed that the site has reasonable access to public transport with nearby bus stops and rail services from Motspur Park being on the cusp of PTAL 2 and 3. Whilst there is no set minimum provision for vehicle parking the provision of around 50% on-site parking is considered acceptable. 2011 Census data for West Barnes ward is that only 20.4% of households have no access to a car (this is lower than the borough average) – however because all the units are flats with a significant number of 1 and 2 beds this suggests that level of car ownership within development will be lower than the ward average. The site is PTAL 3 – reasonable access to public transport. No increased vehicle trips are anticipated over the MOT/garage and carpet shop uses. A new on street dedicated loading bay will be needed for servicing needs and requires a S278 agreement. The cycling and electric vehicle provision meets London Plan standards and overall no objection to the proposals. A parking management strategy is also recommended.
- 5.7 Environmental Health officers were consulted on the proposals and had no objections but given the site's location recommended conditions relating to noise, vibration, external lighting, site contamination, air quality and a demolition and construction method statement be imposed.
- 5.8 Flood Risk Management confirmed the site is outside of Flood zones 2 & 3 and raised no objection to the proposal subject to the imposition of a suitable condition relating to a Sustainable Urban Drainage Scheme.
- 5.9 Future Merton - Climate Change; raised no objections to the proposals subject to the imposition of suitable conditions.

- 5.10 The Metropolitan Police Safer by Design Officer was consulted on both designs and offered comments on the latest revision relating to gates, recessed areas, defensible space, communal area seating, undercroft design, lighting, cycle storage design and landscaping.
- 5.11 Network Rail raised no objection to the proposal but pointed out that Crossrail 2 would increase the frequency of trains and the tracks coming closer to the site boundary. Informatives relating to Network Rail Asset protection were recommended.
- 5.12 Environment Agency raised no objection subject to the imposition of conditions relating to contamination, sustainable drainage and piling of foundations
- 5.13 The Design Review Panel discussed the design as originally submitted and made the following comments;  
“The Panel felt that the proposal had the potential to be a really elegant building and supported the principle of intensification on the site. There was some discussion on appropriate height for the building, but that this needed to be justified better by showing long street elevations of the surrounding context on Burlington Road. The recently completed building at the junction with Claremont Avenue was cited as a potential reference point.

The Panel were concerned about the number of single aspect flats in the building and although there was discussion on this issue it appeared to remain an issue for the Panel. The Panel stated that the test of good quality would be whether the flats were good to live in. This was a matter of ‘shades of grey’ rather than a simple ‘black and white’ application of standards.

The Panel had a number of suggestions regarding the best way to develop the site, addressing a range of issues, including that of single aspect flats. Overall the Panel felt that the footprint of the building brought it perhaps too close both to the railway and the busy road on either side of the site.

Whilst the Panel saw merit in the façade of the building being subdivided into planes of brick, they felt that this could appear monolithic when viewed from the street and also the Tesco car park. The suggestion was to have three separate buildings each with its own core. This would break up the bulk of the building with its large footprint, as well as address the single-aspect issue.

The Panel were also concerned about the quality of the recessed winter garden balconies becoming ‘cave like’ or becoming enclosed in clutter for privacy. There was some concern about using different shades of brick and it was recommended to find a really high quality

brick for the large areas of facing and stick with one shade. It was also noted that the depth of the brick skin would be critical to the feel of the building and this needed to be got just right. The Panel suggested there was scope for introducing curves in the brickwork for this part of the design and also elsewhere, given that the proposed triangular spaces would give rise to similar issues as curved spaces.

The Panel also felt that the distinction of the ground floor from those above was weak and the building would benefit from a stronger feel of a bottom-middle-top progression. There was some criticism of the location and size of the amenity space.

It was suggested that the parking could be located in a line alongside the railway, accessed from the southern end of the site, in order to provide a stronger active frontage to the street as well as allowing a more generous 'breathing space' between the building and the busy road for the ground floor units.

Whilst the local parking context was appreciated, it was suggested that an on-site car club could reduce the need for parking provision and should be explored.

The Panel liked the simplicity of the elevations and the encouraging view from the north that drew the eye to the building at this pivotal location. The proposal had great potential but needed further design work to become the high quality building it needed to be on this prominent site.

VERDICT: **AMBER**

The DRP have not discussed the revisions subject of this report

## **6. POLICY CONTEXT**

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.

- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Paragraph 17 of the NPPF sets out a number of ‘Core Planning Principles’. These include:
- Not being simply about scrutiny, but be a creative exercise in finding ways to enhance and improve the place in which people live their lives;
  - To proactively drive and support sustainable economic development to deliver homes and businesses;
  - Always seek to secure high quality design;
  - Encourage effective use of land by reusing land that has been previously development (brownfield land) where it is not of high environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban areas; and to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.5 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.6 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
- London Plan (March 2015)
- 6.7 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), 5.13 (Sustainable drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.5 (Public realm), 7.6 (Architecture), 7.15 (Reducing and managing noise), 7.21 (Trees and woodlands).



Merton LDF Core Planning Strategy (2011).

- 6.8 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS 13 (Open space), CS14 (Design), CS15 (Climate Change), CS 16 (Flood risk management).CS 17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

Merton Sites and Policies Plan (2014).

- 6.9 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 E3 (protection of scattered employment sites), DM EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), DM F2 (Sustainable urban drainage systems), DM O2 (Nature conservation), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 Car parking and servicing standards.

- 6.9 London Housing SPG 2016

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include the loss of the existing scattered employment site; housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; planning obligations.

7.2 Loss of the existing scattered employment site.

SPP policy DM E3 is concerned with the protection of scattered employments sites. The policy defines those employment uses to be those with Use Class B1 (a), (b) & (c) B2 & B8 as well as appropriate sui generis uses. The MOT test facility and car servicing (MOTEST Ltd) being sui generis and B2 uses would therefore fall within this policy, the carpet shop being A1 use would not. Policy resists the loss of scattered employment sites except where;

- (i) The site is located within a predominantly residential area and it can be demonstrated that its operation has a significant adverse effect on local residential amenity.
- (ii) The site is unsuitable and financially unviable for whole site employment use and
- (iii) It has been demonstrated through full and proper marketing that there is no realistic prospect of employment or community use of the site in the future.

- 7.3 In this case the current occupiers of the MOT test centre and garage (MOTEST Ltd) are making full use of the site. No marketing has been undertaken. The carpet retailer is still operating from the site.
- 7.4 Part b of the policy allows the Council to seek mitigation against the loss of employment land through the provision of alternative sites for employment use. Officers consider this approach to have greater merit in this instance rather than seeking a notional provision of employment floorspace (probably B1 floorspace) on the ground floor as part of the redevelopment given the availability of vacant office floorspace locally, some of which have been subject to Prior Approval submissions to convert to flats, and the impact this would be likely to have on the viability of the scheme, potentially squeezing out potential for the delivery of affordable housing for which there is a need.
- 7.5 The applicant has undertaken a process of actively seeking alternative sites that may be suitable for use by the current occupiers at a rental value commensurate with the current costs on site. The sites listed below have been suggested to the operators of MOTEST but no alternative suitable sites have been identified as being acceptable to them as yet.
- 7.6 Sites presented to MOTEST by location, size, price, parking and distance from the existing site.

Address	Size sqft	Price	Price per sqft	Parking	Distance (Miles)
Motest, 300 Burlington Road (The site)	4500	£90,000.00	£20.00	25	0
9 St Dunstan's Hill, SM1 2JX	3500	TBC	TBC	20	3.3
Shannon Commercial Centre, Beverley Way, KTS 4PT	3985	£55,000.00	£13.80	8	1.3
158 Garth Road, Morden, SM4 4LU	10,278	£60,000.00	£5.83	Approx 12	1.6
177 Hook Road, Surbiton, KT6 5AR	9,832	£51,000.00	£5.18	17	3.8
196 Morland	3220	Not	Not known	Not	10

Road, CR0 6NF		known		known	
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3503		£12.25	Circa 30	3.3
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3526		£12.25	Circa 30	3.3
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3513		£12.25	Circa 30	3.3
44 Mill Place, Surrey, KT1 2RL	2011	£25,000. 00	£12.43	5	3
Capital Industrial Estate, 24 Willow Lane, Mitcham, CR4 4NA	6232	£60,000. 00	£9.62	5	4.9
Mill Lane Trading Estate	1006 8	£80,000. 00	£7.94	8	7.5
Unit 4, 681 Mitcham Road, CR0 3YH	8912	£125,000 .00	£14.02	Circa 20	6.1
Capital Industrial Estate, 24 Willow Lane, Mitcham, CR4 4NA	2254	£25,000. 00	£11.09	Circa 9	4.9
193 Garth Road, Morden SM4 4LZ	2279	£20,000. 00	£8.77	Yes but number not known	2.7

Merton Industrial Estate, Lee Road, SW19 3WD	6760		£14.00	8	3.5
Sutton Business Park, Restmor Way	Various Sizes	TBC	TBC	Yes but number not known	5.2
Nelson Trade Park, The Path, SW19 3BL	6,144	£82,000.00	£13.00	Yes but number not known	3.1
15 Lyon Road, Wimbledon	8,905	£120,000.00	£13.47	Aug-15	2.5

7.7 While officers acknowledge that the applicant can achieve vacant possession of the site under the Landlord and Tenant Act within the near future, in order to mitigate against the loss of the scattered employment site it is recommended that a section 106 agreement be structured to ensure that the business relocation/site finding process undertaken by the applicant continues for a period of not less than six months from the grant of planning permission.

7.8 The principle of residential development on the site.

Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] states 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 site currently has a flat above the carpet company offices, is adjacent to the residential development of Claremont Avenue and separated from houses in Seaforth Avenue by a railway line. Consequently, subject to mitigation against noise and vibration from the rail line, officers consider that the site would be acceptable for residential occupation as a continuation of the surrounding residential area. The proposal would provide 41 new flats ranging in a mix of sizes with 11x one bedroom units, 21 x two bedroom, 8 x three bedroom and 1 x four bedroom unit.

7.9 Affordable housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was submitted with an Economic Viability Assessment that has been independently assessed taking into consideration matters such as construction costs, CIL costs, development costs including fees, the assigned existing use value of the site and sales values of the scheme's market homes. This assessment followed an initial

assessment of the applicant's affordable housing and viability report. That updated report from April 2016 concluded that the smaller scheme for 41 flats was able to support an on-site affordable housing contribution of approximately 17% or 7 flats. The applicant has commented that whilst not agreeing with the findings of the report, on an entirely without prejudice basis they are prepared to increase the affordable housing offer on the site to 20% (8 flats) on the following basis:

- Permission is granted at local level for a solely residential scheme/ for the scheme currently under consideration; and
- That no review mechanism is imposed, given that uplift in affordable housing is already being provided and, for a scheme of this size, would be contrary to clear advice set out within the PPG and in recent Planning Inspectors appeal decisions.

7.10 In April the applicant confirmed that the scheme has been reviewed by Wandle Housing Association who would be prepared to take affordable rent and intermediate units in the scheme. The following mix is therefore proposed and based upon the current drawings:

Affordable Rent

- 1 x 2 bed (Unit 1.1)
- 3 x 3 bed (Units G1/ G2/ G4)
- 1 x 4 bed (Unit G3)

All of these units are either accessed from the southern core or directly from the street.

Intermediate/ Shared Ownership

- 1 x 1 bed
- 2 x 2 bed

The location of these units is to be determined but can be mixed with the private accommodation.

7.11 The latest London Housing SPG (2016) advises that review mechanisms are encouraged to be considered when a large scheme is built out in phases and/or is built out over a long period of time. The mechanism should specify the scope of a review of viability for each phase or relevant phase of development. For schemes with a shorter development term consideration should be given to using S106 clauses to trigger a review of viability if a scheme is not substantially complete by a specified date. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns.

7.12 So as to be consistent with the SPG, officers therefore recommend adding a review mechanism for the purpose of securing an additional off site contribution in any legal agreement in the event that the development is not substantially complete within a specified period.

7.13 Standard of Accommodation and Amenity Space

The London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2016 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. Similarly each unit meets or exceeds the minimum requirement for private amenity space.

Floor and Amenity space provision

Apartment	Floor Area m2	London Plan GIA standard m2	Amenity space m2	London Plan Standard m2
1 3b5p Duplex	110	93	14	8
2 3b5p Duplex	112	93	17	8
3 4b5p Duplex	124	97	12	8
4 3b6p	106	95	72	9
5 2b4p	74	70	9	7
6 1b2p	51	50	5	5
7 2b4p	81	70	16	7
8 3b6p	109	95	9	7
9 1b2p	51	50	5	5
10 2b4p	74	70	8	7
11 2b4p	79	70	15	7
12 2b4p	74	70	9	7
13 1b2p	52	50	5	5
14 2b4p	74	70	9	7
15 1b2p	51	50	5	5
16 2b4p	81	70	16	7
17 2b4p	77	70	9	7
18 3b6p	109	95	9	9
19 1b2p	51	50	5	5
20 2b4p	74	70	8	7
21 2b4p	79	70	15	7
22 2b4p	74	70	8	7
23 1b2p	52	50	5	5
24 3b5p	86	86	44	8

25 1b2p	51	50	5	5
26 2b4p	82	70	16	7
27 2b4p	77	70	9	7
28 3b6p	109	95	9	9
29 1b2p	51	50	5	5
30 2b4p	74	70	8	7
31 2b4p	79	70	15	7
32 2b4p	74	70	8	7
33 1b2p	52	50	5	5
34 1b2p	51	50	5	5
35 2b4p	76	70	10	7
36 2b4p	77	70	9	7
37 3b6p	109	95	9	9
38 1b2p	51	50	5	5
39 2b4p	74	70	8	7
40 2b4p	79	70	8	7
41 2b4p	74	70	8	7

#### 7.14 Occupier amenity

Sites and Policies Plan policies DM EP2 and DM EP4 seek to reduce exposure to noise, vibration and pollution. The development will be set between a railway line to the rear and a main distributor road to the front which have the potential to impact the amenity and health of occupiers. Environmental Health had no objections to the principle of the development but have requested conditions be imposed to ensure that sufficient mitigation measures are put in place to protect future occupiers.

#### 7.15 Design

London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. The applicants have actively engaged with the public and officers in refining the design of the building and the Council's Urban Design officer has been involved in refining the scheme with involvement and suggestions from The Metropolitan Police Safer by Design Officer. The proposal has been reviewed by the Council's Design Review Panel who gave the original design an amber light. A number of alterations have been made to the design including servicing and access, amenity space, internal corridors, brickwork, active frontage and building alignment such that officers are supportive of the design and apart from some comments relating to its size, only two objections were received relating to its architectural merit.

#### 7.16 Neighbour Amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, visual intrusion or noise and disturbance. During the early

stages of the application revisions were made to the scheme so as to reduce the impact of the proposals on the amenity of the closest residential neighbours at 2 and 2a Claremont Avenue and this included a daylight/sunlight assessment and the occupiers of 2 Claremont Avenue have written in support of the proposals. There have been objections from neighbours in properties in Seaforth Avenue at the rear of the site concerned about the impact on their amenity in terms of loss of light and privacy. The closest flats to the rear garden boundaries are 20m away and the closest point between windows in the flats and the houses is 45m and this exceeds the Council SPG guidance for a 25m gap between windows on upper and lower floors to ensure adequate levels of privacy and daylight/sunlight.

7.17 As a result of comments from neighbours the applicants undertook a further light impact assessment in relation to the houses in Seaforth Avenue. Reference was made in that report to the BRE guide 'Site layout planning for daylight and sunlight- A guide for good practice' The BRE document states that "if the angle to the horizontal subtended by the new development at the level of the centre of the lowest window is less than 25 degrees for the entire development then the new massing is unlikely to have a substantial effect on the diffuse sunlight enjoyed by the neighbouring building". In this instance the angle is 17 degrees and the proposal thereby fully complies with the BRE tests and therefore there will be no material impact with regards to internal skylight to the Seaforth Avenue properties. The assessment also considered the impact of shading to the gardens in Seaforth Avenue and their 'Sun-on-Ground calculations' of 21<sup>st</sup> March show "absolutely no change in sunlight availability caused by the proposal to the vast majority of gardens". The only change that was registered was a 1% variation which is within the 20% loss considered to be potentially material under the BRE guidance. A further transient overshadowing assessment for March 21<sup>st</sup> showed a limited impact to a small proportion of every garden in the late afternoon hours but existing garden walls also cast shadows at this time of day such that there is no material change in amenity levels to the spaces. A shading test was also undertaken for June 21<sup>st</sup> when gardens are well lit throughout the day. Towards sunset shadows are extended towards the gardens but at these times sunlight would already be blocked by garden walls and the existing trees and bushes located at the western boundary of the garden which would be in full leaf in the summer months. The findings based on December 21<sup>st</sup> found that there are no additional shadows cast by the proposals when compared to the pre-existing conditions in winter. Therefore, whilst the proposals may increase the perceived loss of privacy and sunlight, the technical assessment has found that is not the case.

7.18 Traffic, Parking and Servicing

This issue was of greatest concern in most objections to the proposals. With regards to increased traffic levels the Council's Transport planning officer is satisfied that the level of vehicle movements generated is



unlikely to be greater than the current use of the site as a garage, MOT centre and carpet shop and therefore the proposals will not have an adverse impact on the local highway network.

- 7.19 In terms of parking Government and Mayoral guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. To this end there are only guidelines on the maximum level of parking that should be provided rather than a minimum. The Council's Transport Planning Officer advised that the 2011 Census data for West Barnes ward is that only 20.4% of households have no access to a car (this is lower than the borough average) – however because all the units are flats with a significant number of 1 and 2 beds this suggests that level of car ownership within the development may be lower than the ward average. Consequently given the level of on-site parking, it is considered that the development would be unlikely to result in adverse impacts for highway safety and the scheme provides the required amount of onsite parking such that it would not warrant refusal of the scheme. The proposal will provide electric vehicle charging points and disabled bays in accordance with London Plan requirements and the Council's Transport Planning Officer has advised that the proposal should be subject to a standard condition to provide a Parking Management Strategy.
- 7.20 The scheme will require a new on street loading bay to service the development, provide a new vehicle access point and reinstate the pavement where the current vehicle access is located. A condition requiring this to be addressed through a Section 278 agreement under the Highways Act is therefore recommended.
- 7.21 The proposed level of cycle parking exceeds the London Plan minimum standards by four spaces and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and therefore a condition requiring details to be approved is also recommended.
- 7.22 Flood risk and Sustainable Urban Drainage  
The site itself is not at risk from flooding but larger schemes such as this proposal are required to have regard to policy 5.13 of the London Plan and ensure that they incorporate SUDS that aims to achieve greenfield run-off rates and ensures that surface water run-off is managed as close to its source as possible. A condition requiring compliance with the SUDS strategy already submitted with the application is therefore recommended.
- 7.23 Play space  
The confined nature of the site means that the capacity to provide formal play space for children is too constrained although there is amenity space provided in the form of private balconies and two communal areas. Monies obtained through CIL would allow for improvements to play space in other local public areas.

7.24 Contaminated land.

The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination given the commercial use history of the site.

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

8.1 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 Although the site is currently in use as a scattered employment site for the MOT centre, the retail outlet falling outside the reach of this policy, the applicants have actively sought to arrange for alternative employment space for the current commercial occupiers of the site as a means of mitigating the loss of the site for employment purposes. Although a suitable alternative site has yet to be found, a section 106 agreement would ensure this process continues and fulfil the objectives of adopted policy.

9.2 Notwithstanding the proximity of the railway line, subject to suitable conditions to ensure remediation in the event of site contamination and to safeguard against noise and vibration, redevelopment of the site for residential purposes is considered acceptable.

9.3 The redevelopment of the site would provide 41 units of varying sized accommodation for which there is a recognised need. 20% (8) of the units will be for affordable housing and all the accommodation meets or exceeds the minimum internal and external space standards and the design and layout is considered to be of a high standard. Whilst parking has been of major concern to the majority of objectors the amount of vehicle and cycle space on site meets the London Plan standards. For these reasons the proposals are considered to accord with relevant planning policies and the proposals are therefore recommended for approval.

**RECOMMENDATION, GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS**

Heads of terms:

- i) Provision of on-site affordable housing (not less than 8 units - 5 affordable rent, 3 shared ownership).
- ii) The S106 to include a review mechanism such that at the stage of substantial completion a determination can be made as to the scope for an off-site contribution towards affordable housing and to secure such a contribution.
- iii) To provide for measures such that for a period of 6 months from the date of the planning permission, the applicant has made best

endeavours to assist MOTEST Ltd to find suitable, appropriate and equivalent alternative premises for the operation of the business displaced by this development.

- iv) The developer agreeing to meet the Councils costs of preparing drafting and monitoring the Section 106 Obligations.

1. A.1 Commencement of development for full application
2. A.7 Approved plans Site location plan, drawings; 6519\_D6000 Rev 00, 6519\_D6100 Rev 03, 6519\_D6101 Rev 03, 6519\_D6102 Rev 02, 6519\_D6103 Rev 02, 6519\_D6104 Rev 02, 6519\_D6150 Rev 02, 6519\_D6500 Rev 01, 6519\_D6501 Rev 00, 6519\_D6502 Rev 00, 6519\_D6600 Rev 00, 6519\_D6700 Rev 02, 6519\_D6701 Rev 01, 6519\_D6702 Rev 01, Surface Water Drainage Strategy (produced by Cole Easton Ltd Dated March 2016 Rev 2), Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119
3. B 1 Material to be approved
4. B.4 Surface treatment
5. B.5 Boundary treatment
6. C.6 Refuse and recycling
7. D.9 No external lighting
8. D.11 Construction times.
9. F.1 Landscaping/ Planting Scheme.
10. F.2 Landscaping (Implementation)
11. H.3 Redundant crossovers.
12. H.4 Provision of Vehicle Parking amended to include “and shall provide electric vehicle charging points in accordance with London Plan standards”.
13. H.7 Cycle Parking to be implemented
14. H.10 Construction vehicles
15. H.11 Parking Management Strategy
16. Non standard condition. Prior to the commencement of construction works details of: the design of the seating in the communal amenity areas; the design of all access gates; defensible buffer zones; communal entrance security; refuse and cycle store locking systems, and the design and lighting of the undercroft parking area shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational prior to first occupation of the building. Reason; To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015
17. 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

18. 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 comprising a new on street loading bay to service the development, provide a new vehicle access point and reinstate the pavement where the current vehicle access is located. 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.
19. Non standard condition. 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. The scheme 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, shall be in accordance with the approved submitted drainage strategy (produced by Cole Easton Ltd Dated march 2016 Rev 2) . The final drainage scheme include the following:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuate provision no less than 47.5m<sup>3</sup> of storage) and control the rate of surface water discharged from the site to no more than 5l/s the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation;
  - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.
- and
- iii. provide a drainage management and maintenance plan for the lifetime of the development.

**Reason:** To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply 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 DM F2 of Merton's Sites and Policies Plan 2014.

- 20 Non-standard condition. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.  
Reason; Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater in accordance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014
- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.  
Reason; Piling or any other foundation designs using penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risk to underlying groundwater in accordance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014
- 22 Non standard condition Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119 shall be implemented as a minimum standard. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development. Vibration within the dwellings shall not exceed the range of 'low probability of adverse comment' as detailed in BS6472:2008 Human Exposure Vibration in Buildings.  
Reason; To protect the amenity of future occupiers from noise and vibration disturbance in accordance with policies 7.15 in the London plan 2015 and DM D2 of the Merton Sites and Policies Plan 2014
- 23 M2 Contamination  
24 M3 Contamination remediation  
25 M4 Contamination –validation report.
- 26 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.

#### **INFORMATIVES:**

It is the responsibility of the developer to make proper provision for drainage

to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

As the application site is adjacent to Network Rail's operational railway infrastructure, it is strongly recommended that the developer contacts Network Rail's Asset Protection Sussex team at - [AssetProtectionSussex@networkrail.co.uk](mailto:AssetProtectionSussex@networkrail.co.uk), prior to any works commencing on site. Network Rail recommends the developer agrees an Asset Protection Agreement with them to enable approval of detailed works. More information can also be obtained from their website at [www.networkrail.co.uk/aspx](http://www.networkrail.co.uk/aspx).

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To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load