

## PLANNING APPLICATIONS COMMITTEE

15<sup>th</sup> September 2016

|                         | <u>APPLICATION NO.</u>   | <u>DATE VALID</u> |
|-------------------------|--|-------------------|
|                         | 16/P0451   | 29/01/2016        |
| <b>Address/Site:</b>    | 17 Elm Grove, Wimbledon, SW19 4HE  |                   |
| <b>(Ward)</b>           | Hillside   |                   |
| <b>Proposal:</b>        | Change of Use of existing building from Class B1 Office Use on ground floor and Class D1 Educational Use on the first and second floors to Class D1 Nursery Use with capacity for 65 children on the Ground and First Floors and 2 Self-contained flats at second floor level (1 x 1 bed & 1 x 2 bed). Alterations to building elevations and erection of a new single storey rear extension |                   |
| <b>Drawing Nos:</b>     | 150(P)002(Rev2), 003(Rev1), 020(Rev2), 021(Rev2), 022(Rev2), 025(Rev3), 026(Rev3), 027 (1), 028(Rev1) & 029  |                   |
| <b>Contact Officer:</b> | David Gardener (0208 545 3115)   |                   |

---

### RECOMMENDATION

**GRANT Planning Permission Subject to a S106 Legal Agreement and Conditions**

---

### CHECKLIST INFORMATION

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted:
- External consultations: None

### **1. INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee due to the number of objections received.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached brick three-storey building, which is located on the southwest side of Elm Grove, Wimbledon. The building is used as a photographic studio (Class B1 use) at ground floor level. The first and second floors are currently vacant however they were last used for teaching purposes (Class D1). The building has been altered and extended with the erection of single storey extensions at the rear and a mansard extension at second floor level.
- 2.2 The surrounding area comprises a mixture of residential and commercial uses. A pair of semi-detached houses abut the application sites southeast boundary, whereas the rear boundaries of a hotel and detached residential buildings, which are sub-divided into self-contained flats that front Worple Road abut the sites northwest facing side boundary.
- 2.3 The application site is not located in a conservation area but is within a controlled parking zone (Zone W1).

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is for change of use of the existing building from class B1 office use on ground floor and class D1 educational use on the first and second floors, to class D1 nursery use on the ground and first floors, and two self-contained flats at second floor level (1 x 1 bed (2 person) & 1 x 2 bed (4 person)). External alterations to the building would include largely glazing the front and rear facades with an aluminium full height curtain wall system, rebuilding the existing mansard behind an extended parapet and erecting a canopy at the front of the building. The flank walls would remain as existing brickwork repainted in external masonry paint whilst the new solid sections of the front and rear facades will be reclad in a lightweight solid cladding system such as glass reinforced concrete or brick slips. The existing single storey rear extension would be demolished and replaced with a new single storey rear extension with access to an external play area. Balconies would be located to the front and rear of the building at second floor level. Two off-street car parking spaces, cycle/scooter/buggy and bin stores would be provided at the front of the building for the nurse (the car parking spaces would be for staff only). The cycle/scooter/buggy and bin stores would be located under the proposed canopy. Three cycle spaces for the proposed flats would be located in the hallway at ground floor level. The proposed flats would be the following sizes:

|        | Number of Bedrooms/ bed Spaces | Floorspace | Minimum required floorspace | Amenity space |
|--------|--------------------------------|------------|-----------------------------|---------------|
| Flat 1 | 1b/2p                          | 52.9       | 50                          | 7.4           |
| Flat 2 | 2b/4p                          | 81.6       | 70                          | 8.3           |

- 3.2 It should be noted that the application as originally submitted proposed a maximum capacity of 80 children. This has now been reduced to 65 children.

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

The following planning history is relevant:

- 4.1 07/P0005 - Change of use of first floor from class B1 photographic/office to class D1 teaching. Granted - 05/03/2007
- 4.2 96/P0725 - Continuation of use of second floor for teaching purposes (class D1) by Wimbledon School of Art. (Renewal of previous temporary permission – Ref: 94/P0821). Granted - 10/10/1996
- 4.3 94/P0821 - temporary change of use of second floor in new building from class b1 photographic/office use to class D1 for teaching purposes by Wimbledon School of Art. Granted - 22/11/1994
- 4.4 88/P1295 - alterations to and extension of existing photographic laboratory building to provide additional office accommodation at second floor level within new mansard roof including alteration and extension of front facade. Granted - 24/11/1988
- 4.5 MER92/74 -change of use from motor garage to photographic studio. Granted - 31/12/1974
- 4.6 In November 2015 pre-application advice was sought for the conversion of existing building (Use Class B1/D1) to day nursery and 2 x residential dwellings (LBM Ref: 15/P3787/NEW).

#### **5. POLICY CONTEXT**

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM C1 (Community facilities), DM C2 (Education for children and young people), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM E1 (Employment areas in Merton), DM T1 (Sustainable Transport), DM EP2 (Reducing and Mitigating Noise), DM T2 (Transport Impacts), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Merton Core Strategy (July 2011) are: CS.11 (Infrastructure), CS.12 (Economic development), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan (March 2015) are: 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (Parking)
- 5.4 Housing Standards – Minor Alterations to the London Plan (March 2016)
- 5.5 The following Supplementary Planning Guidance (SPG) is also relevant:

## **6. CONSULTATION**

6.1 The application was publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 17 letters of objection were received. The objections were on the following grounds:

- Elm Grove is unsuitable for a nursery use as it is dangerous for children with lorries using the Elm Grove Industrial Park
- Increased congestion due to picking up and dropping off of children, lack of car parking spaces
- The transport is unrealistic in predicting that very few people will drive to the nursery
- Inadequate outdoor space
- Noise impact. Noise report is inaccurate. It is not mentioned that all ground floor rooms in No.88 Worple Road are either kitchens or living rooms that are continuously used throughout the day with windows open all the time during spring/summer. Report makes assumption that children would be 10m from nearby residences which is unrealistic. Noise levels already exceed recommended levels for a living room and boundary wall would not mitigate against this impact
- Proposed design is out of character with Victorian properties on Elm Grove
- Loss of privacy

6.2 A further re-consultation was undertaken following a reduction in the maximum capacity of the nursery to 65. In response, a further 6 letters of objection were received on the following grounds:

- Pollution
- Congestion, inadequate parking
- Unsafe for both children and pedestrians
- Reduction in capacity does not address concerns that location is unsuitable for a nursery

### **6.3 Future Merton - Transport planning**

6.3.1 The applicant is proposing a nursery on the ground floor that can accommodate up to 80 children with 2 residential dwellings above. The development is expected to generate the following additional net car movements in the peak hours: 0800-0900am = 36 vehicle movements / 1700-1800 = 37 vehicle movements in Elm Grove. In the peak hours there will be a vehicle movement associated with the development every 2 minutes.

6.3.2 Following LBM's concerns about the level of additional traffic movements generated in Elm Grove because it is a cul-de-sac, the applicant's transport consultants undertook a junction modelling assessment to review whether there would be any negative impact on safety and traffic flows at the junction of Elm Grove and Worple Road. The results of this modelling suggest that there will be no queuing or impacts on traffic flows in either Elm Grove and Worple Road.

6.3.3 The applicant's travel plan has been updated and now meets TfL's assessment requirement – It is recommended they also include reference with regards to how parents dropping off children by car to the site access the site and park up. They should be encouraged to drive to the end of the cul-de-sac and turn round where there is more room to manoeuvre rather than do it in the immediate vicinity of the nursery where there is limited room because of the on street parking. Cycle parking details need to be approved prior to occupation – to be secured as a condition. A travel plan and permit free agreement needs to be secured as part of a S106 agreement.

6.3.4 In summary whilst LBM has concerns about the number of additional car movements generated by the nursery proposal in the peak hours these impacts are unlikely to have a severe impact therefore this would not constitute grounds for refusal due to transport impacts.

#### 6.4 Environmental Health

6.4.1 No objections subject to appropriate conditions given there are several properties in the area surrounding the nursery, and the use is likely to generate some noise audible at these properties.

### 7. **PLANNING CONSIDERATIONS**

The main planning considerations in this instance concern the principle of loss of employment, standard of accommodation, impact on visual amenity, neighbour amenity, traffic and parking and trees.

#### 7.1 **Principle of Development**

7.1.1 The building is currently mixed use, featuring approx. 379sq.m (GIA) of Class B1(c) Use on the ground floor and approx. 333sq.m (GIA) of Class D1 Use at first and second floor levels. The first and second floors, which were previously occupied by the Wimbledon College of Arts, are currently vacant, whilst the ground floor is currently occupied by a photography studio. The proposal would involve changing the use of the ground floor from Class B1 use to Class D1 nursery use and the second floor from Class D1 use to residential (Class C3 use). The first floor would remain in Class D1 use. Overall, the proposal would result in a net loss of 379sq.m of Class B1 use and a net increase of 118sq.m of Class D1 use and 150sq.m of Class C3 residential.

7.1.2 The proposed change of use of the ground floor needs to be considered against the backdrop of the recent changes to permitted development rights, which came into force in March 2015. Under the Town and Country Planning (General Permitted Development) Order 2015, Part 3 Changes of Use, Class T, it is now permitted development to change use from a Class B1 (business) use to registered nursery without the need for planning permission subject to prior approval being sought in relation to transport and highways impact, noise impact and contamination risks. Although the current proposal is a planning application due to the fact that the scheme also includes a change of use of the second floor to flats and external alterations/extensions to the building, it is

considered the ability to apply for prior approval in relation to the ground floor that the principle of the loss of the employment use is acceptable, although this would normally be weighed against the Council's employment policies in relation to B class uses.

- 7.1.3 There is no change of use required for the first floor given it is already in Class D1 use. With regards to the second floor change of use to residential it should be noted that Policy DM C1 allows for net loss of community facilities only when a proposal can demonstrate that the loss would not create, or add to, a shortfall in provision for the specific community uses, and that there is no viable demand for any other community uses on the site. However, in this instance there would in fact be a net increase in the amount of community use floor space in the building due to the Class D1 use replacing the class B1 use on the ground floor. As such it is considered that the change of use of the second floor is acceptable.

## **7.2 Visual Amenity**

- 7.2.1 In terms of local planning policy, Policy CS.14 of the Core Planning strategy promotes high quality sustainable design that improves Merton's overall design standard. Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. Policy DM D3 states that proposals for alterations or extensions to buildings will be expected to respect and complement the design and detailing of the original building.
- 7.2.2 The existing building is red brick with a tiled mansard roof extension. The façade is very bland with small windows within a large expanse of brickwork and it is considered that the building makes a negative contribution to the Elm Grove streetscene. The building has also been subject to a large and unsympathetic single storey rear extension which features an ugly corrugated roof and extends the full depth of the site. The building would be refurbished with the front and rear facades largely glazed with an aluminium full height curtain walling system. The flank walls would remain as existing brickwork repainted in external masonry paint whilst the new solid sections of the front and rear facades will be reclad in a lightweight solid cladding system such as glass reinforced concrete or brick slips. A new canopy would also be located to the front of the building whilst the single storey rear extension would be demolished and replaced by a new single storey rear extension. It is considered that the proposed alterations to the building would give this currently tired looking building a complete new look with the use of glazing and the curtain wall system giving it a much lighter and fresh appearance that would integrate much more positively with the Elm Grove streetscene. The proposed alterations to the rear of the building, which includes the erection of a new single storey rear extension with a contemporary appearance would also significantly improve views of the building from the rear.

## **7.3 Standard of Accommodation**

- 7.3.1 The London Plan 2015 (updated by the Minor Alterations, March 2016 (Housing Standards)) as part of policy 3.5 and the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' sets out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.3.2 The proposed flats at 52.9sq.m (1 bed (2 person)) and 81.6sq.m (2 bed (4 person)) would exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook and circulation. The flats would both be single aspect with one flat northeast facing and the other southwest facing. Although this is not ideal it is considered that it wouldn't warrant a refusal of the application in this instance given the 2 bedroom flat would be southwest facing. The applicant has also provided a daylight/sunlight assessment showing that the northeast facing one-bedroom flat would see good levels of daylight/sunlight which exceed BRE recommendations. The proposed flats would also feature an acceptable amount of amenity space in the form of private balconies.

#### **7.4 Residential Amenity**

- 7.4.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion, noise and pollution.
- 7.4.2 A noise survey was submitted with the application, which was based on the previously proposed capacity of 80 children. The noise report makes reference to World Health Organisation (WHO) Guidelines for Community Noise 1999. The national interpretation of the WHO guidelines is contained in BS 8233: 2014 'Guidance on Sound Insulation & Noise Reduction for Buildings'. This recommends that noise levels to surrounding residential properties should not exceed 55db in respect of a garden or 35db in the case of a living room. It is proposed that a maximum of 20 children will use the outside play area at any one time in 15-30 minute periods and that the outside play area would be used for a maximum of 2 hours a day. It is anticipated that a 3m high wall enclosing the outside play area would offer 10db of attenuation which means the noise level would be 40db to the mid-location of the nearest

residential garden which is within the good limit (50db) as defined by BS 8233:2014, and therefore avoids moderate annoyance as defined under WHO guidelines. The activity noise level nearest the residential façade is predicted to be 2db lower than that at the mid-location of the garden. Assuming openable windows and external/internal attenuation of 10-12db, the internal noise levels will be between 30-35db which is again with the accepted limits stated by BS 8233: 2014.

7.4.3 The noise survey was based on the nursery having a capacity of 80 children. It was however considered that despite the positive findings of the noise report that a capacity of 80 children was too great for this location given the close proximity to neighbouring residential properties. This is based on the general increase in activity and from morning and evening drop off and pick up whether coming by car or foot. The latter issue is compounded by the fact that Elm Grove is a cul-de-sac and not a through road, which means cars, would have to turn around to exit therefore potentially causing further nuisance to occupiers of surrounding residential properties. Following discussions with planning officers the capacity of the nursery has been reduced to 65 children and it is considered that this is an acceptable number for this location. The acceptability of the proposed nursery use however would be dependent on a number of conditions. These conditions will stipulate the following:

- The nursery capacity to be limited to a maximum of 65 children
- The nursery shall operate only between the hours of 07:00 and 19:00 Monday to Friday and at no time on Saturday, Sunday or Bank Holidays
- No more than 20 children at any one time shall use the outside play area whilst the use of the play area shall not take place outside 08:30 hours to 17:30 Monday to Fridays and shall be limited to 30 minute periods in any one hour. The use of the rear outside play area will be limited to 2 hours per day.
- No music or amplified sound in the outside play area
- The 3m high wall enclosing the rear outdoor play area to be implemented prior to commencement of the nursery use
- All deliveries, loading, unloading or other servicing activities in connection with the nursery to not take place outside 07:00 hours to 17:00 hours Mondays to Fridays
- Submission of a scheme for the soundproofing of the building to prevent the transmission of noise and vibration between the D1 use and the adjoining residential accommodation

7.4.4 The existing single storey rear element would be demolished and replaced with a new single storey rear extension. The proposed extension would have a different profile, featuring a single pitch roof compared to the combination of both twin pitch roof and flat roof elements on the existing single storey rear element. The proposed extension would also be both shorter and have a lower maximum height than existing. It is considered that the proposed extension is acceptable in terms of its impact on daylight/sunlight and would not be visually intrusive or overbearing when viewed from adjoining residential properties at ground level given it would have a similar impact to existing. At



first floor level and above it is considered that the proposed extension would actually improve the outlook of occupiers of surrounding properties, as they would no longer have to look out onto a large expanse of corrugated roof which extends the full length of the garden of the application site.

- 7.4.5 It is considered that the proposed second floor balconies to the self-contained flats are acceptable in this instance and would not result in an unacceptable level of privacy loss or noise disturbance. The balcony to the one bedroom flat is located at the front of the building and overlooks the street whilst the balcony at the rear of the building is set back behind the façade and features a full height privacy screen.

## **7.5 Parking and Traffic**

- 7.5.1 The existing site has a PTAL rating of 6, which indicates that it is in a sustainable location, with excellent access to public transport services. The application site is located a few metres from Worple Road, which has buses, which run regularly along Worple Road serving Wimbledon Town Centre, Raynes Park and Kingston.
- 7.5.2 The applicant has submitted a transport statement and travel plan. In the peak hours it is anticipated that there will be a vehicle movement associated with the development every 2 minutes (8 – 9am = 36 vehicle movements / 5 - 6pm = 37 vehicle movements in Elm Grove). Following concerns raised by planning officers regarding the level of additional traffic movements generated in Elm Grove because it is a cul-de-sac, the applicant undertook a junction modelling assessment to review whether there would be any negative impact on safety and traffic flows at the junction of Elm Grove and Worple Road. The results of this modelling suggest that there will be no queuing or impacts on traffic flows in either Elm Grove or Worple Road. The applicants Travel Plan also meets TfL's assessment requirement setting out specific smart targets and review periods. Provisions of measures such as information on the nursery's website for parents enrolling their child at the nursery giving information on walking distances/times to the nursery from local railway stations, nearest bus stops and walk and cycle routes are also included. It should be noted that the Travel Plan and Transport Plan relate to the originally proposed maximum capacity of 80 children. Given the maximum capacity has now been reduced to 65 children it is considered the findings of the transport assessment are robust as the impact would be less.
- 7.5.3 Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 Table 6.2 of the London Plan (March 2015) allows for up to 1 space per unit for 1-2 bedroom dwellings where there is a PTAL rating of 5-6. Nevertheless, parking standards are to be applied as a maximum and given that no off-street parking is provided for the residential flats in this instance there is no objection in principle. The level of parking provision is therefore in accordance with

London Plan policy. Given the application site is located in a controlled parking zone (Zone W1) and has excellent access to public transport it will be required that both of the residential flats are permit free so that they do not create any additional parking stress in the area.

- 7.5.4 Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure and conveniently sited positions with good access to the street. It is considered that the proposal would comply with Policy DM T1 by providing cycle spaces that are secure and conveniently accessible. It is also considered that the proposed number of cycle spaces (3 spaces) would comply with policy 6.13 of the London Plan, which requires 1 space per one bedroom flat and 2 spaces per two bedroom flat.

## **7.6 Buggy Store and Refuse**

- 7.6.1 It is proposed to locate the buggy store at the front of the building, which is acceptable as it's the most practicable location. Refuse would also be securely stored at the front of the building which is considered acceptable.

## **7.7 Trees**

- 7.7.1 There are no trees located in the application site itself however there are a number of mature trees which are located close to the boundary of the site. These include two Lime trees located in the front and rear gardens of No.16 and a Sycamore tree located immediately to the rear of the site on Saffron Mews. These three trees are protected by Tree Preservation Orders (TPOs).
- 7.7.2 There is an existing approx. 3m high wall which encloses the majority of the rear boundary of the application site and as such it is anticipated that the proposed 3m high wall would have a harmful impact on the trees located close to the boundary. Nevertheless, a condition will be attached requiring the submission of a full tree survey and arboricultural implications report showing how these trees would be protected.

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

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

## **9. LOCAL FINANCIAL CONSIDERATIONS**

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay both the Mayoral and Merton Community Infrastructure Levies (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

## **10. SECTION 106 LEGAL AGREEMENT**

## 10.1 Permit Free

10.1.1 The two flats at second floor level are to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.

10.1.2 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

<http://www.merton.gov.uk/environment/planning/s106-agreements.htm>

## 11. **CONCLUSION**

11.1 It is considered that the principle of the mix of uses is acceptable and the proposal would not have an unacceptable impact on residential amenity, traffic and parking or trees. The improvements to the appearance of the tired and dated building are also welcomed with design of the alterations and extension considered to be high quality. The proposal would also provide an acceptable standard of accommodation for the occupiers of the second floor flats. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to a S106 legal agreement with the following heads of terms:

1. That the two second floor flats are 'Permit Free';
2. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

### **And the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved Plans)
3. B.1 (External materials to be approved)
4. B.4 (Details of surface treatment)
5. C.7 (Refuse & Recycling (Implementation))
6. C.8 (No Use of Flat Roof)
7. C.10 (Balcony or External Staircase (Screening details to be provided))
8. D.11 (Hours of Construction)

9. F.1 (Landscaping/Planting Scheme)
10. F.2 (Landscaping (Implementation))
11. F.3 (Tree Survey required)
12. F.5 (Tree protection)
13. H.6 (Cycle parking - details to be submitted)
14. The use hereby permitted shall operate only between the hours of 07:00 and 19:00 Monday to Friday and at no time on Saturday, Sunday or Bank Holidays and no staff shall be present at the premises one hour before the opening time or one hour after the closing time.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

15. The ground and first floor of the building shall be used as a day nursery for a maximum of 65 children and for no other use within Class D1 of the Town and Country Planning Use Classes Order 2015(as amended).

Reason for Condition: To allow the Council to assess the impact of other Class D1 uses, to ensure that residential amenity, and parking and highway safety surrounding the site are not prejudiced and to ensure compliance with policies CS.20 of the Adopted Core Strategy 2011.

16. D.3 (Restriction on Music/Amplified Sound)
17. No more than 20 children at any one time shall use the outside play area associated with the nursery. The use of this area as a play area shall not take place outside 08:30 hours to 17:30 Monday to Fridays and shall be limited to 30 minute periods in any one hour. The use of the rear outside pay area shall be limited to 2 hours per day.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

18. The 3m high wall enclosing the rear outdoor play area shown on the approved drawings shall be implemented prior to commencement of the nursery use and shall be permanently retained thereafter.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

19. All deliveries, loading, unloading or other servicing activities in connection with the nursery hereby permitted shall not take place outside 07:00 hours to 17:00 hours Mondays to Fridays.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

20. No development shall take place until a scheme for the soundproofing of the building to prevent the transmission of noise and vibration between the D1 use and the adjoining residential accommodation has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

21. D.9 (No external lighting)
22. H.9 (Construction Vehicles)
23. H.8 (Travel Plan)
24. L.4 (BREEAM Domestic Refurbishment Pre-Commencement (Conversions to provide new dwellings))
25. L.5 (BREEAM Domestic Refurbishment Pre-Occupation (Conversions to provide new dwellings))
26. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

27. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to

carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

29. No external windows and doors shall be installed until detailed drawings at 1:20 scale of all external windows and doors including materials, set back within the opening, finishes and method of opening have been submitted to and approved by the local planning authority. Only the approved details shall be used in the development hereby permitted.

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

---

Please [click here](#) for full plans and documents related to this application.

Note these web pages may be slow to load