

PLANNING APPLICATIONS COMMITTEE 22 MARCH 2018

APPLICATION NO.

DATE VALID

17/P3923

17/11/2017

Address/Site:

Standor House
284 London Road
Mitcham
CR4 3NB

Ward:

Cricket Green

Proposal:

Erection of an additional two floors resulting in a six storey building for the creation of 10 additional flats

Drawing No.'s:

STAN-PR-1B, STAN-PR-2B, STAN-PR-3B, STAN-PR-4B, STAN-PR-5B, STAN-PR-6B, STAN-PR-9B and Site Location Plan.

Contact Officer:

Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to the completion of a S106 agreement and conditions.

CHECKLIST INFORMATION

- S106: Contribution for carbon shortfall; cost to Council of all work in drafting S106 and monitoring the obligations.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 161
- External consultations: 1
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No
- Town Centre: Yes – Mitcham
- Shopping frontage: Yes – primary

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and scale of development and the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises an existing 4 storey mixed use building, which steps down to 2 storeys to the rear. There is a carpark at basement level with 16 spaces. The building is located within Mitcham Town Centre, at the junction of two roads, being to the west of London Road and to the south of Raleigh Gardens. The building was constructed in the early 1960's and is characterised by a flat roof, an even façade and a regular, elongated form with a strong horizontal emphasis, having 50m of frontage along London Road and 18m of frontage along Raleigh Gardens. The façade of the building is aged and has a 'tired' appearance. The ground floor level comprises shops and the upper floors are flats and maisonettes. The site has a public transport accessibility level (PTAL) of 4 which is considered to be good (0 being the lowest and 6b being the highest).
- 2.2 The area around the site is relatively open. To the front, London Road consists of a wide pavement, 2 vehicle lanes and a bus lane; the highway is approximately 23m wide (distance between building facades). The northern end of the site is immediately adjacent to the junction of Raleigh Gardens and London Road. The rear of the site is characterised by parking lots.
- 2.3 The heart of Mitcham is located to the north and in close proximity to the application site. The area is characterised by a mix of development in terms of uses, architectural styles and building heights. The buildings are typically mixed use with shops at ground floor and residential above. The building attached immediately to the south of the site is 4 storey; the buildings opposite, to the east, are 3 storey in height with additional pitched roofs and front gables; the building to the north is 3 storey in height; the flats immediately to the west are predominantly 5 storey with a 6 storey element (with additional pitched roofs); there are rows of flats to the south along London Road which are 6 storey in height (with additional pitched roofs).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of two additional floors, resulting in a six storey building, for the creation of 10 new flats. The residential units would comprise: 4 x 1 bed, 5 x 2 bed and 1 x 3 bed. The scheme would be provided with two communal amenity areas in the form of roof terraces, one comprising 237sq.m and the other 74sq.m. The proposal would have a total floor area of 832sq.m.
- 3.2 The proposed fourth floor would match the length of the building and would incorporate a 0.75m setback from the front façade. The proposed fifth floor would be partial length, incorporating a 15m setback from the southern end of the building and a further 1m setback from the façade of the fourth floor. The front façade would comprise a combination of white and dark tiles to match the existing building, recessed balconies would comprise brushed metal and

obscure glass balustrades, windows would be white uPVC. The Raleigh Gardens elevation would comprise matching white and dark tiles and would involve a vertically orientated, projecting box window which would coincide with the elevator shaft. To the rear, the proposal would comprise matching brick, brushed steel metal and obscure glass balustrades to the walkways, white uPVC windows and timber doors.

- 3.3 The main access to the proposal would be from Raleigh Gardens and an elevator would be installed from first floor level, flats would be accessed from open walkway to the rear. The roof terraces would be located on the roof of the first floor to the rear and upon the roof of the proposed fourth floor. The scheme would have access to a basement parking lot with 16 parking spaces – the basement is not currently in use.
- 3.4 The proposed additional floors would have the following dimensions: 6.55m high (equating to a 19.35m high building), 49.2m long and 17.6m deep at fourth floor level and 33.85m long and 16.6m deep at fifth floor level.
- 3.5 Following the initial submission of the application, officer's raised concerns regarding how the proposed floors would integrate with the existing building and the resulting impact upon the streetscene. Revised drawings were subsequently submitted which proposed matching white and dark tiles for the cladding and which realigned the windows and balconies to provide a vertical and horizontal rhythm to the building.

4. RELEVANT PLANNING HISTORY

- 4.2 07/P3488: CONVERSION OF FIRST FLOOR AND PART OF SECOND AND THIRD FLOORS FROM OFFICES TO 16 NO. SELF-CONTAINED FLATS, A PART FOURTH FLOOR EXTENSION CONTAINING AN ADDITIONAL 2 FLATS. (10 X 2 AND 8 X 1 BEDROOM FLATS) – Planning permission granted on appeal.
- 4.3 14/P3746: PRIOR APPROVAL FOR THE CHANGE OF USE OF FIRST AND PART OF SECOND AND THIRD FLOORS FROM OFFICE SPACE (CLASS B1) TO RESIDENTIAL (CLASS C3) CREATING 16 x FLATS – Prior approval not required.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 161 neighbouring properties.
- 5.2 6 letters of objection which are summarised as follows:
 - Excessive height
 - Unfavourable precedent
 - Impact on traffic
 - Impact upon parking
 - Loss of light
 - Loss of privacy
 - Visual intrusion
 - Increased resident numbers

- Disturbance during construction
- Impact on refuse storage
- Fire safety
- No disabled access
- Address and delivery issues
- Loss of ventilation
- Concerns regarding structural integrity of building

5.3 The Mitcham Society: The application, along with other applications around Mitcham to raise building heights, would set a dangerous precedent leading to increased bulk, scale, height and over intensification. Such development would erode Mitcham's village character. Glebe Court cannot be used as justification for the increased building height, Glebe Court involves significant setbacks from the highway along with extensive landscaping. The proposed additional floors would adversely impact upon neighbouring amenity in terms of loss of light and views. The proposal would be contrary to relevant planning policy.

Internal:

- 5.4 Climate Change Officer: No objection. The submitted information does not show the emissions reductions at each level of the energy hierarchy nor has the correct baseline been applied. However, notwithstanding the above, the submitted energy statement indicates the scheme can achieve a 35% improvement in CO2 emissions on Part L of the building regulations 2013. Major residential developments are required to achieve a minimum on site reduction in CO2 emissions of 35% on Part L with a target of zero emissions, the shortfall from zero emissions is to be offset by a cash in lieu payment secured by a legal agreement. The scheme must also comply with relevant water efficiency standards.
- 5.5 Flood Risk Engineer: No objection. Recommend conditions be included which require details of a green roof and a drainage strategy by submitted for approval.
- 5.6 Environmental Health: No objection. Recommend conditions be included which require details and implementation of a noise attenuation scheme, restricted construction hours, details of a construction method statement and restrictions on external lighting.
- 5.7 Transport Officer: No objection. The parking provisions are considered to be acceptable. Recommend conditions be included which require the implementation of electric charging points, and details of a construction management plan, construction logistics plan, travel plan and cycle parking.

External:

- 5.8 Metropolitan Police – Safer by Design Officer: No objection. Recommended various standards be met to improve security and safety.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

The following principles are of particular relevance to the current proposals:

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Other NPPF sections of relevance:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of quality homes.
- 7. Requiring good design.
- 10. Meeting the challenge of climate change/flooding
- 11. Conserving and enhancing the natural environment

6.2 London Plan (2016)

Relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure

- 6.9 Cycling
 - 6.11 Smoothing traffic flow and easing congestion
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Lifetime neighbourhoods
 - 7.2 An Inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.14 Improving air quality
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 8.2 Planning obligations
 - 8.3 CIL
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)
 Relevant policies include:
 CS 2 Mitcham Sub-Area
 CS 8 Housing choice
 CS 9 Housing provision
 CS 11 Infrastructure
 CS 12 Economic development
 CS 13 Open space, leisure and nature conservation
 CS 14 Design
 CS 15 Climate change
 CS 17 Waste management
 CS 18 Transport
 CS 19 Public transport
 CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan – 2014 (SPP)
 Relevant policies include:
 DM H2 Housing mix
 DM O2 Nature conservation, Trees, hedges and landscape features
 DM D1 Urban Design
 DM D2 Design considerations
 DM EP2 Reducing and mitigating noise
 DM EP3 Allowable solutions
 DM EP4 Pollutants
 DM T2 Transport impacts of development
 DM T3 Car parking and servicing standards
 DM T4 Transport infrastructure
- 6.5 Supplementary planning considerations
 London Housing SPG 2016
 Technical Housing Standards 2015
 Sustainable Design and Construction SPG 2014

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse provisions
- Sustainable design and construction
- Flooding and sustainable drainage
- Landscaping and impact on biodiversity
- Developer contributions

Principle of development

7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.3 Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. Core Strategy policy CS2 seeks to improve Mitcham Town Centre by improving the quality and mix of homes.

7.4 The upper floors of the property are currently in residential use and as this application seeks to increase residential density the principle of development is considered to be acceptable, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon the character and appearance of the area

7.5 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

7.6 It is considered that there is additional scope for taller buildings within town centre locations; however, proposals must still relate well to, and respect their surroundings. The massing and height of the proposal is generally considered to be acceptable, being that a stepped approach to adding two additional floors (one full length and one partial length) is taken. The building currently adjoins a four storey building to the south; the stepped approach would create a transitional increase in height from four storeys to six storeys, focusing the massing toward the northern end. Given the relatively wide roads to the north and east of the site, it is considered that the location could reasonably accommodate a six storey building.

- 7.7 The proposed additional floors would be setback from the front façade of the building; the fourth floor would be setback by 0.75m while the top floor would be setback a further 1m. The setbacks to the additional floors would reduce the visual impact to the streetscene and would provide a layer of visual interest to the building.
- 7.8 The scheme proposes white and dark tile cladding which would match the existing building; in addition, it is proposed to clean the existing façade to improve the overall appearance of the building and to assist the assimilation of the new and existing cladding materials. It is considered that the use of alternating white and dark tiles effectively picks up on the horizontal rhythm of the building, while the alignment of the fenestration and balconies picks up on the vertical rhythm. The Rayleigh Gardens elevation would comprise a vertically orientated, projecting box window which would add interest to this elevation and accentuate a vertical emphasis.
- 7.9 The scheme is considered to pick up on important architectural cues from the existing building, continuing the horizontal and vertical rhythms present and comprising sympathetic materials. The overall height of the building is considered to be acceptable given the massing is focused to the northern end and as the additional floors would utilise sequential setbacks. As viewed holistically, the scheme is considered to be a sympathetic addition which would respect the appearance, materials, scale, bulk, proportions and character of the existing building along with the wider area.

Impact upon neighbouring amenity

- 7.10 London Plan policies 7.14 and 7.15 along with SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.11 Given the proposed additional floors would fit within the existing building footprint and as the site is bordered by roads to the north and east, a carpark to the west and the roof of a building to the south, it is not considered the proposal would result in undue loss of daylight or sunlight, or visual intrusion to neighbouring properties.
- 7.12 The scheme is not considered to unduly impact upon the privacy of neighbouring properties. To the north and east, windows would overlook London Road and Rayleigh Gardens which are public space. To the west, windows would overlook the proposed roof terrace and carparks which are beyond. South facing windows (at the northern end of the building where the upper floors wrap around) would also overlook the proposed roof terrace, with a separation distance of approximately 40m to the nearest building. The roof terraces would utilise 1.8m high privacy screens to the south to screen any overlooking to Deseret House (adjoining building to the south).

- 7.13 Noise generated from the proposal is not considered to be significant given it is residential in nature. In addition, the roof terraces would be setback from the southern of the building to further mitigate noise pollution to neighbouring properties; the lower terrace would incorporate a setback of 5.3m while the upper terrace would have a 4m setback.
- 7.14 The development has the potential to adversely impact neighbouring residents during the construction phase in terms of noise, dust and other pollutants. As such, it is recommended to include conditions which would require a detailed method statement to be submitted to, and approved by, Merton Council prior to the commencement of the development.

Standard of accommodation

- 7.15 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016) and the DCLG – Technical Housing Standards 2015. Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

Unit No.	Unit Size/Type	Required Area (sq.m)	Proposed Area (sq.m)	Compliant
1	1b/1p	39	46	Yes
2	1b/2p	50	56	Yes
3	2b/3p	61	64	Yes
4	2b/3p	61	67	Yes
5	2b/3p	61	65	Yes
6	2b/3p	61	63	Yes
7	1b/1p	39	46	Yes
8	1b/2p	50	60	Yes
9	2b/3p	61	67	Yes
10	3b/4p	74	82	Yes

Where b = beds (no. of bedrooms), p = persons (maximum occupancy)

- 7.16 As demonstrated by the table above, all units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, by virtue of the open walkways to the rear, all units are dual aspect which contributes to a higher standard of living.
- 7.17 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which all meet or exceed the relevant standards. In addition to the private amenity space

provided for each unit, the scheme would offer to communal roof terraces of approximately 237sq.m and 74sq.m. It is noted that the existing flats would be granted access to both of the communal terraces, as these units do not currently have any outdoor amenity space, this constitutes a substantial improvement to their living standards.

- 7.18 For new housing developments, all floors should be provided with step free access as per policy 3.8 of the London Plan. Unfortunately, the developer does not control the lease on ground floor or the freehold, thus the proposed elevator would start at first floor. Given the building does not currently have an elevator, this is considered to be an improvement to the building, albeit, given it starts at first floor it would not meet the requirements of being 'step free'. Alternative elevator positions, both inside and outside the building envelope, were considered in an attempt to provide step free access; however, these presented other issues in terms escape routes and access rights. As such, given the proposal is an extension to an existing building and as the developer does not have rights to develop the ground floor, a first floor elevator is considered to be acceptable in this instance.

Transport, highway network, parking and sustainable travel

- 7.19 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management; in addition, there is a requirement to submit a Transport Assessment and associated Travel Plan for major developments. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.
- 7.20 The proposal would not require changes to the existing highway network. To minimise the impact of the construction phase it is recommended to include conditions requiring a construction method statement and a construction logistics plan.
- 7.21 In terms of sustainable travel, the scheme has proposed that all vehicle parking spaces be provided with electric charging points, which exceeds the requirements of London Plan policy 6.13. The scheme would provide 27 secure cycle storage spaces which exceeds the requirements of London Plan policy 6.9 and table 6.3. In addition, it is recommended to include a condition which will require the submission and implementation of a travel plan.
- 7.22 The site has an existing basement carpark which is not currently in use. The proposal would reconfigure this carpark slightly, resulting in 16 vehicle parking spaces. While this figure far exceeds the number of proposed units, it is noted that this parking lot was also used in the justification for allowing prior approval application 14/P3746 for the creation of 16 flats – this scheme has been implemented. Given the above, it is relevant to make an assessment based on the proposed units along with the 16 units authorised under

14/P3746, which equates to a total of 26 units. 2011 Census car ownership data for the area suggests car ownership in the development would be 60% i.e. the number of cars associated with the building is estimated to be 16 (rounded up from 15.6). It is noted that this is a conservative estimate given the census data is largely based off dwellings with a higher occupancy (3 bed dwellings), thus the scheme which proposes predominantly 1 and 2 bed units, would likely generate less vehicles than Census data would suggest. Given 16 vehicle parking spaces would be available to the residents along with the aforementioned sustainable travel initiatives, and given the site has a good public transport links, having a PTAL of 4, it is considered that the parking provisions are acceptable and that the proposal would not unduly impact upon parking pressure in the area. It is recommended to include a condition which would require all 16 spaces to remain available to residents of the building in perpetuity.

Refuse provisions

- 7.23 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the CS.
- 7.24 The refuse provisions have been designed in accordance with Council guidelines. The location of the refuse storage is considered to be appropriate and easily accessible by occupants and for collection. It is considered that the storage provisions are adequate for the development proposed.

Sustainable design and construction

- 7.25 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, albeit it is acknowledged that achieving zero carbon emissions is not practicable for the vast majority of buildings, it is therefore considered reasonable to achieve a 35% improvement to Part L of the Building Regulations 2013 onsite, while offsetting any remaining carbon shortfall via a cash in lieu payment.
- 7.26 The submitted energy statement indicates the scheme can achieve a 35% improvement in CO2 emissions on Part L of the Building Regulations 2013, on site. However, the applicant has failed to carry out the energy assessment for the development according to the Mayors Guidance. As such, it is recommended to include a condition that will require a minimum onsite improvement in CO2 emissions on Part L of the Building Regulations 2013 of 35% undertaken in accordance with the GLA's guidance on preparing energy strategies be submitted for approval prior to the commencement of development. The exact percentage improvement on Part L will be determined by the updated calculations and be used to determine the shortfall of the zero emissions target. A cash in lieu payment will be collected according to the methodology of the Mayor's Sustainable Design and Construction SPG which requires each tonne of CO2 to be offset at a cost of

£60 per year for a period of 30 years, this payment will be secured by way of a legal agreement.

Flooding and sustainable urban drainage

- 7.27 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.28 The site is not considered to be at risk of flooding; however, runoff flows from the site would contribute to the wider network. It is therefore recommended to include a condition which requires details of drainage, attenuation and management to be submitted prior to the commencement of development. In addition, it is recommended to require further details of the proposed green roof by way of condition. It is noted that given the building is existing and the proposal would not increase the footprint of the building, any sustainable drainage system and green roof would constitute a significant improvement.

Landscaping and impact on biodiversity

- 7.29 NPPF section 11, London Plan policies 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposals that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.30 The scheme would include green roofs, planters with the roof terraces and "insect hotels", thus it would satisfy NPPF requirements of increasing the biodiversity value of the site.

Developer contributions

- 7.31 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).
- 7.32 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development.
- 7.33 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 7.34 In this instance a cash in lieu payment for the shortfall of zero carbon emissions is considered necessary to be secured via a S106 legal agreement.

7.35 The developer has agreed to meet the Council's reasonable costs of preparing and monitoring the Section 106 Obligations. S106 monitoring fees would be calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance (2006) and legal fees would need to be agreed at a later date.

7.36 Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by Merton's Community Infrastructure Levy.

8. CONCLUSION

8.1 The proposal is considered to be acceptable in principle, increasing residential density within a town centre location on an already developed site. The proposal, as amended, is considered to be well designed, appropriately responding to the architectural cues of the existing building along with its surroundings.

8.2 Given the positioning and scale of the proposal it is not considered to unduly impact upon neighboring amenity. The proposal would offer high living standards for prospective occupants. The proposal would not unduly impact upon the highway network or on-street parking provisions and the scheme would promote sustainable travel directives. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability.

8.3 The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application. The application is therefore recommended for approval subject to appropriate conditions and s106 agreement.

RECOMMENDATION

Grant planning permission subject to s106 agreement and the following conditions.

S106 legal agreement:

1. Financial contribution to offset the carbon shortfall of the development. The shortfall shall be determined via a further energy statement/strategy (required by planning condition to this permission) with the shortfall to be agreed by Council; the contribution shall be calculated using the Mayor's Sustainable Design and Construction SPG 2014 i.e. tonnes of CO2 (shortfall) x £60 x 30 (years);
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

And the following conditions:

1. Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Amended standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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.

4. Non-standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions, including the electric charging points, shown on the approved plan STAN-PR-2B has been provided and made available for use. These facilities shall be retained in perpetuity for the occupants of, and visitors to, the residential units within the building know as No. 284 London Road.

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

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

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

6. Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of

dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development ensure vehicle and pedestrian safety and to protect the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

7. Standard condition [Construction logistic plan]: Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development hereby permitted is commenced and shall be so maintained for the duration of the construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

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

8. Amended standard condition [Travel Plan]: Prior to the occupation of the development hereby permitted, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The development shall be occupied only on accordance with the approved Travel Plans.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2015, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

9. Standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

10. Standard condition [Refuse]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plan STAN-PR-2B have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

11. Non-standard condition [Sustainability details]: No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reduction of not less than a 35% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

12. Non-standard condition [Sustainability verification]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013 and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

13. Amended standard condition [Screening]: The screening to the roof terraces as shown on the approved plans STAN-PR-3B and STAN-PR-6B shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties 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.

14. Amended standard condition [Use of flat roof]: Access to the flat roof of the development hereby permitted, outside of those areas specifically identified as being communal roof terraces, shall be for maintenance or emergency

purposes only, and these areas shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties 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.

15. Amended Standard condition [Cycle storage]: The development hereby permitted shall not be occupied until the cycle parking shown on the plan STAN-PR-2B has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

16. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted (other than site clearance, preparation and demolition), a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:
- i. Provide details of the design storm period and intensity, attenuation and control the rate of water discharge from site;
 - ii. Include a timetable for its implementation;
 - iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

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 is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

17. Non-standard condition [Details of green roof]: Before development commences, the detailed design, specification and planting scheme for a green roof shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved, retained and maintained in perpetuity thereafter.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

Informatives:

a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance LBM officers have provided feedback and allowed for additional time and amendments to improve the scheme. In addition, the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

b) No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. 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).

c) Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

d) Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
- Water Efficiency Calculator for New Dwellings; **or**

- Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
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[Click here](#) for full plans and documents related to this application.

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