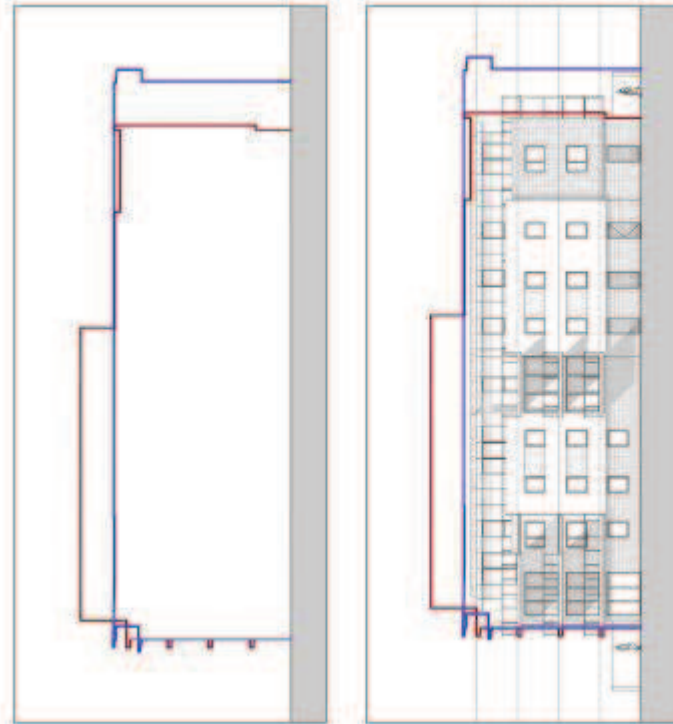


Above: The Business Centre (blue) and the application scheme (red) superimposed. It shows similar footprints and an application proposal some 17.5% smaller than the approved Business Centre.



Above we show the outline of the originally approved B1 Business Centre in blue, and superimposed over it, the outline of the refused scheme, reference 13/P0051. Below that again we show the same section, but with the new scheme now being brought forward sitting entirely within the silhouette of the approved B1 Business Centre.

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Finishes:

1. Fair Face Brickwork as Biscoe Bradgate Light Buff (0025)
- 1a. Facing brick as a Bradgate Red to selection
2. PPC aluminium framed glazing with matching PPC aluminium divs. Mid grey RAL 7037
- 2a. PPC aluminium framed glazing with timber fill panel. Mid grey RAL 7037, all set back from brick face
- 2b. PPC aluminium framed patio doors. Mid grey RAL 7037
3. Glass balustrade with PPC aluminium upright and handrail
- 3a. Handrail carpeted over onto brick parapet
4. Factory coloured sash aluminium cladding panels in light grey RAL 7001 with glazing frames to match
5. Sash anodised bris self sunshade to colour match adjacent cladding
6. Insulated render - colour to selection
7. Existing historical wall refurbished/repointed as necessary to match existing decoration
- 7a. New brickwork to match retained boundary wall tied in as shown
8. PPC aluminium louvered external panel/door. Mid grey RAL 7037
9. Opaque glass canopy on aluminium supports. Similar to brick soffit to detail.
10. Stained timber cladding
11. Stained timber louvre panel
12. Same as annotation 2a but with opaque glazing
13. Timber balcony screen to detail designed as full height balustrade shown thus.
- 13a. Same as annotation 13 but seen sideways on only
14. Window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns.



Project	24/21/17 - Biscoe Bradgate Light Buff
Client	tp bennett
Architect	tp bennett architecture planners
Scale	1:100
Date	10/01/14
Drawn	10/01/14
Check	10/01/14
Rev	P1

PLANNING

tp bennett
architecture
planners

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Architects

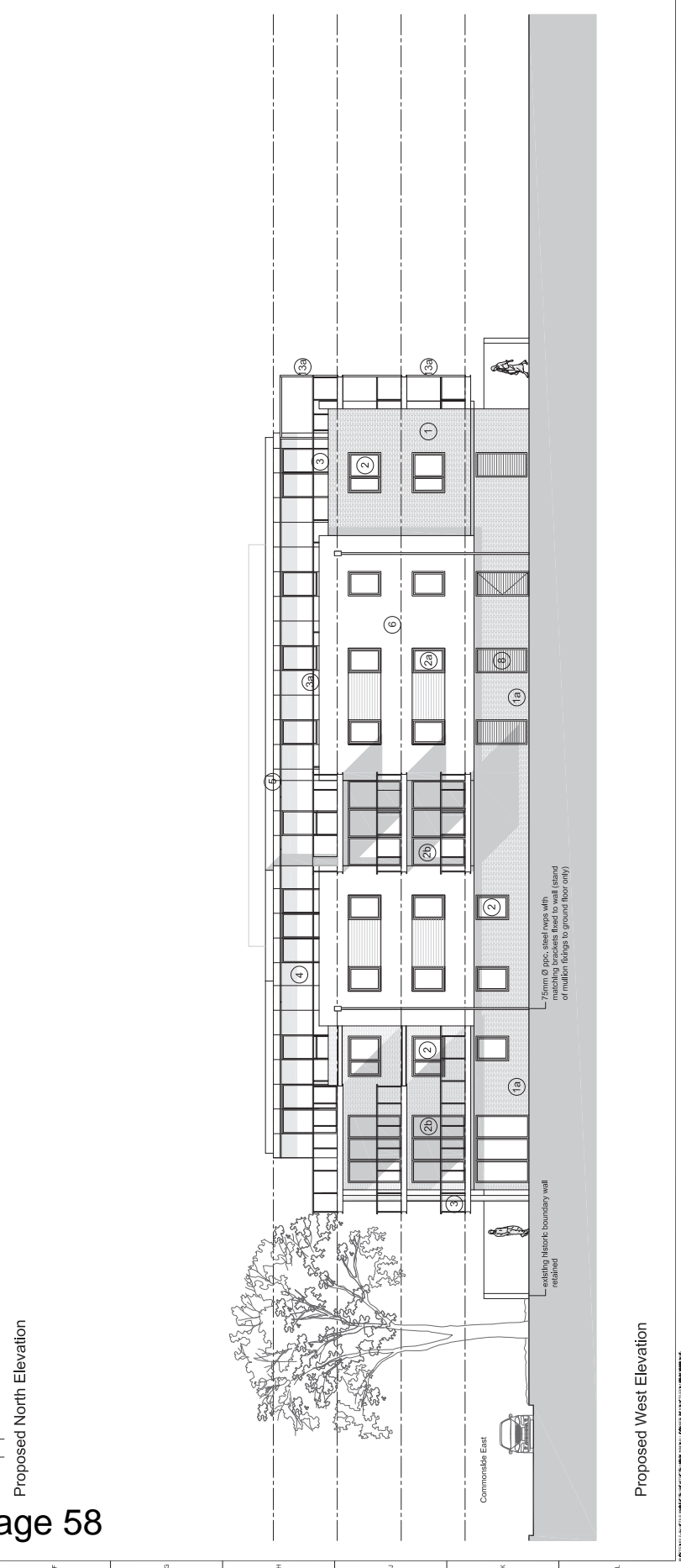
Project
Windmill Park Corner
Windmill Road/Commonsides East
Mitcham, CR4 2QA

Drawing No
Proposed North and West Elevations (inside boundary)

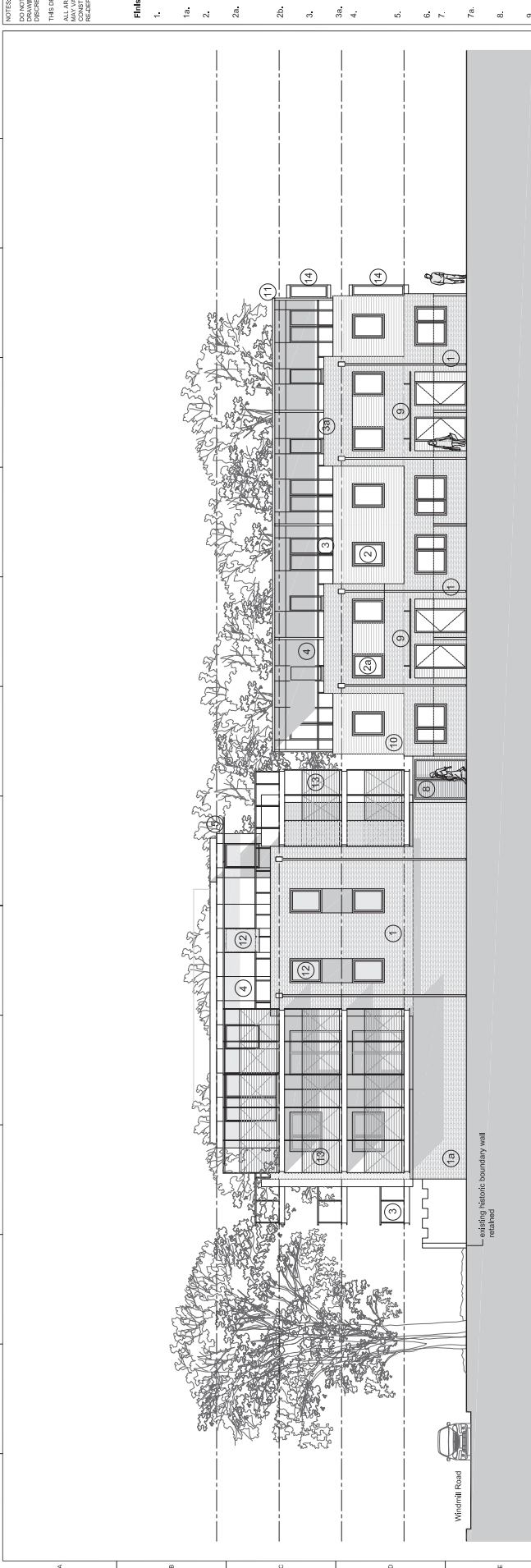
Drawn	10/01/14	Scale	1:100	Alt. Ref.	A1100110000
Check	10/01/14	Drawn	10/01/14	Project	Windmill Park
Project	24/21/17 - Biscoe Bradgate Light Buff	Client	tp bennett	Architect	tp bennett architecture planners
Scale	1:100	Date	10/01/14	Rev	P1



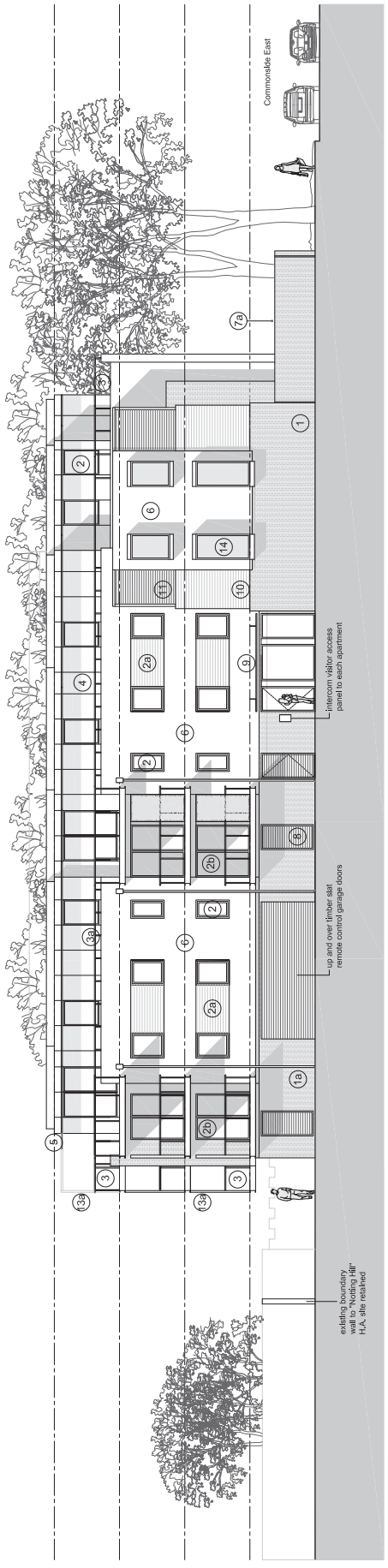
Proposed North Elevation



Proposed West Elevation



Proposed South Elevation
Page 59



Proposed East Elevation

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RE-DEFINITION OF THE AREAS TO BE MEASURED.

Finishes:

1. Fair Face Brickwork as Biscoe Bradigate Light Buff (0025)
- 1a. Facing brick as a Bradigate Red to selection
2. PPC aluminium framed glazing with matching PPC aluminium cladding, Mid grey RAL 7037
- 2a. PPC aluminium framed glazing with timber finish panel, Mid grey RAL 7037, all set back from brick face
- 2b. PPC aluminium framed patio doors, Mid grey RAL 7037
3. Glass balustrade with PPC aluminium upright and handrail
- 3a. Handrail completed over onto brick parapet
4. Factory coloured satin aluminium cladding panels in light grey RAL 7001 with glazing frames to match
5. Satin anodised bronze self sunshades to colour match adjacent cladding
6. Insulated render - colour to selection
7. Existing historical wall refurbished/respainted as necessary to match existing decoration
- 7a. New brickwork to match retained boundary wall tied in as shown
8. PPC aluminium boarded external panel/door, Mid grey RAL 7037
9. Opaque glass canopy on aluminium supports. Similar to brickwork to detail.
10. Stained timber cladding
11. Stained timber bourse panel
12. Same as annotation 2a but with opaque glazing
13. Timber balcony screen to detail designed as full height balustrade shown thus.
- 13a. Same as annotation 13 but seen sideways on only
14. Window seat or walk in bay window with opaque glazing to front face and clear glazing to side returns.



Project	24/21/17 - Biscoe Park Planning	Scale	1:50
Client	Commonwealth	Date	02/04/2024
Author		Drawn	

PLANNING
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Project
Windmill Park Corner
Windmill Road/Commonside East
Mitcham, CR4 2QA

Drawing No.
Proposed South and East
Elevations

Date	02/04/24	Alt. No.	01
Scale	1:50	Drawn	
Project No.	A10691	Client No.	D 0201
Revision	P1	Drawn	

Appeal Decision

Site visit made on 26 November 2013

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2013

Appeal Ref: APP/T5720/A/13/2200506

Windmill Park Corner, Former Windmill Trading Estate, Commonsides East, Mitcham, London, CR4 1HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by City and Provincial Properties PLC against the decision of the Council of the London Borough of Merton.
 - The application Ref 13/P0051, dated 17 December 2012, was refused by notice dated 4 June 2013.
 - The development proposed is the erection of part four and part five storey block to create 23 dwellings (2 x 1 bed; 10 x 2 bed; 10 x 3 bed and 1 x 4 bed); car parking; refuse and recycling facilities; and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development used above has been amended from the application form to include reference to the 10 two bedroom units which are part of the proposal.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area with particular regard to the Metropolitan Open Land adjoining the site
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Character and Appearance

4. The appeal site sits at the corner of Commonsides East and Windmill Road. Now vacant, it was formerly part of an industrial and trading estate set within Mitcham Common. Planning permission was granted on appeal for residential and business development of the estate. The rest of the estate has been re-developed for housing and is known as The Meadows. Permission for a three storey business centre (Use Class B1) at the appeal site is extant.
-

5. The 'L' shaped appeal building would include three storey houses on the Commons side east frontage, rising to a five storey apartment block at the road junction and falling to four storeys along the Windmill Road frontage. The appellant argues that this arrangement of building heights responds to the adjoining buildings at The Meadows.
6. I recognise that The Meadows includes five storey blocks and that there can be a rationale for increasing the scale of buildings at significant corners. However, in this case, rather than occupying a significant position in an urban setting, the corner where the five storey building would be located adjoins Metropolitan Open Land (MOL) on two sides. *Merton's Unitary Development Plan* (UDP) policy NE2 seeks to ensure that development which is likely to be conspicuous protects the visual amenity of MOL. As such, I consider that the key consideration determining the height of the building on this corner should be its relationship with the MOL.
7. Looking east from Commons side East, the appeal site is visible over a considerable distance. It is more prominent than The Meadows which sits behind it in these views. Mature trees in the adjoining verges help to filter views of the site, but would not block views of the proposed building. In particular, the five storey element would not only rise above the trees, but would occupy the most conspicuous part of the site. The height of buildings in The Meadows generally reduces toward the Commons side East frontage. This seems to me an appropriate response to the setting adjoining the MOL. In contrast, the transition from open space to built development created by the proposed five storey block would be too abrupt and the scale of the building too imposing. It would, therefore, be harmful to the character of the area and contrary to UDP policy NE2. Nor, for this reason, would the proposal comply with policy CS8 of the Council's *Core Strategy* which requires proposals for new homes to be well designed.
8. In reaching this conclusion, I have had regard to the permission for a Class B1 building on the site. I understand that this building would be, effectively, four residential storeys in height, including a pitched roof. The Class B1 building would, therefore, not only be less tall, but would be less bulky and assertive than the appeal building, which would have just a small set back at the top storey level. Based on the information available therefore, I consider that the effect of the Class B1 on the character of the area would not be comparable with the appeal proposal.
9. Policy 3.4 and table 3.2 of the *London Plan 2011* (LP) set out optimum density ranges for housing proposals based on their location and accessibility to public transport. The appeal site is best categorised as a suburban location and has a PTAL rating of 1b, taking into account the recently opened Mitcham Eastlands railway station. On this basis, table 3.2 indicates an optimum density of 150 to 200 habitable rooms per hectare. The appeal proposal would provide 315 habitable rooms per hectare.
10. As the appellant states, the table should not be applied mechanistically. However, the density of the appeal proposal would very significantly exceed the top of the range set out in table 3.2. It would not, therefore, accord with LP policy 3.4. Since the height of the proposed building contributes to the overall density of the scheme, this finding adds weight to my conclusion on the effect of the proposal on the character and appearance of the area. I note that the LP density ranges referred to above post date the earlier appeal decision for residential and business development of the estate.

Affordable Housing

11. Reason for refusal 3 refers to the failure of the proposal to provide for affordable housing. As part of the appeal submissions the appellant has lodged a unilateral undertaking which would secure the provision of four houses for affordable rented housing and five apartments for intermediate housing. The unilateral undertaking has not been contested by the Council.
12. The proposed level of provision accords with the requirements of CS policy CS8 which seeks 40% affordable housing on sites of 10 or more units, of which 60% should be for affordable rent and 40% for intermediate housing. These requirements are supported by a Strategic Housing Market Assessment and an Affordable Housing Viability Study. The provision is also consistent with LP policies 3.11 and 3.12 (as amended by the *Revised Early Minor Alterations*) on affordable housing. The unilateral undertaking would, therefore, satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and would overcome the third reason for refusal.

Other Matters

13. In its appeal statement the Council contends that the proposal should make a financial contribution of £37,928 in order to meet the requirements of UDP policy C13 on planning obligations for education provision. Whilst the Council states that this figure is based on a formula set out in its *Planning Obligations Supplementary Planning Document (SPD)*, no details of the calculation have been provided. Nevertheless, the figure appears to be based on the use of the 'Merton cost multiplier' which, the SPD advises, is appropriate where there is a shortfall in places in schools. However, the Council's justification for a contribution is based on a general requirement for funding for secondary school provision. According to the SPD, 10% of the 'Merton cost multiplier' should be applied in such cases.
14. Consequently, I am not persuaded that the amount of the education contribution sought by the Council has been adequately justified or that it would meet the tests set out at paragraph 204 of the *National Planning Policy Framework* (the Framework).
15. I have had regard to the other concerns expressed locally and by the Member of Parliament for Mitcham and Morden. However, they have not led me to a different overall conclusion.
16. I recognise that the proposal would provide additional housing. However, my concerns relate to the height of the building rather than the principle of residential development of the site. As such, they do not preclude the possibility that the site could contribute to the housing needs of the area at a scale which is more appropriate to the setting of the site adjoining the MOL.
17. There is nothing to indicate that the development plan policies referred to above are in conflict with the Framework.

Conclusion

18. For the reasons outlined above, the appeal should be dismissed.

Simon Warder

INSPECTOR

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