

**PLANNING APPLICATIONS COMMITTEE
16 JULY 2015**

| <u>UPRN</u> | <u>APPLICATION NO.</u> | <u>Item No:</u> <u>DATE VALID</u> |
|-------------------------|---|--------------------------------------|
| | 15/P2070 | 08/06/2015 |
| Address/Site | 94 – 96 Haydons Road and 1 – 3 Quicks Road, South Wimbledon, SW19 1HJ | |
| (Ward) | Abbey | |
| Proposal: | Redevelopment of site to provide 9 x residential units (comprising 1 x 1 bed, 6 x 2 bed and 2 x 3 bed flats) and 177.5 square metres of commercial space on ground floor. | |
| Drawing Nos | 884/201, 884/03A, 884/04 C, 884/05 C, 884/06 E, 884/07 C, 884/08 C, 884/09 C, 884/10 B, 884/11 B, 884/12 B, 884/13 B, 884/14/A, 884/15 A, 884/16 A, 884/17 A, 884/19 A, Planning Statement, Design and Access Statement, Drainage Strategy (Rev B), Daylight/Sunlight Study, and Transport Report | |
| Contact Officer: | Sabah Halli (0208 545 3297) | |

RECOMMENDATION

Grant Planning Permission subject to conditions and S106 Heads of Terms

CHECKLIST INFORMATION

- Heads of Agreement: The development being parking permit-free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No

- Number of neighbours consulted: 44
- External consultations: No
- Controlled Parking Zone: Yes (S2 and 3F)

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises 94-96 Haydons Road, a three-storey building in commercial use (Launderette) at ground floor and residential use above (1 x 4+ bedroom unit) and 1-3 Quicks Road, a two storey building in formerly in B1 (office), and separate single-1 ½ storey buildings to the rear of the site formerly in use as a vehicle repair garage.

- 2.2 Aside from a front area of ancillary parking for the garage, a small area adjoining the side boundary of 4 Quicks Road, and a small enclosed courtyard to the rear of no.94, the site is completely built on.

- 2.3 The Launderette and vehicle garage are still in use however the applicants state that the B1 unit is vacant.

- 2.4 The site is bounded to the side and rear by the side/rear curtilages of adjoining residential properties at Quicks Road and Trafalgar Road. Opposite the site, on Haydons Road, are residential dwellings and Haydons Road is a predominantly residential road with some commercial uses. Quicks Road is predominantly residential with some commercial uses also.

- 2.5 Opposite the site at Quicks Road is Haydons Road recreation ground.

- 2.6 The site is a (scattered) employment site.

- 2.7 The site is not located within a Conservation Area and there are no Tree Preservation Orders on the site.

3. **CURRENT PROPOSAL**

- 3.1 The proposal comprises the demolition of the existing buildings and the erection of a 3-4 storey building with commercial (A1/A2/B1) use within part of the ground floor and the remainder of the ground floor and floors above providing 9 residential units (1 x 1 bed, 6 x 2 bed, and 2 x 3 bed and 3 bed).

- 3.2 The residential units would be accessed from Haydons Road and Quicks Road and each would include their own private amenity space in the form of a balcony/terrace/patio.
- 3.3 The rear of the site, accessed off Quick's Road as existing, would comprise off-street parking (5 spaces including one disabled parking space) and covered refuse and cycle storage.
- 3.4 There would be an element of soft-landscaping around the edges of the parking area and this car parking area would be accessed through proposed 2.1m steel gates for security. 2.1m high brick walling is proposed along the side and rear boundaries with the properties at Quicks Road and Haydons Road.
- 3.5 Materials proposed are double glazed Aluminium and doors windows, multi-stock brick work, cast stone paneling, and 'rain screen' stone paneling.
- 3.6 A sedum roof is proposed for part of the roof and with photovoltaic cells.
- 3.7 The applicants advise that the units would be built to Lifetime Homes standards.

4. **PLANNING HISTORY**

- 4.1 14/P4221 - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF THREE - FOUR STOREY BUILDING WITH 84.7 M2 OF COMMERCIAL SPACE (A1, A2 AND B1 USE) AT GROUND FLOOR AND 7 X 3 BED AND 3 X 3 BED RESIDENTIAL UNITS AT GROUND FLOOR AND ABOVE, WITH ASSOCIATED PARKING AND LANDSCAPING. Refused on the following rounds:
 - 1. The proposed development by virtue of its bulk, scale, massing, siting and height would result in an excessively large and over bearing development, out of character with the surrounding area, and an over development of the plot. As such, the proposed development is contrary to policy CS 14 of the London Borough of Merton Core Strategy - 2011, policies DM D1 and DM D2 of the London Borough of Merton Sites and Policies Plan 2014, and the Council's New Residential Development SPG.
 - 2. The proposed development by virtue of its bulk, scale, massing, siting and height would result in an excessively large and over bearing development, to the detriment of the outlook of the adjoining properties, particularly 90 and 92 Haydons Road. As such, the proposed development is contrary to policy CS 14 of the London

Borough of Merton Core Strategy - 2011, policy DM D2 of the London Borough of Merton Sites and Policies Plan 2014, and the Council's New Residential Development SPG.

3. The proposed development would result in a loss of employment land, and within a defined scattered employment site, with no justification and contrary to policy CS12 of the London Borough of Merton Core Strategy and policy DME3 of the London Borough of Merton Sites and Policies Plan - 2014.

4.2 14/P1652/NEW - PRE-APPLICATION ADVICE FOR THE REDEVELOPMENT OF SITE TO PROVIDE 195.5 SQUARE METRES OF COMMERCIAL SPACE ON GROUND FLOOR AND 10 x RESIDENTIAL UNITS ABOVE.

4.3 11/P2403/NEW - PRE APPLICATION ADVICE - REDEVELOPMENT OF SITE TO PROVIDE RETAIL & RESIDENTIAL UNITS

5. **CONSULTATION**

5.1 The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties. 8 representations have been received (7 objections (including one group objection on behalf 15 properties) and 1 support):

- Concerns regarding loss of privacy to rear gardens of adjoining properties from the top floor flat terrace area and other rear windows facing the those gardens
- Loss of security to rear gardens of adjoining properties and the proposed 2.1m fence should be higher.
- The car park will result in a loss of security to the properties at the rear of the site
- Pressure on local parking conditions from the additional flats
- There is no affordable housing proposed
- Noise pollution from people living in the proposed flats and from the proposed commercial unit
- Disruption from construction (Note: This is not a Planning matter)

- The modern, square, design of the development is out of keeping with the Victorian terrace character of the area
- The development is overbearing in terms of its scale and height and will set a negative precedent for other similar development
- The proposed materials are not of a high quality and would not be in keeping with the character of the area. More traditional materials should be used
- The shop window frontage is too large and should be reduced in scale so as to appear less overbearing especially when viewed from the park
- There are enough retail units and cafes and other commercial units in the locality
- Excessive burden on local utilities from an addition 7 flats
- The development, in addition to others in the locality, is contributing to overcrowding problems at local stations such as South Wimbledon underground station and local bus stops
- Increase in local waste and fly tipping as a result of the additional flats
- Impact on local Foxes
- Redevelopment of the site is welcomed however this scheme is not in keeping with the surrounding area
- This amendments to the scheme are great and such a building will improve the local area
- The current buildings on site are unsightly and out of keeping with the tidy neighbourhood

5.2 Transport Officer – It is noted that this is a resubmission of a previous scheme 14/P2211. The site is located on the corner of Haydons Road (A218) and Quicks Road. It is located within Controlled Car Parking Zone (CPZ) – S2. The site has a PTAL rating of 4 which indicates that it has good access to public transport services.

5.3 The proposed development includes ground floor commercial space at ground floor level plus 9 private residential units (flats) with 5 car parking spaces (one disabled) and 15 cycle spaces. A transport report was

- submitted with the application and this had been prepared in consultation with Future Merton and Merton Highways. No objections were raised on Transport grounds last time and the same is true on this occasion – especially in light of the reduced number of residential units.
- 5.4 The access will be in the same place as that proposed in the previously refused application, and this is considered acceptable.
- 5.5 The scheme has been agreed in principle with the Highway Authority and as such is not considered to pose any difficulties from a highway point of view.
- 5.6 Therefore there are no transport objections subject to the new residential units being permit free secured through S106 obligation and conditions in respect of vehicle access to be provided, provision of vehicle parking, cycle parking to be implemented, parking management strategy, construction vehicles, and delivery and servicing plan to be submitted.
- 5.7 Climate Change Officer -
- 5.8 Residential
- 5.9 In accordance with the Government Ministerial Statement of 25 March 2015, new residential developments in the borough granted planning permission after 25 March 2015 are not required to achieve a specified level of the Code for Sustainable Homes, unless:
- they are legally contracted to apply for a Code policy (e.g. affordable housing funded through the National Affordable Housing Programme 2015-18), or
 - a case has been granted permission subject to Code condition stipulating discharge of a Code level, legacy arrangements will apply
- 5.10 The council is permitted, and will continue to enforce the mandatory minimum requirements for energy performance and water efficiency at a level equivalent to Code for Sustainable Homes Level 4 for the delivery of new residential units across the borough. This will ensure compliance with Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.
- 5.11 Evidence to demonstrate compliance with energy performance and water efficiency must therefore be submitted to the council prior to the occupation of the development and applied through Merton's Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition.

- 5.12 Evidence requirements are detailed in the “Schedule of Evidence Required - Post Construction Stage” under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).
- 5.13 Commercial
- 5.14 The development should be designed in accordance with Policy CS15 of Merton’s Core Planning Strategy 2011. The development should:
- Achieve a high standard of sustainability and make efficient use of resources and material and minimise water use and CO2 emissions
 - Demonstrate that it has been designed in accordance with the Mayor’s energy hierarchy (be lean; be clean; be green) outlined in Policy 5.2 of the London Plan 2015 and Policy CS15 part b of Merton’s Core Planning Strategy 2011. This advocates a ‘fabric first’ approach and maximising energy efficiency before seeking to address any shortfall in performance through the use of renewable technologies.
 - Be sited and designed to withstand the long term impacts of climate change
- 5.15 As the development falls below the 500m2 threshold, the BREEAM (Building Research Establishment Assessment Method) pre-commencement and pre-occupation standard conditions do not need to be applied.
- 5.16 Flood Management Engineer – Should the application be approved, a condition in respect of a surface water drainage scheme should be imposed in addition to an informative in respect of connecting to a public sewer.
- 5.17 Environmental Health Officer – Same comments as for application 14/P2211: Should it be minded to approve the application then it is recommend that planning conditions in respect of noise levels, acoustic survey, external lighting, site investigation for contamination and remediation if needed, be attached to any approval.
- 5.18 Planning Policy Officer - The applicant’s planning statement paragraph 7.27 sets out a table of existing floorspace, illustrating that the site contains 506sqm B1 floorspace and 60.8 sui generis floorspace (respectively a car repairs and laundrette), a total of over 500sqm employment floorspace. However, the quality of employment space will be much improved in the new scheme, with new insulation standards, which will help to protect the amenity of business occupiers and residential

neighbours alike. The former use of this site as a car repair garage is an historic land use that would not normally be supported on a tightly bound site such as this one

- 5.19 The two information letters accompanying the application are from estate agents citing strong demand for the new 177sqm of commercial premises, which is useful and is hopefully an indicator of market attractiveness, but there is no evidence that the applicant has demonstrated that the whole site is undeliverable and unviable for whole-site employment use by marketing the site for employment or community uses in accordance with policy DM.E3
- 5.20 There is a well established need for new homes across the whole of London, set out clearly in the London Plan 2015 and in Merton's Core Planning Strategy CS.9. The nine new homes here help to meet government's high priority for housing.
- 5.21 It is considered that this a balanced judgement as to whether the new 177sqm modern commercial floorspace on the ground floor plus 9 new homes outweighs the loss of employment floorspace. Given that the site is a somewhat awkward shape and location, tightly bound by residential neighbours, but with a good road network, it seems that the applicant has made effective and optimal use of the site in providing new commercial floorspace as well as new homes.
- 5.22 As the applicant has not demonstrated that the site is not viable for whole-site employment use via full and proper marketing as required by policy DM.E3, especially as the applicant's information letters 1 and 2 support the view that there would be commercial demand for the site, if the application is to be approved, a condition should be attached to the application to prevent the 177sqm of commercial floorspace being converted from commercial to residential uses via the prior approval process (i.e. for shops or offices) in order to protect employment space in line with policies CS12 and DM.E3.

6. **POLICY CONTEXT**

- 6.1 The relevant policies within the Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM F2 (Sustainable Urban Drainage Systems and; Waste Water and Water Infrastructure), DM E3 (Protection of Scattered Employment Sites), DM EP2 (Reducing and Mitigating Noise), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (Transport Impacts of

- Development), and DM T3 (Car Parking and Servicing Standards)
- 6.2 The relevant policies within the Adopted Merton Core Strategy (July 2011) are:
- CS 8 (Housing Choice), CS 9 (Housing Provision), CS 12 (Economic Development), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)
- 6.3 New Residential Development – SPG
Design – SPG
Planning Obligations – SPD
- 6.4 The relevant policies in the Further Alterations to the London Plan (FALP) (2015) are:
- 3.3 (Increasing Housing Supply)
3.4 (Optimising Housing Potential)
3.5 (Quality and Design of Housing Developments)
3.8 (Housing Choice)
3.13 (Affordable Housing Thresholds)
5.2 (Minimising Carbon dioxide Emissions)
5.3 (Sustainable Design and Construction)
5.7 (Renewable Energy)
6.9 (Cycling)
6.10 (Walking)
6.13 (Parking)
7.4 (Local Character)
8.2 (Planning Obligations).
- 6.5 London Plan Housing SPG
- 6.6 National Planning Policy Framework (2012)

7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations concern the principle of the demolition of the existing commercial and residential uses within the site, the design and appearance of the proposed development, its impact on the character and appearance of the surrounding area, and the impact of the development upon neighbour amenity, and parking.
- 7.2 Principle of the Demolition of the Existing Commercial and Residential Buildings

- 7.3 Core Strategy and Sites and Policies Plan policies seek to retain scattered employment sites/land and community uses/land. . The Council would not object to a 177.5m² flexible B1/A1/A2 use on the site in principle if equated to *at least or the same or more than the amount of employment floor space at the site at present.*
- 7.4 Application documents describe the site as comprising of a car repair garage to the rear of the site (accessed from Quicks Road) vacant workshop building (also accessed from Quicks Road) a launderette at ground floor level (accessed from Haydons Road), and 1 x 4 bedroom unit above the launderette. As confirmed by the applicant, this proposal will result in the loss of 61.3sqm of Sui Generis and 506.2 m² of B1 floor space and would re-provide 177.5m² of employment floor space in A1/A2/B1 use.
- 7.5 This site is a scattered employment site and as per the pre-application advice given to the applicants, the proposed development would need to meet the provisions of Policy CS12: Economic Development of the Core Planning Strategy and DME3: Protection of Scattered Employment Sites of the Sites & Policies Plan. This purpose of this policy is to prevent the loss of existing employment and potential opportunities on site. Paragraph 4.30 of Policy DME3 makes clear that for the purposes of this policy, ‘employment’ and business refers to premises or land that operates within the B1, B2 and B8 use as well as leisure and entertainment (D2 Use Class) and uses identified as sui generis where appropriate.
- 7.6 As advised as pre-application stage, this policy requires full and proper marketing of this site for both employment and community uses for a period of 2.5 years. To demonstrate that full and proper marketing has been undertaken for the site, paragraph 4.4 of the justification text states clearly that the council requires that:
- The site has been marketed for employment and community uses for the time period detailed in policy unless otherwise agreed with the council;
 - All opportunities to re-let the site has been fully explored (including more flexible use of the space);
 - The site has been marketed using a variety of methods and marketing tools available that are likely to attract business or community occupiers; and,
 - The site has been marketed at a price which is considered reasonable for employment or community uses (based on recent and similar deals or transactions)”.
- 7.7 The applicants could have provided the following supporting information (this list is not exhaustive) to illustrate that they have met Merton’s policy requirements, for example; photocopies of letters/ emails sent to people

- who would be interested in the property and appointments and termination of estate agents, the uploads of this site for marketing to various websites/ magazines and photographs of marketing board attached to the site. No such information in support of the proposal has been submitted with the application, although it was advised at pre-application stage and following the recently refused application that this information should be submitted..
- 7.8 Although no supporting marketing information has been submitted with the application, it is noted that the existing accommodation is dated and in poor condition, and the applicant has advised that significant internal works would be required in order to meet building, fire, and health and safety regulations. The quantum of employment space to be provided is significantly more than in the previously refused scheme and the quality of employment space will be much improved, with new insulation standards, which will help to protect the amenity of business occupiers and residential neighbours alike. The former use of this site as a car repair garage is also an historic land use that would not normally be supported on a tightly bound site such as this one
- 7.9 The two information letters accompanying the application are from Estate Agents citing strong demand for the new 177sqm of commercial premises, which is useful and is hopefully an indicator of market attractiveness, and although there is no evidence that the whole site is undeliverable and unviable for whole-site employment use by marketing the site for employment or community uses in accordance with policy DM.E3, it is considered on balance that the quantum of quality of the proposed flexible use floor commercial floor space mitigates for this.
- 7.10 There is a well established need for new homes across the whole of London, set out clearly in the London Plan 2015 and in Merton's Core Planning Strategy CS.9. The 9 new homes proposed here help to meet government's high priority for housing and it is considered that the Proposed 177sqm modern commercial floor space on the ground floor plus 9, high quality, new homes (of which most are suitable for family accommodation) outweighs the loss of employment floor space. Given that the site is a somewhat awkward shape and location, tightly bound by residential neighbours, but with a good road network, it is considered that the applicant has made effective and optimal use of the site in providing new commercial floor space as well as new homes.
- 7.11 Taking into consideration the design amendments made to the scheme since the previous refusal (discussed further below) and the increase in quantum of employment floor space, it is considered on balance, the proposed development has sufficiently overcome the previous policy objections to the scheme.

7.12 Design and Residential Amenity

7.13 Policies DM D1, DM D2, CS 14, and the Council's New Residential Development SPG seek to ensure that any new development is of a high standard of design and which respects or compliments its surroundings.

7.14 Policies CS 14 and DM D2 and the relevant Supplementary Planning Guidance (SPGs) seek to ensure that there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.

7.15 Following pre-application advice from Officers, the proposed development has been amended since the previously refused application (14/P2211) in the following ways:

- Reduction in number of residential units from 10 to 9 units
- Increase in proposed replacement commercial floor space
- Reduction in height of rear element of development, adjoining the propose car parking area, from three storeys to two storeys
- Reduction in overall height of the proposed building
- Alteration in design and increased set back of fourth floor penthouse unit
- Reduction in massing of building at junction between Haydons Road and Quicks Road through removal of proposed fourth floor, corner, feature clock

7.16 Following the amendments made, the scheme is now considered acceptable in design terms.

7.17 The reduction in number of units in addition to the reduction in overall height of the development and other design amendments is considered would result in a well-designed scheme and which would enhance the junction between Haydons Road and Quicks Road. The scheme would replace buildings which have been added to the site over time in an ad hoc manner and which have become neglected and would result in the provision of a high standard of residential and commercial floor space.

7.18 The revised scheme is also now considered acceptable in amenity terms and would not result in a detrimental impact on the outlook or privacy of the occupiers of no's 90 and 92 Haydons Road. The reduction in height of the rear portion of the development in particular would result in a

development which would not now appear excessively large or overbearing.

- 7.19 The curtilage of no.92 is mostly built over aside from a small rear courtyard and a two storey building adjoins that boundary currently. The scheme proposes a two storey element also however unlike the present situation, this would be set 2m from the rear boundary of no.92, improving the outlook and daylight/sunlight for the property.
- 7.20 In terms of daylight/sunlight, the applicants have submitted a daylight/sunlight report assessing the proposed development in relation to the adjoining and surrounding properties and this concludes that any loss of daylight/sunlight would not be sufficient to warrant a refusal of planning permission.
- 7.21 A small rear balcony is proposed, which would immediately overlook the car parking area, however in the interests of the privacy of the occupiers of the properties along Haydons Road and Quicks Road it is considered that the side elevations of the balcony should be screened with obscured glazing to a height of 1.7m. The balcony would be located 11m from the rear boundary and this is considered sufficient distance such that there would not result a detrimental impact on the privacy of the occupiers of properties at Trafalgar Road. There is also one rear window adjoining the balcony, however this is not considered would result in a detrimental loss of privacy to the occupiers to the rear of the site at Trafalgar Road since it serves a bedroom and would be 11.5m from the rear boundary of the site.
- 7.22 There would be windows within the main building facing the rear of site however these would be high level windows and so are not considered would result in a detrimental loss of privacy to the occupiers of the properties at Haydons Road.
- 7.23 The Quicks Road elevation of the development faces onto Haydons Road recreation ground and to the Haydons Road elevation it is not considered that there would be any more overlooking than from the existing first and second floor residential accommodation. There are concerns regarding the roof terrace of the penthouse flat in terms of privacy however a condition could be imposed on any approval to include obscure glazed screening to the rear elevation of at least 1.8m.
- 7.24 Concerns have been raised by residents regarding an increase in noise and light pollution from the rear car park however it is not unusual for residential properties to be located adjoining car parking areas, for example along most standard residential roads. There are only 5 car parking spaces and so activity to the car park is not considered would be at a high level and a condition can be imposed on any approval requiring

any lighting to be positioned in such a way to avoid undue glare to neighboring properties.

7.25 The inclusion of a security gate to the car park is welcomed.

7.26 Standard of Accommodation

7.27 Table 3.3 of the London Plan 2011 requires a minimum gross internal area (GIA) of 50m² for 1 bedroom/2 person units, 70m² for 2 bedroom/4 person units, 74m² for 3 bedroom/4 person units, and 95m² for 3 bedroom/6 person units. This standard would be met for all of the proposed flats.

7.28 Policy DM D2 and Housing SPG require a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² for each additional occupant.

7.29 The ground floor unit would be provided with front and rear private amenity space in excess of this and the balconies provided for the remaining units would comply with this standard.

7.30 Refuse and recycling, and cycle storage would comprise covered stores within the rear car park and would be only accessible to the residents of the flats. This is acceptable in principle and conditions can be imposed on any approval requiring the proposed cycle and refuse storage areas be implemented prior to occupation of the development.

7.31 If approved, the dwellings would be required to be built to Lifetime Homes standards.

7.32 Landscaping

7.33 There are no trees within the site however it is proposed to introduce an element of soft landscaping along part of the side and rear boundaries of the car parking and this is welcomed. Amenity areas for the residential units comprise balconies/terraces so there is no scope of soft landscaping aside from, potted plants potentially installed by occupants.

7.34 A condition is recommended be imposed requiring approval of the proposed hard and soft landscaping prior to commencement of works.

7.35 Highways

7.36 The Council's Transport Officer has no objections on highways grounds subject to conditions in respect of the vehicle access to be provided, provision of vehicle parking, cycle parking to be implemented, construction

vehicles, and a Delivery and Servicing Plan be submitted. Informatives in respect of the construction of accesses, and works affecting the public highway are also requested be added to any approval.

- 7.37 The proposal includes 5 off-street parking spaces (including one disabled parking space) however to protect existing residents' parking, the new units would be required to be 'permit free' by a S106 legal agreement.

8 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

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

- 8.3 The new dwellings would be required to be built to Lifetime Homes standards.

9 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

10 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

- 10.1 Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected except for affordable housing.

11 S106 LEGAL AGREEMENT

- 11.1 As of 28 November 2014, the NPPG was updated setting out that planning obligations (section 106 planning obligations) in respect of affordable housing contributions should not be sought from small scale and self-build development.

- 11.2 The council will no longer seek financial affordable housing contributions from developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1000sqm. Development proposals will be assessed as to the capability of the site for 10 units or more and the floorspace that is proposed.
- 11.3 Alongside Merton's CIL planning obligations for site specific infrastructure may still be required to make a development acceptable in planning terms.
- 11.4 The proposed development would result in a net gain of 8 new units and since the site is located within Controlled Parking Zones, the dwellings would be required to be 'permit free' by a S106 legal agreement. To ensure the development is 'car free' in line with policy on sustainable transport, future occupants of the development would not be eligible for parking permits.

12 CONCLUSION

- 12.1 In conclusion, it is considered that the principle of the development is acceptable in policy terms and would not adversely impact on the character of the area. The design, siting, size, height and materials of the proposed building are in keeping with the varied character of the surroundings. The residential amenities of the occupiers of the adjoining residential properties would not be sufficiently affected to warrant a refusal and the development provides an acceptable quality of accommodation for future occupiers.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a S106 agreement covering the following heads of terms:

1. Designation of the development as car-free and that on-street parking permits would not be issued for future residents of the proposed development.
2. The developer agreeing to meet the Council's costs of preparing, drafting, or checking the agreement.
3. The developer agreeing to meet the Council's costs of monitoring the agreement.

And the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. B1 External Facing Materials to be Approved
4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C6 Refuse and Recycling (Commercial Unit)
8. C7 Refuse & Recycling (Implementation) (Residential)
9. C8 No Use of Flat Roof
10. C10 Balconies (Screening details to be provided)
11. D1 Hours of Use
12. D3 Restriction on Music/Amplified Sound
13. D6 Kitchen Ventilation Extract System (If A1 use)
14. D10 External Lighting
15. D11 Hours of Construction
16. E5 Restriction in Use (B1/A1/A2)
17. E11 Staff on Premises (1 hour after closing)
18. F1 Landscaping/Planting Scheme (including new trees within the site)
19. F2 Landscaping (Implementation of Details Approved for Condition 13)
20. F9 Hardstandings
21. H2 Vehicle Access to be Provided
22. H4 Provision of Vehicle Parking
23. H7 Cycle Parking - Implemented

24. H9 Construction Vehicles
25. H11 Parking Management Strategy
26. H12 Delivery and Servicing Plan to be Submitted
27. H14 Gates Shall Not Open Over Adjacent Highway
28. J1 Lifetime homes
29. Non-Standard Condition - Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery shall not exceed LA90-10dB at the boundary with the closest residential property.
- 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 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
30. Non-Standard Condition - Due to the potential impact of the surrounding locality on the development a noise survey undertaken by a competent acoustic consultant is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise and residential noise acceptability standards. The survey shall include recommendations and appropriate remedial measures, including methods of ventilation and actions to minimise the impact of the surrounding locality on the development and shall be agreed and approved by the Local Planning Authority.
- 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 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
31. Non-Standard Condition - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings

must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

32. Non-Standard Condition - Subject to the site investigation for contaminated land, if necessary, 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 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

33. Non-Standard Condition - Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by 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 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

34. Non-Standard Condition - Following the completion of any 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 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

35. Non-Standard Condition - 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme 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 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

36. Non-Standard Condition - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or surface water sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates as reasonably practicable and no greater than 8 l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation;
- iii. the technical specification and make up of the proposed green roof and underlying drainage layer; and
- iiii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a private management company and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of the sustainable drainage of the proposed

development, in compliance with policy CS15 of the London Borough of Merton Core Strategy (2011) and policy DM F2 of the London Borough of Merton Sites and Policy Plan (2014).

37. Non-Standard Condition: Restriction on Change of Use from Commercial to Residential Use under Prior Approval

Reason: In the interests of retaining this scattered employment site, in compliance with policy CS12 of the London Borough of Merton Core Strategy (2011) and policy DM.E3 of the London Borough of Merton Sites and Policies Plan (2014).

38. Non-Standard Condition: Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing system and ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In order to protect the amenities of adjoining occupiers in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

39. Non-Standard Condition: Deliveries to each of the commercial units associated with the development shall not be undertaken outside of the hours of 07.30 hours until 21:00 hours Monday to Saturday, and 08:30 to 20:00 hours on Sunday and Public Holidays.

Reason: In order to protect the amenities of adjoining occupiers in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

40. Non-Standard Condition: No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

-hours of operation

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In order to protect the amenities of adjoining occupiers in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2011 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

Informatives:

INF 8 Construction of Accesses

INF12 Works affecting the public highway

When/if it is proposed to connect to a combined public sewer, the site drainage should be separated between foul and surface water. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

Note 1