

# Agenda Item 6

## PLANNING APPLICATIONS COMMITTEE 16<sup>th</sup> July 2015

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P0792	03/03/14
<b>Address:</b>	187 Commonsides East, Mitcham CR4	
<b>Ward:</b>	Pollards Hill	
<b>Proposal:</b>	Demolition of existing detached house and the erection of a part two part three storey block of 9 self-contained flats (5 x 2 bedroom and 4 x 1 bedroom).	
<b>Drawing No's:</b>	P.01C, 06D, 07C, 08C, 09D, 10D, 13A, 14A	
<b>Contact Officer:</b>	Jonathan Lewis (020 8545 3287)	

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**RECOMMENDATION: Grant planning permission subject to:  
Planning conditions.**

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### **CHECKLIST INFORMATION.**

- S106:.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Is a Screening Opinion under the Environmental Impact Assessment Regulations required: No.
- Has a Screening Opinion been issued - No
- Press notice: No
- Site notice: Yes.
- Design Review Panel consulted: No.
- Number of neighbours consulted: 17.
- External consultations: Met Police.
- Conservation Area - No
- Public Transport Accessibility Level [PTAL]: Level 2 [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
- Number of jobs created: N/A.

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### **1. INTRODUCTION**

- 1.1 This item is reported to Committee following a request from Cllr Whelton.

### **2. SITE AND SURROUNDINGS**

- 2.1 664 sq.m site located on the east side of Cedars Avenue immediately north of the junction with Commonsides East in Mitcham. Currently

occupied by a single three bedroom detached house with car parking accessed from Cedars Avenue to the rear. To the north west, on the opposite side of Cedars Avenue, is a modern part two part three storey block of flats. To the north east and adjoining to the rear is a pair of semi-detached two storey houses. To the south west is a pair of semi-detached houses on Commonsides East while Mitcham Common (Metropolitan Open Land) lies to the south and beyond.

- 2.2 The movement of traffic at the junction of Cedars Avenue and Commonsides East is controlled by traffic lights and there are traffic light controlled pedestrian crossings at the junction.
- 2.3 There are a number of leylandii trees to the front and to the north west side of the house. There are leylandii in the back garden of 189 Commonsides East. There are no protected trees on the site. The boundary fronting Cedars Avenue is defined by a 2m high brick wall with gates providing access to the parking area. The boundary onto Commonsides East has a brick wall of around 1m with a dropped kerb providing access to a garage located on the south east side of the house
- 2.4 The application site is not within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL]: Level 2 (TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. The site is not in a conservation area, area at risk from flood or an archaeological priority zone.

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to construct a 3 storey block of flats with a flat roof (maximum height 8.2m - equivalent to the apex of the roof of the existing house and the ridge line of the pairs of semis to the south east) of a modern design building comprising 5 x 2 bedroom and 4 x 1 bedroom units. Density: 346 hrph. The building would be finished in a golden buff facing brick with soldier course and "dog tooth" brick detailing, with reconstituted stone surrounds to white framed windows with 200mm reveals. Light grey steel frames to balconies with glazed privacy screens on elevations facing towards 189 Commonsides East. Commonsides East and Cedars Avenue boundaries would be defined by 1m high brick walls reducing to 0.6m high walls either side of the crossover providing access to the parking area..

3.2 Accommodation would be provided as follows:

Flat	Type/London Plan standard.	Floorspace provided.	Amenity space/London Plan standard.	Amenity space provided.
1	1bd 2 person – 50 sq.m	51 sq.m	5 sq.m	38 sq.m
2	2bd 3 person - 61 sq.m	61 sq.m	6 sq.m	22.5 sq.m
3	1bd 2 person – 50 sq.m	51 sq.m	5 sq.m	18.5 sq.m
4	2bd 3 person - 61 sq.m	61 sq.m	6 sq.m	6.6 sq.m
5	2bd 3 person - 61 sq.m	61 sq.m	6 sq.m	11.9 sq.m
6	2bd 3 person - 61 sq.m	61 sq.m	6 sq.m	9.7 sq.m
7	1bd 2 person – 50 sq.m	51 sq.m	5 sq.m	11 sq.m
8	2bd 3 person - 61 sq.m	61 sq.m	6 sq.m	11.9 sq.m
9	1bd 2 person – 50 sq.m	51 sq.m	5 sq.m	11 sq.m

3.3 9 parking spaces would be provided with access from Cedars Avenue with the vehicle access relocated 2.4m south west. 7 cycle stores are proposed towards the south east corner on the Commonsides East frontage with further cycle parking in front of the two ground floor flats facing Commonsides East.

3.4 Refuse stores are proposed either side of the main pedestrian access to the site from Commonsides East and constructed in brick to match the walls would rise to 1.6m.

3.5 The application is accompanied by a design and access statement, an energy assessment and an affordable housing statement (the application was submitted before changes were introduced to national planning guidance taking small schemes such as the application proposals out of the scope of off-site financial contributions towards affordable housing).

3.6 The proposals have been the subject of various amendments with the consolidated changes being the subject of reconsultation. Plans had initially shown a block of flats finished in brick to ground floor and render above with the pedestrian entrance to the rear and with both this and refuse storage accessed through the proposed car park.

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

4.1 1952 - MIT/1819 – Erection of a house and a garage.

#### **5. CONSULTATION**

5.1 The planning application was publicised by means of site notices, together with individual letters to 17 nearby addresses. In response to the initial public consultation no replies were received. 17 replies have been received in relation to re-consultation making the following observations:

##### Traffic and parking:-

- There will be an increase in on-pavement parking which will result in a higher accident rate and increased traffic congestion in surrounding roads
- There will be increased congestion during construction plus potential damage to property

##### Visual amenity and privacy:-

- The development will result in a loss of privacy and outlook
- The proposed car park will increase noise and pollution and will result in a loss of security for adjacent properties

##### Others:-

- The high density of dwellings is overdevelopment which will increase anti-social behaviour
- There are already too many flats in Mitcham which adds to the loss of character of this area
- The design is out of character and scale with existing properties
- The design has no architectural merit and will result in an unsightly structure which is contrary to policy CS.14 of the Core Planning Strategy
- Will increase in demand for local services
- Inadequate consultation timescale.

5.2 Metropolitan Police. (Amended plans) Surveillance either natural or formal for the entrance area, car park and cycle storage should be increased. The undercroft area should be removed as this has the potential to attract non-residents to congregate especially during inclement weather. Cycle storage should be in securable containers. Design of boundary wall should not offer a seating area. Blank gable wall to flat 2 may attract graffiti. Should be redesigned or provide a buffer zone.

5.3 Environment Agency. Low environmental risk. Request being informed if contamination is identified that poses a significant risk to controlled waters and for the applicant to deal with the management of land contamination in this event so as to follow BS 10175 practice note. No further comments.

- 5.4 Future Merton (Transport)  
Meets criteria for vehicle access and it already has a vehicle access. May not be feasible to consider a keep clear box given proximity to traffic lights as the space between the cyclists protection zone and the keep clear box would not support a standing vehicle. No objection to parking provision.
- 5.5 Future Merton (Climate Change) No objection subject to meeting Code for Sustainable Homes level 4 (pre-dates recent changes to national planning guidance).

## 6. **POLICY CONTEXT**

### National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Paragraph 17 of the NPPF sets out a number of ‘Core Planning Principles’. These include:
- Not being simply about scrutiny, but be a creative exercise in finding ways to enhance and improve the place in which people live their lives;
  - To proactively drive and support sustainable economic development to deliver homes and businesses;
  - Always seek to secure high quality design;
  - Encourage effective use of land by reusing land that has been previously development (brownfield land) where it is not of high environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban areas; and

6.5 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.

6.6 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

London Plan (2015)

6.7 The relevant policies in the London Plan (2015) are: Policy 3.1 (Ensuring equal life chances for all), Policy 3.3 (Increasing housing supply), Policy 3.4 (Optimising housing potential) Policy 3.5 (Quality and design of housing developments), Policy 3.8 (Housing choice), Policies 3.10 and 3.11 (Affordable housing and affordable housing targets), Policy 3.12 (Negotiating affordable housing), Policy 3.13 (Affordable housing thresholds), Policy 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.11 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 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 noise and enhancing soundscapes] and 8.2 [Planning obligations].

6.8 Mayor of London Supplementary Planning Guidance.

The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).

Merton LDF Core Planning Strategy [2011]

6.9 The relevant policies within the Council's Adopted Core Strategy [July 2011] are, CS.8 (Housing), CS.12 [Economic development]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Merton Sites and Policies Plan (2014).

6.10 The relevant policies are follows: DM H2 – Housing mix; DM H3 – Support for affordable housing; DM D1 – Design and public realm; DM D2 –Design considerations; DM EP2 – Noise; DM F1 – Flooding; DM F2 – Drainage; DM T1 – Sustainable transport; and DM T3 – Car parking and servicing.

- 6.11 Merton Supplementary Planning Guidance.  
The key supplementary planning guidance relevant to the proposals includes: New Residential Development [1999]; Design [2004]
- 7. PLANNING CONSIDERATIONS**
- 7.1 The main planning considerations include assessing the following:
- Principle of mixed use development including housing and delivery of affordable housing;
  - Design and appearance;
  - Standard of accommodation;
  - Residential amenity;
  - Transport, car parking, servicing, access, walking and cycling;
  - Sustainable design and construction; and
- Redevelopment for more intensive use for housing.
- 7.2 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.3 Policy 3.3 of the London Plan sets new minimum targets for housing delivery which in the case of Merton rises from 320 additional homes annually to 411 for the period 2015 to 2025, between 2011 and 2026. The adopted Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'.
- 7.4 The proposals would not displace the long standing residential use of the site and would make a meaningful contribution towards meeting the Mayor's new increased housing targets for the Borough.
- Density.
- 7.5 While density on its own is not an entirely reliable guide to determining whether a development is appropriate for a particular site the London Plan's Sustainable residential quality density matrix sets out indicative density ranges for the effective development of sites dependent upon setting (suburban, urban and central) and public transport accessibility. For the type of accommodation proposed and the PTAL score the indicative density range for more urban settings is 200-450 hrph. (terraced houses, blocks of flats - typically buildings of 2-4 storeys and within 800m of a district centre – the site is within 800m of Mitcham). For the type of accommodation proposed the resulting density (346 hrph) would therefore be consistent with the recommended range for this location.
- Design, including scale and massing and impact on locality
- 7.6 London Plan policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality,

be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

- 7.7 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including promoting high quality design and providing functional spaces and buildings.
- 7.8 The NPPF, London Plan and LDF policies focus on delivering high quality design while a higher test of exceptional design is set for higher density development.
- 7.9 The proposals would deliver a three storey building complementing the modern block of flats on the opposite corner of Cedars Avenue and compatible with its surrounding in terms of its scale when viewed from both Cedars Avenue and Commonside East. The height of the building would be comparable with that of the semi-detached houses to the south east and while the building would be a full three storey, the massing, setting the top floor back from the first floor would have the effect of reducing its impact on the Commonside East streetscene.
- 7.10 The massing of the building would result in the top floor being set about 1m rearward of the building line of 189-191 Commonside East while the first and ground floors would project 1.5m forward of the forward most parts of the front elevations. While the pattern of development south eastwards fronting Commonside East has a similar character with houses set behind front gardens the length of which is sufficient to park a vehicle the properties do not follow a regimented building line such that a departure from this would appear incongruous or harm visual amenity. The massing of the proposed block of flats in terms of its relationship with the street would blend in with Commonside East and is considered acceptable.
- 7.11 A similar and generally regular but not entirely uniform pattern of development characterises the east side of the nearest part of cedars Avenue to the application site. The current arrangement, whereby the flank of 187 broadly aligns with the frontages of 6 to 8 Cedars Avenue results in an open garden and car parking area occupying half the site. The proposals would, at their maximum project 6m forward of the fronts of neighbouring properties in Commonside East. However, the rear wall of the flats would be 12m from the flank of 6 Cedars Avenue and in the context of the Cedars Avenue streetscene the visual gaps is considered sufficient such as to create a break between building lines so that the massing of the block would not appear as a discordant feature towards the southern end of the Cedars Avenue streetscene.
- 7.12 While the frontage to flats opposite aligns more closely with the frontages of dwellings to the north the approach to massing in that case would not be appropriate to the application site. This approach had been mooted at the time of pre-application discussions and rejected by



officers. Were this approach to be replicated it would place a block close to and along the boundary of the garden to 189 to the detriment of the outlook of occupiers.

- 7.13 One of the key principles of urban design is to promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas. The proposals achieve connectivity with the street in a manner that promotes sound urban design principles and overcome earlier design shortcomings.
- 7.14 It is considered that at a detailed level, the use of buff colour facing bricks, coupled with subtle brick detailing, modern glazing, and the animation of elevations with generous areas of glazing to the key public elevations would deliver a simple well-proportioned and not unattractive new building on this prominent corner site.

Design - safety and security.

- 7.15 London Plan policy 7.3 aims to ensure that measures to design out crime are integral to development proposals and are considered early in the design process, taking into account the principles contained in Government guidance on 'Safer Places' and other guidance such as Secured by Design' published by the Police. Development should reduce the opportunities for criminal and anti-social behaviour and contribute to a sense of security without being overbearing or intimidating. Places and buildings should incorporate well-designed security features as appropriate to their location.
- 7.16 The design of the scheme provides for passive surveillance of the car park to the rear and the surrounding streets. The development would be enclosed with boundary walls, while patio gardens would be effectively enclosed to the benefit of the security of occupiers while retaining circulation space around the building.
- 7.17 Secure cycle storage would be provided and while a small undercroft area is proposed to the flats on the south elevation this space would be partly enclosed by 0.6m high planters and secure storage and adds interest to the design

Neighbour amenity – loss of privacy and overlooking.

- 7.18 Policy DM.D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, and privacy to adjoining gardens.
- 7.19 Where windows face towards those in Heathlands Court on the opposite side of Cedars Avenue a separation distance of not less than 18m would be achieved. The Council's standards require back to back separation of 20m with no front to front standard being set. It is considered that it would be reasonable to allow lesser separation to occur across streets given that overlooking already arises from proximity to the pavement and that separation distances are routinely below 20m across the borough's streets including in Pollards Hill.

Partial obscured glazing to side facing windows could lessen any impact but is not considered essential.

- 7.20 Facing rearwards the flats would be at least 12m from the side boundary to the garden of 6 Cedars Avenue (the existing house is 15m distant) and would not overlook habitable rooms.
- 7.21 Facing eastwards towards 189 Commonside East an absence of windows at first and second floor levels in the flank wall and screens to the balconies would mitigate against the potential for overlooking.

Neighbour amenity – loss daylight sunlight and visual intrusion.

- 7.22 The orientation of the block (to the north and west of 189 Commonside East) and the separation distances to its neighbours in Commonside East (4m between flank walls) and Cedars Avenue (15m between the rear wall of the flats and flank wall of 6 Cedars Avenue) are such that the proposals would not give rise to a loss of daylight or sunlight.
- 7.23 The nearest part of the flats to 189 Commonside East is 4m while the stepped footprint gradually increase the separation to 3.5 then 7m at the most rearward part of the block. The spacing combined with the stepped footprint is considered sufficient so as not to give rise to visual intrusion.

Standard of accommodation.

- 7.24 Policy DM.D2 of the Merton Sites and Policies Plan (2014) states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.25 Policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area.

Standard of accommodation – internal space.

- 7.26 The table at of the report demonstrates that the proposed accommodation provides internal residential floorspace in accordance with or exceeding London Plan standards.
- 7.27 The proposal provides all dual aspect units thereby increasing opportunity for daylight and sunlight penetration and is welcomed.
- 7.28 The proposals would be required to provide 10% wheelchair accessible or easily adaptable housing for residents who are wheelchair users and this may reasonably be addressed by way of condition.

Standard of residential accommodation - external amenity space.

- 7.29 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords with appropriate minimum standards and is compatible with the character of the surrounding area. For all new houses, the council will seek a minimum garden area of 50 sqm as a single usable regular shaped amenity space. For flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings (as specified in the Mayor's Housing Supplementary Planning Guidance 2012) and an extra 1sq.m should be provided for each additional occupant.
- 7.30 The proposed development provides private amenity space for the flats that is in accordance with or that exceeds adopted standards. The flats all have with private external space to meet the Housing SPG requirements.
- 7.31 Officers note that the site is in close proximity to Mitcham Common and that occupiers would benefit from this as supplementing amenity space on site.

Standard of accommodation – noise and vibration.

- 7.32 London Plan policy 7.15 seeks to ensure that development proposals manage noise by avoiding significant adverse noise impacts on health and quality of life and mitigate and minimise the existing and potential adverse impacts of noise on, from, within , as a result of or in the vicinity of new development without placing undue restrictions on developments or adding unduly to costs; and where separation from noise sources is not possible then any potential adverse effects should be mitigated through the application of good design principles.
- 7.33 Environmental Health officers have not recommended that the flats be subject to specific soundproofing or vibration mitigation measures.

Standard of accommodation - site contamination

- 7.34 Sites and Policies Plan policy DM EP4 states that developments should seek to minimize pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health.
- 7.35 The Environment Agency have recommended safeguards in the event of contamination being found that may affect and this may be addressed in the decision in the event of permission being granted.

Standard of accommodation - Air quality.

- 7.36 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.

7.37 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20.

7.38 While the entire borough has been declared as an Air Quality Management Area, Environmental health officers have not required specific mitigation measures to safeguard occupier amenity.

Housing mix and affordable housing.

7.39 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

7.40 The mix of units would be 55% two bedroom units and 44% one bedroom units. Notwithstanding the Council's wider objectives of providing a more balanced mix of family and non-family sized units (para 2.34 of the Sites and Policies Plan - 33% one bedroom, 32% two bedroom, 35% three or more bedrooms) the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

7.41 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Since November 2014 National Planning guidance has precluded seeking off site affordable housing contributions on schemes of 10 or less dwellings. Notwithstanding the applicant's initial assessment that suggested an off-site contributions may be feasible it would be both unreasonable and inappropriate for the Council to seek this following changes to National Planning guidance.

Transport, car parking, servicing, access cycling and walking.

7.42 The application site has a Public Transport Accessibility Level of 2 which indicates that it has relatively poor access to public transport services. The site is not within a Controlled Car Parking Zone.

Car parking.

7.43 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.

- 7.44 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum car parking standards are set out within the London Plan at table 6.2. The Plan indicates that developments in areas with a PTAL score of 2-4 and where primarily smaller (2-3 habitable rooms per unit) dwellings are proposed such as the application proposal a maximum of 1 space per residential unit is recommended.
- 7.45 The proposals would provide parking, towards the maximum recommended by the London Plan and it would be unreasonable to withhold permission on the basis of insufficient on-site parking.
- 7.46 The London Plan requires adequate parking spaces for disabled people preferably on-site and requires 20 per cent of all spaces for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future. With adjustment to the layout both disabled parking and electric charging points may be provided without unduly compromising overall provision.
- Impact on traffic, servicing and access.
- 7.47 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.48 Refuse arrangements shown on the applicant's plans show bin stores within 10m of the carriageway edge meeting the Manual for Streets (2007) standards.
- 7.49 The Council's Transport Planners have not raised concerns regarding servicing or access and adjustments to existing crossovers and achieving sightlines can be addressed by way of conditions.
- Cycling and walking.
- 7.50 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.51 London Plan standards for cycle parking are one per 1-2 bedroom dwelling and 2 per three bedroom dwelling. The level of provision and location are considered broadly satisfactory, although spaces in front of the two flats would benefit from being in secure stores. A planning condition is recommended to ensure that secure storage is provided before first occupation of the building.

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

### **Environmental Impact Assessment**

- 8.1 The application site is less than 1.0 hectare in area and therefore falls outside the scope of Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

### **Sustainable design and construction.**

- 8.2 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 8.3 Until amendments to the Building Regulations come into effect the Government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 8.4 While the applicant has indicated a commitment to achieving CfSh level 4, in light of the government's statement and changes to the national planning framework it is recommended that conditions are attached so as to ensure the dwellings are designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

## **9. LOCAL FINANCIAL CONSIDERATIONS**

### **Mayor of London Community Infrastructure Levy**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 9.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.

### **London Borough of Merton Community Infrastructure Levy**

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London Levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, and leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy applies to the housing elements. This levy is calculated on the basis of £115 per square metre of new floor space for residential floorspace. In the absence of affordable housing the proposals would not qualify for social housing relief available under Part 6 of the Regulations.

#### **Planning Obligations**

- 9.6 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.
- 9.7 In this instance there are no grounds to require a S106 agreement.

### **10. CONCLUSION**

- 10.1 It is considered that the proposals would meet the core planning principles as set out in the NPPF, that would deliver new homes, and reuses land more intensively.
- 10.2 The design bulk and massing of the block of flats would be compatible with its context and would not give rise to harmful impacts on neighbouring occupiers in terms of loss of light, outlook, or privacy development would provide a satisfactory environment for future occupiers. The development would achieve a suitable level of sustainable design and construction meeting London Plan objectives.

#### **RECOMMENDATION: Grant planning permission subject to conditions.**

1. 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. The development hereby permitted shall be carried out in accordance with the following approved plans: [See Schedule above] Reason: For the avoidance of doubt and in the interests of proper planning.
3. Site levels. No development, other than demolition of existing buildings, shall take place until details of the proposed finished floor levels of the development, together with proposed site levels, have been submitted

to and approved in writing by the Local Planning Authority, and no development shall be carried out except in strict accordance with the approved levels and details. Reason: To safeguard the visual amenities of the area, and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policies CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and DM.D3 of Merton's Sites and Policies Plan 2014.

4. 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 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 for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with Sites and Policies policy DM D2.
6. No development, other than demolition and site preparation, shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas, and footpaths, have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
7. No development, other than demolition and site preparation, shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted,



including window frames and doors (notwithstanding any generic materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

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.

8. Screening to terraces and balconies in accordance with the approved plans, shall be installed before the flats are occupied and thereafter retained. 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.
9. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. 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 2015 and policy CS15 of Merton's Core Planning Strategy 2011.
10. Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy 2011.
11. Notwithstanding the details shown on the approved plans secure cycle storage for occupiers and supplemented by cycle parking for visitors shall be in place that is in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
12. The development hereby permitted shall not be occupied until a Parking Management Strategy, including the layout and provision of spaces for all occupiers, visitors and persons with disabilities, has been

submitted in writing for approval to the Local Planning Authority and has been approved. The development shall thereafter operate in accordance with such measures as are approved unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy 6.13 of the London Plan (2015).

13. On-site parking provided in accordance with the Parking Management Strategy shall be provided before occupation and thereafter permanently retained for occupants of and visitors to the development. Reason for condition: To ensure the provision of an appropriate level of car parking and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy 6.13 of the London Plan (2015).
14. The development shall not be occupied until the parking layout has 20% provision for points to enable electric car charging. Such charging points as may be installed shall be permanently retained and maintained for use by occupiers of and visitors to the development. Reason. To provide charging facilities to facilitate low carbon emitting transport and to meet the objectives of London Plan policy 6.13.
15. Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with the approved plans with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].
16. Prior to first occupation of the dwellings boundary treatment in accordance with the approved plans and to match any materials pallets approved under a condition attached to this permission, shall be constructed and thereafter retained. Reason to ensure the satisfactory appearance of the development, to ensure the safety and security of future occupiers and to comply with policy DM.D2 of the Merton Sites and Policies Plan (2014) and policy CS.14 of the Merton LDF (2011).
17. The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.
18. 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.
19. Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DMD2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
  20. No cables, wires, aerials, pipe work (except any rainwater down pipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway. Reason: To safeguard the appearance of the development and the visual amenities of the area 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.
  21. (Construction phase) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unspecified contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning authority. Reason. In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Policies plan policy DM.EP4 and to protect controlled waters.
  22. Notwithstanding the details shown on the approved plans, prior to first occupation of the proposed new dwellings measures to restrict general access to the proposed undercroft area shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with these measures retained for the lifetime of the development. Reason for condition: To safeguard the amenities of the area and future occupiers and to ensure compliance with Sites and Policies policy DM D2 and policy CS14 of the Merton Core Planning Strategy 2011.
  23. The development shall not be occupied until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of

proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

INFORMATIVE: The applicant is advised that details of the Lifetime Homes standards can be found at [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk).

INFORMATIVE: The applicant is advised that 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 the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

15. No infiltration of surface water drainage into the ground is permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Reason. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could cause pollution of groundwater.
  
16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground water.

**Appendix A.**  
**Floorspace and amenity space provision.**

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