PLANNING APPLICATIONS COMMITTEE
23 May 2013

UPRN | APPLICATION NO. | DATE VALID
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13/P0051 | 14/01/2013

Address: Land forming part of the former Windmill Trading Estate, 302-312 Commonsise East, Mitcham, CR4 1HX

Ward: Pollards Hill

Proposal: Erection of a part three, part four, part five storey building to create 23 dwellings (2 x one bedroom, 10 x two bedroom, 10 x three bedroom and 1 x four bedroom) car parking, refuse and recycling facilities and landscaping on vacant land at the corner of Commonsise East and Windmill Road (part of The Meadows development).

Drawing No’s: Csa/2090/100A; Csa/2090/101; 100AA10086 D001 P1; D0100 P1; D0101 P1; D0102 P2; D0103 P2; D0104 P1; D0105 P1; D0106 P1; D0107 P1; D0108 P2; D0109 P2; D0110 P1; D0200 P2; D0201 P2; Design and Access Statement; Arboricultural Report and Planning Statement

Contact Officer: Tony Ryan (020 8545 3114)

RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions and a s106 legal agreement.

CHECKLIST INFORMATION.
- S106: sustainable transport; impact on common land; cost to the Council of all work in drafting the S106 and monitoring the obligations and legal costs.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 125
- External consultations: Mitcham Common Conservators.
• Public Transport Accessibility Level (PTAL): Zone 1b TFL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility)
• Density: 315 habitable rooms per hectare (site area of 0.2 hectares and provision of 63 habitable rooms)
• Number of jobs created: N/A.

1. **INTRODUCTION**
1.1 This application is brought before the Planning Application’s Committee due to a call in by Councillor Richard Williams; the level of interest in this proposal as a result of public consultation and to seek member’s authority to enter into an s106 legal agreement.

2. **SITE AND SURROUNDINGS**
2.1 The application site is located towards the northwest edge of Mitcham Common and to the south east of Mitcham town centre. The site is at the junction of Windmill Road and Commonside East. The borough boundary with the London Borough of Croydon is 1,000 metres to the south east of the site. The London Borough of Sutton boundary is 750 metres to the south of the site. Mitcham town centre is 1,300 metres to the north west of the site.

2.2 The current application site was originally part of Windmill Trading Estate (1.6 hectares) and planning permission was granted in 2007 for the redevelopment of this estate with a new housing development of 212 residential units and a three-storey commercial employment building (2,932 square metres) with a separate parking area and access on to Commonside East.

2.3 Following the approval of planning permission the land where the residential and retail uses were located was sold to Notting Hill Housing Association (incorporating Presentation Housing Association). The buildings providing 212 residential units have now been completed by Notting Hill Housing Association and are now fully occupied in this development called The Meadows.

2.4 The current application site is an area of land covering 0.2 hectares that would have provided a three-storey commercial employment building as part of the approved extant planning permission. This land was not sold to Notting Hill Housing Association and was retained by the original landowner.

2.5 The vacant land is currently hardstanding with a mixture of brick wall and fencing along the site boundary and a double width gate providing vehicle access on to Commonside East. The application site was last in use as a
temporary compound for construction and demolition contractors associated with The Meadows residential development.

2.6 Adjacent to the current application site along the Windmill Road frontage, to the southwest is a new 5 storey high building within The Meadows development called Reed Lodge (22 flats). A single storey building providing an electrical sub station is also located adjacent to the southwest site boundary within The Meadows site. A 3 storey high building called Meadow Lodge (vacant retail use on the ground floor with 18 flats above) is located to the south east of the site along Commonside East with the end property in a terrace of 7 four-storey houses also located adjacent to this boundary. The other 7 residential blocks within The Meadows are 5 storeys high.

2.7 The grass verges that separate the application site from Windmill Road and Commonside East on the north east and north west boundaries form part of Mitcham Common. These strips of land are part of a green chain and are maintained by Mitcham Common Conservators. The strip of land along the Windmill Road site frontage (but not Commonside East) is designated in the Unitary Development Plan as Metropolitan Open Land. A Tree Preservation Order that was introduced in November 2011 protects the 17 Lime trees located along the grass verges.

2.8 A further parcel of common land located on the opposite side of Commonside East is designated as Metropolitan Open Land and a Site of Importance for Nature Conservation (SINC). The site is not located within a Conservation Area, not located in an Archaeological Priority Zone, not in a Controlled Parking Zone and not in an area at risk from flooding. The application site has a PTAL rating of 1b (where 1a represents the least accessible areas and 6b the most accessible).

3. CURRENT PROPOSAL
3.1 As part of the redevelopment of the trading estate the current application site currently benefits from an extant planning permission for a three-storey employment building. The current planning application involves the erection of a residential building in place of this employment building.

3.2 The proposed part three, part four and part five storey building will provide 23 new dwellings (2 x one bedroom, 10 x two bedroom, 10 x three bed room and 1 x 4 bedroom) on land at the corner of Windmill Road and Commonside East. The development includes provision of 19 flats (2 x one bed, 10 x two bed, 6 x three bed and 1 x 4 bed) in a part three, part four, part five storey building along Windmill Road and 4 three storey three-bedroom houses.
3.3 The proposed development will use the existing separate vehicle entrance from Commonside East. The development will provide a total of 34 car parking spaces including 6 spaces for those with a disability.

3.4 The following table provides the internal floor space and amenity space areas for the four proposed three bedroom houses:

<table>
<thead>
<tr>
<th>House</th>
<th>Floor area (Sq. M)</th>
<th>London Plan standard (Sq. M)</th>
<th>Amenity space (Sq. M)</th>
<th>SPG standard (Sq. M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>109</td>
<td>70 (3 bed 5 person)</td>
<td>41</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>111</td>
<td>70 (3 bed 5 person)</td>
<td>29</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>111</td>
<td>70 (3 bed 5 person)</td>
<td>29</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>109</td>
<td>70 (3 bed 5 person)</td>
<td>29</td>
<td>50</td>
</tr>
</tbody>
</table>

3.5 The table below provides the internal floor space and amenity space areas for the 19 flats proposed as part of the current development. In addition to the external space attached to each flat, a communal roof terrace for the new accommodation is provided at fourth floor level that provides an additional external area of 227 square metres.

<table>
<thead>
<tr>
<th>Flat</th>
<th>Floor</th>
<th>Floor area (Sq. M)</th>
<th>London Plan standard (Sq. M)</th>
<th>Amenity space (Sq. M)</th>
<th>SPG standard (Sq. M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ground</td>
<td>133</td>
<td>99 (4 bed 6 person)</td>
<td>26</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>First</td>
<td>105</td>
<td>86 (3 bed 5 person)</td>
<td>26</td>
<td>40</td>
</tr>
<tr>
<td>3</td>
<td>First</td>
<td>80</td>
<td>70 (2 bed 4 person)</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>First</td>
<td>84</td>
<td>70 (2 bed 4 person)</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>First</td>
<td>113</td>
<td>86 (3 bed 5 person)</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>6</td>
<td>First</td>
<td>77</td>
<td>70 (2 bed 4 person)</td>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>7</td>
<td>Second</td>
<td>105</td>
<td>86 (3 bed 5 person)</td>
<td>23</td>
<td>40</td>
</tr>
<tr>
<td>8</td>
<td>Second</td>
<td>80</td>
<td>70 (2 bed 4 person)</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>9</td>
<td>Second</td>
<td>84</td>
<td>70 (2 bed 4 person)</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>10</td>
<td>Second</td>
<td>113</td>
<td>86 (3 bed 5 person)</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>11</td>
<td>Second</td>
<td>77</td>
<td>70 (2 bed 4 person)</td>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>12</td>
<td>Third</td>
<td>105</td>
<td>86 (3 bed 5 person)</td>
<td>23</td>
<td>40</td>
</tr>
<tr>
<td>13</td>
<td>Third</td>
<td>80</td>
<td>70 (2 bed 4 person)</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>14</td>
<td>Third</td>
<td>84</td>
<td>70 (2 bed 4 person)</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>15</td>
<td>Third</td>
<td>113</td>
<td>86 (3 bed 5 person)</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>16</td>
<td>Third</td>
<td>77</td>
<td>70 (2 bed 4 person)</td>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>17</td>
<td>Fourth</td>
<td>51</td>
<td>50 (1 bed 2 person)</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>Fourth</td>
<td>59</td>
<td>50 (1 bed 2 person)</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>19</td>
<td>Fourth</td>
<td>73</td>
<td>70 (2 bed 4 person)</td>
<td>23</td>
<td>30</td>
</tr>
</tbody>
</table>
4. PLANNING HISTORY.
4.1 The site has a long-standing industrial and warehousing use. The site occupied during the 19th Century and early 20th Century for various purposes including a dairy, a rubber works and motor manufacture. The site was redeveloped after 1945 for industrial/manufacturing purposes. Planning records from the 1960’s indicate a modern dairy with laboratories and office uses present on the site.

4.2 Between 1946 and 1973 there were various permissions for alterations and extensions to factory premises. Between 1970 and 2000 there were various minor applications for alterations to site access and telecommunications equipment. In 1973 planning permission was granted for use of part of the site for warehousing (MER 900/73). In 1980 an established use certificate was granted for use of part of site for offices (MER 995/80). In 1996 planning permission granted for change of use of Unit 1 from B8 to B1 (96/P0937).

4.3 In October 2006 the Council refused planning permission for Windmill Trading Estate under reference 06/P1691 for the “Demolition of existing buildings and structures and erection of 11 new blocks ranging between three and five storeys in height and associated landscaping to provide:- a) 212 residential units, b) 2,932 square metres business centre (class B1), c) 404 square metres retail unit, including 141 parking spaces, 80 square metres car-club (class sui generis)”. Reasons for refusal.

4.4 The Secretary of State held a public inquiry over 8 days in November 2006 and February 2007 considering an appeal against the refusal of planning permission. A letter from the Secretary of State dated 4 June 2007 confirmed that the appeal had been allowed and planning permission granted subject to planning obligations (contained in the unilateral undertaking submitted by the developer) and planning conditions.

4.5 At the Planning Applications Committee (PAC) in September 2009 members agreed to vary the unilateral undertaking submitted by the developer and attached to the planning permission with reference 06/P1691
(a) To remove of the obligation (clause 1.4) in the unilateral undertaking restricting tenure to allow a revised mix of residential accommodation.
(b) Removal of the obligation (clause 5.1) in the unilateral undertaking linking the delivery of the employment floor space with 50% of the market housing.
(c) Consideration of amendments to the approved development including the internal layout of the proposed residential accommodation and the external appearance
4.6 In March 2010, following a call-in by Councillor Richard Williams, PAC agreed to discharge conditions 3 (window details), 4 (slab levels), 19 (facilities for disabilities), 20 (parking and phasing) and 21 (storage of refuse) attached to the planning appeal decision made in relation to the planning permission with reference 06/P1691.

4.7 In November 2011, PAC agreed an amendment to the definition of ‘shared ownership units’ that was included within the unilateral undertaking attached to the planning appeal decision (planning permission with reference 06/P1691).

4.8 In April 2012, a Lawful Development Certificate (ref 12/P0167) was approved in relation to construction of soil bund, on land owned and managed by the Mitcham Common Conservators. The bund would be a maximum of 1 metre high, 74 metres in length and 2.3 metres in width. The purpose of the bund is to prevent vehicles parking on Common Land and to screen the development to the south.

4.9 In June 2012 members agreed the reallocation of unspent financial contributions associated with the unilateral undertaking that formed part of the planning permission for the completed residential development including £60,000 towards Pedestrian Crossing / Footway Works – Commonside East: £80,000 Commonside East / Windmill Lane junction improvements: £60,000 Beddington Lane Footway and/or Cycleway improvements: and £100,000 Enhancement, maintenance and management of the Common.

4.10 A tree preservation order – (no.576) was approved in November 2011 covering the 17 Lime trees that are located along the strip of common land that separates the application site from Commonside East and Windmill Road.

5. CONSULTATION

5.1 The planning application was publicised by means of a site notice displayed in the vicinity of the application site, together with individual letters to 125 nearby addresses.

5.2 In response to this public consultation 29 letters have been received objecting to the planning application on the following grounds:

**Transport, access and traffic**
- The development will lead to an increase in traffic with greater potential for accidents;
- The development provides inadequate off street parking that will lead to extra on street parking pressure;
The proposal with the loss of employment is unsustainable and will increase the need to travel;

**Impact on amenity and design**
- The development will be imposing on the local area due to its height;
- The existing development is already a blight on the area and the current proposal will make it more unattractive;
- The development will block views of the common for residents who have recently moved into this development;
- The new development will block light to adjacent residential accommodation;
- The development will adversely impact upon the value of adjacent dwellings;
- The development phase will lead to more nuisance from construction vehicles;
- The development phase will lead to more nuisance in terms of air quality and noise;
- The status of the application site was not made clear to prospective occupiers of the main development;
- If the development is allowed it should be restricted to four storeys.

**Other comments**
- This site was set aside for business use.
- There is no reason why this site should have residential use apart from the greed of the owners;
- The development will put a strain on local services such as doctors, schools, buses and transport;
- The site would be better developed with a park, a shopping area or a shopping area;
- It was the intention of the developers all along to get residential accommodation on this site;
- The development should only be allowed with a community planning gain
- The residential density is too high for this location;
- The site is adjacent to the environmentally sensitive Mitcham Common;
- It is felt that the developers have not made enough effort to market the site at a realistic price.

**Wandle Valley Forum.**

5.3 Whilst the need for affordable housing is recognised, open land in urban areas is a rare commodity and, as a result, every other possibility should be explored to ensure that the natural integrity of important open spaces and Metropolitan Open Land is not undermined. Ideally the site should revert to provide additional common land or alternatively a land swap
could be made with a less prominent site or lastly the scale of the development reduced.

**Friends of Mitcham Common.**

5.4 The Friends of Mitcham Common object to the current planning application. The developer has carried out insufficient work to market the site for employment use. The existing development is already causing serious parking problems locally. The existing development should have provided sufficient car parking and a safe play area for children but the ‘...developers arrogantly assumed they could take over surrounding streets and the common for this purpose and build yet more flats”.

5.5 The development was incorrectly advertised as having easy access to Beddington Lane tram stop. There are no pedestrian crossings and pedestrians are required to cross Croydon Road.

**Mitcham Common Conservators.**

5.6 The development is contrary to policy CS.20 of the Council’s Core Strategy. The existing 4.5 metre wide vehicular access to the site is inadequate in terms of providing free flowing and safe passage for vehicles and pedestrians. The access would compromise public safety due to queuing traffic at peak times. The applicant is aware of the need to obtain a licence from the Conservators for any widening of the access.

5.7 The development is contrary to policy HS.1 of the Unitary Development Plan. The proposed development fails to provide sufficient external amenity space and the space that is provided, in the form of a roof terrace, is located at the top of the building and therefore it is doubtful that it will be used.

5.8 The development will lead to increased pressure on Mitcham Common and the already limited maintenance budget of the Mitcham Common Conservators. This impact will be greater due to the lack of on site external amenity space. The submitted Arboricultural Report fails to identify a Tree Preservation Order that has been placed on trees around the application site.

**Councillor Richard Williams.**

5.9 Considers the application should be turned down on the basis that it is not compatible with Merton’s planning policies on a range of grounds. Three strongest grounds:-

- Loss of employment land

5.10 The proposals are incompatible with planning policies CS 12 c) iii Economic Development: “Facilitating new employment by protecting and improving scattered employment sites for small and growing businesses
or community uses’ and E 6: development will only be considered where 'the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for any employment or community use as confirmed by full and proper marketing of the site for 5 years for employment or community purposes.'

5.11 The site is the remaining part of a much larger site, which is now primarily used for housing. This site was previously light industrial, which supported local employment. The previous planning application was refused by the Council but upheld on appeal. Part of the grounds for the success of the appeal was that the employment land was retained through the provision of office space (albeit that office space was not the Council's preferred means of reprovisioning the employment land). The pre-application advice makes clear the tests that will be applied.

5.12 The applicant claims that there has been 'active and on-going marketing' of the proposed business accommodation. This should not be sufficient to meet the test set out in Merton's planning policies on two grounds:

5.13 Firstly the evidence provided in the application does not support a claim of 'active and on-going marketing'. The application indicates: - that an Estates Gazette advert was only taken out in November 2012 when pre-application discussions and tree survey work had already commenced. The advert included minimal information and only offered the site for sale - there would appear to have been no follow up beyond sending details to those who expressed an interest in the site. - it is noted that a copy of the advertising brochure for the site is not included with the application or if it is the brochure was minimal with no details of the planning permission. - one of the thirteen noteworthy occurrences in the 'active' marketing period was the estate agents changing their name which points to limited activity. - much of the activity mentioned was simply placing signage on the site. - there is no reference to whether discussions with the utility company that expressed interest in the site proceeded.

5.14 I would have expected to see much more significant activity; certainly there has been no approach to ward councilors or the local community as to whether there might be any identifiable interest in the use of the land for community purposes.

5.15 Secondly and particularly important is the disclosure hinted at by the applicant that the site has been successfully rented for employment use within the last five years. The site was used as a storage yard by 777 Demolition for some time subsequent to demolition work being completed on the site and its neighbour. While in part this was related to the demolition, the extended usage would point to this being a broader use.
Provision of affordable housing

5.16 Merton planning policies are very clear on the minimum levels of affordable housing that any development must provide. (London Plan 2008 - Policy 3A.9, Merton policy CS 8). In the current economic climate these policies are more strongly needed than ever, whether to provide affordable housing on the site or a contribution for developments elsewhere. This development does not meet the clear planning tests set down.

5.17 The pre-application guidance that the provision of affordable housing on the neighbouring site is sufficient (and) errs in respect of the previous planning history of the site (the pre-application guidance also makes errors on a number of other issues such as the bordering common land). The September 2009 removal of unilateral undertakings about the link between the housing and employment provision was granted on the basis that the employment land and the housing land were separate sites in the hands of two separate owners. To argue therefore that there remains any linkage between the two sites is wrong.

5.18 Either the previous removal of unilateral undertakings was granted on fundamentally flawed grounds (with the consequent issues which that would raise for the applicants, the Council and the Planning Committee) or the application must be refused on the grounds that it provides no affordable housing.

Appropriateness of design, scale and positioning of the development

5.19 The applicant proposes a five-storey development in place of the existing permission for a three-storey office building. Planning policies CS 14 and BE.22 would apply here and should lead to the application being rejected.

5.20 The previous permission for the site was opposed locally on the grounds of bulk and massing, especially in relation to dominating the surrounding Common. This was mitigated in that no part of the development would be taller than the previous chimney stack on the site and that the taller blocks would be to the rear and centre of the site. By proposing a tall block on the edge of the former Windmill site that looks toward neighbours and is surrounded by common land, this is an inappropriate scale and design of development.

5.21 It is also noted that Commonside East is a quiet residential road with common land on one side for all of its length. The scale of the development is likely to worsen existing parking problems caused by previous development, particularly given the number of properties proposed.
5.22 I would conclude that the failure of the applicant to engage with local residents prior to this application shows contempt for them. The short consultation period, with no prior warning of the application, also means that a meeting for residents can only be hosted outside of the formal period for responses. Strategic Objective 2 of Merton's Core Strategy states that the vision of Merton for planning is 'Meeting the varied needs of the local community and creating an attractive, thriving and safe borough'. That the applicant shows no interest in that local community presents a clear broader ground on which this application should be rejected.

**LB Merton Transport Planning.**

5.23 No objection to the proposal on the basis that planning conditions are attached to any approval of planning permission to ensure that the off street parking spaces are retained, in relation to the vehicle access, cycle parking, a parking management strategy and maintaining to ensure that the access gate in the southern boundary of the site is maintained and a sustainable transport contribution, to be secured through S106 (£500 per unit), to be used to improve cycle and walking routes and connectivity in the area.

5.24 Merton Council is currently completing the introduction of double yellow lines in the area close to the application site. This work seeks to maintain the free flow of traffic by restricting on street parking to one side of the road and to protect the junctions with local residential roads.

5.25 Under national guidelines the trip generation from the new units is not calculated to be severe and the parking provision (1 per unit plus 5 visitor spaces including disabled bays) is more than satisfactory in this location. They have included cycle parking provision. The provision of 34 car parking spaces (including 6 disabled parking spaces) for 23 dwellings is more than adequate to cater for the parking demand generated by such a development. A parking management plan condition should be included to ensure that the spaces are allocated efficiently.

5.26 The plans show an access width of 4.5 – 4.6 metres at the narrowest point of entry to the site. This is sufficient to accommodate simultaneous vehicle movements from cars and details will be secured via a planning condition.

5.27 In order to encourage permeability through the site the access gate, connecting to the remainder of the residential development, should remain open at all times. This should be secured via a condition. The flats will need to be provided with undercover and secure cycle parking facilities. The provision of the spaces will also need to be secured via a condition.
LB Merton Tree and Landscape Officer

5.28 No objection to this development on arboricultural grounds including in terms of any potential impact on the trees covered by a Tree Preservation Order subject to planning conditions on tree protection, site supervision and implementation of the landscaping works set out on the submitted drawings.

LB Merton Housing Supply and Development

5.29 The site currently includes the provision of 76% of the units as affordable dwellings (162 units). The proposal would be considered acceptable if it included only affordable units or a wholly market development (or any combination of the two) however in terms of the mix of dwellings and the creation of balanced communities the provision of market units would be the preferred option.

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 The framework advises “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable
prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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.

6.7 The National Planning Policy Framework states that local authorities should normally approve planning applications for change to residential use from commercial buildings where there is an identified need for additional housing in that area, unless there are not strong economic reasons why such development would be inappropriate.

The London Plan (July 2011).

6.8 The relevant policies in the London Plan (July 2011) are 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 (Quality and design of housing developments); 3.6 (Children and young people’s play and informal recreation facilities); 3.8 (Housing choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 4.1 (Developing London’s Economy); 4.4 (Managing industrial land and premises); 5.1 (Climate change mitigation); 5.2 (Minimising carbon dioxide emissions); 5.3 (Sustainable design and construction); 5.7 (Renewable energy); 5.10 (Urban greening); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated land) 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); 7.21 (Trees and woodlands) and 8.2 (Planning obligations).
**Merton Unitary Development Plan (October 2003) retained policies**

6.9 The relevant planning policies retained in the Adopted Unitary Development Plan (October 2003) are BE13 (Archaeological Protection and Preservation); BE14 (Archaeological Evaluation); BE15 (New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise); BE16 (Urban design); BE21 (Important local views, panoramas and prospects); BE22 (Design of new development); BE25 (Sustainable development); C1 (Location and access of facilities); C13 (Planning obligations for educational facilities); E2 (Access for disabled people); E6 (Loss of employment land outside the designated areas); F2 (Planning obligations); HS1 (Housing layout and amenity); L9 (Children’s play facilities); NE11 (Trees protection); PE5 (Risk from flooding); PE7 (Capacity of water systems); PE9 (Waste minimisation and waste disposal); PE11 (Recycling points); PE12 (Energy generation and energy saving); NE11 (Trees protection); RN3 (Vehicular access); and Schedule 6: (Parking standards). The site is proposal site 12P in the Unitary Development Plan that designates the site for B1 use.

**Merton Supplementary Planning Guidance**


**Merton LDF Core Planning Strategy (July 2011)**

6.11 The relevant policies within the Council’s Adopted Core Strategy (July 2011) are CS.8 (Housing choice); CS.9 (Housing provision); CS.13 (Open space; nature conservation; leisure and culture); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport) and CS.20 (Parking; servicing and delivery).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations include assessing the loss of the prospect of an employment use, the need for additional housing; the design, massing and siting of the proposed buildings; the impact of the development on neighbour amenity; the impact of the development on trees and the adjacent neighbour amenity the standard of the proposed residential accommodation, potential issues relating to transport, parking and cycling; and matters relating to sustainability.

**Loss of employment floor space**

7.2 The Secretary of State appointed Inspector who considered the appeal against the Council’s refusal of planning permission accepted the loss of the majority of the employment land within the Windmill Trading Estate. The appointed Inspector concluding that ‘...in quantitative terms the loss of the majority of the employment floor space would not cause any significant harm’.
7.3 The extant planning permission for the redevelopment of Windmill Trading estate includes a new three-storey building providing 2,932 square metres of business floor space. This part of the planning permission has not been implemented.

7.4 The Inspector cited this replacement business floorspace (that will be lost as part of the current application) as suitable compensation for the loss of the employment land within Windmill Trading Estate. The Inspector stating that the appellant was correct to note that the new business floorspace ‘...is likely to provide as much, if not more employment potential as the existing site’. In light of these conclusions and the loss of this business accommodation currently proposed the Council’s employment planning policies need to be considered as part of the current planning application.

7.5 The provisions of national legislation govern the change of use of buildings and land (The Town and Country Planning (General Permitted Development) Order 1995 (as amended by the 2005 Order)). The approved three-storey building provides business floorspace within Planning Use Class B1 and as a result the building could be used as office accommodation, for light industry or for research and development uses.

Office accommodation

7.6 Policy CS 12 of the Council’s Adopted Core Strategy (July 2011) states that the Council will seek to ensure that there is an adequate supply of viable and appropriate sites and premises for employment use in locations which minimise the need to travel by private car while meeting the needs of business by directing 'town centre type uses' especially retail, office and leisure development that generate a large number of trips towards the Major Centre (Wimbledon) and District Centres (Mitcham; Morden, and Colliers Wood).

7.7 Unitary Development Plan policy E.7 states that on sites such as the proposal site and located outside a designated town centre, planning permission will not be granted for office developments providing over 200 square metres of office floor space. Without the public transport accessibility that is available in town centres it is considered that the majority of journeys made to employment uses in these locations outside town centres are likely to be made by private car.

7.8 It is considered that the number of potential vehicle journeys associated with office developments of over 200 square metres would cause damage to local amenity and would be contrary to other development plan policies that promote sustainable development. The supporting text to policy E.7 estimates that an office development of 200 square metres could generate approximately 35 trips per day (17 jobs).
7.9 The appeal decision includes a planning condition stating that individual future occupiers of the office floor space can only occupy a maximum of 200 square metres of floor space. It is considered that whilst this condition would be unlikely to reduce the overall impact of the building in terms of traffic movements, the condition would make the building less attractive to prospective future occupiers. It is considered that due to the location outside a town centre and with the poor access to public transport the application site is an inappropriate and unsustainable location for office floor space of this size.

Other alternative business uses.

7.10 Whilst the provision of office accommodation would not be supported in this location and is contrary to adopted planning policies, the possibility of other business uses (within Planning Use Class B1) occupying the floor space needs to be considered.

7.11 Unitary Development Plan policy E.6 provides a detailed framework for assessing whether a site outside the main industrial areas should be released from general employment use. This policy states that the loss of employment land will only be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics of the site make it unsuitable for employment or community uses. In order to illustrate this unsuitability the applicant would need to demonstrate a lack of demand for the site for employment or community uses following an active, full and proper programme of marketing of the site at a reasonable price.

7.12 As part of the submitted planning application the applicant has submitted a marketing report that seeks to assess the demand for this site for employment use. This report includes evidence of the marketing that has been carried out of the site including the agents that were used, the time frame and the responses that have been received. The applicant has said that the marketing that has been conducted since 2007 consisted of on site marketing boards, a marketing brochure, a direct mailing campaign, online marketing that included the South London Business Website and press adverts. This report also sets out the terms on which the site was offered to the market, as a cleared site providing a development opportunity either for sale or to let and as suitable for other employment uses subject to separate planning permission.

7.13 The information supplied by the applicant shows that the 5 of the 13 responses to marketing up until November 2012 related to a residential development on the application site, with other responses relating to non residential institution uses (4) and general investment opportunities (3). There was a single response in relation to a proposed business use within
Planning Use Class B1, with this party seeking a larger office building and who decided not to pursue an interest in this site due to the poor access to public transport. In response to a press notice in the Estate Gazette in November 2012 there were 18 responses, with 17 responses relating to potential residential development on the application site and a response from a utility company seeking a storage compound for vehicles.

7.14 The use of the application site by a demolition contractor has been put forward in consultation responses as evidence of a demand for employment use. A demolition contractor and the construction contractor used the application site on a temporary basis for parking vehicles and for storage whilst they were directly engaged in works associated with the redevelopment of adjacent land. The application site was used for this purpose to reduce potential impact on the road network and so that the adjacent development could be completed with greater efficiency.

7.15 The temporary use of the site by demolition contractor and the construction contractors (storage or distribution - Use Class B8) as it was associated with the adjacent development would not have required separate planning permission. With the direct link to adjacent land this is not considered evidence of demand for continued employment use. It should be noted that the application site located immediately adjacent to residential accommodation is not considered a suitable location for storage or distribution uses and the use of this site for these purposes would also be contrary to UDP policy E3 that directs such uses to designated employment areas.

Relaxation of permitted development legislation.

7.16 On the 30 May 2013 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 will come into force as part of the Growth and Growth and Infrastructure Act 2013.

7.17 Class J of the Order permits office accommodation (Planning Use Class B1 (a)) subject to certain conditions to convert to residential accommodation without the need for planning permission. One of these conditions is that the building was used as office accommodation prior to 30 May 2013. As the building on the application site has not currently been constructed this new legislation would not apply.

7.18 In conclusion the application site is considered an inappropriate and unsustainable location for office floor space of this size with poor access to facilities and public transport. The applicant has conducted marketing of the site for other business uses and this has been unsuccessful in finding an occupier for the building. It is considered that the loss of the employment use on this site is acceptable and in line with Unitary Development Plan
policy E.6 (October 2003) and policy CS 12 of the Council's Adopted Core Strategy (July 2011)

Need for additional housing, housing mix and affordable housing

Need for additional housing
7.19 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.

7.20 Policy CS. 9 within the Council’s Adopted Core Strategy (July 2011) and policy 3.3 of the London Plan (July 2011) state that the Council will work with housing providers to provide a minimum of 4,800 additional homes (320 new dwellings annually) between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of 1550 to 1850 additional new homes in the Mitcham sub area where the proposal site is located.

7.21 The housing delivery trajectory set out in the latest Council’s Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough that meets the minimum targets set out in the Core Strategy and the London Plan.

7.22 The Core Strategy states that the Council will encourage housing in ‘sustainable brownfield locations’. The Core Strategy states that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of ‘windfall sites’. The current application site is a ‘windfall site’ and is located on brownfield land.

7.23 The provision of residential development on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development will assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Housing mix
7.24 London plan policy 3.8 that seek to ensure new housing development provides a good mix of accommodation. 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.

7.25 The majority of new housing in the area surrounding the application site including the residential accommodation on the adjacent site (7 houses
and 205 flats) have provided accommodation in the form of flats. The majority of other established local residential accommodation is provided as housing. It is considered that the current proposal that will provide 7 new additional terraced houses and 16 flats will contribute to the mix of new housing types and sizes in the local area and help create a socially mixed and sustainable neighbourhood.

**Affordable housing**

7.26 London Plan policy 3.9 requires that communities, mixed and balanced by tenure and household income should be promoted across London and that a more balanced mix of tenures should be sought in all parts of London particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. 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 tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector. Policy CS.8 states that for developments providing ten or more residential units 40% of the new units should be provided as affordable housing.

7.27 The justification for policy CS.8 highlights longstanding issues of multiple deprivation and socio-economic exclusion in several wards within the borough including within the Pollards Hill ward where the current application site is located. The justification for policy CS.8 states that the policy will assist the Council in seeking to create socially mixed communities with a better mix in terms of size, type and location.

7.28 The development of Windmill Trading Estate included the provision of 76% of the residential units as affordable dwellings (162 units). This provision is substantially above the 40% affordable housing provision that is set out within adopted policy CS 8. The high percentage of affordable housing on this site is contrary to the aims of policy CS 8 that seeks to create balanced and sustainable communities and to prevent the social and economic issues that can be generated by large areas of affordable housing.

7.29 The current application site originally formed part of the Windmill Trading Estate but was retained by the original landowner when the remaining parts of the site were sold to Notting Hill Housing Association. Whilst the two plots of land are now in different ownership, the proposed residential development is directly adjacent and visually will appear part of the neighbouring completed residential development. In this context and the higher than average percentage of affordable housing on the neighbouring site and in the Pollards Hill ward as a matter of judgment the provision of a wholly market residential development is considered acceptable in this instance and would be consistent with the wider objectives of London Plan.
policy 3.9 and LDF policy CS.8. The completed development and the current proposal will provide a total of 235 residential units and the additional 23 market units will reduce the overall percentage of affordable housing from 76% to 69%

7.30 It is stated in consultation responses that the two development sites should be considered separately in terms of affordable housing due to the removal of the linking clause in the s106 unilateral undertaking. The clause stated that no more then 50% of the market housing could be provided before the new building providing business floorspace (Use Class B1) was built and ready for occupation. This clause was removed as it could have resulted in a development with a higher proportion of affordable housing (with half of the market housing sold as affordable housing), or construction of a building providing business floorspace (Use Class B1) that had no realistic prospect of being occupied. The removal of this clause in the unilateral undertaking does not prevent consideration of the level of affordable housing on the adjacent site in seeking to create balanced and sustainable communities with an appropriate mix of tenure.

**Layout, building scale, bulk and massing and residential density**

7.31 Retained adopted Unitary Development Plan policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the scale, design and materials of a development relate to the urban setting in which the development is placed.

7.32 Policy CS8 within the Council’s Adopted Core Strategy (July 2011) states that the Council will require redevelopment proposals to be well designed. 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. Policy CS14 advises that this should be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density.

**Layout, building scale, bulk and massing**

7.33 In terms of local character and massing, the application site has the strongest relationship to the recent completed residential blocks known as The Meadows.

7.34 Along Windmill Road to the south west of the application site is a new 5 storey high building called Reed Lodge (22 flats) within The Meadows development. To the south west of the site is a 3 storey high building called Meadow Lodge (vacant retail use on the ground floor with 18 flats
above) and the end property in a terrace of 7 four-storey houses. The remaining residential blocks within this development are 5 storeys high.

7.35 Along the Commonside East frontage the proposed development provides 4, three-storey houses with a five-storey building on the corner of Windmill Road and Commonside East stepping down to four storeys along Windmill Road. It is considered that the scale of development is in keeping with adjacent development that consists of an existing 3 storey high building (Meadow Lodge) on the Commonside East frontage and a five-storey building adjacent to the site on Windmill Road (Reed Lodge).

7.36 As the previously approved three-storey building on the application site provided business accommodation, the floor to ceiling heights were higher then adjacent residential buildings and the building was designed with a pitched roof rather then the flat roofs provided on adjacent residential blocks. This combination of factors would have resulted in a building of equivalent height to a four storey residential block.

7.37 The five-storey part of the proposed development is the same height as adjacent buildings in Windmill Road and will mark this prominent position on the Windmill Road and Commonside East road junction. The other parts of the proposed development will be lower than these existing adjacent buildings in Windmill Road.

7.38 It is considered that the scale, bulk and massing of the development that will be seen in the context of existing adjacent buildings of the same scale is acceptable and in keeping with the character of the area. The layout of the development has been designed to take account of adjacent buildings and the trees protected by a Tree Preservation Order that are along the two road frontages of the site.

7.39 In conclusion the design, scale, layout and appearance of the proposed development is considered in keeping with the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

Residential density

7.40 Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. Policy 3.4 of the London Plan states that after talking account of local context and character, design principles and public transport capacity development should optimise housing output within the relevant density range. The relevant density range for the application site is between 150 and 200 habitable rooms per hectare.
7.41 The proposed development providing 63 habitable rooms on this site of 0.2 hectares has a residential density of 315 habitable rooms per hectare. The site has a Public Transport Accessibility Level (PTAL) of 1b (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility). Whilst the density is above the residential density range guidelines of the London Plan the proposed development has been designed to be in keeping with the adjacent development.

**Neighbour amenity.**

7.42 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan (October 2003) state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.

**Daylight and sunlight, privacy and visual intrusion**

7.43 To minimise the impact of new development on the privacy of existing dwellings the Council’s Supplementary Planning Guidance on ‘New Residential Development’ (1999) sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing residential windows.

7.44 The closest existing residential properties to the proposed new building are within Reed Lodge (16 metres separation) and Meadow Lodge (13 metres separation). The applicant has amended the design of the proposal to incorporate balcony screening and box windows to prevent direct views and to maintain the required 20 metre separation distance. Other established residential development in Commonside East is separated from the application site by a distance of 100 metres. With the separation distances from the nearest residential accommodation it is not considered that the proposed development will not have any impact on daylight and sunlight provision.

7.45 It is considered that the separation distances from adjacent existing residential accommodation will ensure that the development does not give rise to visual intrusion or result in loss of daylight or sunlight. In views from adjacent common land the proposed development will be seen in the context and against the backdrop of existing buildings that are of a similar height.
Standard of residential accommodation.

7.46 Policy HS.1 and BE.15 of the adopted Unitary Development Plan (2003) states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. 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.

Internal layout and room sizes

7.47 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 and supersede the individual room size standards provided within the Council’s Supplementary Planning Guidance – “New Residential Development” (1999).

7.48 As set out in section 3 of this report the proposed accommodation provides internal residential floor space in accordance with the London plan and in excess of minimum floor space standards. The layout of the accommodation makes good use of the space available with an appropriate internal layout, and good provision of natural light to habitable rooms.

External Amenity Space

7.49 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The residential development would be expected to comply with the amenity space standards provided within the Council’s Supplementary Planning Guidance on New Residential Development. These standards state that new houses should have a minimum private external amenity area of 50 square metres and flats provided with 10 square metres for each habitable room.

7.50 Whilst the houses are all provided with amenity space in accordance with the Council’s minimum standards, as set out in section 3 of this report the amenity space provided for the proposed flats is below minimum standards. In seeking to mitigate the impact of this shortfall on the adjacent common land a financial contribution is recommended as part of a s106 agreement to assist in the maintenance of the adjacent common land.

Lifetime Homes

7.51 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. The submitted Design and Access Statement advises that the proposed development has been
designed to reflect Lifetime Home Standards and a planning condition is recommended to ensure that the development is constructed to these standards.

**Car parking, servicing and access, cycling and walking.**

**Car parking.**

7.52 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. 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.

7.53 The application site is located outside a Controlled Parking Zone; however in order to ensure the free flow of traffic double yellow line parking restrictions have recently been introduced along Commonside East. The current maximum car parking standards are set out within the London Plan at table 6.2 and require less than one space per unit for two bedroom units, between 1 and 1.5 car parking spaces for properties with three bedrooms; and between 1.5 and 2 car parking spaces for properties with four bedrooms. This means that a maximum of 29 spaces should be provided for this development. The proposed development will provide a total of 34 car parking spaces and within this parking provision 6 car parking spaces are provided for those with disabilities.

7.54 Existing issues of high on street car parking demand in the local area associated with the adjacent development called The Meadows (212 residential units) have been raised in consultation responses. It appears that these issues have come from the parking allocation system used by the adjacent development that results in a large number of vehicles parked on surrounding streets. In the context of this existing high on street car parking demand and the poor public transport accessibility of the site the proposed car parking levels that are above (5 additional spaces) maximum car parking levels are considered acceptable in this instance.

7.55 In order to ensure that the current application site will not cause further impact in relation to on street parking and to ensure that the proposed car parking spaces are allocated efficiently, a planning condition is recommended requesting the submission and approval of a parking management strategy.

7.56 In order to reduce carbon dioxide emissions and promote sustainable transport use, the Mayor of London’s Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan seek an on site facility for charging electric vehicles. A planning condition is recommended to ensure that
facilities to charge electric vehicles are provided as part of the development.

**Servicing and access**

7.57 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.

7.58 The layout plan submitted as part of the application demonstrates that there is adequate space provided on the site for vehicles to manoeuvre and to avoid the need for vehicles to reverse on to the public highway. The proposed development site has an existing vehicular access on to Commonside East. This access was in use as part of the former trading estate and accommodated a range of vehicles that were associated with the former uses of the site. The plans submitted with the current planning application show the vehicle access with a width of 4.5 metres at the narrowest point. It is considered that this existing access is sufficient for the access required to the development however a planning condition is recommended to request the submission and approval of further details of the proposed vehicular access.

7.59 The proposed houses each have individual refuse storage areas, with an internal area shown on the submitted plans for the refuse bins associated with the proposed flats. The storage locations are considered acceptable; and will allow bins to be collected by the refuse vehicle whilst maintaining vehicle access to the site on refuse collection day.

**Cycling and walking.**

7.60 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. The proposed development shows space for parking for cycles within the rear gardens of the proposed houses. Cycle parking for the flats is provided in an internal area at ground floor level and a planning condition is recommended to ensure that this parking is provided.

7.61 In order to encourage permeability the pedestrian and cyclist access gate that is shown connecting the current application site to the remainder of The Meadows residential development should remain open at all times. A planning condition is recommended seeking further details of this access and to ensure that this access remains open.
7.62 In conclusion it is considered that the proposed development has been designed with adequate access and car parking arrangements that will also ensure adequate arrangements for the servicing of the development.

**Metropolitan Open Land and trees**

7.63 Adopted Core Strategy (2011) policy CS13 along with Unitary Development Plan policy NE.8 state that development adjacent to green corridors will be expected to enhance the nature conservation value of the land and must not adversely affect the amenity, quality or utility of the open space.

**Metropolitan Open Land**

7.64 Policy CS.13 within the Adopted Core Strategy (2011) states that the Council will protect and enhance Metropolitan Open Land. The strip of land along the Windmill Road site frontage (but not Commonside East) is designated in the Unitary Development Plan as Metropolitan Open Land. A further parcel of common land located on the opposite side of Commonside East is also designated as Metropolitan Open Land.

7.65 The proposed development will be a similar height to the previously approved building on the application site and a similar height to adjacent buildings. In the context of the existing adjacent development it is considered that the current proposal will not harm adjacent areas of Metropolitan Open Land.

**Trees**

7.66 Unitary Development Plan policy NE.11 states that development will not be permitted if it would damage or destroy trees which have significant amenity value as perceived from the public realm area unless either removal is necessary in the interest of good arboricultural practice, or the reason for the development outweighs the amenity value of the trees.

7.67 Whilst there are no trees within the application site, there are 17 Lime trees along the two road frontages of the proposal site. The layout of the proposed building has sought to reduce any potential impact on these trees. The potential impact of the development on these trees has been assessed by the Council’s Tree officer and no objection has been raised to the development subject to planning conditions on tree protection, site supervision in order to prevent damage during construction work and implementation of the landscaping works set out on the submitted drawings.

**Sustainable design and construction.**

7.68 The Council’s Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and
materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes. Planning conditions are recommended to ensure that the development achieves Code for Sustainable Homes Level 4.

8. **ENVIRONMENTAL IMPACT ASSESSMENT**
   8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the 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.

9. **CONCLUSION**
   9.1 The proposed development represents an effective and sustainable use of this brownfield site and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

10. **LOCAL FINANCIAL CONSIDERATIONS**
    **Mayor of London Community Infrastructure Levy**
    10.1 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. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

    10.2 The CIL charge that would be payable, for the proposed development, providing 2,850 square metres, under the Mayor of London Community Infrastructure Levy would be £99,750

    **Planning Obligations**
    10.3 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.

    10.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
Financial contribution towards provision of affordable housing:
10.5 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 tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector. Having regard to the local characteristics and to both London Plan policy 3.8 and LDF policy CS.8 as a matter of judgment it is considered that a development providing wholly market accommodation could reasonably be accepted in this instance and there is no requirement for an off site contribution towards affordable housing.

Financial contribution towards education provision
10.6 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development. The closest school to the application site is The Sherwood School [0.26 km] there are no plans to expand this school and as result it is not considered appropriate to seek a contribution towards education provision in this instance.

Financial contribution towards sustainable transport
10.7 With the sites poor access to public transport it is considered that a sustainable transport contribution of £11,500 secured through S106 is required to improve cycle and walking routes and connectivity in the area.

Financial contribution towards mitigation of impact on common land
10.8 Whilst the houses are all provided with amenity space in accordance with the Council’s minimum standards, the amenity space provided for the proposed flats is below minimum standards. The area of external amenity space provided for the flats including the roof terrace is 533 square metres that is below the Council’s normal standards that would require 630 square metres of external space. In seeking to mitigate the impact of this shortfall on the adjacent common land and on the basis of the advice in the Council’s Supplementary Planning Document a financial contribution is recommended as part of a s106 agreement to assist in the maintenance of the adjacent common land. This contribution based on £500 per 10 square metres of deficiency would be £4,850.

Financial contribution towards loss of employment land
10.9 As part of its assessment of whether the loss of this employment site would be acceptable officers have considered (in line with paragraph 122 of The Community Infrastructure Levy Regulations 2010) whether a financial contribution towards loss of employment land would be appropriate in this instance. It is considered that due to the marketing that has been conducted and the site history it is considered that a financial
contribution towards loss of employment land should not be sought in this instance.

The developer agreeing to meet the Council’s costs of preparing and monitoring the Section 106 Obligations:

10.10 As set out in the Council’s adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

RECOMMENDATION
GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

1. Financial contribution towards sustainable transport (£11,500).
2. Financial contribution towards mitigation of impact on common land (£4,850)
3. The developer agreeing to meet the Council’s costs of preparing (including legal fees) the Section 106 Obligations (to be agreed).
4. The developer agreeing to meet the Council’s costs of monitoring the Section 106 Obligations.

And the following conditions:

1. **Standard condition** (Time period) 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 for condition:** To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. **Amended standard condition** (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: (Csa/2090/100A; Csa/2090/101; 100AA10086 D0001 P1; D0100 P1; D0101 P2; D0102 P2; D0103 P2; D0104 P1; D0105 P1; D0110 P1; D0200 P2; D0201 P2; Design and Access Statement; Arboricultural Report and Planning Statement) **Reason for condition:** For the avoidance of doubt and in the interests of proper planning.

3. **Standard condition** (Timing of construction work) No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. **Reason for condition:** To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

4. **Standard condition** (Tree Protection) No development shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local
Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations. **Reason for condition:** To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

5. **Standard condition (Tree Site Supervision)** The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree protection measures throughout the course of the demolition and site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. **Reason for condition:** To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

6. **Amended Standard condition (Landscaping Implementation)** The landscaping details shown on drawings Csa/2090/100A; Csa/2090/101 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, whichever is the sooner, and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased or are dying shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied. **Reason for condition:** To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

7. **Amended standard condition (Construction phase impacts)** No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except 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.

8. **Standard condition (External lighting)** Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site
boundary. **Reason for condition:** To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

9. **Amended standard condition** (New vehicle access) The development hereby permitted shall not be occupied until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are the subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. **Reason for condition:** In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.

10. **Amended standard condition** (Parking management strategy) The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use 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.

11. **Amended standard condition** (Car parking spaces) The development hereby permitted shall not be occupied until the car parking spaces shown on the approved drawing to serve the development have been provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. **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.

12. **Non standard condition** [facility for charging electric vehicles] The development hereby permitted shall not be occupied until a facility for charging electric vehicles has been provided on site and thereafter shall be kept free from obstruction and shall be retained for users of the development and for no other purpose. **Reason for condition:** To ensure the provision of an appropriate level of car parking and comply with the Mayor of London’s Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
13. **Non Standard condition (Pedestrian and cycle access)** No development shall commence until further details of the pedestrian/cycle access link between the proposed development and the adjacent completed development called The Meadows shown on drawing A10086 D0110 P1 have been submitted to and approved in writing by the Local Planning Authority and the development hereby approved shall not be occupied until the pedestrian/cycle access link has been provided in accordance with the approved plans with the approved pedestrian/cycle access link permanently retained thereafter. **Reason for condition:** To ensure that the development provides suitable opportunities for cycle and pedestrian movement between the site and the neighbouring residential development in accordance with promoting the principles of good urban design and promoting sustainable travel in line with policies CS18 and CS19 of the Adopted Merton Core Planning Strategy 2011.

14. **Standard condition (Cycle parking)** No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times. **Reason for condition:** To ensure satisfactory facilities for cycle parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.

15. **Non standard condition (Refuse and recycling facilities)** The development hereby permitted shall not be occupied until the residential refuse and recycling facilities shown on the submitted plans have been provided and the facilities shall be retained permanently thereafter for these purposes. **Reason for condition:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

16. **Non standard condition (Land contamination – site investigation)** No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. **Reason for condition:** In order to protect the health of
future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

17. **Standard condition** (Land contamination – construction phase) If during construction works further contamination is encountered which has not previously been identified and considered the Council’s Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. **Reason for condition:** In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

18. **Standard condition** (Land contamination – validation) The development hereby permitted shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. **Reason for condition:** In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

19. **Standard condition** (Code for Sustainable Homes Pre-Commencement - New build residential) No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 has been submitted to and approved in writing by the Local Planning Authority. **Reason for condition:** To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
20. **Standard condition** (Code for Sustainable Homes Pre-Occupation- New build residential) The development hereby permitted shall not be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. **Reason for condition:** To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

21. **Amended Standard condition** (Lifetime homes) The development hereby approved shall not be occupied until the applicant has provided written evidence to confirm that the new dwelling units meet Lifetime Homes Standards. **Reason for condition:** To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy (July 2011).

22. **Amended standard condition** (Details of walls and fences) The development hereby approved shall be occupied until details of all boundary walls or fence have been submitted to and approved in writing by the Local Planning Authority. The residential units shall not be occupied until the walls and fences have been erected in accordance with the approved details. The approved walls and fencing shall be permanently retained thereafter. **Reason for condition:** To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.

23. **Standard condition** (No Permitted Development - Extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other that that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. **Reason for condition:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.
INFORMATIVES:

a) INF2 Lifetime Homes

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.

c) The development hereby approved is liable to the Community Infrastructure Levy (CIL). The chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £99,750. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at www.planningportal.gov.uk. For more information regarding CIL visit www.merton.gov.uk/CIL or email cilevy@merton.gov.uk.

d) The applicant is advised to contact the Council’s Highways team prior to undertaking any works within the Public Highway

Reasons for Approval:
The proposed development would provide a well-designed residential development that will preserve the character of the area with no undue impact on the surrounding area. The proposals to redevelop the site are in accordance with London Plan and LDF policies to meet the increased demand for new housing. The proposed room sizes and layout within the residential accommodation are compatible with adopted guidance. The proposal accords with policies contained in the London Plan (July 2011) and the Council’s Adopted Unitary Development Plan (October 2003) and the Council’s Local Development Framework Core Strategy (July 2011 as far as material to the proposals, which are the subject of this approval. The policies listed below were relevant to the determination of this proposal:

3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 (Quality and design of housing developments; 3.6 (Children and young people’s play and informal recreation facilities); 3.8 (Housing choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 5.1 (Climate change mitigation); 5.2 (Minimising carbon dioxide emissions);
5.3 (Sustainable design and construction); 5.7 (Renewable energy); 5.10 (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); 7.8 (Heritage assets and archaeology); 7.14 (Improving air quality); 7.15 (Reducing noise and enhancing soundscapes); 7.21 (Trees and woodlands) and 8.2 (Planning obligations).

Merton Unitary Development Plan (2003)
BE.15 (New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise); BE.16 (Urban design); BE.22 (Design of new development); BE25 (Sustainable development); C.1 (Location and access of facilities); C.13 (Planning obligations for educational facilities); E2 (Access for disabled people); F.2 (Planning obligations); HS.1 (Housing layout and amenity); L.9 (Children's play facilities); NE.8 (Green corridors) NE11 (Trees protection); PE.2 (Pollution and amenity); PE.5 (Risk from flooding); PE.7 (Capacity of water systems); PE.9 (Waste minimisation and waste disposal); PE.11 (Recycling points); PE.12 (Energy generation and energy saving); RN.3 (Vehicular access)

Merton LDF Core Planning Strategy (2011)
CS.8 (Housing choice); CS.9 (Housing provision); CS.13 (Open space; nature conservation; leisure and culture); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).