

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)

Najeeb Latif (Vice-Chair)

Philip Jones

Laxmi Attawar

Peter Southgate

Stephen Crowe

David Dean

Andrew Judge

Geraldine Stanford

Joan Henry

#### Substitute Members:

John Dehaney

Brenda Fraser

Daniel Holden

John Sargeant

John Bowcott

A meeting of the Planning Applications Committee will be held on:

**Date: 8 March 2018**

**Time: 7.15 pm**

**Venue: Council chamber - Merton Civic Centre, London Road, Morden  
SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 8 March 2018

1 Apologies for absence

2 Declarations of Pecuniary Interest

3 Town Planning Applications

The Chair will announce the order of Items at the beginning of the Meeting.

A Supplementary Agenda with any modifications may be published on the day of the meeting.

Note: there is no written report for this item

4 Eastfields Estate, Mitcham CR4 1ST 1 - 94

Application number: 17/P1717 Ward: Figges Marsh/Longthornton

Officer Recommendation: Grant Outline Planning Permission subject to s106 legal agreement and conditions.

5 High Path Estate, South Wimbledon, SW19 2TG 95 - 230

Application number: 17/P1721 Ward: Abbey

Officer Recommendation: Grant Outline Planning Permission subject to s106 legal agreement and conditions.

6 Ravensbury Estate, Morden, CR4 4DT 231 - 326

Application number: 17/P1718 Ward: Ravensbury

Officer Recommendation: Grant Outline Planning Permission subject to s106 legal agreement and conditions.

### Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

## **Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)**

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

### **Human Rights Implications:**

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life).

Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

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**Order of items:** Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

**Speaking at Planning Committee:** All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

**FOR THE MEETING ON 8 MARCH: The Chair has agreed to increase the allowed speakers for each item to 3 people with 3 minute each or a maximum of 9 minutes shared between more than three speakers.**

**All Speakers MUST register in advance**, by contacting The Planning Department no later than 12 noon on the day before the meeting.

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](mailto:planning@merton.gov.uk))

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

**Submission of additional information before the meeting:** Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

**Please note:**

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

**FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES** please contact Democratic Services:

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## PLANNING APPLICATIONS COMMITTEE 8 MARCH 2018

### APPLICATION NO.

17/P1717

### DATE VALID

16/11/2017

### **Address/Site:**

Eastfields Estate, Mitcham, London, CR4 1ST

### **Ward**

Figges Marsh, Longthornton

### **Proposal:**

Outline planning application (with all matters reserved, except in relation to parameter plans) for the comprehensive regeneration of the Eastfields Estate comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 1 to a maximum of 9 storeys providing up to 800 residential units (C3 Use Class); provision of up to 275 sqm of flexible commercial non-residential floorspace (flexible Use Classes A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or D2 Use Classes); provision of new public open space and communal amenity spaces including children's play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces (including within ground level podiums), together with associated highways and utilities works.

### **Drawing Nos;**

001 REV A, 002 REV A, 003 REV A, 004 REV D, 005 REV E, 006 REV B, 007 REV C, 008 REV C, 009 REV D, 010 REV C, 011 REV C, 012 REV A, 013 REV B, 014 REV A, 015 REV A & 016 REV D.

### Documents Submitted:

- Application Form and Certificates
- Site Location Plan
- Drawing List
- Design Code Addendum – Jan 2018
- Town Planning Statement (including Affordable Housing Statement, draft s106 Heads of Terms and Ventilation / Extraction Assessment) – Nov 2017
- Design and Access Statement (including Open Space and Lighting Strategy) – Nov 2017
- Design and Access Errata Sheet – Nov 2017
- Townscape, Heritage & Visual Impact Study Addendum – Jan 2018
- Townscape, Heritage and Visual Impact Letter – Feb 2018
- Air Quality Assessment – Nov 2017
- Technical Note - Amendments to Air Quality Assessment from the Maximum Parameters Accommodation Schedule – Nov 2017
- Archaeological Desk Based Assessment – Nov 2017

- Phase 1 Habitat and Protected Species Survey Report – Nov 2017
- Demolition and Construction Management Plan – Nov 2017
- Technical Note on Overshadowing to Courtyards and Amenity Spaces within the Scheme – Nov 2017
- Effect of two Storey Height Reduction of Block K1 and Corners of Blocks M1, M1 and N1 on Daylight, Sunlight and Overshadowing – Jan 2017
- Effect of additional allowance of 0.5m on ground levels on Daylight, Sunlight and Overshadowing – Feb 2018
- Flood Risk Assessment and Drainage Strategy (including Sequential Test and Sustainable Urban Drainage Strategy) – Nov 2017
- Drainage Statement – Feb 2018
- Flood Risk Extents drawing no: 017 Rev A
- Foul Sewage and Utilities Assessment – Nov 2017
- Land Contamination Assessment – Nov 2017
- Acoustic Report – Nov 2017
- Socio-Economic Assessment – Nov 2017
- Technical Note on Amendments to the Socio Economic Assessment from the Maximum Parameters Accommodation Schedule– Nov 2017
- Health Impact Assessment – Nov 2017
- Heath Impact Assessment Addendum – Dec 2017
- Energy Strategy (including Overheating Analysis) – Nov 2017
- Energy Technical Note – Dec 2017
- Sustainability Statement – Nov 2017
- Statement of Community Involvement – Nov 2017
- Transport Assessment (including Parking Provision and Management, Construction Logistics Plan; and, Outline Servicing and Delivery Plan) – Nov 2017
- Framework Residential Travel Plan – Nov 2017
- Operational Waste Management Strategy – Nov 2017
- Technical Note - Amendments to Operational Waste Management Strategy from the Maximum Parameters Accommodation Schedule – Jan 2018
- Tree Survey and Arboricultural Implications Assessment – Nov 2017
- Assessment of Sequential Sites (for non-residential use) – Nov 2017
- Parking Management Plan – Nov 2017
- Eastfields Financial Viability Assessment – Sept 2017
- Merton Estate Regeneration Programme Financial Viability Assessment – Sept 2017
- Merton Estate Regeneration Programme Financial Viability Assessment - addendum report – Nov 2017
- Financial Viability Assessment Summary Report – Dec 2017
- Merton Regeneration Project: Affordable Housing Offer – Jan 2018
- Merton Estates Housing Tenure and Mix – Dec 2017
- Net Uplift in Units by Tenure based on Illustrative Maximum Accommodation Schedule – Dec 2017
- Merton Estates Project - Habitable Room and Floorspace Information for GLA – Dec 2017
- 3178B/300 Sketch view of The Sparks ground Level Activation – Jan 2018
- 3178B 200 - Site Sections 1-12 – Jan 2018
- Overarching approach to energy – Dec 2017
- Response to GLA Comments – Dec 2017
- Letter Response to GLA Stage 1 – Jan 2018
- Response to TfL's Comments – Jan 2018
- Letter from MLM Energy – Jan 2018

- Existing and Proposed street network and adopted roads – Nov 2017
- Internal Layout and Vehicle Movement Strategy – Jan 2018
- Sports Facility Assessment – Dec 2017
- Response to Public Consultation Comments – Jan 2018

**Contact Officer:** Awot Tesfai

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## **RECOMMENDATION**

Grant Outline Planning Permission subject to s106 legal agreement and conditions.

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### **CHECKLIST INFORMATION.**

- Heads of Agreement: See section 28 for full heads of terms.
- Is a screening opinion required: No
- Is an Environmental Statement required: Yes
- Has an Environmental Statement been submitted: Yes
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 8323
- External consultations: Greater London Authority (GLA), Transport for London (TfL), Environment Agency (EA), Sport England (SE), Ministry Communities and Local Government (formerly known as DCLG), London Borough of Wandsworth Council (LBW), London Borough of Sutton (LBS), London Borough of Croydon (LBC), London Borough of Kingston (LBK), London Borough of Lambeth (LBL), Network Rail, Metropolitan Police, NHS England, Merton CCG, Historic England Greater London Archaeological Advisory Service, British Telecom, National Grid, Natural England, Thames Water, UK Power Networks, Fire Brigade, Sutton East & East Surrey Water company, Design Council, Eastfields Residents Association, Merton Centre for Independent Living, Streatham Park Cemetery Chapel, Rowan Road Jewish Cemetery, Ward Councillors, Neighbouring Residents, Site Notices & Press Notices.
- Conservation Area: No,
- Public Transport Accessibility Level (PTAL): Level 2 (moderate)/2 (poor) on the TfL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility).

## **1. INTRODUCTION.**

- 1.1 The application seeks outline planning permission for the Eastfields Estate regeneration proposals and seeks to address the items to be approved under Reserved Matters as follows: the parameter plans submitted for approval set out the parameters (including maximum deviations) for the proposed access,

layout and scale; and the Design Code provides principles for the development of these matters and also the appearance and landscaping through the Reserved Matters stages.

- 1.2 The application is brought before PAC due to the development being a departure from the development plan with regards to the development of a small proportion of designated open space. Furthermore, Officers consider it is appropriate for the development to be determined by Committee due to the scale and complexity of the proposals which concern the Council's involvement in subsequent purchase notices being served. This major Outline Planning Application is referable to the Mayor of London for any further direction.

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

- 2.1 The Eastfields Estate is situated in the Mitcham Eastfields area of the Borough and is located approximately 300m walking distance from Mitcham Eastfields Railway Station, which is on the Thameslink Sutton branch line. The site is accessed via Acacia Road to the northwest and Woodstock Way, via Clay Avenue, to the northeast. Clay Avenue also forms a vehicular route around the internal perimeter of the site. Access for vehicles around the internal perimeter of the site is broken along both the northern and southern sides of the site: on the southern part of the site by a gate for emergency vehicles which is sometimes open for through traffic..
- 2.2 Historically the site was located in semi-rural land to the north of Mitcham Common. The site remained undeveloped up until the 1870s when Pain's Fireworks factory occupied the majority of the site. Subsequently, by the mid-1970s the site was redeveloped to provide 466 residential units across 3 storey buildings with flat roofs, communal gardens, access roads and parking areas. The site has remained largely unchanged since this time.
- 2.3 Eastfields Estate was constructed in the mid-1970s which comprises a combination of three storey houses with integral garages, including flats in three storey blocks. The homes are all of Wimpey construction, clad with enamel panels. The estate has an inward looking layout distinct from the surrounding neighbourhood.
- 2.4 The Estate forms one of the three housing estates allocated for regeneration in the Estates Local Plan 2018. The site comprises a continuous 3 storey flatted block of flats and houses that is located around the perimeter of the site, wrapping around a central open space.
- 2.5 The green space at the centre of the site comprises predominately short amenity grassland with a number of scattered mature trees. At the rear of many of the blocks, backing on to the central green space, are small fenced private gardens. There is an existing ball court onsite measuring approximately 550 sqm adjacent to the south eastern boundary. The site is shown as being within Flood Zone 1 on the Environment Agency online flood maps. The site is within a Critical Drainage area as shown in the Local Lead

Flood Authorities Surface Water drainage Map. The LLFA Officer has also carried out an assessment of the applicant's drainage strategy. Furthermore it is noted that LBM has declared the entire Borough as an Air Quality Management Area (AQMA),

- 2.6 The site is self-contained and largely isolated from other residential areas, with other housing in the vicinity being to the west of the site along Hammond Avenue and flats along Clay Avenue to the east. St Mark's Church of England Academy is to the north, along with a purpose built BMX track. To the south and east is the large Streatam Park Cemetery which includes the locally listed Crematorium. The Long Bolstead Recreation Ground is to the east adjacent to Clay Avenue. The cemetery has mature trees and shrubs and provides a pleasant outlook, although forms a barrier to movement to the south.
- 2.7 A small proportion of the site along the southern and eastern boundaries is designated as Open Space. The nearest town centre to the Estate is Mitcham district centre, within 800m west of the site. The site not designated as a Conservation Area and does not contain any listed buildings. Other than the locally listed crematorium, there are no designated heritage assets within the proximity of the site. The site has a Public Transport Accessibility Level (PTAL) rating 3, with some smaller parts as 2 illustrating moderate access to public transport. It is expected the planned improvements would take place to improve the frequency and capacity of the Thameslink service operating from Mitcham Eastfields, as such it is anticipated that the PTAL rating could be improved in the future.

### **3.0 CURRENT PROPOSAL**

- 3.1 This proposed development comprises the demolition of all existing buildings on site, comprising 466 residential units (219 private and 247 affordable units). The regeneration proposals for the Eastfields Estate comprise the demolition of all existing buildings and the construction of up to 800 units including both flats and houses, up to 275 sqm of flexible non-residential floor space, associated landscaping, highways and public realm works.
- 3.2 A series of buildings ranging from; 1 (Podium) to 9 storeys in height will be located in a grid pattern across the Estate. The proposal would provide a mix of flats and houses and varying heights through development zones. A central square will be formed by three taller (marker) buildings known as 'The Sparks' and this will be connected to the wider development through the publically accessible central linear park. One of the main constraints of the existing site is that the building layout presents something of a fortress feel from the outside.. One of the objectives of Policy EP E8 of the Estates Local Plan 2018 is to ensure proposed developments demonstrate careful consideration of proposed building heights in relation to internal open space and views into the estate from the wider area, across the cemetery and any other longer vantage points. A clear strategy on building heights will be needed with any proposed application to ensure the suburban character of the area is not unduly

compromised, as such it will be requested that the applicants fully demonstrate this at reserved matters stage.

3.3 The proposals will deliver up to 800 new homes in a mix of houses and flats. Two illustrative accommodation schedules have been provided to demonstrate how the development of the estate might come forward. The Illustrative Scheme Accommodation Schedule as summarised in Figure 4.2 of the Town Planning Statement that was submitted along with the outline planning application indicates a housing mix for a 773 unit scheme. This would represent an uplift of up to 307 homes with an uplift of 145 affordable habitable rooms across the site.

3.4 The non-residential floor space, comprising of up to 275 sqm is to be located along Mulholland Road, which is sited on the northern boundary of the site. This will provide flexible floor space within use classes A1 (Shops) and/or A2 (Financial and Professional Services) and/or A3 (Restaurant & Cafes) and/or A4 (Drinking Establishments) and/or B1 (Business) and/or D1 (Non-residential Institutions) and/or D2 (Assembly and Leisure).

#### **4.0 PLANNING HISTORY**

4.1 There are significant levels of planning applications history relating to the Eastfields Youth Club, St Marks C of E School, BMX Track. Including other minor window alterations to parts of Eastfields Estate.

4.2 The most relevant and significant developments are noted below;

**MER908/65** – (Retrospective Application) EASTFIELDS ESTATE - OUTLINE - DEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (75 PPA) AND EXTENSION TO PRIMARY SCHOOL – Consent by Minister on 07/02/1966.

#### **5.0 CONSULTATION**

5.1 This Outliner planning application was the subject of the following consultations;

- Conservation Area Consultation;
- (Majors) Outline Planning Application Consultation;
- (Majors) Advertised as a departure application for public consultation;
- Site and press Notice.

#### **5.2 External Bodies**

- Crime Prevention Design Adviser
- Environment Agency
- Greater London Authority
- Historic England
- Greater London Archaeological Advisory Service



- Transport for London (TfL)
- Sport England
- Department of Communities and Local Government
- Metropolitan Police
- NHS England
- Merton CCG, Historic England Greater London Archaeological Advisory Service
- British Telecom
- National Grid
- Natural England
- Thames Water
- London Power Networks
- Eastfields Residents Association
- Sutton East & East Surrey Water company
- Design Council, Eastfields Residents Association
- Merton Centre for Independent Living
- Streatham Park Cemetery Chapel
- Rowan Road Jewish Cemetery

## 6.0 REPRESENTATIONS

### 6.1 External Consultees

6.1.1 **Environment Agency:** No objections on this planning application as it falls outside their remit as a statutory planning consultee, given that that site is located within **Flood Zone 1** which is considered to be of 'Low Probability' less than a 1 in 1000 (0.1%) Annual Probability of flooding from the rivers or sea.

6.1.2 **Greater London Authority:** The application is referable under the following categories of the Town and Country Planning (Mayor of London) Order 2008:

6.1.3 The GLA's Stage 1 recommendation states the following;

*'The principle of the comprehensive estate renewal, which increases overall housing delivery is supported'; The application would be fully compliant and in accordance with the Current London Plan if the following concerns are addressed;*

**Estate regeneration and affordable housing:** *The estate regeneration scheme would result in no net loss of affordable housing with replacement homes being provided on an equivalent basis. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and Affordable Housing and Viability SPG will be secured*

**Urban design:** *The overall design strategy is supported and the plans and design code demonstrate that a suitably high residential quality, amenity provision and public realm would be achieved, which would contribute*

*towards an overall enhancement of the estate. Robust conditions are required to secure the design commitments made by the applicant. Climate change: Further information is required, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured. Details of the drainage strategy also need to be secured by condition.*

**Transport:** *Further information is required regarding trip generation assessment, bus stop assessment and cycling infrastructure improvements. A number of mitigation measures, conditions and obligations are also required in relation cycle parking, car club membership, travel plans, parking management plan, disabled car parking and electric vehicle charging points.*

- 6.1.4 **GLA Energy Comments (insert after GLA main comments):** An on-site reduction of 3 tonnes of CO2 per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the non-domestic buildings, equivalent to an overall saving of 10%.

The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions during the reserved matters application.

- 6.1.5 **Historic England / Greater London Archaeological Advisory Service:** Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

- 6.1.6 **Historic England/Development Management:** Specialist staff at HE have considered the following on the basis of the information provided; HE do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

- 6.1.7 **London Borough of Croydon:** It is considered that whilst the proposals constitute a Major development as the proposals are a significant distance from the Borough boundary, the Council would not wish to comment on the proposals.

- 6.1.8 **London Borough of Kingston:** No Objections raised

- 6.1.9 **London Borough of Sutton:** No Objections raised

- 6.1.10 **London Borough of Wandsworth:** The Council, as a neighbouring planning authority, hereby raises no objection to the proposal

- 6.1.11 **London Borough of Lambeth:** No Objections raised

- 6.1.12 **London Fire and Emergency Planning Authority:** No Objections raised

6.1.13 **Metropolitan Police (Crime Prevention):** Having reviewed the design and layout of the application and taken into account the provisions of ADQ, there is no reason why this development would not be able to achieve the SBD Gold or SBD Silver awards. If planning permission is granted, I would like to seek to have a planning condition requiring that this development achieve SBD accreditation.

6.1.14 **Network Rail:** No comments received

6.1.15 **Thames Water:** No comments received

6.1.16 **Transport for London:** No objections raised from TfL; In summary, TfL welcome further discussions with the applicant and Merton Council on a range of issues including the TRICS assessment and outputs, bus stop relocation on Woodstock Way, bus stop assessment, Draft London Plan cycle parking standards and cycle infrastructure improvements. This would be undertaken at the reserved matters stage.

6.1.17 **Sport England:** Have no objections to the scheme in terms play space provision for under 11 year olds. The re-provision of the ball court either on-site/offsite for 11 + year olds is welcomed by Sport England. Sport England are also satisfied for this re-provision to be in the form of a recreation facility suitable for all genders who 11 + year of age.

## 6.2 **LBM Consultees**

6.2.1 **Environmental Health - Noise and Land Contamination:** No objections to the proposed scheme subject to the imposition of recommended conditions.

6.2.2 **Environmental Health - Pollution (air)** The proposed waste management system seems to be aesthetically pleasing, no objections raised subject to the imposition of recommended conditions.

6.2.3 **Environmental Health Waste** - A full waste management strategy with details of the location, size and the design of the residual waste and recycling container storage areas for each residential unit is required with this planning application. No objections raised subject to the imposition of conditions that captures the above.

6.2.4 **Transport & Highways** - No objections raised, however the development will require full Transport & Highways input and consultation regarding any areas of interaction and alteration of the existing public highway at reserved matters stage.

6.2.5 **Tree Officer** - No objections subject to imposition of a condition requiring details of a landscaping and planting scheme submitted at reserved matters stage.

**6.2.6 Open Space and Biodiversity** – Estates LP Policy EPE5 identifies that better quality and quantity open space must be provided along the south-eastern boundary.

- A small portion to the south-west of the site has been identified as being deficient in access to open space, which needs to be addressed. The Planning Statement identifies (para 4.10) that all units will be provided with private amenity space to meet the SPG standards, which is welcomed.
- Existing open space on site equals 2.1ha (0.6ha is designated Open Space) and there is proposed provision of 1.8ha of open space. Regard must be given to the NPPF 74, Policy CS13 and DMO1 in relation to building on open space and a departure from the current open space policy maps.
- The Design Strategy on page 41 of the D&A statement broadly shows this linkage, however more details will be required to see how this fits in with the overall design. The Planning Statement identifies that green roof space could be incorporated – this is strongly encouraged.
- A bat survey report provides information and recommendations from a desktop study and field surveys (undertaken 07/10/2014 and 05/10/2016) relating to the site.
- Significantly, this study was focused on the poplar tree in the centre of the site (proposed to be removed) and other scattered trees to the south. Should there be any changes to the proposed removal of any other trees on site, a further inspection for protected species will be required.
- The recommendations made in the report are considered appropriate and should be followed by the applicant in the preparation of the next stages of the application. It is also considered necessary that a detailed lighting strategy be prepared and submitted in line with the ecologist's recommendations and reviewed by the ecologist to ensure protected species harm is minimised. The key recommendations for lighting included on page 117 of the D&A statement are quite broad and require more detail once the design has been worked up.
- Given that the two field surveys discussed in the report were undertaken over a year ago (2014 and 2016), follow up studies will also be required to ensure that as the details of the proposed development progress, there are no impacts on any protected species on the site.

**6.2.7 Children's Play Space** - The calculations above indicate that the expected child yield for the entire proposal is 350 children, therefore requiring 3,500sqm of play space.

- The Planning Statement (page 61) identifies 2,6456sqm of play space for under 5 year olds will be provided on site, which meets the identified need of 1,575sqm shown in the table above.
- Doorstep play features for 0-4 year olds provided on site need to be designed in accordance with the Mayor's SPG and further details will be required as part of the landscape strategy.
- For children between 5-12 years the Planning Statement identifies that playable landscape can be provided within the linear park for ball games and running games. It is recommended that this space be designed in accordance with the Mayor's SPG (refer to Table 4.6). Examples of facilities that can be provided include: equipment that allows children to swing, slide and climb, multi-games and ball walls, basketball nets, seating area away from equipment for adult supervision and sand.

- For children over 12 years, the Planning Statement identifies that the basketball court will be re-provided and a new games area created within the linear park. Details of these will need to be shown as part of the landscape strategy, including details of accessibility and safety.
- Long Bolstead Recreation Ground is within 14m and 330m actual walking distance of the site. This ground provides a dedicated formal play space for children.
- The BMX Track is within 88m and 270m actual walking distance of the site. This provides a dedicated BMX facility for older children to use.
- As part of the sports needs assessment, it should be determined whether either of the above facilities requires upgrading to accommodate the increased number of children using the facilities and whether a financial contribution is required.
- As such no objections have been raised subject to further assessment as the details of the design progressed at the reserved matters stage.

**6.2.8 Economic Development** – Welcomes the study undertaken by Peter Brett on Health and Socio-Economic considerations, in particular that the development will introduce quality housing and dedicated open space that supports health and well-being in the community.

The economic benefits, particularly around local spend of new residents; council tax, disposable income and CIL are significant positives for the development and good for Merton in general.

**6.2.9 Energy & Sustainability** – The applicant has indicated that the development will be designed in accordance with the energy hierarchy, detailing a site-wide strategy including: energy efficiency measures, CHP system (providing 60% of the heating and hot water demand) and solar PV. However, the applicant has failed to provide an assessment of site-wide (regulated and non-regulated) emissions for each stage of the energy hierarchy. This information should be provided by the applicant as part of the submitted energy strategy, which has been conditioned as part of this outline planning application.

**6.2.10** The submitted Sustainability Statement indicates that the development will achieve a 46% saving against Part L 2013, including a 12.8% improvement through energy efficiency and passive design, and 24.5% reduction via CHP/decentralised energy network. A further 8.8% achieved via solar PV leading to a total saving of 46.16% against Part L 2013. This exceeds the minimum 35% improvement required under London Plan policy 5.2.

**6.2.11** The applicant has acknowledged the requirement to achieve zero carbon standards, with a minimum 35% improvement on Part L 2013 on-site. However, the applicant should consider the implications of anticipated policy introduction on the future delivery of the development. Specifically, from October 2019 the zero carbon standards will apply to non-domestic as well as domestic elements of the development. Future policy changes should therefore be considered in the phasing and delivery of the development and would be further assessed at reserved matters stage.

- 6.2.12 **Street Works:** No objections raised to this outline planning application.
- 6.2.13 **Urban Design:** The proposal would be further assessed through detailed drawings at reserved matters stage in order to assess the appearance of the proposed buildings. Urban Design Officers would play an instrumental part in further assessments relating to appearance.
- 6.2.14 **Conservation & Urban Design:** No objections to the proposals.
- 6.2.15 **Drainage and Flooding:** The drainage officer has reviewed the revised MLM Drainage/SuDS Strategy (Document ref: BF/666828/AN Revision 11 dated 20<sup>th</sup> February 2018). The report has been revised and updated to take into account the previous comments raised by Merton's Lead Local Flood Authority. The officer has made some further comment, overall the drainage strategy proposed is considered acceptable and the officer has recommended impositions of conditions should the application be approved.
- 6.2.16 **Housing Needs:** Have raised no comments, although earlier discussions with Officers noted the following; Merton needs another 11,130 homes over the next 10 years, or 1,113 per annum, to meet the needs of population growth (or 1,600 p.a. after market-signal adjustment). There is a need for 8,681 additional affordable homes in the borough over the next 10 years, or 868 per annum (backlog of need at 2017 + estimated newly arising need, minus estimated new lets and re-lets between 2017-2027). The proposal would provide a re-provision of the affordable housing units mostly through Social Rented units, which is considered the most favoured tenure of affordable housing. The proposal would also provide an adequate mix of units and an appropriate amount of three beds to be allocated social rented affordable housing. In this instance the proposals would be acceptable in terms of housing needs.
- 6.2.17 **Public Health:** We welcome that HIA has looked at the affect of vulnerable families and individuals more during the regeneration and welcome that Clarion Housing have commissioned Merton Centre for Independent Living (MCIL) to help investigate how to best contact, support and accommodate disabled people and other vulnerable groups. More importantly that this research will inform not only their rehousing processes but the continued engagement of this this section of the population throughout the regeneration work and beyond. We welcome that the HIA has looked at the health benefits to the surrounding area also. We welcome the inclusion of the Monitoring section the HIA

### 6.3 **Neighbour Consultees**

- 6.4 Letters were sent to 8,323 property addresses in Merton, advertising the three Outline Planning Applications at Eastfields, High Path and Ravensbury for public consultation. Of these property addresses, 927 neighbouring property addresses surrounding Eastfields were consulted. 7 representations in total have been received.

- 6.5 Of the 7 representations received, six of those are objections to the proposal on the following grounds, which are summarised in, 'Table 1: Objections Received' and responded to where appropriate; otherwise assessed under the 'Assessment' section of this report:
- 6.6 One letter of support has been received for the proposed redevelopment of the Eastfields Estate. The letter of support was received by a resident on estate (33 Pains Close, Mitcham). This resident is unhappy about the current conditions of the estate and considers a complete rebuild of the estate to be a positive aspect for Eastfields Estate.
- 6.7 A signed petition of 37 individual residents from Hammond Avenue has also been received.

**Table 1: Objections Received**

Objections received	Officers response
<p>Concern at the height increase of the proposed development. The proposal would double the height of the buildings facing Clay Avenue. This would therefore impose on the adjoining open space</p>	<p>Whilst the proposal would increase heights in certain areas facing Clay Avenue, these have been carefully planned to ensure no significant harm would arise on the surrounding open space. The height of properties on facing the cemetery would be 4 – 5 storeys and therefore considered appropriate as these would comprise of courtyards facing the cemetery and would therefore setback the buildings further from the adjoining boundary. Therefore the proposed development would not impose on the neighbouring surrounding open space as the scale and height would be considered modest and appropriately sited away from the adjoining boundary. Although considered appropriate it is worth noting that the scale and massing of the proposed development would be further assessed in the reserved matters applications.</p>
<p>Concern that the provision of 360 car parking spaces on-site would not be sufficient enough, this would cause severe overcrowding with parking following the proposed development of 800 residential units.</p>	<p>The proposal would provide vehicle parking for all the reprovod homes. Whilst some residents would not have facility for making the proposal is considered to be policy compliant in the provision for parking. Furthermore, car clubs are being consideration as part of development and furthermore the site is located</p>

	<p>within close proximity to local bus routes including Mitcham Eastfields which is likely to have improved rail services in the future. TfL have also been consulted and are satisfied with the level of parking proposed for this scheme.</p>
<p>The proposals show lack of community facility and the existing infrastructure would not be able to support 800 new residential units.</p>	<p>The proposal would also provide 275sq.m of non-residential floor space which means that this provision is flexible and should there be a need for community facility then this element would be further explored at reserved matters stage.</p>
<p>The provision of these new units is welcomed but should provide 40% affordable housing. The viability assessment should also be made public.</p>	<p>A 30-page summary of the applicant's viability assessment has been published. The proposal has undergone viability assessment by an independent assessor. A stage one GLA comment has also been received. Whilst it isn't not viable for the applicant to provide more on-site affordable housing GLA have recommended the LPA to include a robust and comprehend s106 heads of terms for affordable housing review mechanism in the event of the development becoming more viable for affordable housing during the life time of the proposed development. Such approaches are intended to support effective and equitable implementation of planning policy whilst also providing flexibility to address viability concerns such as those arising from market uncertainty.</p>
<p>There is currently limited car parking on Grove Road due to people parking for use of the train station. The development would therefore further exacerbate parking pressures in the area. Introduction of residents parking only would be welcomed in order to address these concerns.</p>	<p>The proposed scheme would provide adequate levels of parking on-site in accordance with LBM Policy. Furthermore in the event that further CPZ's are introduced in neighbouring areas then it is expected that future Residents of the proposed development would not be able to apply for parking permits in those areas.</p>
<p>The overgrown vegetation on the rear of properties on Hammond Avenue would be further worsened with further rear gardens backing onto the</p>	<p>It cannot be assumed that the proposal with dwellings backing onto properties on Hammond Avenue would cause further issues with</p>



<p><b>back of properties on Hammond Avenue.</b></p>	<p><b>overgrown vegetation. In any case as landscape is a reserved matter the proposal for soft and hard landscape would be further assessed to all parts of the development in the reserved matters stage.</b></p>
<p><b>Loss of privacy and over-massing impact to properties on Hammond Avenue.</b></p>	<p><b>The proposed development backing onto Hammond Avenue would have a separation distance of more than 20m and furthermore these proposed buildings would be set at 3 - 4 storeys high. As such this level of separation distance coupled by the adequate building height would ensure that the proposed development would not have any significant impacts on neighbouring amenities of Hammond Avenue by way of loss of privacy or over-massing impact.</b></p>
<p><b>The proposed development should provide central heating and other necessary internal facilities. Redevelopment is not welcomed and the estate resident wishes to stay in current home.</b></p>	<p><b>The internal layout of the proposed development would be further assessed in the planning application of the reserved matters. The proposal would be designed to achieve the highest level of energy efficiency. Local residents would be further consulted at in the reserved matters application. Furthermore LBM Officers will be seeking for the highest quality of development which takes into consideration energy efficiency and high standards of internal layouts.</b></p>

## **6.8 POLICY CONTEXT**

6.9 By virtue of s38 (6) of the Planning and Compulsory Purchase Act (2004), the starting point for the consideration of this outline planning application is the Development Plan. The Council is required to make decisions in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for the London Borough of Merton comprises:

- The London Plan (2016)
- Merton Estates Local Plan ((2018)
- Merton LDF Core Planning Strategy (2011)
- Merton Site and Policies Plan (2014)
- Any other supporting and relevant guidance

## **6.10 The London Plan (2016)**

6.11 The London Plan (2016) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20-25 years.

6.2 The London Plan was published on 14th March 2016. The policies relevant to this application are:

- 2.3 Growth Areas and coordination corridors;
- 2.6 Outer London: vision and strategy;
- 2.7 Outer London Economy;
- 2.8 Outer London Transport;
- 2.13 Opportunity and intensification areas;
- 3.1 Ensuring Equal Life Chances for All;
- 3.3 Increasing housing supply;
- 3.4 Optimising housing potential;
- 3.5 Quality and design of housing developments;
- 3.6 Children and young peoples play and Informal Recreation Facilities;
- 3.7 Large residential developments;
- 3.8 Housing choice;
- 3.9 Mixed and balanced communities;
- 3.10 Definition of affordable housing;
- 3.11 Affordable housing targets;
- 3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
- 3.13 Affordable housing thresholds;
- 3.16 Protection and enhancement of social infrastructure;
- 3.18 Education Facilities;
- 5.2 Minimising carbon dioxide emissions;
- 5.3 Sustainable design and construction;
- 5.7 Renewable energy;
- 5.13 Sustainable drainage;
- 5.15 Water use and supplies;
- 6.2 Providing public transport capacity and safeguarding land for transport;
- 6.3 Assessing effects of development on transport capacity;
- 6.7 Better Streets and Surface Transport;
- 6.9 Cycling;
- 6.10 Walking;
- 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 and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.2 Planning Obligations;

### 8.3 Community Infrastructure Levy;

- 6.13 The new consultation **draft London Plan 2017-18** is currently in consultation until 02<sup>nd</sup> March 2018. Following the close of the consultation period, the next formal step will be the holding of the Examination in Public (EiP). This will be led by an independent panel, which is expected to take place by autumn 2018. The Mayor of London is likely to publish the new London Plan by autumn 2019. The GLA's Stage 1 response refers to policies within the new consultation draft London Plan 2017. For the purposes of the determination of this planning application, officers consider that while the consultation draft London Plan 2017-18 is a material consideration, it is at a first consultation stage. This report indicates if officers have considered that the policies within the draft London Plan are a material consideration that outweighs adopted policy.

These policies are:

Policy GG1 Building strong and inclusive communities

Policy GG2 Making the best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering the homes Londoners need 19

Policy GG5 Growing a good economy 21

Policy SD1 Opportunity Areas 28

Policy SD10 Strategic and local regeneration

Policy D1 London's form and characteristics 98

Policy D2 Delivering good design 102

Policy D3 Inclusive design 106

Policy D4 Housing quality and standards 109

Policy D5 Accessible housing 115

Policy D6 Optimising housing density 117

Policy D7 Public realm 122

Policy D8 Tall buildings 126

Policy D9 Basement development 131

Policy D10 Safety, security and resilience to emergency 132

Policy D11 Fire safety

Policy D12 Agent of Change 136

Policy D13 Noise

Policy H1 Increasing housing supply 144

Policy H2 Small sites 152

Policy H3 Monitoring housing targets 159

Policy H4 Meanwhile use 160

Policy H5 Delivering affordable housing 161

Policy H6 Threshold approach to applications 164

Policy H7 Affordable housing tenure 169

Policy H8 Monitoring of affordable housing 173

Policy H9 Vacant building credit 174

Policy H10 Redevelopment of existing housing and estate regeneration  
175

Policy H11 Ensuring the best use of stock 177

Policy H12 Housing size mix 178

Policy H13 Build to Rent 180

Policy H14 Supported and specialised accommodation 185  
Policy H15 Specialist older persons housing 186  
Policy H16 Gypsy and Traveller accommodation 190  
Policy H17 Purpose-built student accommodation 193  
Policy H18 Large-scale purpose-built shared living  
Policy S1 Developing London's social infrastructure 202  
Policy S2 Health and social care facilities 204  
Policy S3 Education and childcare facilities 208  
Policy S4 Play and informal recreation 212  
Policy S5 Sports and recreation facilities 214  
Policy S6 Public toilets 218  
Policy S7 Burial space  
Policy E2 Low-cost business space 227  
Policy E3 Affordable workspace 230  
Policy E10 Visitor infrastructure 261  
Policy E11 Skills and opportunities for all  
Policy HC1 Heritage conservation and growth 268  
Policy HC5 Supporting London's culture and creative industries 287  
Policy HC6 Supporting the night-time economy 292  
Policy G1 Green infrastructure 302  
Policy G3 Metropolitan Open Land 304  
Policy G4 Local green and open space 305  
Policy G5 Urban greening 308  
Policy G6 Biodiversity and access to nature 311  
Policy G7 Trees and woodlands 313  
Policy G8 Food growing 315  
Policy G9 Geodiversity  
Policy SI1 Improving air quality 320  
Policy SI2 Minimising greenhouse gas emissions 324  
Policy SI3 Energy infrastructure 329  
Policy SI4 Managing heat risk 334  
Policy SI5 Water infrastructure 336  
Policy SI6 Digital connectivity infrastructure 341  
Policy SI7 Reducing waste and supporting the circular economy 344  
Policy SI8 Waste capacity and net waste self-sufficiency 347  
Policy SI12 Flood risk management 359  
Policy SI13 Sustainable drainage 361  
Policy T1 Strategic approach to transport 402  
Policy T2 Healthy Streets 403  
Policy T3 Transport capacity, connectivity and safeguarding 406  
Policy T4 Assessing and mitigating transport impacts 412  
Policy T5 Cycling 414  
Policy T6 Car parking 420  
Policy T6.1 Residential parking 423  
Policy T6.5 Non-residential disabled persons parking 429  
Policy T7 Freight and servicing 430  
Policy T9 Funding transport infrastructure through planning  
Policy DF1 Delivery of the Plan and Planning Obligations

6.14 **London Borough of Merton Estates Local Plan Adopted 2018**

- 6.15 OEP 1 Vision  
OEP 2 Strategy  
OEP3 Urban Design Principles  
EP E1 Townscape.  
EP E2 Street network  
EP E3 Movement and access  
EP E4 Land use.  
EP E5 Open Space.  
EP E6 Environmental protection.  
EP E7 Landscape  
EP E8 Building heights.

6.16 **London Borough of Merton LDF Core Planning Strategy (2011)**

- 6.17 The relevant policies in the Merton LDF Core Planning Strategy (2011) are:  
CS.2 Mitcham;  
CS.7 Centres;  
CS.8 Housing choice;  
CS.9 Housing provision;  
CS.11 Infrastructure;  
CS.12 Economic development;  
CS.13 Open space, nature conservation, leisure and culture  
CS.14 Design;  
CS.15 Climate change;  
CS.16 Flood risk management;  
CS.18 Active transport;  
CS.19 Public transport;  
CS.20 Parking servicing and delivery;

6.18 **London Borough of Merton Site and Policies Plan (2014)**

- 6.19 The relevant policies in the Merton Site and Policies Plan (2014) are:  
DM H2 Housing mix  
DM H3 Support for affordable housing  
DM C1 Community facilities  
DM E2 Offices in town centres  
DM E4 Local employment opportunities  
DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure  
DM T5 Access to the Road Network

## **7.0 MATERIAL PLANNING CONSIDERATIONS**

### **7.1 National Planning Policy Framework (2012)**

7.2 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as "*a golden thread running through both plan-making and decision-taking.*"

7.3 For decision-taking the NPPF (2012) states that the presumption means '*approving development proposals that accord with the development plan without delay*' and where the Development Plan is '*absent, silent or relevant policies are out of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole*'.

7.4 The whole of the NPPF (2012) is potentially material to this application, but the specific policy areas considered directly relevant are as follows:

- Building a strong, competitive economy;
- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design; and
- Promoting healthy communities.

### **7.5 OTHER DOCUMENTS AND GUIDANCE**

#### **7.6 Mayors Affordable Housing & Viability SPG**

7.7 The current London Plan seeks to maximize affordable housing provision in London and deliver mixed and balanced communities as set out in policies 3.9, 3.11 and 3.12. A consultation on this SPG ran from 29 November 2016 to 28 February 2017.

#### **7.8 Mayors Housing SPG**

7.9 The Housing SPG was published in March 2016 following publication of the Further Alterations to the London Plan (FALP) and the Minor Alterations to the London Plan (MALP). It provides guidance on a range of strategic policies including housing supply, residential density, housing standards; build to rent developments, student accommodation and viability appraisals. This SPG replaced the 2012 Housing SPG and the Mayor's Housing Standards Policy Transition Statement.

#### **7.10 Mayors Sustainable Design & Construction SPG**

7.11 This SPG provides guidance on the implementation of London Plan policy 5.3 - Sustainable Design and Construction. It also features guidance on a range

of other policies, primarily in Chapters 5 and 7, which deal with matters relating to environmental sustainability.

#### **7.12 Mayors Play and informal Recreation SPG**

7.13 The guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan), in particular Policy 7.1 on Lifetime Neighbourhoods.

#### **7.14 Mayors Homes for Londoners Draft Good Practice Guide to Estate Regeneration**

7.15 This is a draft Guide for consultation. Following consultation, a final version will be published by the Mayor. The document informs good practice in estate regeneration projects which will typically fall into three broad categories: maintaining good quality homes; supporting the supply of new housing; and improving the social, economic and physical environment in which those homes are located.

#### **7.14 London Borough of Merton 'Planning Obligations SPD' 2006**

7.15 The purpose of this SPD is to assist developers, applicants, landowners and the Council in the process of preparing planning obligations. It explains the relationship between planning obligations, planning conditions, CIL and s278 Agreements.

#### **7.16 London Borough of Merton 'Archaeology SPD' (Part 1 & 2) 2004**

7.17 This Guidance Note is intended to provide information and advice on the importance of archaeology when developing a site within the London Borough of Merton. The Guidance Note is divided into 2 Sections, the first explains the importance of archaeology, both nationally and in the local context and outlines Merton's archaeological heritage. The second Section sets out the Planning Framework in relation to the development process and provides advice and guidance to owners and developers on the processes involved.

### **8.0 PLANNING CONSIDERATIONS**

8.1 Key Planning considerations;

8.2 The main issues which shall be examined within this report relate to the following:

#### **9. Principle of Development and Land Use**

**10. The acceptability of the development on the site including the proposed mix of accommodation;**

**11. The acceptability of the level of affordable housing on the site including the proposed tenure;**

**12. Design Review Panel;**

13. **Reserved Matters (Access, Scale, Layout, Appearance and Landscaping)**
14. **Parking and Transport considerations;**
15. **Provisions of Mix of uses – residential and retail;**
16. **Residential Amenity and Retail;**
17. **Standard of Accommodation and Future Occupiers;**
18. **Nature Conservation;**
19. **Public Open Space and Amenity Space;**
20. **Noise;**
21. **Sustainability and Climate Change Mitigation;**
22. **The acceptability of the scheme in terms of the environmental impacts; Air quality, Ecology and Biodiversity, Land contamination and remediation,**
23. **Accessibility and Inclusivity;**
24. **Trees;**
25. **Refuse and recycling;**
26. **Archaeology;**
27. **Secured by design;**
28. **S106;**
29. **Conclusion; and**
30. **Conditions Informatives.**

## **9.0 Principle of Development and Land Use**

9.1 By virtue of s38 (6) of the Planning and Compulsory Purchase Act (2004), the starting point for the consideration of this outline planning application is the Development Plan. The Council is required to make decisions in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for the London Borough of Merton comprises:

- The London Plan (2016)
- Merton Estates Local Plan ((2018)
- Merton LDF Core Planning Strategy (2011)
- Merton Site and Policies Plan (2014)
- Any other supporting and relevant guidance.

9.2 In accordance with the Policies Map of the Merton's Local Plan, the site is designated as:

- Flood Zone 1
- Critical Surface Water Area
- Open Space – Streatham Park
- Open Space – Longbolstead

## **10.0 The acceptability of the development on the site including the proposed mix of accommodation**

10.1 Since 2014 the Council has been exploring the regeneration of the Eastfields estate and two other large housing estates managed by the applicant (High



Path and Ravensbury Estates) in consultation with residents, the Mayor of London, TfL and Clarion (the applicant, previously known as Circle Housing Merton Priory). This was carried out via Merton's Estates Local Plan, which started in 2014 and following extensive public consultation and an independent examination, was formally adopted in February 2018

- 10.2 Merton's Estates Local Plan's purpose is to shape and guide any redevelopment proposals on this and the other two estates that come forward within the next 10-15 years. The plan was adopted by Merton Council in February 2018 and is a material consideration in planning, for the delivery of new homes and to meet housing targets, improve the building fabric and to improve infrastructure on the three estates.
- 10.3 When Merton Council transferred its housing stock to Clarion, part of the transfer agreement was for Clarion to improve the quality of accommodation up to Decent Homes standard. Clarion identified that the work required significant maintenance, refurbishment and financial investment to achieve the required standard and narrowed down their options to the most cost effective way of delivering longer term sustainable Decent Homes standards through regeneration which allows for the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 10.4 Paragraph 1.33 of the adopted Estates Local Plan states, 'It is the council's view, supported by Clarion Housing Groups evidence that whilst incremental refurbishment and Decent Homes works would improve the internal housing quality in the short to medium term, regeneration provides an opportunity to deliver comparatively more significant positive changes to the three neighbourhoods and a once in a generation opportunity to improve the quality of life for current and future residents.'
- 10.5 A key principle of the estate regeneration, as set out in Estates Local Plan Policy OEP 2 Strategy (c.) is that development proposals are consistent with a single linked regeneration programme for all three estates. Paragraph 2.8 of the Estates Local Plan clarifies that the regeneration of all three estates as part of a single comprehensive programme has been presented to the council as the basis of being able to viably deliver regeneration and that it is on this basis that the council is considering deliverability. The applicant's viability assessment, and the council's independent review of the same, links the regeneration of the three estates on viability grounds, with High Path providing surplus to fund the regeneration of Eastfields and Ravensbury.
- 10.6 Alongside this in Estates Local Plan policy OEP.2. para 2.10 states "A key expectation of any regeneration proposal that comes forward will be a commitment to keeping the existing community together in each neighbourhood and for existing residents to have a guaranteed right to return to a new home in their regeneration neighbourhood" Assessment of the quantum and mix of affordable housing has had regard to this Local Plan policy requirement and one of the overarching Heads of Terms for all three estates is to prioritise the rehousing of existing residents within their estates on a like-for-like basis.
- 10.7 A string of benefits related to regeneration are identified in the ELP para. 1.34, including high quality well-designed neighbourhoods, wider housing mix, more

private space for residents, better quality green spaces and community facilities and the creation of job opportunities.

- 10.8 This is in line with paragraph 111 of the National Planning Policy Framework (NPPF) which encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of a high environmental value.

The proposal is in accordance with Core Planning Strategy 'Strategic Objective 3' which seeks to provide new homes and infrastructure within Merton's residential areas, through physical regeneration and effective use of space. In order to meet the aspirations of the strategic objective the following is expected to be delivered through the plan period; provision of higher density new homes and associated infrastructure and social facilities, supporting incremental growth in residential areas across the Borough, protecting areas of the Borough for uses other than residential and delivering community services and infrastructure to support new homes.

- 10.9 With respect to Policy CS9 of the Core Planning Strategy paragraph 18:43 noted in the justification section of the policy which recognises opportunity areas for new residential developments to be sited around Mitcham Town Centre and through regeneration of Brownfield sites. This policy supports the provision of well designed housing, including the redevelopment of poor quality existing housing. Specifically, this proposal would enable the net gain of an additional 334 units whilst increasing the size and quality of dwellings across the site, in addition to providing a more balanced mix of units across the site.

Merton's Estates Local Plan policy OEP.1 *Vision* sets out the vision for Eastfields Estate as a "contemporary compact neighbourhood" as *a new neighbourhood which demonstrates innovative design, reimagining suburban development by maintaining a distinctive character through the creation of a contemporary architectural style encompassing a variety of types, sizes and heights for new homes, overlooking traditional streets and the improvement of links to the surrounding area*. It is considered that the Outline Planning Application sets the framework for the delivery of the Eastfields vision as set out in the Estates Local Plan, with details being addressed in subsequent reserved matter phases over a 10-15 year period.

- 10.10 In terms of the proposed demolition, officers accept that the existing buildings are not unique insofar as they are post war three storey purpose built flats that form of a continuous perimeter building around the edges of the site with the central core of the site comprising of large green open spaces. Therefore it is noted that the site is not subject to any form of historic designation, demolition cannot be opposed. It must be noted that aside from their modest scale, the buildings do not possess any significant architectural quality and their contribution to the visual amenity of the area is considered neutral.
- 10.11 For the reasons outlined above, officers are of the view that the proposed redevelopment of the site would be acceptable in principle. It is therefore considered that the proposal would represent a more efficient use of land, aligning with the land use based policy objectives of the Estates Local Plan 2018 and Core Planning Strategy Objectives 2011, in addition to the

sustainable development mandate provided by the NPPF 2012. Furthermore **Condition 12** would require the applicants to provide an acceptable level of housing accommodation mix for both private and affordable units in line with national and local policies and guidance.

#### 10.12 **Housing Mix**

- 10.13 Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built environment including widening the choice of high quality homes. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic trends, market trends and the needs of different groups should be provided.
- 10.14 At the regional level, London Plan Policy 3.8 states that boroughs should seek to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 10.15 London Plan Policy 3.9 further seeks a more balanced mix of tenures in all parts of London. This is emphasised within the Mayor's Housing SPG which provides further guidance to aid the delivery of a wide choice of quality homes and a mix of housing that meets local and strategic demand.
- 10.16 At the local level, the Council's Sites and Policies DM H2 requires mixed and balanced communities and sets out the Council's priority for a choice of housing with respect to dwelling size and type in the borough. This policy recognises the need of housing of families with children, single person households and older people by providing a mix of dwelling sizes. Policy DM H2 reiterates Core Planning Strategy Policy CS8 and sets out the Council's preferred housing mix for mainstream market housing schemes which states that there should be a varied mix of units across the development, with the indicative percentage being as follows: 33% 1 bedroom units, 32% 2 bedroom units and 35% 3 bedroom units. Currently the estate comprises only one bed flats and three bed houses.
- 10.17 The proposals comprise a sustainable mix of tenure and dwelling types and sizes. The proposed development comprises a high proportion of two bedroom and single person units to comply with the objectives of the policies noted above. The proposed development seeks to provide the following mix of unit sizes to cater for the socially mixed community within the borough; 315 x 1 bed units (39%), 319 x 2 bed units (40%), and 166 x 3 bed units (21%).
- 10.18 Although the percentage of three bedroom family units are lower than the policy requirement, nevertheless 20% of the proposal would comprise of three bedroom units and it is considered that the proposed mix has been developed following careful consideration of the local characteristics of the site, market trends and demands, demographics and the desire to optimise the development potential of this brownfield regeneration site. There are no two-bed units in the current estate so the addition of 319 two-bed homes represents a substantial increase in numbers and housing choice in the local area.

10.19 Overall, the proposed mix provides a range of unit types and sizes across the development and is considered wholly appropriate for the borough. The variety of units proposed would assist in creating a socially mixed and balanced community whilst meeting identified local needs, in accordance with the objectives of the London Plan Policies 3.8 and 3.9, Core Planning Strategy Policy CS8, Sites and Polices Plan DM H2.

10.20 It should be noted that while the applicant has presented an indicative housing mix as part of this Outline Planning Application incorporating layout, scale and access, this precise housing mix is not for final approval as part of this Outline Planning Application. Over the 10-15 year lifetime of this project there is likely to be changes to many of the elements that influence housing mix, including statutory planning policies, the needs of existing residents, housing need and demographic trends in Merton, development viability, guidance and other material considerations. At each Reserved Matters stage the applicant will be required to specify the housing mix proposed for that phase, and that will be considered by the Local Planning Authority against the statutory development plan and other material considerations in place at the time of the application. This Outline Planning Application is accompanied by Heads of Terms that require the applicant to address this.

**Table 4.3: Indicative Maximum Accommodation Mix**

Tenure	Studio	1 bed	2 bed	3+ bed	Total Units	Total Hab Rooms	% Affordable and Private Homes on a Unit Basis	% Affordable and Private Homes on a Habitable Room Basis
Affordable (Rent)	0	107	111	44	262	742	33	31
Private (sale or rent)	0	208	208	122	538	1649	67	69
<b>Total</b>	0	315	319	166	<b>800</b>	<b>2391</b>		
<b>% of Unit Size</b>	0	39	10	21				

### 11.0 Affordable housing on the site including the proposed tenure

11.1 The NPPF (paragraph 47) states that local authorities should act to “*boost significantly the supply of housing*” and use their evidence base to ensure that Local Plan documents meet “*the full, objectively assessed needs for market and affordable housing.*”

- 11.2 London Plan Policy 3.11 seeks to maximise affordable housing provision to ensure an average of at least 17,000 additional affordable homes per year across London.
- 11.3 Policy 3.11 also promotes a strong and diverse intermediate housing sector and sets out that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. The policy also requires local authorities to set an overall target for affordable housing provision as well as separate targets for social rented and intermediate housing. Policy 3.13 of the London Plan sets a standard affordable housing provision threshold of sites with capacity to provide 10 or more units.
- 11.4 London Plan Policies 3.9, 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units and provide for mixed and balanced communities.
- 11.5 The Mayor's Affordable Housing Viability SPG, 2017 introduces a threshold approach to viability, where the approach to viability information differs depending on the level of affordable housing provision being provided. The SPG introduced a fast-track route to applications that meet or exceed 35% affordable housing provision.
- 11.6 Applicants who do not meet this minimum threshold of affordable housing provision or require public subsidy to do so, must submit detailed viability information to be scrutinised by the LPA and potentially the Mayor, to determine whether a greater level of affordable housing could viably be supported. The applicant submitted a detailed viability assessment with this outline planning application and the Council has employed independent viability assessors to scrutinise the results.
- 11.7 The SPG requires that where permission is granted, review mechanisms should be applied to ensure that the maximum reasonable amount of affordable housing, up to 50 per cent is provided. A two stage viability review assessment; an early stage review and a late stage review, will be required. The SPD also allows for mid-term reviews for longer term phased schemes such as this Estates Regeneration. This application is being recommended for grant therefore a review clause is set out as part of this application's s106 agreement in line with the Mayor's SPG.
- 11.8 The SPG also sets out that, where the Mayor considers that affordable housing opportunities for affordable housing may have been missed for reasons such as the unsatisfactory provision or insufficient scrutiny of viability information, the Mayor may choose to 'call in' the application, which means that that he is to be the Local Planning Authority for the purposes of determining an application.
- 11.9 Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social rented and 40% intermediate. Furthermore, the policy states that in seeking affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

- 11.10 Policy CS 9 states that the Council will support the provision of well designed housing, located to create socially mixed and sustainable neighbourhoods, including the redevelopment of poor quality existing housing and not support proposals that result in a net loss of residential units, or net loss of affordable housing units.
- 11.11 Policy DM H3 titled 'Support for affordable housing' sets out that new development should provide affordable housing in accordance with the requirements of the London Plan and the Core Planning Strategy Policy CS8.
- 11.12 The development proposes in total 262 of the 800 residential units as affordable units. This is 33% on a unit basis 31% on habitable rooms. The proposed mix would be 107 x 1 bed units (41%), 108 x 2 bed units (42%), and 44 x 3 beds units (17%). This would be delivered as socially rented affordable housing to provide replacement homes for the existing tenants of the Eastfields. As there are no existing intermediate tenures to be decanted, therefore no intermediate tenures are proposed. The applicant has committed to providing new homes to existing social tenants at the same rental levels as their existing tenancies.
- 11.13 All units, irrespective of tenure, would be designed and built to the same specification. These measures would ensure that the socially rented units are genuinely tenure blind and would assist in providing a more mixed and balanced community within the scheme.
- 11.14 The level and mix of affordable housing provision has been carefully considered having regard to viability, planning policy guidance, local housing need and market requirements.
- 11.15 The scheme would provide 33% of the proposed residential properties for affordable housing; with no net loss of the existing homes. London Plan Policies 3.9, 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units and provide for mixed and balanced communities. Merton's Core Planning Strategy policy CS.8 seeks a borough-wide target of 40% having regard to have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.
- 11.16 Applicants who do not meet this minimum threshold of affordable housing provision or require public subsidy to do so, must submit detailed viability information to be scrutinised by the LPA and potentially the Mayor, to determine whether a greater level of affordable housing could viably be supported.
- 11.17 The applicant submitted a detailed viability assessment with this outline planning application and the Local Planning Authority has employed independent viability assessors to scrutinise the results.
- 11.18 A 30-page summary of the applicant's viability assessment is available online. The assessment concluded that the development would be significantly unviable and in deficit given that profit within the development would come forward over a number of years as opposed to being upfront as a traditional build-to-sell model.

- 11.19 As set out in Estates Local Plan 2018, policy OEP.2 the council is considering the three estates as part of a single linked regeneration programme in the applicants viability assessment, the regeneration of the High Path Estate is financially more viable than Eastfield or Ravensbury Estates. In order to ensure that all three progress to delivery cross subsidisation is needed so that surpluses from High Path could be used to plug viability gaps in the other two estates. Comprehensively, the three estates when taken as a whole provide 27% affordable homes or 726 affordable rented units. If the three estates were redeveloped on an individual basis, it would not be possible to deliver the programme as proposed through the outline planning applications, particularly for the Eastfields estate which presents the biggest deficit.
- 11.20 This regeneration programme is proposed to take place over the next 10-15 years. In order to ensure that any future financial benefit would result in an increase in affordable homes An affordable housing financial viability review mechanism is included as part of the planning obligations for this proposal. Furthermore Condition 12 would require the applicants to provide an acceptable level of housing accommodation mix for affordable units in line with national and local policies and guidance.
- 11.21 Affordable Housing Review Mechanism**
- 11.22 The Mayor's Affordable Housing and Viability SPG 2017 states that in order to maximise affordable housing delivery in the longer term and to acknowledge the potential for significant changes in values in the housing market the use of review mechanisms should be applied within s106 'Heads of Terms', which is also fully supported in the London Plan.
- 11.23 Review mechanisms allow increases in Section 106 contributions to reflect changes in the value of a development from the date of planning permission to specific stages of the development programme. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty.
- 11.24 It is noted that the GLA's comments on the planning applications for each of the three Merton estates draws attention to the need to put in place financial viability review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG. The SPG contains a series of formulas which should provide a useful set of principles around which review mechanisms can be developed.
- 11.25 The January 2018 BBP review of the Financial Viability Assessments highlights the high sensitivity of financial performance to changes to variables which will inevitably arise due to a range of policy, market and economic factors over the duration of the regeneration programme. Whilst the January 2018 review concluded that there was no financial headroom to provide additional affordable housing and planning gain at this stage, this situation could change over the 10-15 year lifetime of the project and it is possible that future phases may be able to support additional contributions.
- 11.26 For these reasons, the LPA will be putting in place an effective review mechanism. This will be robust and have longevity over the duration of the programme. There will be a need for an agreed 'financial model', agreed

thresholds/trigger points and formulas for converting surpluses into additional planning gain. The timing of reviews would also be considered.

## **12. Design Review Panel**

- 12.1 The proposal was also presented to the 'Design Review Panel' on September 2016. A summary of the review revealed that Eastfields estate masterplan regeneration scheme performed rather well against the 'Build For Life' 12 questions, which offers a tool kit aimed at assessing residential quality for new developments. The assessment is based on a simple 'traffic light' system (red, amber and green) which is recommended that new proposed developments should aim to secure as many 'greens' as possible.
- 12.2 The Panel felt that the analysis was good and thorough and was reflected well in the concepts developed for the design and layout of the estate. Overall, they felt it was a high quality masterplan that would produce a good quality environment. They supported the increased density, retention of green space and views out to surrounding green space, and the introduction of permeability into the estate.
- 12.3 The Panel felt that it would be good to introduce some non-residential uses and were supportive of the applicant's proposals in this regard, to locate any such uses on the east-west spine road. At the more detailed level it was important to get design codes right.
- 12.4 The Panel liked the approach for the central green space and the punctuations between them, but felt there was scope to enclose them slightly more based on use – such as making the MUGA area feel almost like a separate space. The projecting buildings in places were important in helping define these spaces.
- 12.5 The Panel were confident the proposals would result in a better quality better connected part of Mitcham that was currently quite isolated. The Panel gave a verdict of: GREEN for the proposed regeneration of Eastfields estate.
- 12.6 The Panel discussed issues relating to refuse and recycling, layout and access, and it was noted that this would be assessed fully as detailed designs of the proposed scheme are produced and submitted at reserved matters stage.

## **13.0 Reserved Matters (Access, Scale, Layout, Appearance and Landscaping)**

### **13.1 Access (Including Parking and Transport Improvements)**

- 13.2 The proposed street network shows the hierarchical grid of streets and spaces that form a well linked system of; vehicle, pedestrian and cyclist routes. The proposal would provide three main routes into the estate; Acacia Road and Mulholland Close in the north will be joined with a series of shared surface junctions that will provide direct links into the 'Central Linear' park which forms the central core of the site. The other entrance route is on the



southern side of site via Clay Avenue, this has been realigned to form a new street known as Belvedere.

- 13.3 The proposed public realm across the masterplan will vary in terms of access and movement. A clear hierarchy of access, open space and movement is set out across the varying degree of building and location typologies.
- Acacia Road & Mulholland Close
  - The Central Linear Park
  - The Lanes
  - The Belvedere Housing Courts
  - The Belvedere Traditional Mews Streets
  - The Sparks
- 13.4 Public realm proposals will evolve at Reserved Matters stage with close dialogue regarding built form with the promotion of active frontages, natural surveillance and well-placed play and sources of public space activation.
- 13.5 The proposal aims to re-connect a site currently detached from its surrounding area, through an interlinked network of public realm to neighbouring local amenities, such as; Mitcham Eastfields Station, St Mark's Academy, Streatham Park Cemetery, Merton Saints BMX Club and Long Bolstead Recreation Ground. The applicants have demonstrated within the design and access statement routes and connections throughout the proposed estate. The proposal seeks to ensure that the pedestrian environment is 'accessible to all' is not only critical to meeting the access needs of individual disabled people, but contributes towards social inclusion and quality of life to a much wider section of the population. There is an explicit link between sustainable transport and the need to ensure walking and cycling, which feature highly within the Eastfields Estate Regeneration Masterplan.
- 13.6 The Outline Proposal has been designed to make the environment a more social space by reducing the dominance of vehicles and creating streets for "people friendly" environments. The masterplan is therefore considered to be an urban design led scheme which takes into regard not only the buildings but also the spaces and networks surrounding the building which as a result would underpin a more robust sense of space. This has been done by creating diverse and distinct locations with varying road hierarchy that comprises of shared surface street designs.
- 13.7 **Vehicular Movement**
- 13.8 The main proposed vehicular route into the estate is via Mulholland Road, Acacia Avenue (north) and the Belvedere (south) which provides primary vehicular movement; this is formed of a single street around the estate with full vehicular access. This has been designed in accordance with ELP Policy EP E3 a) which requires vehicle access arrangements not to divide the estate into two as is the current arrangement. This policy requires proposals to investigate the feasibility of Acacia Road, Mulholland Avenue and clay

Avenue (Belvedere) being combined into a single street with full vehicular access at both ends.

- 13.9 Secondary routes connect to the primary roads that run on northern and southern boundary as noted above. The tertiary routes provide access to dwellings – in this case parking in the courtyards of the flatted developments including garages or podiums of the residential dwellings.

#### 13.10 **Pedestrian Movement**

- 13.11 The primary pedestrian route is formed via 'Central Linear Park' with Supplementary secondary routes all connecting to the Central Linear Park. The tertiary routes all concentrate on access to dwellings, whereby pedestrian footpath is provided throughout the estate.

#### 13.12 **Cycle Route Movement**

- 13.13 The proposal would create one main cycle route through the Central Linear Park, this is shared with pedestrians Shared surface throughout the estate, however.

- 13.14 The existing cycle and pedestrian paths within the Eastfields Estate are considered very inadequate. Footpaths that adjoin the perimeter road are poorly defined and often dominated by cars. There are a series of footpaths that connect the perimeter road with the central green. These are convoluted, unattractive and poorly overlooked. The current environmental conditions for cyclists are not considered appropriate comprising of excessive blind corners and furthermore there are no provisions for bicycle storage within Eastfields Estate.

- 13.15 Policy EP E3 sets out the importance of improving streets and footways to promote pedestrian and cycle access, particularly from the station in the north through to the southern boundary of the application site with the cemetery. Streets should be clear, open and well surveyed.

- 13.16 In terms of cycle storage this storage strategy aligns with the London Plan policy and will allow for 1 space per 1 bedroom unit and 2 spaces for 2 bedroom and larger units, with 1 visitor bay for every 40 units. The buildings will be provided with cycle storage areas which will be accessed off the entrance cores to the blocks. The semi-private courtyards could also provide for additional storage, these are secure courtyards so sheds could be provided in blocks where internal cycle storage does not meet the requirements.

- 13.17 In addition to this there will be stands and spaces within the public realm, that will cater for any cycle parking requirement especially in areas designated as meeting places and squares for instance the Sparks. Furthermore it should also be noted that cycle parking would also be provided for the non-residential uses of the proposed development in accordance with London Plan standards.

### **13.18 Controlled Access Roads**

- 13.19 There will be limited controlled access routes for refuse and emergency vehicles which will be informed by bollards. These will be formed of shared surface roads with a contrasting surface treatment to the adopted roads on site. There will be limited vehicular access onto 'Central Linear Park' from the lanes on the north and Belvedere on the south. The main vehicular access that links north to east will be via the 'Sparks' and via the southern and northern parts of the site would comprise of high nodes of activities in these areas.
- 13.20 Therefore it is considered that collectively the proposed access and movement network for the Eastfields estate regeneration would significantly contribute to making Eastfields highly permeable and legible. This would be a significant improvement to the existing access and movement on site which creates a fortress like feel. As such these are key factors that meet the objectives of the Estates Local Plan policy EP E3.
- 13.21 Further consideration will be given at the detailed stage to ensure high levels of adequacy are employed in providing a robust and well measured access and movement strategy to and within the site. The detailed strategy will further build on the submitted design and access statement with detailed assessment showing access and movement for the following; public/residents vehicle access, emergency and services vehicles access, cyclists and pedestrians access. It is anticipated that the Reserved Matters applications will be subject to detailed assessment review by the Council's newly-established Design Review Panel to ensure the highest quality for access and movement has been established for the Eastfields estate regeneration scheme.

### **13.22 Scale**

- 13.23 The proposed height strategy across the whole estate is considered to be acceptable be in accordance with the provisions of the Estates Local Plan 2018. As the site is part of a key regeneration area, the principle of tall buildings is supported in certain areas within the estate and confirmed by Policy EP E8 of the Estates Local Plan 2018. The taller marker buildings that would be sited in the 'Sparks' area will comprise of 7 – 9 storey buildings located close to the centre of the site which would overlook open space and the 'Central Linear Park' with heights then reducing to 5 storeys on the southern and norther edge of the 'Central Linear Park' and further reduced to 3 & 4 storeys on along the more traditional streets of the 'Lanes' and the 'Belvedere' which are sited on the southern and northern parts of the site.
- 13.24 The Estates Local Plan 2018 acknowledges that the existing estate has a single uniform height of three storey buildings with fat roofs located around a continuous perimeter around the site. As such it is noted that this forms an isolated scale that does not create a dominant form in the wider townscape. Therefore Policy EP E8 of the Estates Local Plan 2018 provides a justification for building heights on Eastfields to be increased where there is potential to

do so. This policy notes that taller buildings may be appropriate in certain places and careful consideration should be given to ensure they are located so as to appear in harmony and compliment the mature vegetation and physically define open spaces. Buildings as result of their scale and height should therefore not have a negative impact on the surroundings on account of their height and should relate well to the surrounding context and public realm, particularly at street level.

- 13.25 The proposal therefore takes into significant consideration the objectives of Policy EP E8 of the Estates Local Plan 2018 and seeks to provide an opportunity for high buildings in certain areas of the site where it is considered more appropriate and not to impact on neighbouring residential amenities or the townscape in general. The proposal is also considered to accord with the principles of Policy DM D2 of the LBM Local Plan 2014 and Policy CS14 of the Core Planning Strategy regarding urban design and public real and general design policies that seek to ensure acceptable scale of development.
- 13.26 The consideration of such principles of this policy include the quality of design and architecture, impact on privacy and amenity with adjacent properties, and the relationship to topography and surrounding land form. The detailed design regarding the scale and height of the proposed buildings and the scheme in general would be considered at Reserved Matters stage.
- 13.27 The three long sections shown here provide longitudinal east-west and north-south sections through the proposed masterplan layout, cutting through the buildings, streets, public spaces and the courtyards. The first east-west section cuts across the courtyards of the buildings along Acacia Road and Mulholland Close in the north, illustrating the scale achieved along the north-south streets, mainly the Lanes that run from the north and lead into the Central Linear Park. These streets are more intimate with either 3 storey houses or alternatively 4 storey flatted blocks with 5 storey flatted blocks at some corners addressing 10m, 14m and 16m wide Lanes.
- 13.28 The courtyards along this edge have a varying character. Blocks J and K have courtyards with parking integrated within them. As this application is seeking to be approved with Parameters, as such blocks L, M and N would comprise of either 3 storey houses with traditional back gardens along the Lanes, with flatted blocks to the north and south, or continuous 4 storey flatted blocks. In the areas where flatted blocks are included the proposal will create raised podium courtyards with under-croft parking. The scale of the proposal is expected to vary throughout the site to ensure the proposal meets is in accordance with Estates Local Plan Policy EP E8 in order to protect neighbouring amenities and to protect the distinctive suburban character of the borough. Therefore heights are proposed to drop along the Lanes, and rise up to 5 storeys along the 'Central Linear Park' where this provides more spacious public areas.

### **13.29 Layout**

- 13.30 The overall design strategy has been well-considered at the masterplan stage and the layout provides clear linkages through the site integrating with the existing urban fabric of Acacia Road, Mulholland Close and Clay Avenue (also known as The Belvedere). The proposal also links well with the surrounding streets further afield like Tamworth Lane and Hammond Avenue. It is stated in the Estates Local Plan Policy EP E2 that any proposed development coming forward for Eastfields estate regeneration has to improve the existing layout by providing enhanced connections with a more open feel connection of networks. Furthermore, the proposed residential/ mixed-use blocks have the potential to provide good active frontages on all elevations with a clear distinction between public and private space.
- 13.31 Following discussions at masterplan stage, the proposed development would range between 1-to-9 storeys and would provide a form of accommodation and appearance that would represent an enhancement to the area and, which would contribute to the street scene. Accordingly, the proposal complies with principles of Policy DM D2 of the LBM Local Plan 2014 and Policy CS14 of the Core Planning Strategy regarding urban design and public realm and general design policies that seek to ensure acceptable layout of development. This part of the policy seeks to address issues of layout in a sensitive manner.
- 13.32 The site is identified as key regeneration area and the principle layout of the proposed development on this site is supported although it would be subject to detailed design at Reserved Matters stage. The Estates Local Plan describes the application site as an opportunity area for redevelopment to include mixed-use and increase residential density. Policy EP E4 of the Estates Local Plan 2018 states that residential density rates may be exceeded the current London Plan density ranges where proposals would create developments of exceptional urban design quality. The proposal would contribute up to a maximum of 800 residential units to the borough's housing supply, in a mixture of houses and flats along with the provision of 275 sqm of non-residential floor space to be sited along Acacia Road and Mulholland Close thus expected to further support the growth of commercial activity along Tamworth Lane and the new areas of business.

### **13.33 Appearance**

- 13.34 Consideration will be given at the detailed stage to ensure a high quality of architecture and materials including building form and design are applied. The assessment under appearance in the Reserved Matters will also consider the need to minimise single aspect residential units, well-designed and usable private and communal amenity spaces and an integrated approach to car parking and the public realm. It is anticipated that the Reserved Matters applications will be subject to detailed assessment review by the Council's established Design Review Panel and the Design Council.
- 13.35 The application is supported by a Design and Access Statement, which sets out a well-considered analysis of the urban design issues relevant to the

existing site and its surroundings and which then, informs the urban design rationale for the proposed redevelopment. It explains the key urban design principles which have informed the proposed development and includes the objectives of achieving the highest standards of architecture and urban design through a Design Code. As mentioned, the applicant has submitted a Design Code document, which provides overarching guidance for future design teams that would be involved at Reserved Matters stage. It establishes design principles and provides a general indication of the proposed development.

- 13.36 The Design Code sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and detailed design of future phases, these include; landscape and public realm, built form, architectural quality and materials and building typologies. Although the establishment of principles within the document is guidance, they will be a useful tool at Reserved Matters stage should this outline scheme be delivered.

### **13.37 Landscaping**

- 13.38 Policy EP E5 of the Estates Local Plan 2018 states that any future proposal should seek to provide equivalent or better re-provision of open space within the estate, ideally along the boundary with the adjoining cemetery on the southern side of the site.
- 13.39 The landscaping strategy through the site appears sound; It would appear that the proposed landscaping fully compensates for loss of trees to facilitate the scheme. The majority of trees around the peripheries of the site are being retained such that the overall impact on landscape and amenity value of the site for the public realm is minimised. Boundary trees will continue to provide a green screen along the site's edges. There will be no loss of category A trees. However, a number of moderate/low quality category B/C trees are proposed to be removed to facilitate the scheme.
- 13.40 In addition, a number of trees within the central courtyard areas have been incorporated into the scheme. This includes category A oak trees, and a number of category B and C specimens to be located amply throughout the site and public areas such as the 'Central Linear Park'. A soft landscaping strategy would also be incorporated with these mature trees in order to enhance the private amenity spaces for residents.
- 13.41 Further details on the species, age class and size of trees is to be provided at the detailed reserved matters stage, which will undergo a full assessment of the overall arboriculture impact.
- 13.42 Furthermore it is worth noting that all the houses and mews would have provision to private amenity space and the flatted blocks would have access to semi-private amenity space where there will be a thorough landscaping plan submitted for further assessment at the reserved matters stage.

13.43 To conclude, the Design Code also provides further information on the coding to be applied at the Reserved Matters stage in preparing the landscaping design in line with Estates Local Plan 2018 to assist in delivering the vision for creating a suburban parkland setting. Furthermore **Condition 8** would require the applicants to provide an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code, which will inform the design proposal for matters relating to; scale, layout, access, appearance and landscaping.

## **14.0 Parking and Transport**

### **14.1 Parking**

14.2 The outline status of this planning application does not provide for consideration specific scheme details such as parking locations and their interaction with the street scene. As the overall scheme would progress on a phased basis, these important aspects of detail would be appraised within future Reserved Matters applications, as all matters are reserved.

### **14.3 Car Parking**

14.4 The proposal includes the provision of 360 car parking spaces, which equates to a car parking ratio of 1 space per 0.47 units. The development would also accord with the Draft London Plan 2017 parking standards, which states that for outer London sites with a PTAL 2 the maximum standard is up to 1 space per unit. This represents a reduction in the existing spaces (380) on site which is welcomed by TfL. Car parking provisions would comprise of individual driveways for houses and shared parking spaces located along the internal access roads. The on-street parking spaces are intended for shared purposes by residents of the flatted blocks and no individual car parking spaces would be allocated to the residents in these apartments.

14.5 The Site is not situated within a Controlled Parking Zone (CPZ) and, as a result, the majority of on-street parking within the vicinity of the Site and surrounding areas is unrestricted.

14.6 There are no formal existing parking arrangements within the Site; there are no marked car parking spaces, and parking is not designated to individual dwellings, except when contained within garages. Parking within the Site is instead provided on an informal and unrestricted basis.

14.7 The TA states that the proposal for provision of disabled car parking will accord with London Plan standards, this will equate to 33 disabled car parking spaces. The provision of disabled car parking spaces would be planned in accordance with GLA Best Practice Guidance on Wheelchair Accessible Housing, which states that 10% of parking for new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users'. Furthermore this would be secured by way of condition.

- 14.8 No CPZ is proposed at this time as it is considered that this is not essential for the Proposed Development to operate satisfactorily. However, the applicant has aspirations for the future introduction of a CPZ across the site, although, this would undergo further consultation with residents.
- 14.9 In order to ensure that existing residents on nearby streets do not experience greater parking pressures as a direct result of the regeneration of Eastfields estate, the applicant will be expected to fund a Controlled Parking Zone consultation in nearby streets. If the CPZ consultation demonstrates the need to install CPZ measures (or to adjust the hours of operation or other factors of existing CPZs if one is in place at the time of consultation where these relate directly to the impact of development). Existing residents of Eastfields that move into new homes within the regenerated estate will be provided with a garage or parking space if they already had one as part of their existing home in line with Clarion's Residents Offer. New residents will not be offered an opportunity to acquire a parking permit from the council to park in surrounding streets in order to protect neighbouring roads from parking pressures. This is set out in the S106 heads of terms.
- 14.10 Policy OEP 3 (Urban Design Principles) (xii) titled 'Parking Provision' states that vehicular parking that is provided on-street as a first choice should be well managed and integrated into the rest of the street.
- 14.11 The proposal has applied these principles within the site; the on-street parking provision has taken into consideration suitable siting and designation for vehicle parking, with a coherent layout along the street networks. The overall road hierarchy suitably accommodates facility for the following; footpath (2 metres), parallel parked cars (2 metres) and carriageway width (5 metres), with a total comprising of 13 metres street width.
- 14.12 To add, the Council will seek a full parking management plan to be implemented in order to manage parking within the communal areas, with parking allocation and management to be decided within this plan at a later stage. This is to be provided in accordance with Policy OEP 3 (Urban Design Principles) (xii) 'Parking Provision'.
- 14.13 The submitted detailed plans at Reserved Matters stage would need to demonstrate a minimum dimension of 2.4m x 4.8m for general car parking space and 3.8m x 6m for disabled parking spaces with an additional 1.2m to the side and (where possible), also 1.2m to the rear as transfer strips of disabled access.
- 14.14 Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the London Plan (2016) standards with 20% active and 20% passive provision. The TA states that the proposed provision of Electric Vehicle Charging Points (EVCP5) would accord with London Plan standards, this will equate to 72 active EVCP and a further 72 passive provision. These would be secured by way planning condition. Furthermore it is worth noting that all the houses with on-plot parking will be provided with external power points for charging, which would be further dealt with at the reserved matters stage.



14.15 The location and exact provisions of Electric Vehicle Charging Points and spaces have yet to be confirmed on plan and would be finalised at the Reserved Matters stage, however siting and provision of ECVPs will be imposed by way condition in this outline planning application.

#### **14.16 Cycle Parking**

14.17 All cycle parking would be secured as a condition to the outline planning permission that would result in separate and secure storage for the proposed flats. The Outline Planning Application presents proposals for the potential locations for the cycle and refuse storages. In total, the proposal would need to accord with the minimum cycle parking requirements set in the London Plan (2016) or the Statutory Development Plan and material considerations (including planning guidance) in place at the time of the relevant Reserved Matters application for that phase.

#### **14.18 Transport Improvements**

14.19 As part of the proposal, a series of works are to be secured as part of a s278 Agreement as well as financial contributions that would be secured as part of the s106 Agreement to the outline planning permission. Officers have yet to confirm the sum for works associated with s278 works given that the level of details showing highway works has yet to be fully worked up and will require further detailed drawings at reserved matters stage to enable a calculated cost attributed to the s278 works.

14.20 As part of the S278 agreement and prior to the first occupation of each “relevant work phase” either complete the highway works as set out below at the developers own cost; or pay to the Council a specified contribution to be calculated by the Council such highway works which may include but not be limited to:

- Renewal/addition of any footpath or carriageway;
- Removal/addition of any crossover;
- Reinstatement/Provision of any dropped kerbs;
- Removal/addition of single/double yellow lines and other road markings and signs and related traffic management orders;
- Extension of existing controlled parking bays;
- Carriageway resurfacing to the site entrances;
- Revisions to street lighting;
- Relocation of any services if and where necessary;
- Drainage; and
- Repair of damage caused to highway as a result of any works related to the development.

14.21 The developer must also agree to pay the sum for the S278 Highway works which may include the introduction of traffic calming to keep vehicle speeds

low along the junction of Tamworth Lane and Acacia Road as this would be the main vehicle service route into the site. Other potential public highway works which may comprise of bus relocations will also be considered at reserved matters stage upon further consultation with Transport for London and LBM Transport & Highway Officers at the developers own cost.

- 14.22 Given the predicted up-lift in bus trips there is sufficient spare capacity on the routes which directly serve the development site. During pre-application discussion between TfL and the applicant it was requested by TfL that the applicant should undertake a bus stop assessment for the stops on Woodstock Way, details of which will need to be included within the TA, and any necessary improvements funded by the applicant, which will be further examined at the reserved matters stage.
- 14.23 Detailed Travel Plans for each phase of the development would be required to be submitted post-outline permission and secured under any s106 Agreement to ensure sustainable modes of transport are encouraged and less dependency on the car. Furthermore **Condition 21** would require the applicants to provide a transport strategy which would further examine the issues raised in this section of the report.
- 14.24 The layout and completion of all internal estate roads must be designed and built to meet or exceed the Council's adoptable standards. It should also be noted that the roads currently being proposed for adoption are not being assessed in this current outline planning application, which will require further assessment and consultation with Officers.

### **15.0 Provisions of mix of uses – residential and retail;**

- 15.1 In addition to residential use proposed, the scheme incorporates the provision of non-residential use with flexible Use Classes A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or D2 Uses. The majority of these uses would be located on the ground floors of various blocks with residential situated on the upper floors, which is to be sited along Acacia Road and Mulholland Close.
- 15.2 It is considered that the mix of uses of this residential-led, mixed-use development would be compatible with neighbouring land uses that would not result in a consequential harm to future or adjacent residents. The mixes of uses are detailed below;

### **16.0 Residential Amenity and Retail**

- 16.1 Whilst the proposal outlines what could be achieved on-site in terms of the maximum number of residential units, a planning condition sets out ranges for the mix of dwellings to ensure a broadly policy compliant mix is ensured as set out in Policy DM H2 of the Local Plan Policies 2014 and Policy CS 8 of the Core Planning Strategy 2011. The actual mix provided on site will be determined through the Reserved Matters. It is expected that the applicant at Reserved Matters stage would seek to achieve the residential mix set in

Policy DM H2 of the Local Plan Policies 2014 or to an agreed mix with the Local Planning Authority.

## **16.2 Retail**

- 16.3 With regard to the retail uses, these would be directed towards Acacia Road which would be within close proximity to Tamworth Lane which has existing retail activity and considered highly accessibility. Paragraph 26 of the NPPF (2012) states that proposals for retail uses that are not located within an existing town centre or in accordance with an up-to-date Development Plan must be accompanied by an Impact Assessment, if the development is over a proportionate, locally-set floor space threshold. Merton's Core Planning Strategy policy CS.7 Centres sets this threshold at 280sqm
- 16.4 The proposal would provide 275sqm of commercial/ non-residential uses; lower than the 280sqm threshold. Therefore this new provision would not undermine the viability and vitality of the nearest centre, which is Mitcham Town centre located approximately 1 mile from Eastfields Estate. The scale of these proposed uses would be to serve the future occupiers of the proposed development including immediate surrounding neighbouring residents through convenience stores and other supporting non-residential uses. These proposed uses are therefore supported in principle.
- 16.5 The developer is not expected to build, operate or manage such non-residential uses. These are likely to be built to '*shell and core*' standard with any future occupier bearing the cost of the fit-out to their operational requirements. Details of this to be further examined at later reserved matters stage.
- 16.6 Policies 3.16, 3.17 and 3.18 of the London Plan (2016) seeks to ensure that new development contributes towards the delivery of sustainable communities through the provision of appropriate infrastructure. The proposed mix of uses is considered to address the expected needs of future occupiers of the site for community infrastructure to support sustainable patterns of living and working. Accordingly, the proposals are considered to satisfy the requirements of the Development Plan in respect of community infrastructure.
- 16.7 It is considered that this residential-led development would be compatible with neighbouring land uses that would not result in a consequential harm to future or adjacent residents. Furthermore Condition 8 would require the applicants to an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code. Furthermore **Conditions 6 & 19** attached would require the applicants to provide a plan linking the delivery of the quantum of non-residential floor space to the completion of the residential units.

## **16.8 Residential Amenity**

- 16.9 The applicant would be required to fully demonstrate with detailed drawings at Reserved Matters stage that the daylight and sunlight test results would show

that the habitable rooms of the surrounding properties will receive good levels of daylight and sunlight in accordance with the Building Research Establishment (BRE) guidelines with the proposed development in place. It would include carrying out tests for daylight to windows comprising the Vertical Sky Component (VSC), daylight distribution, Average Daylight Factor (ADF) and the depth of the room. Sunlight to windows would also be considered by carrying out an assessment of Annual Probable Sunlight Hours (APSH) and overshadowing to gardens and open spaces.

- 16.10 For the purpose of this outline planning application a Daylight Sunlight Study has been submitted which reveals the following findings;
- 16.11 A Daylight and Sunlight Report has been prepared by Waterslade for the applicant in support of this outline planning application. The impact on the daylight and sunlight amenity to the properties surrounding the site and also any overshadowing impacts have been assessed in detail. The assessment considers the impact of both the illustrative scheme massing and the maximum parameter massing in relation to daylight, sunlight and overshadowing.
- 16.12 Daylight and sunlight is assessed in relation to the national guidelines set out in the 2011 Building Research Establishment (BRE) Report 'Site layout planning for daylight and sunlight - A guide to good practice' by Paul Littlefair. One of the primary sources for the BRE Report is the more detailed guidance contained within 'British Standard 8206 Part 2:2008'.
- 16.13 The assessment would include carrying out tests for daylight to windows comprising the Vertical Sky Component (VSC), daylight distribution, Average Daylight Factor (ADF) and the depth of the room. Sunlight to windows would also be considered by carrying out an assessment of Annual Probable Sunlight Hours (APSH) and overshadowing to gardens and open spaces.
- 16.14 The BRE guideline notes these principles should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, and advises that fully optimising housing potential on large sites may necessitate departure from conventional guidelines. The Housing SPG also states, "Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm."
- 16.15 In assessing the impact of a new development on neighbouring properties it is usual to only consider main habitable spaces (i.e. living rooms, bedrooms and kitchens) within residential properties. The only residential properties bordering the site are located on Hammond Avenue facing the southwestern site boundary. The impacts to these properties have been assessed in detail. Although not residential, the impact to the school to the north of the site has also been considered.

- 16.16 The summary of the assessment undertaken by Waterslade has considered the BRE measures of Daylight and Sunlight in relation to the surrounding residential properties. These were analysed in detail. Since the current buildings on the site are typically three storeys, some reduction in daylight and sunlight is inevitable. However, the design has evolved to minimise the impact such that the residual impacts and the retained daylight levels are commensurate with the redevelopment of a low rise site in an urban location.
- 16.17 For the illustrative scheme, the impact to all of the properties along Hammond Avenue will be minimal and will comply with the default BRE numerical criteria. The impact to St Marks School to the north of the site will be small.
- 16.18 The findings from the assessment revealed in relation to sunlight that the impact will fully comply with the BRE guidelines for both the residential properties on Hammond Avenue and St Marks School. The overshadowing impact will be small and fully compliant with the guidelines.
- 16.19 In the unlikely event that both the maximum footprint and maximum height parameters are used together, whilst the reductions would be slightly greater, the retained daylight values would remain acceptable given the site's urban location. The sunlight and overshadowing impacts would remain fully compliant with the guidelines.
- 16.20 Given that the Housing SPG advises that an appropriate degree of flexibility should be applied when using the BRE guidelines, it is clear that the impact of both the illustrative scheme, and the maximum parameter massing accords with the Housing SPG policy on urban redevelopments. The assessment therefore concludes that the proposed massing accords with the guidance on daylight and sunlight provided by the BRE and relevant planning policies, and should be regarded as acceptable.
- 16.21 The proposal would only be finally approved subject to detailed assessment at reserved matters stage, in this instance however the assessment that has been carried out for the purpose of this outline planning application considers that the proposed development would not unduly impact on the amenities of the occupiers of any existing neighbouring residential properties in that vicinity due to the adequate separation distances.
- 16.22 Furthermore the proposed development is not considered to cause significant impact on neighbouring amenities by way over-massing or overbearing impact onto the occupiers of neighbouring dwellings adjacent to the site (Hammond Avenue, nor would the buildings result in unacceptable loss of light or outlook.
- 16.23 It is worth noting however that the application will undergo a thorough assessment of the proposed buildings, courtyards and any open spaces in terms of impact on daylight, sunlight, overshadowing and any over-massing or overbearing effect on the amenities of surrounding neighbouring properties and the future occupants of the of the proposed development. The assessment would include any likely impact on internal courtyards and rear gardens of the proposed development. Further assessment would also be

undertaken as the internal layout of the proposed rooms start to unfold during the detailed design process of the proposed scheme at reserved matters stage.

- 16.24 The proposal would therefore ensure that an acceptable impact on the amenities of neighbouring residential occupiers would be provided, in accordance with the requirements of Policy DM D2 of the LB Merton Local Plan 2014. Furthermore **Conditions 33** attached would require the applicants to provide further assessments to ensure that the amenities of the existing residents are not impacted.

## **17.0 Standard of Accommodation and Future Occupiers**

- 17.1 Regarding internal floor areas, all of the residential properties would need to meet the minimum space standards for new residential development, in accordance with the Mayor of London's Housing SPG (2016) or the Statutory Development Plan and material considerations (including planning guidance) in place at the time of the relevant Reserved Matters application for that phase.
- 17.2 As the proposal is submitted in outline form, no detailed internal layout plans of the proposed residential buildings have been submitted for approval. There are however illustrative plans and parameters in relation to housing layout and typologies, which provide an indication of how the site could be developed. On the basis of the information provided including Parameter Plans, officers are satisfied that the proposed houses and flats could be designed to accord with space standards set in the London Plan (2016) and the Department for Communities and Local Government Technical Housing Standards (2015).
- 17.3 There would also be a good level of communal amenity space provided and subject to further consideration of this issue at Reserved Matters stage, the proposal is considered to be acceptable in this regard. Furthermore **Conditions 8** attached would require the applicants to provide an urban design report which would demonstrate the highest standards of accommodations are provided through out the development proposals.

### **Density**

- 17.4 The regeneration proposals seek to optimise the housing potential of the site and ensure that this large brownfield site is used effectively. The site area extends to 6.9ha and the resulting density from the design led proposals has been calculated in accordance with Policy 3.4 of the LP. The site has a PTAL rating of up to 3 and the Estates Local Plan suggests that the site falls within a suburban setting; therefore, the density range guidance is 45 – 70 uph. The Illustrative Maximum Accommodation Schedule would deliver a maximum density of up to 116 uph. This exceeds the guidance range for a suburban setting. However, the London Plan and ELP are clear that the matrix should be used flexibly and the density should not be solely focussed around figures. The draft ELP and LP recognise that exceeding the density range may be considered appropriate where proposals will create development of

exceptional urban design quality. Furthermore in the context of the size of the site, which comprises a large residential development under LP Policy 3.7 and the Mayor's Housing SPG, there is potential to accommodate higher density development on this site.

- 17.5 The density ranges recommended in Table 3.2 of the London Plan are not meant to be applied mechanistically and PTAL alone is not an appropriate measurement to inform residential density and the Draft London Plan 2017, removes the density calculation table entirely. In accordance with paragraph 1.3.41 of the Mayor's Housing SPG, in order to be acceptable, any development will need to be of the highest standards of design, and provide high quality residential accommodation that is well designed, and delivers an appropriate mix of units, with sufficient play and amenity space.

## **18.0 Nature Conservation**

- 18.1 Policy CS 13 Open space, nature conservation, leisure and culture expects developments to incorporate and maintain appropriate elements of open space, play areas and landscape features such as trees which makes a positive contribution to the wider network of open spaces. In addition the developments also need to improve access to open space and nature conservation by public transport, cycle, mobility vehicles and on foot and protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces. The policy also encourages the use of land for growing food.
- 18.2 In terms of Nature Conservation the above policy seeks to protect and enhance biodiversity through supporting the objectives of the London Biodiversity Action Plans and encourage new green links, green corridors and islands to seek in reducing areas of deficiency in nature conservation and to create safe species movement and havens for nature. The policy also requires protecting street trees and using Tree Preservation Orders to safeguard significant trees and improve public access to and enhance our waterways for leisure and recreational use while protecting its biodiversity value. The policy requires, where appropriate, the developments to integrate new or enhanced habitat or design and landscaping which encourages biodiversity and where possible avoid causing ecological damage. Full mitigation and compensation measures must be proposed for any ecological damage that is caused.
- 18.3 The 'Heritage Assessment' carried out by Peter Stewart Consultancy in support of the outline planning application acknowledged that the site has an overall low conservation value and the scale and nature of the proposed development would not give rise to any negative impacts to any designated site for nature conservation. Where feasible, necessary mitigation and enhancements, such as wildlife planting, invertebrate features and bird and bat boxes, might be specified for the development to achieve a positive impact on the biodiversity value of the site and local area keeping in line with the London Plan and Local Policy requirements. Furthermore, a central green space with a strong connection to the play parks throughout the site is also

proposed for use by residents along with introduction of active frontages and natural paths to entrances and destinations.

- 18.4 During the construction phase, to avoid any potential impacts on ecological receptors, best practice working methods on site will be followed, where relevant. Furthermore **Condition 10** attached would require the applicants to provide an ecology and biodiversity assessment in line with the requirements of LBM officers and as noted in the main body of the report.

## **19. PUBLIC OPEN SPACE AND AMENITY SPACE**

- 19.1 The proposals provide for 1.71ha of public open space which includes a central linear park (approximately 0.8ha) running east to west through the site.

- 19.2 The boundary of the Outline Planning Application proposes development on a small quantum (0.6ha) of poor quality designated open space that runs along the site's boundary with the cemetery. Merton's Estates LP Policy EP.E5 (a) states that *There must be equivalent or better re-provision of the area of designated open space at the boundary with the cemetery in terms of quality and quantity to a suitable location within the estate*". The proposals provide 1.71ha of public open space within the site boundary, considerably greater than 0.6ha, which could be considered by the Local Planning Authority once development has taken place. Therefore the It is considered that this meets the terms of Policy EP.E5 open space. . A small portion of the site (0.2ha) to the south-west of the site has been identified as being deficient in access to Local Open Space, as identified in Policy E.5 (a) and in the Estates Local Plan Appendix 2 Map. This is addressed by the greater permeability of the overall masterplan set out in the Outline Planning Application, particularly the long central park and routes which creates direct routes for pedestrians and cyclists through the estate top the nearest Local Open Space at Longbolstead Recreation Ground. Furthermore **Conditions 30 & 31** attached would require the applicants to provide further assessment of the open space strategy and public realm management plan.

### **19.3 Amenity Space**

- 19.4 At this Outline Planning Application stage, the masterplan illustrates that all of the proposed units have been designed to have private amenity space in the form of balconies, terraces and gardens to meet London Housing SPG standards. Semi-private communal amenity space will also be provided in the form of podium and courtyard gardens. The Planning Statement identifies (para 4.10) that all units will be provided with private amenity space to meet the SPG standards, which is welcomed. Reserved Matters at each phase will be expected to comply with the Statutory Development Plan policy amenity space standards at the time of each Reserved Matters planning application. This have also been identified and imposed as part of **Conditions 30 & 31**.



## 19.5 Play space

- 19.6 Policy EP R5 of the Adopted Estates Local Plan requires play space provision having regard to the Mayor of London's 'Play and Information Recreation' supplementary planning guidance document (2012). The policy also requires development proposals to be supported by an analysis of current and future need for the provision of indoor and outdoor sports facilities, with any proposals having regard to Sport England's Planning for Sport Aims and Objectives.
- 19.7 Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter.
- 19.8 It is noted that the surrounding area is well served by existing play space and facilities including the BMX track, facilities at St Marks School, and the dedicated play area in LongBolstead Recreation Ground located off Woodstock Way.
- 19.9 The Illustrative Maximum Accommodation Schedule would generate a need for approximately 2,760 sqm of child play space overall, with 1,480 sqm for children under five. This calculation takes into account the fact that 71 of the houses in the Illustrative Scheme are proposed to provide large garden areas of at least 50sqm, in line with the guidance provided in Mayor's Play and Informal Recreation SPG.
- 19.10 For children aged above 5 years, play facilities and other features that can be used for play are to be incorporated within the linear park. Defined play space for 5 – 12 years would be provided within the linear park as 'playable landscape' with open space for informal ball games, running games and opportunities for children to engage with the landscape environment (647.7 sqm).
- 19.11 The existing ball court on site is to be re-provided on a like for like bases and to be sited on the norther part of the site which would provide adequate play space for children over the age of 12. The proposed play space for Eastfields regeneration scheme comprising an overall area of 3268.4 sqm tis considered to exceed the Mayor's SPG which requires 2,760 sqm for the capacity of this development site. Furthermore **Condition 30** titled open space requires the applicants to provide an adequate play space provision for all ages associated to the private and public areas of the proposed development.

## 19.12 Sport England

- 19.13 As Statutory Consultees Sport England where consulted on this outline planning application. Sport England objects to the loss of the ball courts from this site without appropriate replacement, as required by paragraph 74 of the National Planning Policy Framework. Sport England recommends that a

replacement facility is provided within the open space on the development or explores with the Council options for providing a facility close to the Estate.

- 19.14 As noted in the officers report above and following on going dialogue with the applicants there will now be re-provision of the ball court on-site. However should for any reason the applicants fail to find suitable on-site re-provision then the applicants will explore with the Council other suitable options for providing a facility close to the Estate. Furthermore it should be noted that the LPA will secure the re-provision of the existing ball court by way of s106, whereby the applicants will be required to re-provide the ball court on-site at the developers own cost either by way of a new ball court or a recreational facility (which could include ball courts) to the satisfaction of the LPA. The re-provision of the ball court would also be managed and maintained in accordance with the approved plan; and made available to the public and kept publically accessible.
- 19.15 Sport England have stated that the applicant's have incorporated elements of the 10 principles set out Sport England's guidance 'Active Design' 2015, through the layout and design of the facilities on-site. Therefore for the purpose of this outline planning application there is suitable ground to recommend approval subject to conditions, as the proposal is in compliance with the provisions of Policy EP R5 of the Adopted Estates Local Plan (2018) the Mayor of London's 'Play and Information Recreation' supplementary planning guidance document (2012). It should also be noted that the re-provision of the ball courts/recreation space has been captured with the S106 heads of terms, which the applicant is minded to agree.

## **20. Noise**

- 20.1 The NPPF (2012) states that policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, by mitigating and reducing noise to a minimum (including through the use of conditions). However, the NPPF (2012) recognises that development itself will often create some noise.
- 20.2 Policy 5.3 of the London Plan (2016) states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments. This includes minimising noise pollution. Policy 7.15 of the London Plan (2016) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise from within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development. It is recommended that to accord with policy at Reserved Matters stage when the detailed design would be confirmed, a Noise and Vibration Mitigation Strategy be submitted to the Local Planning Authority for approval. This document shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas.

20.3 An Acoustic report has prepared MLM in support of the Outline Planning Application. A fully automated environmental sound survey was undertaken in order to determine the current sound climate at the site. This was supplemented with an acoustic model of the site. The assessment concluded that the residential use can be provided with an acceptable acoustic environment for future residents, therefore meeting the requirements of Local Plan Policy DM EP2. The final specifications for the noise reduction measures would be considered during detailed design with further details to be provided at the Reserved Matters stage. The proposal would need to accord with Policies 5.4 and 7.15 of the London Plan (2016), Policy DM EP2 of the Local Plan 2014 and Policy CS 15 of the Core Planning Strategy 2011. Furthermore **Conditions 18, 33 & 34** attached would require the applicants to adhere to a standard that regulates noise during the phased construction stage of the development. **Condition 19** also seeks to ensure that Sound insulation levels for non-residential units are kept to an acceptable standard.

## **21.0 Sustainability and Climate Change Mitigation**

21.1 Paragraphs 96-98 of the NPPF (2012) relate to decentralised energy, renewable and low carbon energy. Chapter 5 of the London Plan (2016) contains a set of policies that require developments to make the fullest contribution to the mitigation of carbon dioxide emissions. The application site is one of three Merton's Estate Regeneration Projects that is being brought forward in terms of seeking to obtain outline planning permission.

21.2 The proposal would require a reduction in carbon dioxide emissions by at least 35% compared to the 2013 Building Regulations to accord with the London Plan (2016). The applicant would need to demonstrate the measures set in the Energy Statement accompanying the planning application and would also require confirmation as to what measures have been implemented in the construction of the development. Any shortfall in compliance with the carbon reduction target should be safeguarded by the requirement to make a financial contribution to the Council's Carbon Offset Fund.

21.3 The proposed development would incorporate CHP (energy centre) into the scheme to meet the London Plan Hierarchy of providing 'clean' energy. The electricity generated will be harnessed directly by the development. The CHP (only applicable to the residential part of the development) will be sized to deliver 60% of the annual energy demand of the development. For the commercial unit, it has been identified that the heat load profile of the unit will not be suitable to connect to a CHP system as the space heating and domestic hot water will be low. The inclusion of the CHP will provide approximately 24.51% reduction in CO2 emissions against the 'Be Lean' stage.

21.4 The installation of on-site renewable technologies, such as Photovoltaic Panels (PVs), have been identified as feasible for the development. Initial calculations suggest that the proposed scheme should be able to accommodate a 1 kWp system per houses and a 52.5 kWp system for the flats. The incorporation of the photovoltaic systems ('Be Green') will allow the

development to achieve an overall carbon savings of 46.16% against Building Regulations Part L 2013.

- 21.5 The energy hierarchy indicates a projected carbon reduction of 46.16% will be achieved by efficient building design and construction with the use of renewable energy generation and implementation of combined heat and power unit. This is in line with the requirements of the Building Regulations (2013) and London Borough of Merton's and the London Plan's requirements for Climate Change Mitigation and Adaption and Sustainable Design and Construction.
- 21.6 In terms of water efficiency the design of the proposed development will aim to minimise internal potable water consumption to a rate of 105 litres or less per person per day. This will be achieved through the specification of low- flow sanitary fittings such as WC flushes, taps and showers.
- 21.7 Water meters will be specified that provide a visible display of mains potable water consumption to occupants which will be provided in each residence. Implementation of these measures could provide significant reductions in the water use from the Proposed Development and will reduce the short- term impact on water supply resources in the area. Furthermore **Conditions 25, 27 & 28** attached would seek to ensure that the Sustainability and Climate Change Mitigation measures are fully complied with in line with national and local policies and guidance.

## **22.0 The acceptability of the scheme in terms of the environmental impacts**

### **22.1 Flood Risk and Drainage**

- 22.2 The Flood Risk Assessment (FRA) has been prepared by Peter Brett Associates LLP (PBA) in support of the outline planning application. The Environment Agency's (EA) online Flood Map for Planning and Product 4 data indicates that the site is located within Flood Zone 1 'Low Probability' (as defined in PPG Table 1) as follows: **Flood Zone 1 'Low Probability' less than a 1 in 1000 (0.1%) Annual Probability of flooding from the rivers or sea.** Furthermore, the Environment Agency raises no objection and considers the site to have a low risk in terms. No objections were raised by the Environment Agency.

### **22.3 Drainage**

- 22.4 Surface water discharge rates will be restricted to a minimum practical flow rate of 165l/s based on the site constraints. Each of the proposed five phases will have two flow control devices to deal with the private system and adopted system separately.
- 22.5 Attenuation has been provided to accommodate the 1 in 100 year rainfall event plus 30% climate change allowance. The total storage required across the site is 2560m<sup>3</sup>. This volume is achieved through the use of permeable

paving, swales, and below ground attenuation tanks. This volume is achieved through various SuDS components as listed below:

1. Permeable paving = 1124m<sup>3</sup>
2. Swales = 411m<sup>3</sup>
3. Attenuation crates = 1000m<sup>3</sup>
4. Pipe storage makes up the remainder of storage i.e. 25m<sup>3</sup>

22.6 Exceedance for a 40% climate change allowance has also been considered in the form of additional storage adjacent to the swale in soft landscaped areas. Green roofs have been considered, but the report states that 'their addition would negatively impact the scheme viability, therefore their inclusion will be considered at Reserve matters stage of the project.' In addition to this, harvesting of rainwater will be further reviewed during the next stages of design. LB Merton would strongly recommend that both of these SuDS measures are considered in detail and subsequently implemented within the design at reserved matters stage.

22.8 Permeable paving has been proposed in courtyards, areas of external parking and along the adoptable roads of the site. LB Merton are yet to discuss or see any details with regards to adoption of surfaces or highway drainage. Peter Brett Associates have provided a plan showing Surface Water Flood extents/depth (dated 27/02/18) drawing number 018 Rev A for inclusion within the Flood Risk Assessment, which addresses my previous comments regarding surface water risk depths and mitigation measures for finished floor levels.

22.7 LBM Drainage Officer has recommended that should approval be given then for the outline planning application then this should be subject to conditions. Furthermore **Conditions 14, 37, 38 & 39** attached would seek to ensure that the surface drainage water concerns raised by LBM Drainage Officer are fully complied with, and that adequate measures are put in place to deal with adverse critical drainage issues.

## **22.8 SUSTAINABILITY/EIA.**

22.9 No screening opinion is required to be carried out.

## **22.10 Air Quality**

22.11 LB Merton's draft Supplementary Planning Document (SPG) has been produced to address common air quality issues affecting the Borough and assist in providing a consistent approach to new development. The primary aim of this SPD is to supplement existing Local Plan Policies which seek to improve air quality in the Borough. **Conditions 45, 46, 47, 48 & 49** attached would seek to ensure air quality measures and any mitigations that would be required particularly during the construction phase, this would be in line with the current London Plan.

## **22.12 Air quality fund**

22.13 Where it is not possible to fully mitigate the air quality impacts of a new development or the Air Quality Neutral benchmarks are exceeded, developers will be required to off-set the additional emissions by making a financial contribution to the Borough's Air Quality Action Fund. This will be levied at the following rates and updated periodically:

- **traffic impacts** - £25 per car parking space including private garages for residential development
- **building impacts** - £100 for 1,2 bed properties, £150 for 3, 4 bed properties and £200 for 5 bed or more; mixed use/commercial/community/public schemes should contribute £10 per 10 m<sup>2</sup> gross floor area

#### 22.14 Air Quality Fund (AQF)

22.15 Developers should seek to further mitigate the residual impacts and provide local off-setting measures to deal with any adverse air quality impacts associated with development proposals, including if the development fails to meet one or more of the AQN benchmarks. Where it is not possible to fully mitigate the air quality impacts of a new development or the AQN benchmarks are exceeded, developers will be required to off-set the additional emissions by making a financial contribution to the Borough's Air Quality Action Fund (AQAF). This will be levied at the following rates, and updated periodically:

- **traffic impacts** - £25 per car parking space including private garages for residential development, excluding dedicated electric vehicle charging spaces.
- **building impacts – residential development** - £100 for 1 or 2 bedrooms, £150 for 3 or 4 bedroom properties, £200 for 5 bedroom or more properties
- **building impacts – non residential development** - mixed use/commercial/community/public schemes should contribute £10 per 10 m<sup>3</sup> gross building volume.

#### 22.16 Construction Phase

22.17 The construction phase of major development can result in emission of air pollutants that adversely affects human health. To ensure that emissions are well controlled all planning consents for major development will include relevant planning conditions to reduce these impacts. Furthermore Condition 46 attached would seek to ensure the control of dust and emissions during the construction phase, this would be in line with the current London Plan.

#### 22.18 Air Quality and Dust Management Plan

- 22.19 An Air Quality and Dust Management Plan (AQDMP) must be submitted for approval in accordance with *The Control of Dust and Emissions during Construction and Demolition SPG*. The applicants have not submitted this in detail which will be required at Reserved Matters stage. The AQDMP will need to set out the measures to reduce the impacts during the construction phase. Monitoring of emissions will be required for all major development. The techniques to be used will depend on the development. For medium and high risk construction sites real-time monitoring will be required. The monitoring system should include an automatic alert direct to the site manager so that when dust levels breach acceptable limits action can be taken swiftly and effectively. This monitoring must be undertaken for a reasonable period before, during and after the works. The monitoring process will require financial contributions which will be secured as part of the s106 legal contributions.
- 22.20 The AQDMP may also be integrated within a wider Construction Environmental Management Plan (CEMP). The AQDMP should include the following;
- The emissions standards that the non-road mobile machinery (NRMM) used on-site will meet (see next section);
  - Details of monitoring of dust emissions; and
  - Details of the site specific mitigation measures that will be employed on-site.
- 22.21 The above will be imposed by way of condition as part of this outline planning application which would ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality arising during the phased construction works on the neighbouring vicinity in accordance with Policy 7.14 of the London Plan (2016), Policy DM EP4 of the Local Plan 2014 and Policy CS 15 of the Core Planning Strategy 2011. Furthermore **Conditions 45, 46, 47 & 48** attached would seek to ensure air quality measures and any mitigations that would be required particularly during the construction phase, this would be in line with the current London Plan.

## 22.22 Ecology and Biodiversity

- 22.23 A Phase 1 Habitat and Protected Species Survey Report has been prepared by Greengage Environmental Ltd and submitted with the outline application. The report provides an assessment of ecological considerations relevant to the proposed development having regard to the national, regional and local planning policy and guidance.
- 22.24 Following feedback received from Natural England at the pre-validation consultation stage the it is confirmed within the assessment report that was undertaken by the independent consultants that there are no statutory designations of national or international importance within the boundary of the site. In addition, there are no such sites within a 2km radius, although 4 Local Nature Reserves (LNRs) were identified.

- 22.25 The site is self-contained and isolated from other residential areas, with the only other housing in the vicinity being to the west of the Site (characterised by bungalows). St Mark's Church of England Academy is to the north, along with a purpose built BMX track. Surrounding the rest of the Site is the large Streatham Park Cemetery. The cemetery has mature trees and shrubs and is a pleasant outlook, although forms a barrier to movement in to the south.
- 22.26 It was considered from the findings of the assessment that the scale and nature of the proposed development would not give rise to any negative impacts to any designated site for nature conservation.
- 22.27 It was noted that there was low bat roosting potential identified within the mature poplar located within the area of green space at the centre of the site. A further bat survey focussing on this tree confirmed likely absence of roosting bats. Whilst additional limited roosting potential was noted within the within several of the trees surrounding the site, it is understood that these are to be retained and therefore would not be impacted by the proposals. If for any reason in future these trees are to be removed (e.g. health and safety concerns), or there is a significant delay to the programme, then an inspection for bat presence should be undertaken.
- 22.28 Potential for nesting birds was identified within the trees and shrubs scattered across the site. It is therefore recommended that any clearance of this vegetation is undertaken outside of bird nesting season (usually taken to run from March to August) or, if clearance is required within this period, after an ecologist has confirmed the absence of nesting birds.
- 22.29 The potential for hedgehog was also noted within areas of dense shrub vegetation and it is therefore recommended that any clearance in these areas is undertaken in a controlled manner. Additional hedgehog specific mitigation and enhancement measures have also been recommended.
- 22.30 The potential for all other notable and/ or legally protected species was considered negligible or low and no further surveys are recommended. Assuming any necessary mitigation and enhancement is undertaken, then the development would have a positive impact on the biodiversity value of the site and local area.
- 22.31 It is worth noting for the purpose of this committee report that this proposed development would represent an opportunity to significantly improve the biodiversity of the area and it is proposed this be achieved through the provision of open space and landscaping opportunities at the Reserved Matters stage. Accordingly, the proposal would comply with Policy 7.19 of the London Plan (2016), Policy DM O2 of the Local Plan 2014 and Policy CS 13 of the Core Planning Strategy 2011, and which will be secured by condition on the outline permission.
- 22.32 LBM Merton Ecology Officer states that recommendations made in the report are considered appropriate and should be followed by the applicant in the preparation of the next stages of the application at reserved matters.



**Condition 10 & 41** would also ensure that the applicants provide detailed ecology and biodiversity assessment to the satisfaction of LBM officers, which would be discharged upon full agreement with the detailed documents.

### **22.33 Land Contamination and Remediation**

22.34 A Phase 1 Ground Condition Assessment has been prepared by Levit Bernstein Architects and submitted as part of the outline planning application. This report comprises of a desk study, site walkover, Tier 1 preliminary qualitative contamination risk assessment, and preliminary ground stability assessment.

22.35 The 'Ground Condition Assessment and Contamination and Stability' report has acknowledged the following in terms of the sites current ground conditions;

22.36 **Ground Conditions:** The available geological data indicates that the Site is underlain by the Hackney Gravel Formation and the London Clay Formation. It is expected that the natural strata are overlain by Made Ground associated with the previous and present developments of the Site, and also by a small area of worked ground in the east of the site. Groundwater is expected to be present at a shallow depth.

22.37 **Preliminary Geo-environmental Assessment:** The potential for significant contamination to be present across the site as a whole associated with its history as a fireworks factory is considered to be Moderate. The potential for significant localised contamination associated with the former fireworks factory uses is also considered to be Moderate. Given the current residential end-use the geo environmental risk assessment indicates that any potential contaminants and hazardous ground gases do not by themselves represent an unacceptable risk to human health, controlled waters or ecology and wildlife associated with the development of the Site as currently proposed.

22.38 It is possible that basic mitigation measures including, health and safety for construction workers, protected water supply pipes may need to be incorporated into the proposed development. Additional measures such as localised remediation, clean capping, ground gas and volatile hydrocarbon mitigation may be required in areas proven to have elevated potential for ground contamination.

22.39 It is considered that a ground investigation and Tier 2 risk assessment is not required to support the planning application for redevelopment of the site. Any requirement to carry out a geo-environmental intrusive investigation can be satisfactorily dealt with by incorporation as a condition in any granted Planning Consent.

22.40 It is considered unlikely that the local planning authority will designate the site as Contaminated Land under Part 2a of the Environmental Protection Act 1990.

22.41 **Preliminary Ground Stability Risk Assessment** A review of potential geological hazards has identified the risk of land instability or for potentially adverse foundation conditions to be present, in general, to be Negligible/Very Low/Low. The exception relates to a Moderate risk of for running sand, and the potential for swelling or shrinking potential of any surface clay soils. Any excavation for temporary works at the site should be carried out considering the potential risk associated with the running sand hazard. Foundations will need to be designed to accommodate the movement or be taken to a depth where the likelihood of damaging movement from shrinking or swelling of clay soils is low.

22.42 Records have identified bomb strikes during World War II on and in the immediate vicinity of the site. It is recommended that a detailed Unexploded Ordnance (UXO) Risk Assessment is undertaken by a suitable UXO specialist ahead of any intrusive investigation or other excavation works at the site. This will be conditioned and required as part of the reserved matters application.

22.43 In this instance Officers consider the scheme is acceptable subject to the imposition of conditions to ensure the site is free from risk of contamination during all stages of the construction process. The key areas for submission for approval include:

- A Desk Study (Stage 1) of the nature and extent of contamination on-site is carried out;
- Site Investigation (Stage 2) determined the presence of contaminants with the full methodology and detailed results of the investigation provided. An appraisal of proposed remedial actions is also required to be submitted for approval.
- Remediation Strategy (Stage 3) is where contamination is found which poses unacceptable risks, a detailed remediation scheme to bring the site to a condition suitable for the intended use is required. The scheme must include proposed remediation objectives and remediation criteria.
- Reporting of Unexpected Contamination during the course of the construction  
Verification (Stage 4) is where required, the contamination shall be fully treated and completed wholly in accordance with the
- Approved measures in the remediation strategy. A verification report (that demonstrates the effectiveness of the remediation carried out) must be approved by the Local Planning Authority.

22.44 **Condition 23 & 24** would also ensure that the applicants provide detailed land contamination and demolition and construction method statement, which would be discharged upon full agreement with the detailed documents.

### **23.0 Accessibility and Inclusivity**

23.1 10% of the total number of units would be wheelchair accessible that would accord with Policy 3.8 of the London Plan (2016). The outline scheme would also provide car parking spaces to disabled standard for each of the

wheelchair units (1:1). This would accord with the provisions of the London Plan (2016) including Policy DM T3 of the Local Plan 2013 and Policy CS 20 of the Core Planning Strategy. Furthermore this would be secured by way of condition on the outline planning permission. Applications submitted for Reserved Matters would have to comply with the policies in place at the time of determining the Reserved Matter planning application.

## **24.0 Trees**

- 24.1 An Arboriculture tree Survey and Arboricultural Impact Assessment has been prepared by Greengage in support of the outline planning application. The tree survey carried out revealed that there are 59 trees on site. The categorisation of these trees in terms of quality and amenity value was assessed in line with British Standards BS5837.
- 24.2 The survey of the trees on site revealed the following; there will be no loss of category A trees. However, a number of moderate/low quality category B/C trees are proposed to be removed to facilitate the scheme. Primarily these are located within the existing cul-de-sacs and central courtyard areas which do not form part of the proposed layout and thus cannot be integrated within the design. In addition, several trees along the southern boundary alongside the Rowan Road Jewish Cemetery are proposed to be removed due to direct below and above ground conflict with the new blocks, primarily proposed blocks G1, G3, E1, E3, B1 and B3 which extend out towards this boundary. Nine category U trees will be removed; these are not considered to be a constraint.
- 24.3 An assessment has also been made on the impact on trees of the maximum parameters layout. In this instance, several more trees would require removal due to significant conflict into the RPA or canopy of these trees. In total, an additional 3 no. Category C and 3 no. Category B would be removed under the maximum parameters approach.
- 24.4 The majority of trees around the peripheries of the site are being retained such that the overall impact on landscape and amenity value of the site for the public realm is minimised. Boundary trees will continue to provide a green screen along the site's edges, despite the minor tree loss in these areas.
- 24.5 In addition, a number of trees within the central courtyard areas have been incorporated into the scheme. It is recommended that this Arboricultural Impact Assessment is reviewed and amended as necessary as detailed designs become available to ensure any additional impacts are understood and the tree retention strategy is feasible. Further detail on construction methods (including scaffold zones, construction working space and foundation design), hard and soft landscaping proposals, and locations of services etc. is required to make a thorough assessment of the impacts of development on the existing tree population.
- 24.6 The council's Arboriculture Officer has been consulted throughout the outline application stage and following on going discussion has confirmed approval of

the scheme subject to the imposition of a robust condition to ensure that the applicant provides an Arboricultural Method Statement and a Tree Protection Plan with the planning application at Reserved Matters stage showing details of the proposed new trees (size, species & locations). **Condition 20** would also require the applicants to submit a detailed arboriculture impact assessment.

## **25.0 Refuse and Recycling**

25.1 The Operational Waste Management Strategy has been prepared by Peter Brett Associate LLP (PBA) in support of the outline planning application. The strategy proposes a mixture of Underground Refuse Systems (URS) and conventional waste storage and collection. URS is supported from an urban design / public realm perspective but its operation may require a variation to the South London Waste Partnership's contract with the council's waste collection provider. As a contract variation would be outside the scope of the determination of this Outline Planning Application, the S106 heads of terms allow for both URS and conventional collection.

25.2 The total waste volume output has been calculated based on an alternating waste collection service and therefore both types of recycling and residual waste capacities have been calculated for fortnightly requirements, given the large storage facilities collection is not required as frequently as current weekly collection. The waste storage volumes have been calculated for each block of the proposed development. The waste storage volumes have then been used to determine the most appropriate size of URS bin required for each residential block which would either be 3000 L, 4000 L or 5000 L. This is based on the indicative accommodation schedule for the outline application which would comprise of up to 800 residential units. **Condition 17** also requires for detailed refuse and recycling strategy to be submitted by the applicant and to be discharged upon full inspection and to the satisfaction of specialist LBM Officers.

### **25.3 Recycling and Residual Waste - Underground Refuse System (URS)**

25.4 A URS would be used for storage of recycling and residual waste, at the time of collection the bins stored underground would be emptied by a vehicle with a telescopic crane, which lifts the bins out of a concrete chamber. The concrete chamber will be fitted with a safety platform, which rises up as the bulk container is lifted out to reduce the risk of people falling into the chamber.

25.5 The URS bins will be lifted above the vehicle for emptying, with hooks on the crane being used to operate a mechanism that opens the bottom of the container so that the waste can drop out.

25.6 The process of the URS collection method would comprise of the following;

1. On refuse and recycling collection day the operator inserts the hook of the crane into the ring on the wing of the container manually or remotely by an automatic hook,

2. The container is then lifted using a single crane on the truck, which is an improvement on complex lifting mechanisms for each container. The operation is completed with great ease,
3. The container is then emptied using the universal turning system. As the container is watertight leaches are emptied into the truck along with the waste.
4. The container is placed back inside the concrete bunker and the cover is manually or automatically closed,
5. The entire process can be completed by a single operator and estimated collection time is significantly reduced to take approximately 2 to 3 minutes.

25.7 In this instance the developer will be required to pay the cost associated with the operation of the URS system including, which would include the following and is to be secured by way of s106 and is listed in the Head of Terms accompanying this report.

- i. the implementation of the proposed URS system including necessary freight, equipment and labour as required;
- ii. the variation of contract between the South London Waste Partnership and their appointed contractor;
- iii. the ongoing maintenance and management of the equipment and infrastructure located on Eastfields Estate which is required to operate the URS system; and
- iv. the ongoing maintenance and management of the equipment and freight required to operate the URS system for a minimum of 5 years post 100% occupation of all residential units across the development.

25.8 As the LB Merton's waste services contract currently does not include the servicing of URS bins, this would need to be included within any revised or new contract discussions when they take place with other members of the South London Waste Partnership (SWLP) which includes Croydon, Kingston and Sutton.

#### 25.9 **Conventional Waste**

25.10 Conventional waste storage facilities would be provided for food waste, garden waste and bulky waste.

#### 25.11 **Food Waste**

25.12 Waste storage volumes for compostable (food) waste have been agreed with Merton Council who suggest that a 23L external caddy is provided per household or 240L per 30 multi-occupancy building (minimum of 8L per dwelling in a multi-occupancy building).

25.13 For multi-occupancy buildings, Merton Council's Guidance Note for Architects states that an outdoor metal housing should be provided for food waste storage. The secure housing would restrict vandalism, odour and the potential to attract vermin.

#### 25.14 **Garden Waste**

25.15 Merton Council's Guidance Note for Architects (received September 2016) has been used to calculate the volume of waste storage required for garden waste of maisonettes and mews. Merton Council's Guidance Note for Architects (received September 2016) recommends that space for one 240L wheeled bin for garden waste should be incorporated into the design so if residents choose to take up this option, they can do so by joining the service for an annual fee.

25.16 For multi-occupancy buildings without private gardens, no separate garden waste collection has been assumed. Any garden waste generated with the communal areas will be removed by a private contractor as part of the maintenance plan for the building. The contractor will need to adhere to all legislation relevant to the transportation and processing of this waste.

#### 25.17 **Bulky Waste**

25.18 A 10m bulky waste store per 50 dwellings has been allowed for within the general building layout.

#### 25.19 **Commercial Waste Servicing**

25.20 Bin storage areas for commercial land uses will be located within each commercial unit. Commercial units will be serviced conventionally at street level by a private waste contractor. Bins will be collected from the front of the commercial unit where access is available.

25.21 These bins will be located in a store that is internal to the building and is of sufficient size to accommodate a mix of recycling and residual waste including food waste. **Condition 17** also requires for detailed refuse and recycling strategy to be submitted by the applicant and to be discharged upon full inspection and to the satisfaction of specialist LBM Officers.

### 26. **Archaeology**

26.1 An Archaeology report has been prepared by Cotswold Archaeology comprising of Heritage Desk-Based Assessment for Eastfields Estate in support of this outline planning application. The objective of the assessment was to identify the nature and extent of the recorded heritage resource within both the site and its immediate environs.

26.2 The Site does not lie within an Archaeological Priority Zone (APZ) as identified in the Supplementary Planning Guidance (1999) and Sites and Policies Plan (2014), adopted by the London Borough of Merton. Mitcham

Common APZ, defined due to potential for prehistoric activity, is located approximately 500m to the south of the Site (3), with another APZ: Mitcham, which encompasses the historic core of Mitcham settlement, located c. 450m to the west.

- 26.3 The findings from the report also revealed that there are no designated heritage assets, including Listed Buildings, Scheduled monuments, Conservation Areas, Registered Parks and Gardens, or Registered Battlefields within the study area or Site. The designated assets closest to the Site include Grade II Listed Prospect House (List Entry No. 1080952) and No. 55 Upper Green East (List Entry No. 1080893), which are located within Mitcham Cricket Green Conservation Area, approximately 730m to the south west of the Site.
- 26.4 The geological and topographical background suggested that there is some potential for find-spots of Palaeolithic remains. Later prehistoric remains, dating from the Neolithic period onward, have been recorded in the general area and indicate that any potential Neolithic remains may be characterised by ephemeral features and flint work. Bronze Age and Iron Age features have also been recorded in small numbers within the study area and do show that there is some potential for later prehistoric settlement or agricultural remains within the Site. There was little evidence for Romano-British activity and from the medieval period the Site appears to have formed agricultural land. The archaeological potential for remain of these periods to survive in the Site are considered to be low.
- 26.5 Mid-19th century mapping showed that two small structures, assumingly related to agricultural activity, existed within the Site. From the late 19th century the Site was occupied by a fireworks factory, with an extensive array of widely spaced structures, many of which appear to be quite slight in nature. The current housing estate was constructed in the early 1970's, with contemporary aerial photographs taken during construction giving a good impression of the extent of disturbance associated with the build phase.
- 26.6 Whilst earlier agricultural practices, including ploughing, and the use of the Site as a fireworks factory may have had some impact on the archaeological potential through truncation and/or removal of archaeological deposits, the construction of the current housing estate is likely to have had a major impact on the archaeological potential of the Site.
- 26.7 Based on the known development impacts which are likely to have compromised any below ground archaeology and the limited archaeological potential demonstrated in the report, it is considered that further archaeological works are unlikely to be required.
- 26.8 Historic England has reviewed the scheme and the details provided and have concluded '*....the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.*' and that '*it is concluded that there is no discernible ongoing archaeological interest*'. In any case the imposition of a condition to any planning permission for the archaeological position would be

applied at reserved matters stage. This is to ensure appropriate mitigation measures are put in place during the construction phase should any further archaeological findings are discovered. **Condition 44** has also been imposed requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation.

## **27. Secured By Design**

- 27.1 A number of detailed comments have been made in respect of the principles and practices of Secured by Design. These are matters that the scheme architect will respond to and adopt as part of the detailed design at Reserved Matters stage. In addition, it is the responsibility of any developer to adhere to the principles and practices of Secured by Design and Safer Places and apply through an accreditation process that is overseen by the Metropolitan Police separately outside of the planning process. **Condition 43** also requires the applicants to ensure the proposal achieves secured by design accreditations.

## **28. SECTION 106 LEGAL AGREEMENT**

- 28.1 Planning obligations, enforced through Section 106 (S106) legal agreement (Town and Country Planning Act 1990 (as amended)), assist in mitigating the impact of potentially unacceptable development to make it acceptable in planning terms however they should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should also only be sought where they meet all of the following tests within the Community Infrastructure Levy regulations 2010:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

- 28.2 Where obligations are being sought, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. An approval subject to a S106 is not final until the S106 agreement has been completed and signed by all parties.

- 28.3 A section 278 (S278) agreement (Highways Act 1980 (as amended)) is a legally binding document between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

- 28.4 The document is prepared by the Local Highway Authority's solicitor and issued to the developer's solicitor in draft format. The details of the agreement are then agreed before the final document is completed and signed by both parties before the commencement of any work on site.

- 28.5 The agreement details what the requirements of both the Local Highway Authority and developer are to ensure that the proposed works are carried out



in accordance with the approved drawings. It also details how the Local Highway Authority may act should the developer fail to complete the works.

28.6 Paragraph 203 of the National Planning Policy Framework states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions”. Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:

1. Necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

28.7 Should the application be approved, there are S106 (including S278) heads of terms recommended in addition to recommended planning conditions to ensure that the development is acceptable in planning terms, and does not result in an undue impact on local parking and highways conditions from construction through operation, an undue impact on the amenities of the occupiers of the adjoining and surrounding residential and commercial properties, delivers the maximum amount of on-site affordable housing the scheme will viably allow and contributes towards sustainable energy provision and biodiversity gains.

28.8 The recommended planning conditions and S106 heads of terms are laid out further below. The relevant S106 legal agreement between LBM and Clarion shall include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations. The Committee will be provided with an updated position at the Committee meeting). Furthermore it should be noted that there must be connection between the Overarching agreement and this S106 agreement.

**This outline permission is GRANTED subject to conditions and informatives and completion of a Section 106 Agreement with the following Heads of Terms:**

The relevant S106 legal agreement between LBM and Clarion, shall include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations. The Committee will be provided with an updated position at the Committee meeting).

Must be connection between the Overarching agreement and this S106 agreement

All sums payable by the developer pursuant to the s106 agreement will be index linked

**Affordable housing:** the developer to provide a minimum of

- i. [262] social rented units, and
- ii. [ ] affordable rented units

All units to be available in-perpetuity to persons or households who meet LB Merton's affordable housing eligibility criteria with first priority for that affordable housing to be given to existing tenants on the Eastfields Estate in line with Clarion's Residents Offer who will require rehousing on a "like for like" basis as a result of the Eastfields Estate development without prejudice to the existing contract between the Council and Circle Housing dated [ ].

**Affordable housing viability review mechanism:** the developer to undertake a viability review at specified timescales during the delivery of the development. This will identify whether the development generates any financial surplus, including through unspent section 106 contributions returned to the developer that could be used to provide additional affordable housing (details to be provided in full in the s106) to achieve policy compliance.

**The agreed financial viability model:** shall be consistently applied in the viability review for all phases of the development as agreed as part of the overarching s106.

**The baseline affordable housing specification and tenure mix schedule:** to be agreed, in line with the Statutory Development Plan.

**Highways works within London Borough of Merton:** the developer shall prior to first occupation of each "relevant work phase" either

- a. complete the highway works as set out below at its own cost; or
- b. pay to the Council a specified reasonable contribution to be calculated by the Council

such off-site highway works which may include but not be limited to:

- i. Renewal/addition of any footpath or carriageway;
- ii. Removal/addition of any crossover;
- iii. Reinstatement/Provision of any dropped kerbs;
- iv. Removal/addition of single/double yellow lines and other road markings and signs and related traffic management orders;
- v. Carriageway resurfacing to the site entrances;
- vi. Revisions to street lighting;

- vii. Relocation of any services if and where necessary;
- viii. Drainage; and
- ix. Repair of damage caused to highway as a result of any works related to the development

**Traffic Calming Measures:** the developer to introduce traffic calming to keep vehicle speeds low along the junction of Tamworth lane and Acacia Road.

**7. Bus stops:** the developer to

- a) undertake at its own cost and submit to the Council for its written approval a bus stop assessment for the bus stops nearest to Eastfields Estate, in particular the location and improvements required to bus stops on Woodstock Way, in compliance with the GLA report dated 8 January 2018 at a specified trigger to be set out in the section 106 agreement; and,
- b) in the event that the bus stop assessment demonstrates additional demand as a result of the development, to pay to the Council at a specified trigger to be set out in the section 106 agreement, such sums as are required to address this demand which may include, but not be limited to, payments for the relocation of bus stops and infrastructure improvements.

**Parking management plan:** the developer to

- a. undertake and submit at its own cost an overarching parking management plan at a specified trigger to be set out in the section 106 agreement for approval by the Council; and
- b. thereafter to submit at specified triggers to be set out in the section 106 agreement detailed parking management plans for written approval by the Council;
- c. consult on and implement the approved overarching and detailed the parking management plans in accordance with each phase.

**Highway standards:** the layout and completion of all internal estate roads must be designed and built to meet or exceed the Council's adoptable standards.

## Transport

- a. **LB Merton on-street parking controls (CPZs):** the developer to
  - i. pay to the Council at a specified trigger to be set out in the section 106 agreement the cost of undertaking a public consultation into the need for CPZs within the vicinity of Eastfields Estate and
  - ii. in the event that such consultation reveals a need for CPZs, pay to the Council at a specified trigger to be set out in the section 106 agreement, the cost required to carry out physical works on

changes to identified to and/or implementation of new CPZ's to enable specific controls and the imposition of these controls.

- b. **Exclusion of residents from existing CPZs:** No residents on the redeveloped Eastfields Estate, other than disabled blue badge holders, shall be entitled to apply for parking permits in existing CPZ Zones. Permit free provisions are to be complied with for new units, including giving advance notice to occupants of permit free provisions prior to occupation of residential units; notifications of the permit free provisions to be included within any sale or letting agreement of the residential units.
  
- c. **Delivery and Servicing Plan:** the developer shall:
  - i. undertake and submit at its own cost an overarching delivery and servicing plan at a specified trigger to be set out in the section 106 agreement for written approval by the Council; and
  - ii. thereafter to submit at specified triggers to be set out in the section 106 agreement detailed delivery and servicing plans for written approval by the Council;
  - iii. all plans to cover delivery and servicing for the residential and non-residential aspects of the development to include site waste management plans in respect of the storage and removal of refuse and recycling for all elements of the approved development and the access and egress for delivery and collection vehicles accessing the site for both residential and non-residential servicing and
  - iv. consult on and implement the overarching and detailed delivery and servicing plans in accordance with each phase.
  
- d. **Residential Travel Plan:** the developer shall
  - i. submit to the Council the Residential Travel Plan prior to first occupation of the residential units for the Council's written approval on a phase by phase basis;
  - ii. provide, deliver, monitor and fund the Residential Travel Plan on a phase by phase basis;
  - iii. to implement and promote to the occupiers of the residential units the terms of the Residential Travel Plan.
  
- e. **Car Club:**, the developer shall
  - i. Undertake an assessment of the existing car club provisions on and within the vicinity of Eastfields Estate prior to [ ]/at

a specified trigger to be set out in the section 106 agreement, and

- ii. In the event that the assessment referred to at a. above demonstrates the need for a car club to be operated on or within the vicinity of Eastfields Estate at the Council's discretion either
- iii. provide a suitably positioned parking bay on or within the vicinity of Eastfields Estate at its own cost (such location to be determined by the Council); or pay to the Council the sum associated with the provision of such parking bay at a specified trigger to be set out in the section 106 agreement;

**Works associated with utilities diversion:** any works to divert utilities on site (including any utilities to the boundary of Eastfields Estate), including Thames Water sewer/s, shall include associated works to LB Merton and adjoining borough highway assets including highway drainage connections.

**Underground Refuse System:** the developer to pay the uplift in cost (when compared to the baseline costs of existing waste services paid by the Council) associated with the operation of the URS system including:

- v. the implementation of the proposed URS system including necessary freight, equipment and labour as required;
- vi. the variation of contract between the South London Waste Partnership and their appointed contractor;
- vii. the ongoing maintenance and management of the equipment and infrastructure located on Eastfields Estate which is required to operate the URS system; and

the developer will be required to agree and enter into with the Council a URS strategy. As part of this strategy the developer will be required to pay costs attributable to the increased costs of collecting waste from Eastfields Estate as a result of the URS [above the base collection costs as set out in xxxx Policies DM D1, DM D2 of the SPP Local Plan 2014, Policy CS2 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

## **Energy**

- i. **Energy Strategy:** the developer to bear the mitigation and management costs of compliance with the energy demands of the development, in accordance with the outcomes from the developer's energy strategy, such strategy to be submitted in advance and approved in writing by the Council;

- ii. **District Heating Network:** the developer to
  - i. submit to the Council for its written approval prior to Commencement of Development the DHN plan which includes proposals for the design, implementation, monitoring and management of the DHN and which shall demonstrate that:
    - 1. the network is designed and operates in accordance with the relevant best practice guidance, and to include the method of connecting the phased development to the DHN;
    - 2. the DHN shall be connected to practical nodes in the area unless otherwise agreed in writing by the LPA;
    - 3. alternative methods in which the development's energy demands and emissions reductions will be met, if not by the proposed DHN, within 5 years of practical completion;
  - ii. implement the DHN plan as approved by the Council in writing at its own cost;
  - iii. design the DHN in such a way so as to futureproof the network for connection to other developments and decentralised energy networks , subject to feasibility and viability assessments, unless otherwise agreed in writing by the Council;
  - iv. ensure connection of Eastfields Estate to the DHN from the DHN Operational Date.

**b. Zero Carbon Contribution:**

- 1. the developer to achieve a 35% reduction on Building Regulation 2013 target emission rates and
- 2. to undertake further on-site reductions beyond the minimum 35% required on-site;
- 3. in the event that further on-site reductions are not achievable to undertake carbon reduction projects within the borough (including opportunities to undertake improvements in the Applicants existing affordable housing stock); or
- 4. pay a financial contribution to the Council.

**Noise and air quality monitoring and mitigating:** the developer to:

- i. monitor at its own costs the air quality and noise levels before, during and after construction of each phase of the development on and within the vicinity of the Eastfields Estate and to submit the results of such monitoring to the Council (within a timescale specified within the section

106 agreement) if the air quality and noise levels are exceeded at any stage to pay to the Council

- i. a financial contribution towards air quality mitigation measures to improve the air quality levels required during and for a specified period following completion of the construction of each phase of the proposed development and future air quality improvements within the borough; and
- ii. a financial contribution towards mitigation measures to reduce the noise levels as is required during and for a specified period following completion of the construction of each phase of the proposed development.

#### **14. Re-provision of ball court/recreational facility:**

The developer shall in respect of the ball court to be provided by the developer as part of the development;

- a. submit to the Council for its written approval:
  - i. prior to [Commencement of Phase ( )] a Ball Court/Recreational Facility Specification and
  - ii. prior to First Occupation of the Residential Units the Ball Court/Recreational Facility Management and Maintenance Plan
  - iii. prior to [Commencement of Phase ( )] submit to the Council for its written approval a Temporary Ball Court/Recreational Facility Specification and the Temporary Ball Court/Recreational Facility Management and Maintenance Plan;
- b. The existing ball court to be lost as a result of the development shall be:
  - i. replaced by either a ball court and/or recreational facility of equal or greater size prior to occupation of [ ]% of the residential units.
  - ii. prior to the ball court being closed a temporary ball court or recreational facility of equal or greater size should be provided prior to the ball court being closed in order to ensure a ball court/recreational facility is provided at all times during construction.

and made available to the public and kept publically accessible.

**15. Open Spaces:** the developer shall a. submit to the Council for its written approval

i. prior to [Commencement of Development of each phase] the Open Space specifications for the delivery of the Open Spaces; and

ii) prior to first Occupation of any of the Residential Units the management and maintenance plan for the operation and future management and maintenance of the Open Spaces

such Open Spaces to include:

i. public realm areas on the Eastfields Estate

ii. the private courtyards

both of which may include children's play areas;

b. provide the Open Spaces in accordance with the approved specifications at relevant work phases;

c. manage and maintain the Open Spaces at its own cost and in accordance with the approved plan;

d. make available to the public and keep publically accessible the public realm areas.

**Security provisions:** provisions to secure the completion of the redevelopment of the Eastfields Estate, delivery of works in kind and the payment of contributions set out in the Section 106 Agreement.

**Legal Fees:** the developer to meet the Council's reasonable costs associated with drafting the Section 106 Agreement

**Monitoring Fees:** the developer to meet the Council's costs of monitoring the Section 106 Obligations.

## **29.0 Conclusion**

29.1 The Development Plan supports the redevelopment of the site as part of the Merton's Estate Regeneration Project for the Eastfields Estate. The principle of development is therefore supported. The site is currently.

29.2 The proposal would represent a significant major regeneration for this part of Mitcham in particular and for the Borough as a whole. The report has highlighted a range of planning and housing benefits that would accrue from the development including financial and non-financial commitments as part of any s106 Agreement.



- 29.3 The proposal has been developed from masterplan stage to this current outline scheme over the past 4 years, which has resulted in substantial public consultations, including 'design panel review' and ongoing dialogue with planning officers. The proposals represent a form of development, which would be acceptable in access terms, using the existing means of vehicular access into and out of the site via Acacia Road, Mulholland Close and Clay Avenue. The proposal would also result in acceptable standards of layout and scale as identified in the officer's assessments which has been examined within the main body of the report. The proposal would also result in a net increase in employment floor space from the non-residential elements of the proposed scheme, as such this would be accordance with the Merton's SPP local plan Policy DM E3 titled 'Protection of Scattered Employment Sites'.
- 29.4 Officers have engaged with and considered carefully the representations from those likely to be affected by the proposals and, in partnership with the applicants, have sought to identify ways of addressing or mitigating such impacts to an acceptable level through the imposition of planning conditions.
- 29.5 Following Reserved Matters applications, it is considered that the scheme would provide the opportunity to develop this key growth area and secure high quality urban design that achieves additional housing. The scheme would make a positive contribution to the economic, social and environmental well-being of the area.
- 29.6 In view of Development Plan policies, guidance set in the NPPF (2012) and an assessment of other material considerations, officers are satisfied that the proposed scheme has met in principle the requirements for a development of this size and scale in relation to the planning issues considered under the main assessment section of this report. The scheme presented will deliver a high quality and improved environment which will meet the needs of future occupiers and bring about a number of benefits for the local community.
- 29.7 In that context, it is not considered that there are any material considerations that would warrant refusal of outline planning permission in this instance. The conditions that are recommended and the s106 obligations package that is set out would ensure that any adverse impacts of the scheme are mitigated against.
- 29.8 Taking into account the consistency of the scheme with the Development Plan and weighing this against all material planning considerations, the proposal is considered to be acceptable in planning terms.

### **RECOMMENDATION.**

That the Planning Committee **GRANT** outline planning permission subject to conditions, referral to the Greater London Authority (under The Town and Country Planning (Mayor of London) Order 2008)) and the completion of a s106 Agreement to include the Heads of Terms as outlined in Section 28 of this committee report.

## 30. CONDITIONS

### COMMENCEMENT

1. **Commencement.** The development shall commence not later than three years from the date of this permission or two years from the final approval of the last Reserved Matters application, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

### APPROVAL OF RESERVED MATTERS

2. **Approval of the details shown below (the Reserved Matters)** of development for each phase of development shall be obtained in writing from the Local Planning Authority before any development in that phase is commenced:

- Access;
- Scale
- Layout;
- Appearance; and
- Landscaping.

3. **Reserved matters time limit** No Reserved Matters approval for the relevant phase of development shall be implemented more than 2 years from the date of the final approval of any Reserved Matters application for that phase, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

4. **List of approved drawings** The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

001 REV A, 002 REV A, 003 REV A, 004 REV D, 005 REV E, 006 REV B, 007 REV C, 008 REV C, 009 REV D, 010 REV C, 011 REV C, 012 REV A, 013 REV B, 014 REV A, 015 REV A & 016 REV D.

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

### PHASING

5. **Phasing strategy** Upon submission of the first Reserved Matters application, a Phasing Strategy setting out the delivery of the phases across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall confirm the order and timing of delivery of each of the phases.

REASON: To ensure the scheme is delivered as proposed in accordance with Policies 3.5 and 7.3 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E1, EP E2, EP E3, EP E4 and EP E8 of the Adopted Estates Local Plan 2018.

**6. Delivery of non residential floorspace** Prior to commencement of each of the relevant phases of development hereby permitted, a plan linking the delivery of the quantum of non-residential floor space to the completion of the residential units within that relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the appropriate minimum amount of non-residential floor space is provided as part of the development in order to maximise delivery of employment opportunities in line with Policy 2.17 of the London Plan (2016), Policy DM E3 of the SSP Local Plan, Policy CS12 of the Core Planning Strategy 2011 and Policy EP E4 of the Adopted Estates Local Plan 2018.

### **DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH PERMISSION**

7. Reserved Matters applications should accord with the submitted Development Parameters (Plans and Schedule) and Design Code, or such updated / replacement Development Parameters (Plans and Schedule) and / or Design Code approved in writing by the Local Planning Authority.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

### **PARTICULARS TO ACCOMPANY RESERVED MATTERS APPLICATIONS**

8. Urban Design Strategy: Applications for approval of Reserved Matters for each relevant phase of development submitted pursuant to this permission relating to layout, scale, access, appearance and landscaping shall be accompanied by an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code. This document should also include measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of that phase of development.

REASON: To ensure good design throughout the development in line with the principles set in the NPPF (2012), Policies 3.5 and 7.3 of the London Plan (2016), Policies DM D1, DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies OEP.1, OPE.2 and EP E4 of the Adopted Estates Local Plan 2018.

9. **Energy Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by an overarching Energy Strategy for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Energy Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. The Energy Strategies shall explain:

- How the proposed design realises opportunities to include design and technology energy efficiency measures;
- The reduction in carbon emissions achieved through these building design and technology energy efficiency measures compared with the emissions permitted under Building Regulations prevailing at the time the application(s) for approval of Reserved Matters are submitted;
- The specification for any green and / or brown roofs;
- How energy shall be supplied to the buildings highlighting:
- How the buildings relate to any side-wide strategy for district heating incorporating co- or tri-generation from distributed combined heat and power; and
- Any other measures to incorporate renewables.
- Preparation of a Site Waste Management Plan to comply with Best Practice Standards. Confirm what measures will be implemented in the construction. The approved measures shall be fully implemented in accordance with the approved details prior to the first occupation of any of the residential units hereby approved. A statement of verification from a suitably qualified expert shall be provided to the Local Planning Authority and agreed in writing to confirm compliance with the provided details prior to occupation of any of the residential units hereby permitted.

REASON: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8, 5.9 and 5.11 of the London Plan (2016), Policies DM EP1 of the SPP Local Plan 2014, Policies CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**10. Ecology and biodiversity strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale, appearance and landscaping of the public realm shall be accompanied by a detailed **Ecology and Biodiversity** Strategy for approval by the Local Planning Authority prior to commencement of that relevant phase. The Ecology and Biodiversity Strategy shall explain:

- The incorporation of bird boxes, bat roosts and other wildlife features on buildings;
- The creation of wildlife habitats within the public realm, integrated into the detailed SUDS designs; and
- The management and arrangements for these features.

REASON: To ensure the development contributes to improving the ecology and biodiversity of the area in accordance with Policy 7.19 of the London Plan (2016), Policy DM O1 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**11. Construction Environmental Management Plan** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a

detailed Construction Environmental Management Plan. This document shall explain:

- The proposed Best Practice Measures to be implemented during construction to suppress dust and minimise noise and vibration associated with demolition / building works;
- A full detailed Noise and Vibration Assessment;
- The measures proposed to reduce and remove risks to the water environment and reduce flood risk during construction;
- A full Construction Logistics Plan, which demonstrates how the impact of construction vehicles would be minimised; and
- Details of proposed hours of work for construction activity.

REASON: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policy 7.15 of the London Plan (2016), Policies DM EP2 & DM EP3 of the SPP Local Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**12. housing accommodation schedule** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance for each relevant phase of development including if built out as a single phase (other than demolition, enabling and groundworks, shall be accompanied by a Housing Accommodation Schedule. For each subsequent relevant phase of development thereafter, a detailed Housing Accommodation Schedule shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain and include:

- The type and mix of units proposed;
- Whether the units are to be provided as affordable and what tenure;
- The gross internal floor areas of each dwelling; and
- A cumulative position statement on the provision of housing.

REASON: To ensure the development provides an appropriate mix and quality of housing as well as providing an appropriate amount and mix of affordable housing having regard to the relevant viability assessment in accordance with the NPPF (2012), Policies 3.3, 3.4, 3.7, 3.8, 3.9, 3.11 and 3.12 of the London Plan (2016), Policies DM H2, DM H3 of the SPP Local Plan 2014, Policy CS8 of the Core Planning Strategy 2011 and Policy EP E4 of the Adopted Estates Local Plan 2018.

**13. Daylight and sunlight assessment** Applications for approval of Reserved Matters for each relevant phase of development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout and scale shall be accompanied by a detailed Daylight and Sunlight Assessment. This document shall explain:

- a) The impact of the proposed development on daylight and sunlight to neighbouring properties;

b) The impact of the proposed development on daylight and sunlight to properties within the development itself; and

REASON: To ensure the development has an acceptable impact on neighbouring residents and future occupiers in terms of daylight and sunlight in line with the recommendations set out in the Daylight and Sunlight Report in accordance with Policy 7.7 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

**14. Surface water drainage strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and landscaping shall be accompanied by an overarching Surface Water Drainage Strategy for all phases. For each subsequent relevant phase of development thereafter, a detailed Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. These documents shall explain:

a) The proposed use of Sustainable Urban Drainage Systems (SUDS) to manage surface water run-off;

b) Surface water attenuation, storage and disposal works, including relevant calculations; and

c) Works for the disposal of sewage associated with the development.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance with Policies 5.12 and 5.13 of the London Plan (2016), Policies DM F1, DM F2 of the SPP Local Plan 2014, Policy CS5 & CS16 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

**15. Accessibility strategy** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks shall be submitted pursuant to this permission relating to layout and landscaping shall be accompanied by a detailed Accessibility Strategy for the relevant phase. This document shall explain:

a) How the proposed public realm areas, within each relevant phase, would be accessible to all, including details of finished site levels, surface gradients and lighting;

b) How each building would be accessible to all, including details of level access and internal accommodation arrangements and access to car parking; and

c) That 10% of the overall residential dwellings hereby permitted would meet Building Regulation M 4(3).

REASON: To ensure the development is accessible and inclusive to all in accordance with Policy 7.2 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E2, EP E3, EP E4 of the Adopted Estates Local Plan 2018.

**16. Lighting Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access, appearance and landscaping shall be accompanied by an overarching Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Lighting Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

- a) The lighting proposed for amenity spaces and external communal areas, including relevant justification; and
- b) The proposed external building lighting.

REASON: To ensure the development is adequately lit in order to minimise the risk and fear of crime, whilst ensuring that the proposed lighting would not unduly impact on local character, amenity or biodiversity in accordance with Policies 7.3 and 7.19 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011.

**17. Refuse Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access and landscaping shall be accompanied by an overarching Refuse Strategy for all phases including if built out as a single phase (other than demolition, enabling and groundworks). For each subsequent relevant phase of development thereafter, an updated detailed Refuse Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

- a) The storage and disposal arrangements for refuse and waste associated with the residential and commercial elements of the proposed development, including vehicular access thereto;
- b) The storage and disposal arrangements for refuse and waste associated with proposed public realm areas, including vehicular access thereto;
- c) The hours of proposed waste collection; and
- d) A full waste management strategy with details of the location, size and the design of the residual waste and recycling container storage areas for each residential unit
- e) The operation and management of the Underground Refuse System (URS), including vehicular access thereto;

REASON: To ensure that adequate refuse storage and disposal facilities are provided, in the interests of local character and amenity in accordance with Policy

5.16 of the London Plan (2016), Policies DM D1, DM D2 of the SPP Local Plan 2014, Policy CS2 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**18. Noise and vibration mitigation strategy** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by a detailed Noise and Vibration Mitigation Strategy for the relevant phase. This document shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas. Post completion Noise Assessments are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of that relevant building.

REASON: To ensure the new buildings in the development have adequate provision against noise and vibration from existing sources and within the development in accordance with Policy DM EP2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**19. Sound insulation above non-residential units** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by a detailed Scheme of Sound Insulation for the relevant phase. This document is designed to prevent the transmission of excessive airborne noise between the proposed residential uses proposed immediately above commercial uses and shall be submitted to and approved in writing by the Local Planning Authority. The airborne sound insulation performance shall achieve as a minimum a 10dB increase in the minimum requirements of Approved Document E of the Building Regulations. The sound insulation shall be installed and maintained only in accordance with the details so approved.

REASON: To protect the living conditions and amenity of future / new residents of the proposed development from noise attributed to the associated commercial units below in accordance with Policy DM EP2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**20. Arboricultural Impact Assessment** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by an overarching Arboricultural Impact Assessment for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Arboriculture Impact Assessment shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain how trees are to be retained, together with measures for their protection during the course of the development. If any trees are to be removed, lopped or topped, a full justification must be provided within the Arboriculture Report. This document shall also explain the total number of



trees to be removed, together with details of proposed replacement tree planting, to ensure an overall increase in the number of trees across the site.

REASON: To safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policy DM O2 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP E7 of the Adopted Estates Local Plan 2018.

**21. Transport Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and access shall be accompanied by a detailed Transport Strategy for the relevant phase. This document shall explain:

- a) A detailed Parking Management Strategy for that part of the development (including Car Club provision);
- b) Details of cycle parking provision for each of the proposed uses;
- c) Details of electric car charging points with 20% active and 20% passive provision;
- d) Details of pickup and drop off facilities for the school (in applications relating to the primary school only);
- e) Details of motorcycle and scooter parking;
- f) Details of pedestrian and cycle routes throughout that part of the scheme;
- g) Details of pedestrian and vehicle signage and way-finding within the development;
- h) Details of enforcement procedures for parking offences on un-adopted roads;
- i) A summary of how the approach relates to the original Transport Assessment; and
- j) A summary of how the proposed Strategy relates to the Travel Plan to be submitted under the s106 Agreement.

REASON: To ensure that adequate levels of parking are proposed, that sustainable means of transport are encouraged and to ensure that no unacceptable increase in traffic movements result, in line with the recommendations of the Transport Assessment and in accordance with Policies 6.3, 6.9 and 6.13 of the London Plan, Policies DM T1, DM T2 & DM D3 of the SPP Local Plan 2014, Policy CS18, CS19 & CS20 of the Core Planning Strategy 2011 and Policies EP E2 & EP E3 of the Adopted Estates Local Plan 2018.

**22. Levels plans** Applications for approval of Reserved Matters for each relevant phase of the development submitted pursuant to this permission shall be accompanied by a detailed Levels Plan for the relevant phase. This document shall explain details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and land contamination, in accordance with Policy 5.21 of the London Plan (2016), Policies DM D1 & DM D2 of the SPP Local Plan 2014, Policy CS2 & CS14 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

## **LAND CONTAMINATION AND REMEDIATION**

23. a) **A land contamination investigation and risk assessment**, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **b) Site Investigation for Contaminated Land**

Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **c) Remediation**

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### e) **Verification**

Where required, the contamination shall be fully treated and completed wholly in accordance with the approved measures in the remediation strategy. A verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority before the development is occupied or brought into use in accordance with the approved Phasing Strategy.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**24. Demolition and construction method statement** No development shall take place until a detailed Demolition and Construction Method Statement has been submitted for each of the phases of the development, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

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

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

#### **ENERGY AND SUSTAINABILITY**

**25. Carbon reduction statement** Prior to commencement of any superstructure works for any phase of the development, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**26. Non-residential floorspace carbon reduction** The non-residential floor space hereby permitted shall be constructed to achieve not less than **BREEAM 'Very Good'** (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The non residential floorspace shall not be occupied until formal post-construction stage certification has been issued confirming that not less than 'Very Good' has been achieved and this certification has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy 5.2 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**27. Water conservation** Prior to the commencement of the relevant phase of the development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day for residential dwellings only shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.

REASON: To minimise the water use of the development, in accordance with Policy 5.15 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**28. Energy Centre** Prior to commencement of the relevant phase of the development in which the energy centre is to be situated, details and verification to demonstrate that the energy centre flue will be at least 3m above any openable window or ventilation air inlets within the new residential development within a distance of 5 times the stack height shall be submitted to and approved in writing by the Local Planning Authority. The flue shall be implemented in accordance with the agreed details prior to the first occupation or first use of buildings of any phase of development and thereafter retained and managed accordingly.

REASON: To ensure the development is sustainable and to comply with Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**29. Overheating strategy** Prior to commencement of the relevant phase of the development hereby permitted, details for the provision of an Overheating Strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is sustainable and to comply with Policy 5.3 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

### **OPEN SPACE**

**30. Open Space Strategy** Prior to the commencement of the relevant phase of the development hereby permitted, a detailed for the provision of open space within that phase shall be submitted to and approved in writing by the Local Planning Authority. The proposed open space, where it would not form part of the permanent areas of public realm, shall be accompanied by full details of the proposed approach to the landscaping, including planting plans, a schedule of plants, including plant sizes and proposed numbers, as well as details of hard landscape materials, boundary treatments, street furniture and play space associated with all ages with the public and private area. The development shall be carried out in accordance with the Open Space Strategy prior to first occupation of any part of that relevant phase of the development and thereafter retained and maintained.

REASON: To ensure adequate provision of open space within the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

**31. Public Realm management plan** Prior to first occupation of any phase of the development hereby permitted, a Public Realm Management Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase of development. This document shall include:

- a.) Details of the contractual arrangement between the developer and the management company;
- b.) Details of a scheme for waste management in the public realm;
- c.) Details of proposals for landscape management in the public realm including long term objectives, responsibilities and maintenance schedules for all public realm areas; and
- d.) A Maintenance and Management Plan for the non-adopted drains and SUDs systems. The Public Realm Management Plan shall be implemented as approved.

REASON: To ensure that the public realm within the development is maintained to an adequate standard, to safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

**32. Landscaping and planting scheme** No development shall take place within each phase until full details of a landscaping and planting scheme relevant to each

phase has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. The approved works shall be carried out in the first available planting season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation.

REASON: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

### **AMENITY AND NOISE**

**33. Noise mitigation** Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

**34. Deliveries** Deliveries to each of the non-residential units associated with the development shall not be undertaken outside of the hours of 07.30 hours until 21:00 hours Monday to Saturday, and 08:30 to 20:00 hours on Sunday and Public Holidays.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

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

REASON: To protect the living conditions of future residents on and around the application site in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2, DM EP2, DM E1 & DM E3 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

36. **Odour** Details of the measures to control odour from all mechanical systems serving an individual food premises shall be submitted and approved in writing to the local planning authority and implemented. The measures are subject to approval by the local authority. The system shall be designed so neighbouring premises are not affected by odour.

REASON: To protect the amenities of adjoining properties and the surrounding area, in order to comply with Policies DM D2, DM EP2, DM EP4, DM E1 & DM E3 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

### **FLOOD RISK AND DRAINAGE**

37. **In accordance with Flood Risk Assessment** The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates ( ref: 32120/2012 Revision G dated Nov 2017). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

38. **Details of finished floor levels** Prior to commencement of the development hereby permitted by this planning permission, details shall be submitted to the approval of the local planning to demonstrate that finished floor levels for all residential units shall be assessed in detail and details regarding flood risk mitigation shall be submitted and approved by the Local Planning Authority. The mitigation strategy for each block shall follow this hierarchy and demonstrate that floor levels will be (i) raised above the corresponding surface water flood depth for the given block location (ii) set no lower 300mm above existing ground levels (iii) or include flood risk resistance or resilience measures up to the corresponding surface water flood depth. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

**39. Flood warning and evacuation plan** The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is submitted to, implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the Flood Risk Assessment produced by Peter Brett Associates (ref: 32120/2012 Revision G dated Nov 2017) and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's CS16 and policy DM F1 and the London Plan policy 5.12.

**40. Surface and foul water drainage strategy** No development approved by this permission shall be commenced until a detailed scheme for the provision of an overarching surface and foul water drainage strategy for the whole site, and each phase, has been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final detailed drainage scheme shall be designed at reserved matters stage in accordance with the outline details submitted in the MLM Drainage/SuDS Strategy (Document ref: BF/666828/AN Revision 11 dated 20th February 2018).

The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (the provision of attenuation volume is to be no less than 2560m<sup>3</sup>) and control the rate of surface water discharged from the entire site at a maximum rate of 165l/s for a 1:100 year return period plus 30% climate change. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

**41. Ecology and demolition** No demolition of buildings or removal of trees or shrubs shall take place in any phase of development hereby permitted until up to date bat and breeding bird surveys are submitted to and approved in writing by the Local Planning Authority for that phase of development. If evidence of bat or breeding birds are found prior to demolition, specific mitigation measures should be



included in any submission for the written approval of the Local Planning Authority. Development shall proceed in accordance with any approved mitigation measures.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with Policy 7.19 of the London Plan (2016), Policies DM EP2 & DM EP3 of the SPP Local Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

### **PERMITTED DEVELOPMENT RESTRICTED**

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling and to safeguard the amenity of neighbouring residents in accordance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E1 & EP E8 of the Adopted Estates Local Plan 2018.

43. **Secured by Design** Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police SW Designing Out Crime Office, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

REASON: In the interest of creating safer, sustainable communities, in compliance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E1, EP E2, EP E3, EP E4 & EP E8 of the Adopted Estates Local Plan 2018.

44. **Archaeology** No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under Part A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation

approved under Part A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: In the interests of archaeological protection in accordance with Policies DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies EP E1 & EP E8 of the Adopted Estates Local Plan 2018.

**45. Air quality assessment** Prior to commencement of development, a detailed Air Quality Assessment Report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be at least '*Air Quality Neutral*' and an air quality neutral assessment for both buildings and transport shall be included in the report to demonstrate this.

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**46. Air pollution mitigation measures scheme** Prior to commencement of development, a scheme for air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**47. Control of dust and emissions during construction and demolition** All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**48. Non-Road Mobile Machinery (NRMM)** An inventory of all NRMM must be kept on-site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept onsite for inspection. Records should be kept on-site, which details proof of emission limits for all equipment. This documentation should be made available to Local Authority officers as required until completion of development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**49. Air Quality Demolition Management Plan** ( Prior to any works commencing on site, an Air Quality Demolition Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**50. Combined Heat and Power** Prior to occupation or use of the development the following details of the installed boiler/CHP shall be submitted to and approved in writing by the Local Planning Authority: NOx mission rates in g/kWh for comparison against the ultra-low NOx emission limits in the Borough's Air Quality Supplementary Planning Guidance Details of the servicing and maintenance of the boiler and any pollution control system.

REASON: To protect the future occupiers and neighbouring residents in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**51. Combined Heat and Power stack** The proposed CHP plan must have a discharge stack, which is at least 3m above any openable windows or ventilation air inlets within a distance of 5Um. Details to demonstrate compliance with this condition must be submitted to the Local Planning Authority for approval prior to commencement of the relevant phase of the development.

REASON: To protect the future occupiers and neighbouring residents from exposure to pollutant emissions from the energy centre in accordance with Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

## **Informatives**

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre-planning application advice service.
2. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.
3. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc., may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
4. The application is subject to both the Mayoral and the Merton Council Community Infrastructure Levy unless an application for an exemption is made and approved.
5. If the intention is to complete tree work between the 1st March & the 31st July (inclusive) a due diligence check for nesting birds must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. Arborists should record such checks in their site specific Risk assessment. If active nests are found work should not take place until the young have fledged.
6. A due diligence check for bats and likely habitats (see attached link) must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. Arborists should carry out and record such checks in line with BS8596: 2015 surveying for bats in trees and woodland in their site specific risk assessment. If bats or potential roosting features are found work must not start until an appropriately licenced bat handler has been engaged.
7. The developer should consult with Thames Water with regard to whether any offsite reinforcement of the foul water drainage network is required. Copies of the correspondence should be provided for the Council records.
8. Surface Water Drainage: It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site

drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development We recommend that developers should: Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297401/s\\_cho0804bibr-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297401/s_cho0804bibr-e-e.pdf)

Refer to the Environment Agency Guiding Principles for Land Contamination for the Type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

<https://www.gov.uk/government/publications/managing-and-reducinglandcontamination>

Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and End 5 installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site. A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out.
- In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.
- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs.

- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.) 8. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.

9. In the event that asbestos containing materials (ACMs) are discovered, details of the contractors with their plan of work detailing the method of removal of ACMs in compliance with current legislation shall be submitted to the HSE.

10. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

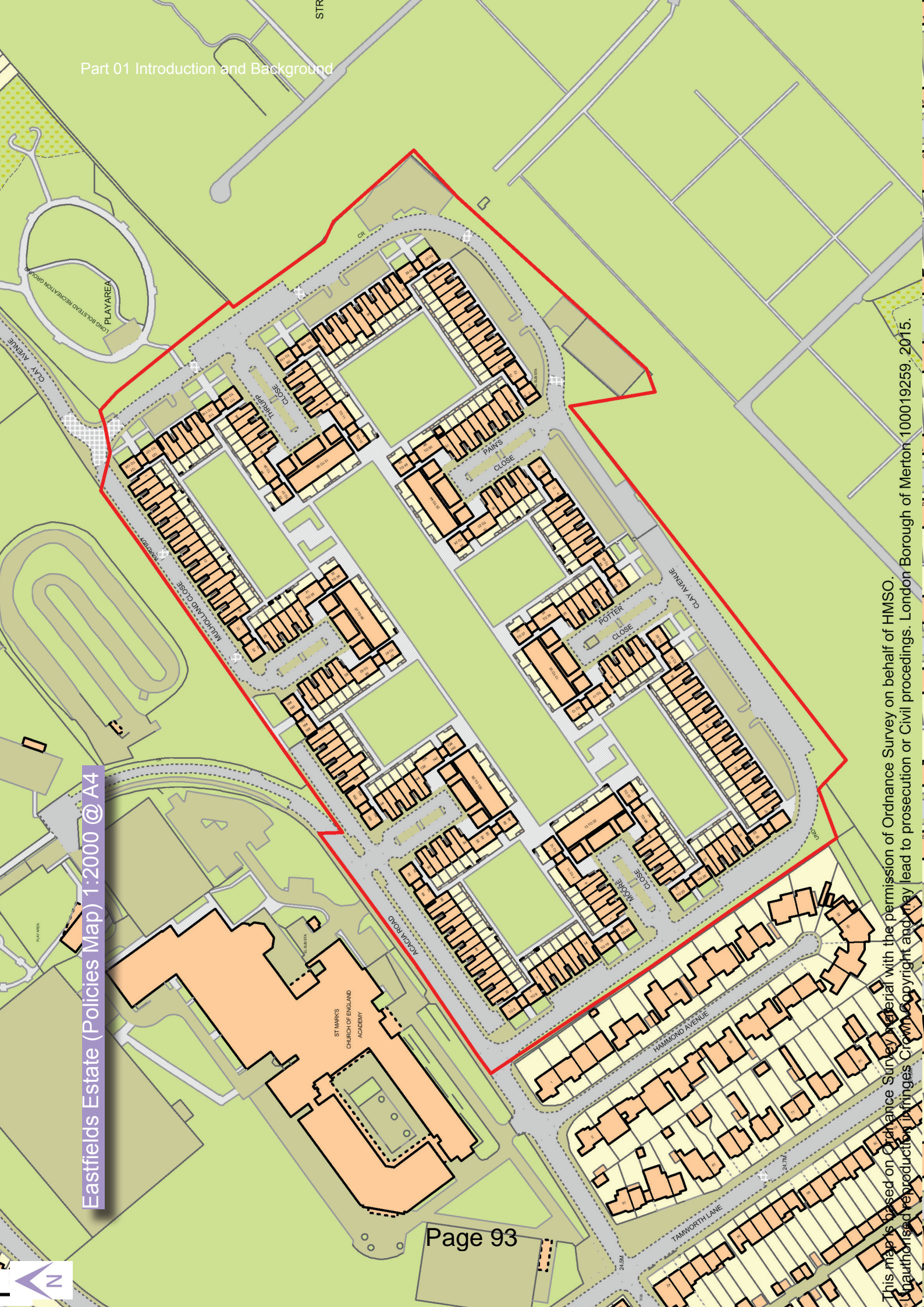
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[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load



Eastfields Estate (Policies Map) 1:2000 @ A4



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## PLANNING APPLICATIONS COMMITTEE

8 MARCH 2018

**APPLICATION NO.**

17/P1721

**DATE VALID:**

16/11/2017

**Address/Site**

Land to the north and east of Marsh Court, Pincott Road, bound by High Path, Pincott Road, Nelson Grove Road and Rodney Place inclusive of garages, Marsh Court Play area and The Old Lamp Works, 25 High Path, London, SW19 2JL

**Ward**

Abbey

**Proposal:**

OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED, EXCEPT IN RELATION TO PARAMETER PLANS) FOR THE COMPREHENSIVE PHASED REGENERATION OF THE HIGH PATH ESTATE COMPRISING THE DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES; ERECTION OF NEW BUILDINGS RANGING FROM 1 TO A MAXIMUM OF 10 STOREYS PROVIDING UP TO 1570 RESIDENTIAL UNITS (C3 USE CLASS); PROVISION OF UP TO 9,900 SQM OF COMMERCIAL AND COMMUNITY FLOORSPACE (INCLUDING REPLACEMENT AND NEW FLOORSPACE, COMPRISING: UP TO 2,700 SQM OF USE CLASS A1 AND/OR A2, AND/OR A3 AND/OR A4 FLOORSPACE, UP TO 4,100 SQM OF USE CLASS B1 (OFFICE) FLOORSPACE, UP TO 1,250 SQM OF FLEXIBLE WORK UNITS (USE CLASS B1), UP TO 1,250 SQM OF USE CLASS D1 (COMMUNITY) FLOORSPACE); UP TO 600 SQM OF USE CLASS D2 (GYM) FLOORSPACE); PROVISION OF NEW NEIGHBOURHOOD PARK AND OTHER COMMUNAL AMENITY SPACES, INCLUDING CHILDREN'S PLAY SPACE; NEW PUBLIC REALM, LANDSCAPING WORKS AND NEW LIGHTING; CYCLE PARKING SPACES (INCLUDING VISITOR CYCLE PARKING) AND CAR

PARKING SPACES (INCLUDING WITHIN  
GROUND LEVEL PODIUMS),  
TOGETHER WITH ASSOCIATED  
HIGHWAYS AND UTILITIES WORKS.”

**Drawing No's:**

. 2011, 2017 and 2018

**Documents**

Covering Letter

Guide to the Outline Planning Application for the High Path Estates

Application Form and Certificates

Community Infrastructure Levy Questions Form

Site Location Plan

Drawing List

Town Planning Statement (including Affordable Housing Statement, draft s106  
Heads of Terms and Ventilation / Extraction Assessment)

Design and Access Statement (including Open Space and Lighting Strategy)

Design and Access Statement - Errata Sheet

Design Code

Design Code Page 31 replacement

Townscape, Heritage and Visual Impact Assessment

Townscape, Heritage and Visual Impact Assessment Addendum

Townscape, Heritage and Visual Impact Assessment Letter

Statement of Community Involvement

Daylight, Sunlight and Overshadowing Report

Daylight and Sunlight Addendum on the overshadowing of the proposed open  
spaces

Modification to Daylight and Sunlight Addendum on the overshadowing of the  
proposed open spaces

Daylight, Sunlight and Overshadowing Letter

Sustainability Statement

Energy Statement (including Overheating Strategy)

Flood Risk Assessment (including Sequential Test and Drainage Strategy)

SuDS Strategy

Commercial Report

Commercial Floorspace Assessment

Demolition and Construction Management Plan

Ground Condition Assessment (Contamination and Stability)

Transport Assessment (including Parking Provision and Management, PERS Audit, outline Construction Logistics Plan, and outline Servicing and Delivery Plan)

Framework Travel Plan

Biodiversity Survey Report

Arboricultural Impact Assessment

Air Quality Assessment

Technical Note - Amendments to Air Quality Assessment from the Maximum Parameters Accommodation Schedule

Noise and Vibration Assessment

Socio-Economic Assessment

Technical Note on Amendments to the Socio Economic Assessment from the Maximum Parameters Accommodation Schedule

Health Impact Assessment

Health Impact Assessment Addendum

Archaeological Assessment

Operational Waste Management Strategy

Technical Note - Amendments to Operational Waste Management Strategy from the Maximum Parameters Accommodation Schedule

Utility Infrastructure Report

High Path Financial Viability Assessment

Merton Estate Regeneration Programme Financial Viability Assessment

Merton Estate Regeneration Programme Financial Viability Assessment - addendum report

Financial Viability Assessment Summary Report

Parking Management Plan

Response to GLA Comments

Overarching Approach to Energy

Letter Response to GLA Stage 1 Report

Response to TfL Comments

Response to GLA Energy Comments

Letter Response to Consultation Responses

Minimum Courtyard Dimensions

South Wimbledon Station Design Study

Design Response Note

South Wimbledon Station Illustrative Study

Applicant Response to Comments made by Designing Out Crime Officer

Applicant Response to Sport England Comments

Applicant Response to Comments from Climate Change and Sustainability Officers

Masterplan Tenure Mix Rev. A

Phase 1 Accommodation Schedule

Movement Strategy Technical Note

Internal Layout and Vehicle Movement Strategy

Movement Strategy Diagram 1

Movement Strategy Diagram 2

Movement Strategy Diagram 3

Emergency Vehicle Tracking

Existing and Proposed Street Network Diagram

Merton Estates Housing Tenure and Mix

Net Uplift in Units by Tenure based on Illustrative Maximum Accommodation Schedule

Merton Estates Project - Habitable Room and Floorspace Information for GLA

Sports Facilities Assessment

Merton Regeneration Project Affordable Housing Offer

Surface Water Flood Risk Extents

### **Supportive Documents**

Townscape and heritage assessment, Archaeological assessment, Statement of community involvement, Sustainability statement, Energy strategy, Biodiversity survey report, Aboricultural impact assessment, Operational waste management strategy, Noise assessment, Transport statement, Draft travel plan, Daylight, Sunlight and Overshadowing assessment, Flood risk assessment, Foul sewage and utilities strategy, Ground investigation report, Air quality assessment; and, Construction management plan

**Contact Officer:**

Zulema Nakata

### **RECOMMENDATION**

Grant Outline Planning Permission subject to s106 legal agreement and conditions.

#### **CHECKLIST INFORMATION.**

- S106 Heads of agreement: Yes
- Is a screening opinion required: Yes
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted – Yes
- Number of neighbours consulted – 413
- Press notice – Yes
- Site notice – Yes

- External consultations: Greater London Authority, Transport for London, Environment Agency, Metropolitan Police, Greater London Archaeological Advisory Service, Thames Water Utilities,
- Number of jobs created – n/a
- Public Transport Accessibility Level (PTAL): Level 4 TFL Information Database (On a scale of 1a, 1b, and 2-5, 6a, 6b where zone 6b has the greatest accessibility)
- Flood Risk Zone 1

## **1. INTRODUCTION**

- 1.1. The application is brought before PAC due to the development being a departure from the development plan with regards to the quantum of proposed commercial floorspace. Furthermore, Officers consider it is appropriate for the development to be determined by Committee due to the scale and complexity of the proposals which concern the Council's involvement in subsequent purchase notices being served. For the time being, the decision of Merton's Planning Committee is not the final decision as the major application is required to be referred to the Mayor of London for any direction.
- 1.2. This application is the masterplan for the phased redevelopment of the High Path Estate, phases 2-7. Phase 1 of the Estate has already been granted full planning permission (ref: 16/P3738) on 5<sup>th</sup> October 2017, which is subject to conditions and a s106 agreement.

## **2. SITE AND SURROUNDINGS**

- 2.1 High Path Estate is situated within Abbey Ward in South Wimbledon. The estate extends across 6.91 hectares. The application site is bounded between Merton High Street in the north, Abbey Road in the east, High Path in the south and Morden Road in the west. The Grade II Listed South Wimbledon Underground station is located to the north-west of the site, while to the south of High Path is the locally listed St John's Church, Merton Abbey Primary School, High Path Community and Resource Centre and the Elim Church.
- 2.2 The estate is made up of 608 residential units, a small portion of commercial and community uses, some open/play spaces, and about 422 car parking spaces (excluding garages and driveways). The residential units consist of a mix of social rented and private ownership (as a result of right to buy).
- 2.3 There are a mix of residential building typologies across the estate which reflect its 30 year build out period between 1950's – 1980's. The oldest part of the estate is on the west, adjacent to Morden Road: the 4-storey Priory Close, Gilbert Close, and Ryder House were built in the late 1950's. The centre of the estate, extending towards the east, was developed in the 1960's and includes: 4-storey Ramsey House, Eleanor

House, a row of six 2-storey terraced houses on Pincott Road, 12-storey Marsh Court, May Court and Hudson Court, and a number of other 3/4-storey blocks distributed towards the east. The row of 3-storey buildings fronting Merton High Street, closest to South Wimbledon Station were built in the 1970's while the 2-storey buildings closer to Abbey Road, were built in the 1980's.

- 2.4** There is an existing convenience store on the corner of Pincott Road and Nelson Grove Road, and a nearby Community Centre. There are three public houses in close proximity to the estate although none are within the red line boundary of this application: The Trafalgar pub is located on the corner of Pincott Road and High Path; Kilkenny Tavern is on Merton High Street adjacent to South Wimbledon Station; and The Nelson Arms is on the corner of Abbey Road and Merton High Street.

### **3. CURRENT PROPOSAL**

- 3.1** This outline planning application with all matters reserved (except for parameter plans,) is for the phased demolition and redevelopment of the High Path Estate. The proposed buildings will be constructed over a 10 year period of phased demolition and redevelopment, creating buildings up to 10 storeys/ 37m in height. The applicant proposes up to 1570 new homes as part of the maximum parameter scheme, providing a minimum 277 socially rented affordable homes.
- 3.2** In terms of non-residential development, there will be up to 9,900sq.m of commercial and community floorspace, including 2,700sq.m of shops (A1), financial services (A2), restaurants and cafes (A3), drinking establishments (A4), and up to 5,350sq.m of offices (B1) including 1,250sq.m of flexible work units, and up to 1,250sq.m of community (D1) and 600sq.m gym/leisure facilities (D2).
- 3.3** Connecting Merton High Street with High Path, there will be a 7,500sq.m Neighbourhood Park over 60m wide through the middle of the estate, as well as additional associated landscaping in the form of communal courtyards, private gardens and public realm.
- 3.4** The proposal includes associated highways and utility works, 269 car parking spaces and over 3000 private residential and visitor cycle parking spaces.

### **3.5**

### **4. PLANNING HISTORY**

There are numerous entries under the planning history of the estate, which is to be expected (considering its size and age of the estate), the most relevant have been listed below:

- 4.1** M/M6123 – Priory Close, Gilbert Close, & Becket Close - *Erection of 124*

*flats, (amended to 108 flats); DEEMED CONSENT, 31/12/1951*

- 4.2 M/M7170 – High Path Estate – *Outline redevelopment providing a total of 345 dwellings comprising maisonettes, flats, bed sitting rooms and old peoples bungalows with 80 garages; GRANTED, 19/04/1956*
- 4.3 M/M7586 – 25A High Path - *Retrospective planning permission for the erection of a store building; GRANTED, 14/12/1957*
- 4.4 M/M7497 - *One four storey block of 34 flats, one block of 14 flats, one four storey block of 7 pairs of maisonettes, one four storey block of 30 flats and 6 houses; GRANTED, 16/09/1957*
- 4.5 M/M9787 – May Court - *Erection of two 12 storey residential blocks on sites west and east of Pincott Road; GRANTED, 17/12/1964*
- 4.6 M/M9918 – May Court - *Residential and shopping redevelopment; GRANTED, 25/03/1965*
- 4.7 MER183/68 – Hudson Court – *Erection of a 12 storey block of flats containing 66 units and 2 blocks of garages – 1 x 24 and 1 x 7, with formation of 104 parking spaces and 2 children’s play areas; DEEMED CONSENT, 21/03/1968*
- 4.8 MER/606/74 - *Erection of 7 three storey blocks (block type a, 2 each containing nine 3 bed houses, 3 block type. B containing 24, three bed houses, block e containing 12 one bed flats, block f containing 3 two bed maisonettes) and one 2 storey block containing 5 three bed houses; DEEMED CONSENT, 30/01/1975*
- 4.9 96/P0900 – Old Lamp Works – *Change of use from general industrial (b2) use to office, warehousing and distribution (B1/B8) use; GRANTED, 29/10/1996*
- 4.10 16/P3738 – Land to the north and east of Marsh Court, Pincott Road, bound by High Path, Pincott Road, Nelson Grove Road and Rodney Place inclusive of garages, Marsh Court Play Area and The Old Lamp Works, 25 High Path, London, SW19 2JL - *Demolition of existing structures associated with the old lamp works, all garages (74 in total) and marsh court play area to provide residential accommodation (134 units - class c3) in buildings of three - nine storeys, provision of car parking (31 spaces including 5 disabled spaces), cycle parking (249 spaces), landscaping and public realm works together with associated utilities and infrastructure; GRANTED 05/10/2017*

## **5. CONSULTATION**

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 3176 nearby addresses. The Council received 42 objection responses from 35 addresses (7 separate names from the same household/address).
- 5.2 All of the representations received are summarised by subject matter below:



### 5.3 Neighbour Responses:

- Housing

4 comments were received concerned with an underprovision in affordable housing. The proposed 18% social housing is inadequate "with no public justification and should be 40% perhaps more if the published London plan figure is adopted: no viability assessment has been provided for public scrutiny. One of the four comments received on housing related to the tenure mix not addressing the needs of low income and young families.

- Viability

A number of comments were received stating that the viability report should be made public in order to justify the quantum of development and apparently low provision of affordable housing.

- Density

3 comments were received stating that the density of the development is too high.

- Transport/Highways

There were about 6 comments received regarding transport and Highways issues particularly with regard to there being too little existing and the development making this worse. There were 1 or 2 comments concerned with the likely increase in traffic congestion in the area. One person was concerned with safety along Abbey Road for pedestrians, and parked vehicles, due to rat running. One person raised the point that the development offered the opportunity to improve west to east cycle route along Merton High Street and suggested LBM and developers should consult with London Cycling Campaign about the network improvements and cycle parking provision.

1 resident objects to public funds being used to mend damage to the highway as a result of construction of the development.

- Environmental Health

6 comments received regarding noise, dust, vibration likely to cause disturbance during construction. One resident was also concerned with the pollution caused by construction vehicles. Two residents also concerned with pollution due to 'canyon affect' of tall buildings, air pollution from traffic congestion in the area does not disperse as quickly. Specifically one resident stated '37m high buildings proposed at junction with Morden Road and Merton High Street, will 'act as a barrier and hinder natural dispersal of exhaust

fumes at this very busy junction.'

- Design

30 objections were received regarding the proposed heights of the buildings. Local residents and businesses on Merton High Street were particularly concerned about the overbearing buildings of 7-10 storeys fronting existing buildings on Merton High Street which are 2-3 storeys. The buildings would dominate the skyline and change the character of the area. Residents are concerned that this development would set a precedent for tall buildings in the area. The tall buildings are out of keeping with the Edwardian/Victorian Streets which surrounding the Estate. An equal number of residents and occupiers were concerned particularly with regard to the Morden Road, Merton High Street corner with South Wimbledon Station, where the development design is thought to dominate the area and be overbearing with relation to the South Wimbledon Listed Station. There were

- Conservation & Heritage

About 5 of the objections received were concerned about the impact of the high buildings in close proximity to the listed building and Roman Stane Street and and Merton Priory therefore Archaeological conditions required. Concern over 'massive', 'bulky' buildings affecting the heritage asset and its setting, S. Wimbledon Underground Station.

- Light

6 objections were received with concerns regarding the loss of light as a result of the development. One resident mentioned that the internal communal amenity space courtyards did not meet BRE standards for daylight sunlight and overshadowing, while another resident commented that the retention of the mature trees along Merton High Street provided a reasonable set back from the existing buildings on the north side which would help to minimise overshadowing.

- Public/ Residential Amenity

19 objections were received regarding the impact on the amenity of existing and future occupiers. About 3 people raised a point regarding the lack of children's play space in the new development, many people were concerned about the overshadowing of the existing buildings from the development. There were 2 objections regarding overlooking but were unspecific.

- Land uses

3 objections were received regarding the proposed land uses. One

was interested in the ability to deliver the appropriate quality, scale and diversity of community amenities and commercial units/ activity, another raised concern over the commercial and community uses exacerbating congestion, one was concerned over the loss of the existing community uses on the site namely; on Pincott Road and the Church Hall on High Path. Furthermore, it was stated that “even with the additional residential units, one does not see a great demand for additional retail offerings.”

- Sustainability

1 person objected to the illustrative layout of the buildings on the basis that the open plan layout makes it more difficult to heat rooms.

- Drainage/ Flooding

1 objector raised concern over the existing poor drainage of surface water and/or maintenance of drainage particularly at Merantun Way and High Path and greater mitigation needs to be considered.

- Biodiversity/ Ecology

Concern over impact on birds and other animal lives at risk by loss of trees and changes in environment Arboriculture/ Landscaping. The resident particularly mentioned the following species: green and golden Privat, Elder and Hawthorn should be retained or improved along Morden Road and High Path.

- Economy

1 neighbour objected over the Impingement on the redevelopment on the Broadway.

- Procedural

Consultation process is flawed and the application is pre-mature as the Estates Local Plan had not been adopted at the time of the application submission neither had the Inspector's report on the local plan has been made public.

- Other

1 resident stated that responses previously submitted to the Estates Plan and the phase 1 full application on the Lamp Works site should be incorporated into the considerations off this planning application. "This application is contrary to law." The application submission preceeds the Planning Inspector's report on the Main Modifications of the Local Plan being made public. Objects to the "demolition of buildings of substance", specifically Norfolk House

and the Private Garages in Hillborough Close/DeBurgh House. The application should be considered in the light of 'planning guidelines' and 'consultation'.

Height of buildings will 'block the television signal'

Concern over disregard for existing private renting tenants.

The decision to redevelop the estate should have been a democratic process

Allowing existing residents to stay in the area and to be able to move into comparable new housing as the scheme progresses should be an integral part of any application.

Budget should include compensation for non-estate residents for damage caused to properties from pile driving etc.

Compensation is sought for resident freeholders who will be CPO through the process of the development.

#### **5.4 Design Review Panel**

Overall the Panel felt that the masterplan was a good piece of urbanism and they liked the use of design codes. They did however, feel that the plan would benefit from some clarification and development in certain areas, but otherwise it seemed like a robust document.

It was important that the codes allowed for, and promoted variety in architecture, not just between blocks, but within them as well. The images showed that there was a danger of the area simply looking like another estate if it was too uniform in appearance and the elevations looked too generic.

The Panel did not have an issue with the proposed single large square, however, there were issues that needed to be clarified relating to it. The focus of it was the back of a small pub and this was not very satisfactory. The Panel suggested that it needed to have a frontage facing the park and how this could be achieved needed to be explored. The routes across the space did not seem to follow obvious desire lines.

The Panel liked the vista from the mews to the church, but noted that this would not be the main view of most people. There were other views and nearby taller buildings could compromise the views of the church. These views needed to be shown to demonstrate this relationship is satisfactory.

The Panel felt that the main blocks with the communal space and podium parking needed to work better in terms of light penetration. It was suggested there should be variations in height of buildings and occasionally gaps in order to let in light and ensure a good quality of space within. This didn't appear to be the case. The width of some of the communal gardens also seemed narrow in relation to the height of

the surrounding buildings and this made adequate light penetration more important.

The Panel noted there was a variety of dwelling types proposed, but that only one street of town houses was proposed. The Panel applauded the proposals to repair the high street with commercial uses, but they needed to ensure the quality of the environment in this street was not poor. The applicant therefore needed to show cross sections of this street in model form as with the other streets. The Panel felt that variety in heights and gaps were critical in ensuring sufficient light penetration into this street in order to ensure it had a good quality environment.

The Panel discussed the need to minimise the number of single aspect flats and asked the applicant about this. It was stated that single aspect units were limited to 1-bed units, that they were only east or west facing and constituted only 20% of the 1-bed units. On this understanding the Panel felt this was acceptable.

The Panel felt that it was not very clear about how the estate connected with its surroundings, such as the streets to the north and east, the school to the south and the narrow pavements around the tube station. This was not just about street patterns but how people can easily cross the roads surrounding the estate and vice versa. The highways within the site seemed to be a mix of adopted and non-adopted streets. The Panel were clear that this could mark out different types of occupiers and lead to some areas having a better quality feel than others. A uniform approach should be taken across the site regarding highway adoption.

The Panel were also concerned that the estate was robust and flexible enough to accommodate modern and future needs of vehicles. For example, sufficient allowance needed to be made for delivery vehicles (eg. for online shopping deliveries), car clubs, electric cars etc. The estate should also plan for the advent of driverless vehicles and how this may change patterns of vehicle use and ownership. The physical fabric of the buildings and spaces needed to show how they would accommodate this. Integral garages needed to be easily convertible to habitable rooms and podium parking areas needed to show how they could be.

The Panel expressed some concern regarding the proposals for trees on the estate. A number of significant tree groups seemed to be scheduled for felling on the site. Notably this included most of the existing mature plane trees fronting the high street. This was shown on some of the plans, but seemed to contradict the statements of the applicant at the meeting. Clarification was needed on this. There was also tree planting shown in places that would be difficult to achieve and create poor quality spaces – notably in the space behind the mews houses. Elsewhere, the east-west street seemed devoid of trees.

Finally the Panel felt there needed to be more emphasis on the use of art and artists in the regeneration in order to build on and create local distinctiveness. Suggestions included involving the Polka theatre, Merton College of Art, use of the open space for festivals and celebrating the

former house of Lord Nelson.

All the issues raised by the Panel could be addressed by embedding them in the design codes and developing the imagery to show how this could be achieved.

VERDICT: GREEN

## **Statutory Consultees**

### **5.5 Greater London Authority**

Below is a summary of the GLA's comments on the outline planning application for High Path Estate. The complete response from the GLA is included in Appendix 1 of the Committee report.

#### **Strategic issues summary**

**Estate regeneration and affordable housing:** The estate regeneration scheme would result in no net loss of affordable housing with replacement homes being provided on an equivalent basis. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG will be secured (paragraphs 19-27 and 31-37).

**Commercial and community uses:** The provision of flexible retail, commercial and community uses, including incubator and SME workspace is supported. The re-provided community facility must be secured in accordance with Policy S1 of the draft London Plan (paragraphs 28-30).

**Urban design and heritage:** The overall design strategy is supported and the plans and design code demonstrate that a suitably high residential quality, amenity provision and public realm would be achieved. The scheme would preserve existing heritage assets. Robust conditions are required to secure the design commitments made by the applicant (paragraphs 45-57).

**Climate change:** Further information is required including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured. Details of the drainage strategy also need to be secured by condition (paragraphs 61-64).

**Transport:** Further information is required in relation to junction improvement works, trip generation assessment and cycling infrastructure improvements. A number of mitigation measures, conditions and obligations are also required (paragraphs 65-73).

#### **Recommendation**

That Merton Council be advised while the principle of the application is supported, the application does not comply with the London Plan and draft London Plan, for the **reasons** set out in paragraph 78 [see extract below]. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan.

(The following extract is from GLA comments dated 8<sup>th</sup> January 2018, paragraph 78)

### **Conclusion**

78 London Plan and draft London Plan policies on estate regeneration, urban design, climate change and transport are relevant to this application. The principle of the comprehensive estate renewal, which increases overall housing delivery is supported; however, the application does not fully comply with the London Plan and draft London Plan. The scheme could become compliant if the following matters are resolved:

**Estate regeneration:** The estate regeneration scheme would result in no net loss of affordable housing with replacement homes being provided on an equivalent basis. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and Affordable Housing and Viability SPG will be secured.

**Commercial and community uses:** The provision of flexible retail and commercial uses, including incubator and SME workspace is supported. The re-provided community facility must be secured in accordance with Policy S1 of the draft London Plan.

**Urban design:** The overall design strategy is supported and the plans and design code demonstrate that a suitably high residential quality, amenity provision and public realm would be achieved, which would contribute towards an overall enhancement of the estate. The scheme would preserve existing heritage assets. Robust conditions are required to secure the design commitments made by the applicant.

**Climate change:** Further information is required, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured. Details of the drainage strategy also need to be secured by condition.

**Transport:** Further information is required in relation to junction improvement works, trip generation assessment and cycling infrastructure improvements. A number of mitigation measures, conditions and obligations are also required.

## **5.6 Metropolitan Police (Designing out crime unit)**

The Metropolitan Police Secure by Design Officer had the following comments on the Outline Planning Application:

Thank you for inviting me to view the outline planning permission. I have met with the architects previously to discuss the incorporation of Secured by Design Principles within this development. It is appreciated page 57 of the Design and Access statement shows how designing out crime is proposed to be achieved.

The crime trends in the location of the site for the past year October 2016 - October 2017 are detailed in the table below. The figures are the number of crimes (count) and the crime rate to provide an easy

comparison between areas that have different population densities. The ward has a lower crime rate when compared with the borough and London rates.

AREA	COUNT	RATE
London	878,131	2.17
Merton Borough	14,493	1.53
Abbey Ward	833	1.49

(Figures obtained from [www.met.police.uk/stats-and-data/crime-data-dashboard/](http://www.met.police.uk/stats-and-data/crime-data-dashboard/) on 20th November 2017)

The top five offences and their count for Abbey Ward for the past year are detailed in the table below. The table indicates that much of the reported crime is linked to the public realm with theft offences and violence against the person as normally seen in town centre economic areas.

CRIME	COUNT
Theft and Handling	310
Violence Against the Person	290
Criminal Damage	77
Burglary	61
Drugs	41

(Figures obtained from [www.met.police.uk/stats-and-data/crime-data-dashboard/](http://www.met.police.uk/stats-and-data/crime-data-dashboard/) on 20th November 2017)

[www.police.uk](http://www.police.uk) was viewed to source the Anti-social behaviour (ASB) statistics and showed between October 2016 and September 2017 there were 256 reports of ASB which is approximately 26% of total crimes reported, again an indicative crime issue within public realm areas.

These comments are based on the submitted documents, with the understanding that the proposal is illustrative for an outline planning application.

## General Comments

### 1. Public Realm

1.1 Residential communal space should be clearly defined and access controlled to prevent unrestricted public access. There should be no linkage between public, communal and private areas.

1.2 Vehicular and pedestrian routes should be designed to ensure that



they are visually open, direct, and well used.

1.3 Rat runs especially with mopeds may become common. Roads must be designed to encourage slower car speeds – raised crossings, shared surface treatments and breaking up the routes should be incorporated to discourage the chance of rat runs.

1.4 Pedestrian and cycle routes should form a coherent network linking trip origins and key destinations and promote a safe feeling.

1.5 Footpaths should be as straight as possible, at least 3 metres wide, well lit, devoid of potential hiding places, overlooked by surrounding buildings and well maintained so to encourage surveillance along the path and its borders.

1.6 Shared surface arrangements should be designed for those with visual impairment.

1.7 Any cycle routes through pedestrian areas should be clearly defined and mindful of disabled users, in particular the visually impaired.

1.8 Any narrow 'choke' points produced by street furniture should be removed.

1.9 Seating spaces should be carefully considered and located in the appropriate locations such as closer to where facilities are or where there will be natural surveillance.

1.10 Any benches should be designed to include centrally positioned arm rest dividers to assist those with mobility issues and prevent people from lying down or rough sleeping. 1.11 Space should be created between any seating and footpaths to help reduce the fear associated with having to walk past and thus promote legitimate use of the route.

1.12 Communal play-areas must be designed with due regard for natural surveillance, not located to the rear of dwellings and have adequate resources for its satisfactory future management.

1.13 Access footpaths located at the rear of properties should be avoided. If essential they should be secured with robust gates placed at the entrance to the footpath, as near to the front building line so that attempts to climb them will be in full view of the street. The gates must not be easy to climb or be removed from their hinges. They should be key – operated from both sides and serve four or less houses.

1.14 Exposed side or rear gardens need robust defensive barriers such as walls or fencing to a minimum height of 1.8m topped with trellis.

1.15 Blank gable end walls and windowless elevations should be avoided as they tend to attract graffiti, inappropriate loitering or ball games.

1.16 Dwellings should be positioned facing each other to allow neighbours to easily view their surroundings and so make the potential

offender feel vulnerable to detection.

1.17 Defensible space should be provided adjacent to all residential doors and windows that abut public or communal areas.

1.18 Recessed doors onto public spaces should be avoided.

1.19 Care should be taken that street furniture at the rear edge of the footway does not make adjoining properties less secure by providing climbing access to windows.

1.20 Public space cycle parking should be in an area with good natural surveillance with parking systems that provide good anchor points for the pedal cycles.

1.21 Public motorcycle or moped parking should be provided as these are prone to theft, as they can be easily targeted and readily lifted into another vehicle. Security should be a key consideration with parking facilities provided with fixed features such as rail, hoops or posts offering a simple locking point.

1.22 Cars should be either parked in locked garages or on a hard standing with the dwelling boundary.

1.23 If communal car parking areas are necessary, they should be in small groups close and adjacent to homes and within view of active rooms within these homes.

1.24 Rear car parking courtyards are discouraged as they introduce access to the vulnerable rear elevations, and provide areas of concealment which can encourage anti-social behaviour.

1.25 Any planting should not impede the opportunity for natural surveillance, and avoid the creation of potential hiding places.

1.26 Shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage, epicormic growth or lower branches below 2.4 metres thereby allowing a 1.4 metre clear field of vision.

1.27 The location and orientation of the footpaths within the Neighbourhood Park should be carefully considered to prevent the formation of 'desire lines' through planted areas.

## **2. Residential door sets**

2.1 All communal entrance doors should be video access controlled SBD approved door sets, tested with the appropriate locking mechanisms in situ.

2.2 Please note I recommend considering where possible the use of single leaf doors as double doors require double the security furniture. However, as long as the double door set used is a SBD communal door

set that will be acceptable. Communal SBD door sets are tested with the appropriate communal door locking mechanism; they are not adapted residential doors with an additional electronic lock attached.

2.3 Due to Equality Act 2010 requirements for lower front call plates, the video access control camera should be located above and to one side of the communal door set, providing an identifiable view of the caller and others around them. If left in the call plate, the cameras field of view is lower and would fail to capture facial images thereby compromising the view of the visitor. By using a camera adjacent to the door persons standing with the caller as well as the caller can be seen.

2.4 Individual flat front door sets should meet the SBD standard. It is preferred that those that open onto internal corridors would not be fitted with letter plates. Their mail should be delivered either to a facility at the primary entrance point of the building within view, within an internal area covered by CCTV and located within an 'airlock' access controlled entrance hall, or externally at the front of the building within view of those using the building.

2.5 House front doorsets should also meet the SBD standards with any glazing in and adjacent to the doorsets incorporating one pane of laminated glass meeting the requirements of BS En 356:2000 class P1A.

2.6 Front entrance doors within car ports or undercroft parking areas have little surveillance opportunities and should be relocated

### **3. Commercial and retail door sets**

3.1 These door sets may vary in the security level required depending on the business that they are intended to defend. All accessible door sets and windows should meet the SBD standard as a minimum physical security standard.

3.2 For retail outlets usually the door set is unlocked during the day and an out of hours SBD security solution is provided. This may mean either an SBD door set is fitted, which can be locked out of hours or a secondary door set, or internal grill, providing suitable out of hours security.

3.3 Generally developers build an SBD shell, awaiting further detailed requirements depending on the tenant once the space is let, depending on the business use proposed.

### **4. Layout**

4.1 Suitable secure private garden areas should be provided adjacent to the units facing the podium communal areas.

4.2 The layout of the units should allow the active rooms towards the front of the units to allow greater surveillance of the streets. Inadequate surveillance over footpaths, the street, communal spaces, play areas and

car parking areas would allow for the opportunity for crime and disorder.

4.3 Where communal car parking areas are necessary they should be in small groups, close and adjacent to home and must be within view of the active rooms within these homes.

4.4 Rear car parking courtyards should be avoided, unless if considered absolutely necessary then they must be protected by a gate and any abutting gardens should have robust boundary treatments.

4.5 There should be active building frontages with no large blank elevations fronting onto the public realm to promote passive surveillance, and so safety.

## **5. Access control**

5.1 A zoned fob controlled system should be installed to control access throughout any blocks of flats. This can assist with the management of the development and allow access to residents to specific designated areas only.

5.2 Any trades persons buttons must be disconnected.

5.3 The fobs should always be encrypted to reduce the risk of them being copied by a third party.

5.4 Internal residential corridors should not provide excessive permeability; compartmentalisation of the cores, with a low number of flat entrance doors to a communal corridor would reduce unauthorised access of persons with possible criminal intent.

## **6. CCTV**

6.1 Consideration should be given to fitting external cameras that adopt the existing Merton Borough Council town centre CCTV standards.

6.2 Contact should be made with Safer Merton CCTV manager at an early planning stage to ensure fibre optic cabling for the CCTV is laid when the services are being installed.

6.3 Any soft landscaping and lighting fixtures should not be in conflict with the CCTV cameras field of view.

6.4 All CCTV systems should have a simple **Operational Requirement (OR)** detailed to ensure that the equipment fitted meets that standard, without an **OR** it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The **OR** will also set out a minimum performance specification for the system.

6.5 The system should be capable of generating evidential quality images day or night 24/7

6.6 For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the

Surveillance and Data Protection Commissioners and the Human Rights Act.

## **7. Car park**

7.1 Any covered car park proposed should have walls and ceilings must have light colour finishes to maximise the effectiveness of the lighting as this will reduce the number of luminaires required to achieve an acceptable light level. Light finishes also assist CCTV.

7.2 Any car parks should be designed to the principles of Safer Parking Scheme initiative aimed at reducing crime and the fear of crime in parking areas.

7.3 Stair cases leading from the shared residential basement car parks are usually designated as fire exit routes and are therefore **insecure**. Fitting break glass in case of an emergency and then adding fob controllers is not acceptable as a criminal is more than willing to break the glass to gain instant access. For that reason access from the car park to the stair cores is considered unrestricted. The stair case should terminate into either an air locked ground floor lobby or straight out of the building. This will mean non residents exit out of the building at ground level **without** having access up into the residential block.

7.4 Residents can continue on up into the block from the ground floor lobby area via the stairs which should be fob access controlled. Access to the lifts should also be fob access controlled both from the basement and at the ground floor.

7.5 Lifts from basement car parks can be access controlled, they are not considered as emergency fire escape routes.

7.6 Vehicle access to the all basement car parks should be restricted by fob controlled roller shutters, unrestricted vehicle and non-resident access is not acceptable within SBD.

7.7 Careful consideration should be given to the location of any zip car club locations, if public use is intended the car should be parked within public realm rather than a communal parking area.

## **8. Cycle stores**

8.1 Residential pedal cycle stores should relate to each residential block or if internal each stair core, thereby limiting unauthorised access.

8.2 Cycle stores must be located in secure containers or securely caged with access control, and have appropriate CCTV coverage to provide identity images of those who enter and activity images within the space; this may mean multiple cameras depending on the design and size of the each storage area.

8.3 Commercial or retail staff bike stores should be separate to residential stores and have similar security furniture.

8.4 The locking system of the cycle stores must be operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.

8.5 The cycle storage should incorporate stands or racks secured into concrete foundations, which should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

## **9. Lighting**

9.1 Lighting across the entire development should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity.

9.2 Lighting can contribute to discouraging crime and vandalism making people feel secure and so encourage increase pedestrian activity. Both the carriageway and the footway should be illuminated, with shadows avoided.

9.3 Bollard lights, under bench and architectural up lighting are not considered as good lighting sources for SBD purposes.

9.4 SBD asks for white light as this aids good CCTV colour rendition and gives a feeling of security to residents and visitors.

9.5 The public space lighting should also meet the current council requirements.

***Whilst the introduction of Approved Document Q (ADQ) of the Building Regulations from 1st October 2015 means that it is no longer appropriate for local authorities to attach planning conditions relating to technical door and window standards, these standards form only a small part of the Secured by Design (SBD) award scheme. Having reviewed the design and layout of the application and taken into account the provisions of ADQ, there is no reason why this development would not be able to achieve the SBD Gold or SBD Silver awards. If planning permission is granted, I would like to seek to have a planning condition requiring that this development achieve SBD accreditation.***

### Community Safety – Secured by Design Condition:

I have every confidence that if the developers seek to achieve full SBD accreditation for this project that by working together we can ensure compliance.

*We strongly advise that independent third party certification is obtained from a manufacturer to ensure the fire performance of any of their doorsets in relation to the required needs and to ensure compliance with both current Building Regulations and the advice issued by the Department for Communities and Local Government on 22nd June 2017*

*following the Grenfell Tower Fire.*

## **5.7 Environment Agency**

The Environment Agency are the had the following comments on the Outline Planning Application:

Thank you for consulting us on the above application. We have reviewed the document 'Ground Condition Assessment (Contamination and Stability)' by PBA (reference 32120/3503/R001/Rev06 dated 3rd November 2017). The report provides a comprehensive summary of the site's historic uses and environmental setting with respect to the potential for ground/groundwater contamination to be present. In particular, it is noted that site has former potentially-contaminative uses including garages, coach station and engineering works.

Based on this we have no objection to the proposed development as submitted if the following planning conditions are imposed as set out in Section 1 below.

We have provided further advice on Flood Risk in Section 2 of this response.

### **Section 1: Conditions**

[Conditions summary]

Condition 1 - Risks Associated with Contamination

Condition 2 - During Development, Remediation Strategy

Condition 3 - Verification Report

Condition 4 - Infiltration of Surface Water Drainage

Condition 5 - Piling or Any Other Foundation Designs

### **Section 2: Flood Risk Standing Advice**

As this site is located in Flood Zones 2 and 1 it would be covered by our Flood risk standing advice. We would therefore you to assess the application and ensure that the submitted FRA demonstrates that the development was safe and did not result in an increase in flood risk.

## **5.8 Transport for London**

I write following receipt of additional information submitted by the applicant in January 2018 in support of the above outline planning application for the High Path Estate. These comments supplement TfL's earlier advice via the initial comments and the Mayors Stage 1 response issued on 18th December 2017 and sets out TfL's latest position following the receipt of the additional information.

*The following comments represent the views of Transport for London*

*officers and are made on a “without prejudice” basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to a planning application based on the proposed scheme. These comments also do not necessarily represent the views of the Greater London Authority.*

### Site Access

In the original Transport Assessment (November 2017) submission the applicant identified proposed improvements to the High Path/ Morden Road signalised junction to facilitate access by service vehicles (rigid vehicles and refuse vehicles) to the western part of the estate.

The proposals involved widening the junction to allow service vehicles to egress, setting back the existing stop line and re-providing the existing uncontrolled pedestrian crossing facility across High Path. TfL raised a number of concerns at the initial comments stage relating to the proposed improvements. The applicant has advised that they are discussing options with London Borough of Merton (LBM) regarding alternatives for HGV movements and overall circulation within the site and TfL will be consulted if any improvements are required to the Morden Road/ High Path junction.

However, prior to determination of the outline application TfL requires the applicant to provide further information on the proposed delivery/ servicing movement strategy including the specific access points under consideration for deliveries/ service vehicles and how these would operate, particularly in relation to the Morden Road/ High Path junction and the access to High Path from the A24 Merantun Way junction. This will allow TfL to consider operational impacts of the strategy.

TfL requests that it is also fully consulted on any proposed improvements to the Morden Road/ High Path junction in order to advise if the changes are acceptable from a design/ signals perspective. This requirement should be secured by condition/ S106 obligation. It should be noted that TfL will not approve any proposed improvements including those submitted within the outline application, unless the following is submitted and agreed:

- Full AutoCAD design files outlining the proposed improvements.
- The use of LinSig to assess the impact of the proposals and development trips at the junction is considered to be acceptable in principle; however, TfL requests that this is updated to reflect any design review comments. The 2014 baseline flows that inform the 2014 baseline and future year assessment are also considered to be old and should be updated as part of this process. The LinSig assessments should include a baseline year, an opening year baseline (base + growth + committed development) and an opening year with development (opening year baseline + development).
- The LinSig model files and any corresponding documents informing the assessment (signal data information, validation data, flow and queue length datasheets and a Technical Note with validation tables showing comparison between modelled and surveyed results and



explaining any assumptions that have been made during model development) should be provided. This will enable TfL to undertake a review of the model against Model Audit Process (MAP) standards. TfL have a recent Transyt model for this junction which could be leased to the applicant for a fee and used for the assessment. It is based on 2017 data and considers on site collection of DoS and signal data and recent traffic flows.

- A Stage 1 Road Safety Audit should also be undertaken for the proposed junction design.

Should any improvements be proposed to the Merton High Street / Pincott Road priority T-junction TfL should be consulted to enable any impacts on the segregated cycle path which crosses the junction to be reviewed.

### Car Parking

The applicant has stated in their latest response that 10% of the residential car parking spaces to be provided will be for disabled users as agreed with LBM for Phase 1. Clarification is required on the number of disabled spaces proposed as this is not compliant with the London Plan or the Draft London Plan 2017.

The London Plan 2016 requires 10% of new housing to be wheelchair accessible with each wheelchair accessible dwelling having an associated accessible parking space. This would equate to 157 Spaces (assuming a total of 1,570 units are delivered in Phases 2-7).

As detailed in TfL's previous comments the applicant should, however, aspire to provide disabled parking for the residential uses in accordance with Draft London Plan 2017 standards which are now a material consideration in referable planning applications.

In line with Draft London Plan 2017 standards the applicant should ensure that at least one disabled parking space per dwelling for 3 per cent of dwellings is available from the outset (equating to 47 spaces). It should then be demonstrated as part of the Car Parking Management Plan (CPMP) how the remaining bays (to a total of one per dwelling per ten percent of dwellings) can be provided in the future should demand arise. The applicant has confirmed that they are happy for the CPMP to be secured by condition.

The applicant should also aspire to provide disabled car parking spaces for the non residential uses in accordance with the Draft London Plan 2017 standards for these uses.

The TA states that Electric Vehicle Charing Points (EVCPs) will accord with London Plan standards (20 per cent of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future). Assuming 269 car parking spaces are provided (excluding Phase 1), this would equate to 54 active provision with all remaining spaces having passive provision. The EVCP's should be secured by condition.

The proposed four car club spaces on site should be secured by S106 agreement. The applicant has also noted that residents will be offered a minimum of 2 years' free car club membership through the s106 agreement but this is likely to exclude residents with on-plot parking. This is accepted by TfL.

### Cycle Parking

As stated in TfL's initial response the applicant should aspire to provide all cycle parking within the estate in accordance with Draft London Plan 2017 standards. The actual cycle parking provision should be quantified prior to determination of the outline planning application and secured by condition in line with these standards. The other comments made in TfL's initial response relating to cycle parking provision for residential and retail uses and the visitor cycle parking locations remain valid.

### Pedestrian and Cycle Access

Further information has been provided on proposed cycling improvements and integration with the local cycle network. This will include retention of existing connections and new connections including a north-south cycle route on the western edge of the Neighbourhood Park which will link the site with High Path and Merton High Street.

### Bus Stop Relocation

The original Transport Assessment included an aspiration by the applicant to permanently relocate two bus stops; one on Merton High Street (immediately east of South Wimbledon Underground Station) and the other on the eastern side of Morden Road (serving Morden Road bus route 93 southbound services). It is also proposed to temporarily relocate these two stops during construction works.

TfL requested further details of the proposed relocation options with assessments undertaken for both bus stops. The applicant has stated that full details will be provided as part of the reserved matters applications and this will be secured by condition. TfL is satisfied in principle with this approach but will not approve either the temporary or permanent relocation of these bus stops until drawings are provided identifying the proposed relocation options, full assessments have been undertaken and TfL have considered feasibility. The scope of these assessments should be agreed with TfL in advance. The applicant should, however, be aware that it is not guaranteed that TfL will ultimately agree to their relocation either temporarily or permanently.

### Tram

The potential tram extension from South Wimbledon to Sutton would operate along Morden Road. TfL requested that an area of land fronting Morden Road is safeguarded for the potential tramway corridor and South Wimbledon tram stop.

The applicant provided some details within the original Transport Assessment on the set back of buildings fronting Morden Road, with the design of the buildings having the ability for the ground floor level to be

removed, with the upper floors cantilevered to safeguard for the stop.

In TfL's initial comments it was requested that more detailed discussions are held between the applicant and TfL in relation to height and width requirements of the safeguarding area to ensure both the High Path Estate development and the tram extension can be developed with a well-designed interface. It is understood that these discussions will commence shortly outside of the planning process.

In terms of the height requirement it is considered that 6.5 metres from the rail level would be sufficient in order to satisfy the following:

- Provide a clearance from the underside of the structure to the rail level, which complies with ORR Guidance on Tramways of not less than 5.2m above the ground, or above a place where a person may reasonably stand, with a further requirement for electrical clearance above the wire.
- The clearance between the overhead wire and the building / overhead structure should be 400mm and a further allowance needs to be made for fixings / brackets to fix the overhead wire equipment to the building.

The above dimension requirements should be secured by condition together with a commitment by the applicant to enter into detailed discussions with TfL prior to developing reserved matters proposals for the associated development phase, in order to agree suitable width dimensions for the stop. TfL approval will then be required at the reserved matters stage.

While noting the minimum width and height requirements, TfL's preference would be for the new building line to be set back sufficiently to allow for an unconstrained corridor for the proposed tram line(s) and terminus, allowing for the maximum flexibility for design and customer experience once operational.

It should be noted that if the approach to safeguarding is for the tram to use ground floor space with the building cantilevered above it, then it will be important for the ground floor of the building to be designed appropriately, including the location of any support columns. For example, it would not be possible to have any doors or openable windows which opened immediately onto or above a tram track.

TfL expects to make a decision on the preferred option for the tram extension in summer 2018 which would then allow safeguarding requirements to be more precisely defined. The applicant has confirmed that detailed design for this phase of the High Path masterplan is unlikely to commence prior to Summer 2018.

#### Construction Access

Prior to any work commencing on-site the applicant should submit a detailed Construction Logistics Plan (CLP) for approval. More detailed information on access points, routes and any temporary relocation of bus stops will need to be agreed pre-commencement. The CLP should consider the full impacts of the development during the construction of

each phase.

#### Trip Generation and Modal Split

Updated trip generation calculations have been provided to correct errors identified by TfL. The trip generation approach is now considered to be acceptable.

#### Bus Capacity

During the AM peak bus route 93 is currently operating at capacity which will be exacerbated by the development. TfL requests that a contribution is sought from the applicant of £75,000 over 5 years towards a single additional journey in the morning peak from North Cheam to Putney. This should be secured by S106 agreement.

#### Planning Obligation

TfL expects the final travel plan to be secured, monitored, reviewed, and enforced through the s106.

A full stand alone Delivery and Servicing Plan should be secured by condition.

A full Construction Management Plan (CMP) will be required to be secured by condition.

A Car Parking Management Plan should be secured by condition.

#### Mitigation

Mayoral CIL is payable at a rate of £35 per sqm.

#### Summary

In summary, TfL would welcome further discussions with the applicant and LBM on a range of issues including disabled car parking and cycle parking requirements and a bus contribution, prior to being satisfied that the application complies with the London Plan 2016 and Draft London Plan 2017. The S106/ planning conditions should include the requirement for the applicant to fully consult TfL on any improvements to the High Path/ Morden Road junction, bus stop relocation proposals and the safeguarding of land for the South Wimbledon tram stop, with these matters to be resolved at reserved matters stage.

I trust this provides you with an understanding of TfL's current position on this estate regeneration proposal. Please do not hesitate to contact me if you have any queries.

## **5.9 Historic England (GLAAS)**

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph

128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application lies in an area of archaeological interest.

It is noted that an archaeological desk-based assessment by Cotswold Archaeology Ltd dated April 2017 has been submitted as part of the planning application documentation. Having considered the submitted document I am happy to recommend its approval as an initial assessment of potential documentary evidence associated with the history of the site.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two- stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by attaching a condition as follows:

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and

deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

*Informative*

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

I envisage that the archaeological fieldwork would comprise the following:

*Condition two-stage*

It is recommended that there is a discernible on-going archaeological interest with the site but limited to the area east of Pincott Road and the association with Nelson and Emma Hamilton.

*Condition foundation design*

I also recommend that the following condition is applied... Reason: The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF. Condition: No development shall take place until details of the foundation design and construction method to protect archaeological remains have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Condition Protective Fencing*

I also recommend that the following condition is applied... Reason: The planning authority wishes to protect archaeological remains during development works. Condition: No development shall commence until details of fencing, signage and other control measures to protect archaeological remains in-situ have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the duration of operational works.

**5.10 Historic England (Development Management)**

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation

advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

In returning the application to you without comment, Historic England stresses that it is not expressing any views on the merits of the proposals which are the subject of the application.

Please note that this response relates to historic building and historic area matters only. If there are any archaeological implications to the proposals it is recommended that you contact the Greater London Archaeological Advisory Service for further advice (Tel: 020 7973 3712).

## 5.11 Sports England

The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.

### Proposed loss of existing ball courts

The existing estate has two fenced ball courts (approx. 14m x 30m and 11m x 21m) that it is understood are used by young people on the estate. Sport England notes that a replacement area of open space has been provided within the development. However, the loss of the ball courts is of concern as this could leave the young people who use the site without a sports facility.

If the courts cannot be provided on site then a contribution is required to provide a new facility off site. However, this may require planning permission and the Local Authority may wish to ensure that this is secured before granting planning permission for the loss of these courts.

Sport England does not consider that the sports facilities assessment provided by the applicant justifies the loss of the ball court. This is for the reasons explained below but also because this facility provides a free play facility that is well used by the young people on the existing estate. If the ball court is not reprovided then a contribution is required to provide a replacement facility close to the application site.

### Sports facilities assessment

It is understood that is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule. It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport. As required by the Merton Estates Local Plan, the applicant has provided a sports facilities assessment, to review local provision.

Sport England does not support the conclusions of the applicant's assessment in relation to need for indoor and outdoor sports facilities in the Borough. For example, paragraph 7.1.1 states that 'outdoor facilities for formal sport are generally sufficient to meet existing and future population demands'.

Sport England does not agree that this is the case. For example, the 2011 PPS clearly demonstrates that there are shortfalls in existing pitch provision in Merton. Sport England's Facilities Planning Model also indicates that there is insufficient artificial grass pitch provision in the Borough to meet demand.



## **5.12 Natural England**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby continuing to sustainable development.

### **The Wildlife and Countryside Act 1981 (as amended)**

### **The conservation of habitats and conservation species Regulations 2017**

Natural England's comments in relation to this application are provided in the following sections.

#### **5.12.1 Statutory Nature Conservation Sites – No objection**

Based upon the information provided Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### **5.12.2 Protected Species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published *Standing Advice* on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

## **5.13 London Borough of Croyden**

5.13.1 It is considered that whilst the proposals constitute a Major development as the proposals are a significant distance from the Borough boundary, the Council would not wish to comment on the proposals.

## **5.14 London Borough of Wandsworth**

No objection

## **5.15 Royal Borough of Kingston**

No objections

## **5.16 The Wimbledon Society**

Concern raised with regard to the following points below:

- Protection of the mature trees along Merton High Street is welcomed
- Allowing existing residents to stay in the area and to be able to move into comparable new housing as the scheme progresses should be an integral part of any application
- the proportion of affordable housing proposed is too low

- the density of development is too high and does not conform to policy
- parking congestion is an existing issue
- east west routes, cycle routes need improving
- Massive set of blocks, bulky buildings along Merton Road, Kingston Road do not accord with policy
- Heights proposed are excessive and should be lowered to 7 storeys
- Bulk is too great and not in accordance with policy
- Overshadowing report appears that development does not meet BRE standards
- Bulky buildings affecting setting of the South Wimbledon Station heritage asset
- Roman Stane Street and Merton Priory require archaeological conditions

#### **5.17 Battles Residents Association**

**5.18** The Battles Area Residents Association”, “Friends of Haydons Road Recreation Park” and Trustees of “South Wimbledon Community Association”

#### **5.19 Merton Green Party**

#### **5.20 Councillors**

**5.21** Cllr Oonagh Moulton – e-mail received 12/12/17

Request on behalf of constituents to extend the consultation period beyond the 4 weeks already given. Residents would like to have a public meeting with the applicants and the Council.

## **6. INTERNAL CONSULTEES**

### **Green and social Infrastructure**

#### **6.1 Biodiversity**

6.1.1 The Council Policy Officer has been consulted on the application and had the following comments:

6.1.2 A preliminary ecological appraisal report was provided as part of the application, providing information and recommendations from a desktop study (30th June 2016) and field survey (19th October 2016). The methodology of this report is considered acceptable for this stage of the application.

6.1.3 After reading this report, the following queries should be asked of the

consultants:

- The date of the field survey is noted as 19/10/2016. Given that this date was a year ago and the report mentions the previous 2015 findings of a bat roost on site, it is considered that a more recent field survey should be undertaken to confirm whether the bat roost is currently considered to be active.
- It is not clear from the report (section 8) whether the field survey (19/10/2016) found any bats to be using the roost previously identified in TN5. This therefore needs to be clarified.
- The recommendation to obtain a EPSM licence is queried, given the points above. Further information should be provided by the ecologist to clarify the reasons why this license is considered necessary. Natural England guidance indicates that an EPSM should not be used for bats species, rather a bat mitigation license, should mitigation be required: <https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>

6.1.4 The following recommendations made in the report are supported:

- Protection of bird nests, tree works to be undertaken outside of nesting season.
- Overall ecological enhancement as part of the development.

6.1.5 The following are not mentioned in the report, but should also be addressed by the applicant in line with the Council's CS13 policies:

- Make use of green roofs throughout the development to enhance the net biodiversity value of the site.
- A lighting strategy for the entire site should be provided and reviewed by the ecologist to ensure that there are no undue effects on any protected species.
- The landscaping plan should indicate the planting of appropriate native species throughout the site.

6.1.6 These comments/questions were forwarded to the applicant and based on the applicant's response received 20<sup>th</sup> December, the Biodiversity Officer provided the following additional comments:

6.1.7 I do not agree that the Outline application was submitted in April 2017. The date of submission as per the council's Planning Explorer is [16/11/2017](#).

6.1.8 I could not see the following statement described below in the Natural England response "*We note that Natural England also confirmed that conditions should be used to secure bat surveys prior to demolition works, on the relevant phase of development at High Path.*"

6.1.9 The response from Natural England on this application, dated 15th December 2017 states the following "We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a

material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.”

- 6.1.10 Natural England’s standing advice indicates that a protected species survey can be conditioned as part of an outline application to ensure that protected species are not affected.
- 6.1.11 Should you be minded to recommend approval for this application, I would recommend that a suitably worded condition be included to require that a new survey be carried out prior to the submission of the reserved matters application and that this is carried out in accordance with Natural England’s standing advice and the bat survey guidance published by the Bat Conservation Trust.
- 6.1.12 The applicant will also be required to provide a mitigation strategy and provide details of the proposed replacement purpose built bat roost features that have been reviewed by the appointed ecologist, in addition to addressing the recommendations and proposed ecological enhancement provided by the appointed ecologist.

## **6.2 Open Space**

Part of the site falls within WVRP 400m buffer – Brangwyn Crescent (CS5, CS13, DM01)

### 6.3 Children's Play Space

6.3.1 The Council's Officer had the following comments regarding the children's play space proposed as part of this development:

6.3.2 Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter.

6.3.3 Below are my age group estimates using the GLA Intelligence Unit's (2014) Population Calculator and Single Year of Age Tool, which, unlike the 2012 SPG, incorporates the 2011 census figures.

6.3.4 I've used the indicative dwelling and tenure mix taken from the Design & Access Statement (see table 2 below) and only used the figures given for the current outline application, not including the Phase 1 application that has already been determined.

<b><i>Play Space Age Group Yields (including flats and houses)</i></b>		
Age	Number	Area in sqm
< 5	232.5	2325
5 - 11	162.2	1622
12 - 18	93	930
	<b>487.7</b>	<b>4877</b>

<b><i>Play Space Age Group Yields (flats only)</i></b>		
Age	Number	Area in sqm
< 5	217.1	2171
5 - 11	150.3	1503
12 - 18	83	830
	<b>450.4</b>	<b>4504</b>

6.3.5 It is important to note the following criteria when entering data into the Population Calculator:

6.3.6 'Intermediate' affordable housing units should be included as 'Market' units,

6.3.7 'Affordable Rent' housing units should be treated as 'Social' units, and the sub region 'South' aggregation must be used and only its results should be used in the SYA Tool.

#### Comments

6.3.8 My calculations above indicate that the expected child yield for the proposal (both flats and houses) is 487.7 children, requiring 4877sqm of play space.

6.3.9 For flats only the expected child yield is 450.4 children, requiring 4504sqm of play space.

6.3.10 New children's play space is proposed within the new park and

communal courtyards.

- 6.3.11 The D&A Statement has identified that the proposed amount of formal child's play space to be provided on site will be 3450sqm. This does not meet the need identified above and will need to be addressed by the applicant.
- 6.3.12 Abbey Recreational Ground is within 187m and 650m actual walking distance of the site. This ground provides both formal playspace and other facilities such as cricket and football pitches for older children. Access to this facility includes crossing the A24 road, which requires improvements for pedestrian and cycle access.
- 6.3.13 Haydon's Road Recreational Ground is within 387m and 715m actual walking distance of the site. This ground provides both formal playspace and other facilities such as a bowling green, cricket square and a multi-sports pitch.
- 6.3.14 While these areas are considered accessible for children over the age of 5 years, the Play Strategy should ensure the provision of a dedicated play space for under 5years should be included on site with features in line with the SPG.

## **6.4 Urban Design**

- 6.4.1 The Council's Urban Design Officer has provided detailed response which is available on the application on the applications' file online. These comments are structured on the format of the Design Code document. However, they also take into account what is included in the parameter plans, the Tube station analysis document and associated views analysis. The Tube station rear access study, the courtyards dimensions and the tracking plans for the estate.
- 6.4.2 A summary of those comments are provided below:

### General

- General updating in relation to other changes made as part of the outline application in order [to ensure consistent and clear guidance that cannot be mis-interpreted.]
- An improvement to the clarity, quality and consistency of text with regard to grammar and use of jargon [to ensure consistent and clear guidance that cannot be mis-interpreted.]
- Improvement to the clarity of the layout and content to improve its accessibility and readability [to ensure consistent and clear guidance that cannot be mis-interpreted.]
- To remove numerous inconsistencies and contradictions in the document [to ensure consistent and clear guidance that cannot be mis-interpreted.]
- To rewrite the text to give clear instruction and guidance throughout, rather than vague, general statements [to ensure consistent and clear

guidance that cannot be mis-interpreted.]

- Improvement to the clarity, size, content, accuracy, consistency, scaling and proportions of plans, diagrams, images and graphics, [to ensure clear instruction and consistent and clear guidance that cannot be mis-interpreted.]
- To combine text and images where possible to make them clearer, more meaningful, easier to understand, compact and efficient in their message, [to ensure consistent and clear guidance that cannot be mis-interpreted.]
- Clearer, stronger and more consistent reference to adhering to relevant policies, standards and regulations.

#### General Design Issues

- A simpler, less complex approach to the public realm, covering open space, car/cycle parking bins, street widths, corner radii etc. An approach based on making the majority of streets adoptable should be pursued.
- Better integration of the peripheral streets of High Path, Abbey Road and Merton High Street into the strategies for streets and the public realm.
- An improvement of the E-W street to better accord with the aims and spirit of the ELP, or an otherwise robust rationale justifying the currently proposed approach.
- A strong rationale and justification for the provision of a single large park and the reason why an E-W street cannot pass across it.
- A justification for the access arrangements into the estate or changes to the access points and vehicular movement around the estate, particularly to make the western half of the estate more accessible.
- Separation of non-residential servicing access from the residential estate by providing access to these directly from Merton High Street, or a robust justification of why the propose arrangement is better.
- Consistency between the parameter plans and building heights shown in the design codes: A clear rationale needs to be shown justifying the chosen heights and how they relate to the local context and the requirements of the ELP.

#### Specific Design Issues

- A strategy on the focus of the development and how it relates to and is part of Merton High Street.
- A clear strategy on refuse: This is for both URS and traditional collection, requiring a distinction between residential and non-residential waste, showing how public realm and buildings will be designed for both options.
- A design, layout and location strategy for URS bins: This must be workable for collection and be designed to minimise visual impact on,

and inefficient use of space within the public realm.

- A strategy on accommodation a tram extension to South Wimbledon: This should include different scenario options and how they will affect buildings, the public realm and practicalities of implementation.
- A workable strategy for the secondary access to the Tube station: This should show the existing Tube building in all plans to demonstrate that it is truly deliverable and future-proofed and not dependent on a comprehensive redevelopment above the Tube station.
- A Strategy for integration of Rodney Place: This should how how the individual sites around and including Rodney Place combine together to create an urban layout and public realm that is consistent and good urban design.
- A revised impact assessment on Heritage assets: This includes how the buildings and their proposed heights and elevations respond positively to, and are not detrimental to, the heritage assets of the tube station, Nelson Arms PH and St. John's Church.
- Open Space Strategy: A clear understanding of the different types of amenity space and the approach taken towards them. This should include a rebalancing of the emphasis on public realm open space in favour of communal open space and demonstrating a clear understanding of the concept of defensible space and gradation from public to private space.
- Parking Strategy: A clear policy on parking that is based on the ELP policy that prioritises on-street parking over podium parking. This should lead to a more efficient use of space in the streets for more parking that is better integrated into the street.
- Landscaping: Reappraisal of the approach to landscaping, that sees less dependence on this to create a successful and workable place. This is linked to a clearer strategy for open space, and should include a clearer approach to tree planting and species, and more emphasis on tree planting and less on low level planters and defensible planting strips.
- Dual Aspect & Deck Access: A clearer understanding of their relationship and clear guidance on where and how to use deck access, with guidance on their design. A clear policy on what percentage of units should be dual aspect and where and when it will be allowed or not allowed.
- Roofscape: Guidance on aspects of roofscape such as skyline, plant, phone masts, aerials and satellite dishes etc.
- New guidance that adequately covers shop-fronts and non-residential frontages, including quality and the interface between the inside and outside of the building.”
- It is recommended that a more fundamental look is taken towards the detail s of the design code and vehicular movement. This should



include a fully accessible, permanently open street across the park, , access from Merton High Street to service yards, two-way access into and out of Pincott Road (or forming a one-way gyratory around the park, and selected left turns in and out of side streets subject to a Transport Impact Assessment. This will be secured by s106 or condition.

## **6.5 Housing Policy**

- 6.5.1 These are high level housing planning policy comments rather than a comprehensive exhaustive presentation of all housing policy matters. Please note that the housing design elements will be assessed by urban design colleagues.
- 6.5.2 The comments below are largely based upon the submitted Town Planning Statements and do not reflect any cross checking against all other submitted outline planning application documents regarding consistency.
- 6.5.3 It is however noted that a number of inconsistencies were identified between the suite of planning application documents regarding proposed housing in the previous superseded version of these documents (e.g. town planning statements and application forms). These were flagged up with the applicants and it is therefore assumed that they have been addressed in the updated versions.
- 6.5.4 Regeneration provides a significant opportunity for additional new housing within the borough which is welcomed set within the context of a substantial need for more housing London wide and within the borough.

### Strategic housing target

- 6.5.5 The council's current strategic housing target for the Core Strategy Plan period of 2011 to 2026 is 4,800 additional new homes (411 per annum) and clear indications from the Mayors recently published Draft London Plan is that this target requirement will increase to 13, 280 for period 2019 – 2028 (1,328 per annum) for Merton. This increase for Merton not only represents a 233% uplift but also the highest strategic housing target uplift in London.
- 6.5.6 The estates regeneration will provide a sizeable contribution to meeting Merton's Strategic housing target. However it is important that this proposal is consistent with relevant National, London Plan and Local Plan and the adopted Estates Local Plan policy requirements.

### Presentation of housing data

- 6.5.7 Presentation of proposed housing data in section 4 of the Town Planning Statements is largely set out as gross figures and habitable rooms. It is considered that this is confusing to comprehend, particularly regarding identification of net uplift in units and the extent to which development

plan policies have been addressed. It is requested that simpler summary tables should be included, clearly referring to existing and proposed numbers of units and the tenure. These should include both gross and net figures to aid comprehension, comparison and transparency.

Affordable housing habitable rooms v homes

- 6.5.8 Both the Mayor's London Plan and Merton's affordable housing Local Plan requirements are for homes. Merton's Local Plan 40% target and the numerical target (1,920) are for affordable homes and not habitable rooms.
- 6.5.9 Reference to affordable floorspace is confined in the London Plan to supporting paragraph 3.82 of Policy 3.14 . London Plan Policy 3.11 (Affordable Housing Targets) "seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes"
- 6.5.10 Neither London Plan 2016 policy 3.11 (affordable housing targets) nor Policy 3.12 (negotiating affordable housing on individual private residential and mixed use schemes) nor 3.13 (affordable housing thresholds) propose setting affordable housing targets that are based only on habitable rooms or floorspace.
- 6.5.11 The Mayor's Affordable Housing Viability SPG 2017 [https://www.london.gov.uk/sites/default/files/ah\\_viability\\_spg\\_20170816.pdf](https://www.london.gov.uk/sites/default/files/ah_viability_spg_20170816.pdf) paragraph 2.8 concerns the approach to planning applications and states that : Applicants should present affordable housing figures as a percentage of total residential provision by habitable rooms, by units and by floorspace to enable comparison.
- 6.5.12 As with the London Plan, the Mayors SPG also does not base affordable housing requirements only on habitable rooms or floorspace.
- 6.5.13 The rationale for the Mayor's SPG setting the threshold at 35% of habitable rooms is specifically concerned with determining whether an application should be accompanied by a viability assessment rather than being an affordable housing provision requirement. Paragraph 2.18 of the Mayor's SPG : *As stated previously, it is not a fixed level of affordable housing, but a threshold at which the approach to viability information changes. Notwithstanding, the Mayor's SPG exempts estates regeneration schemes from following the fast track route.*
- 6.5.14 It is understood that the housing provision proposed in the outline applications for the three estates is as follows:

**Table 1 - Proposed net gain / loss (units)**

Estate	Tenure	Proposed homes (Units)	Existing homes (Units)	Net gain (+) or Loss (-)
High Path	Private	1,293	251	+1,042
	Affordable	277	357	-80
Eastfields	Private	538	219	+319
	Affordable	262	247	+15
Ravensbury	Private	88	11	+77
	Affordable	92	86	+6

**Table 2 - Proposed total number of units**

Estate	Total units (gross)	Total units (net)	Net gain (+) or Loss (-)
High Path	1,570	608	+962
Eastfields	800	466	+334
Ravensbury	180	97	+83
<b>TOTAL</b>	<b>2,550</b>	<b>1,171</b>	<b>+1,379</b>

6.5.15 The above proposals indicate a net increase of +1,379 homes in total across the three estates.

Affordable housing

6.5.16 Merton's Local Plan affordable housing target requirement, set out in Policy CS8 (Housing Choice) of Merton's Core Strategy is 40% for schemes of 10 units and above with an affordable housing tenure split of 60% affordable / social rented and 40% intermediate tenure.

6.5.17 The following table is an extract from Merton's Annual Monitoring Report (AMR) 2015 -16. It indicates that the average level of affordable housing provision from 2008- 2016 is 29%.

**Table 4.4 – Affordable Home Completions 2008 – 2016**

Affordable Homes: Completions 2008-2015								
Financial Year	Total Completions	Affordable Home Completions	% Affordable	Target	Social Rented	%	Intermedate	%
2008/09	774	265	34%	50%	200	75%	65	25%
2009/10	338	49	14%	50%	30	61%	19	39%
2010/11	357	112	31%	50%	45	40%	67	60%
2011/12	453	162	36%	40%	n/a	n/a	n/a	n/a
2012/13	478	141	29%	40%	71	50%	70	50%
2013/14	440	163	37%	40%	75	46%	74	45%
2014/15	459	186	41%	40%	143	77%	43	23%
2015/16	678	68	10%	40%	17	25%	51	75%
<b>Total</b>	<b>3977</b>	<b>1146</b>	<b>29%</b>		<b>581</b>		<b>389</b>	

6.5.18 Should Merton’s affordable housing performance continue, this will be further challenged by the Mayor’s draft London Plan proposed increased affordable housing target for the borough of 6,604 units per annum (up from 205 units per annum). The draft consultation London Plan (Dec 2017) identifies the need for around 43,500 affordable homes per year and expects all schemes to maximise the delivery of affordable housing.

6.5.19 The estates regeneration proposals represent the largest ever proposed housing development for the borough to date and provides a rare opportunity to provide a commensurate sizeable number of much needed additional affordable homes.

6.5.20 Application of Merton’s Policy CS8 results in the net requirement for 552 affordable homes (based on application of the policy to the total net uplift) which would make a sizeable contribution to improving Merton’s performance in the provision of affordable housing. The submitted planning applications proposes a net total of 21 affordable homes which represents 1.5% proportion of the total number of homes proposed across the three estates (please note that the 1.5% includes the proposed High Path Phase 1 application re-provided affordable homes).

6.5.21 Tables 3 and 4 set out the tenure split proposed in the estates regeneration outline planning applications.

**Table 3 - Proposed tenure split (%) - gross**

Estate	Private	Affordable
High Path	82%	18%
Eastfields	67%	33%
Ravensbury	49%	51%

**Table 4 – Proposed tenure split (%) - net**

Estate	Private	Affordable
High Path	100%	0%
Eastfields	96%	4%
Ravensbury	93%	7%

6.5.22 Table 3 and 4 both indicate that the outline applications do not propose a tenure split in accordance with Policy CS8 policy i.e. (60% Private / 40% Affordable housing tenure split). Merton's Core Strategy advises that the onus lies with the developer to demonstrate the maximum amount of affordable housing that could be achieved viably, through the submission of a residual land viability assessment, where a developer contests that it would not be appropriate to provide affordable housing on-site or wishes to deviate from the affordable housing requirements set out in Policy CS8, as is the case with the submitted estates regeneration outline planning applications.

6.5.23 The provision of affordable housing is required on-site and only in exceptional circumstances will provision off-site or in lieu financial contributions be considered.

6.5.24 In accordance with Policy CS8, in seeking affordable housing provision regard will be made to site size, site suitability, financial viability and other planning contributions. It is understood that residual land viability assessments have been submitted as part of the outline applications and are currently being independently assessed. Should the independent assessment conclude that the proposed shortfall in affordable housing provision is justified then review mechanism(s) as part of s106 agreement(s) will need to be applied to ensure that in accordance with relevant policy and guidance in place at that time, viability of each phase is assessed at an appropriate time when development is delivered.

Proposed Bed unit mix

6.5.25 Table 5 below sets out the proposed bed unit breakdown by tenure type of the net (i.e. additional).

Table 5 - Proposed bed units breakdown of net (additional) proposed units

Estate	Bed unit size	Private	Affordable	Net gain (+) or loss (-)
High Path	1	+568	-50	+518
	2	+445	-38	+407
	3	+26	+4	+30
	4+	+3	+4	+7
TOTAL		+1042	-80	+962
<hr/>				
Eastfields	1	+155	-79	+76
	2	+194	+92	+286
	3	-30	+2	-28
	4+	0	0	0
TOTAL		+319	+15	+334

Ravensbury	1	+27	+15	+42
	2	+19	+10	+29
	3	+27	-32	-5
	4+	+4	+13	+17
TOTAL		+77	+6	+83

6.5.26 Merton's Sites and Policies Plan Policy DM H2 (Housing Mix) states that *"residential development proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix."*

6.5.27 The supporting text to policy DM H2 states that in assessing development proposals the council will take account of Merton's Housing Strategy(2011-2015) borough level indicative proportions which are one bed = 33%; two = 32% and three bed = 35%.

6.5.28 The consultation draft London Plan (Dec 2017) [Table 4.3 pg. 171] sets out the London wide SHMA findings, which indicates needs of :

- 65% / 35% = private / affordable tenure split
- 71% / 29% = 1-2 bed / 3-4+ bed

6.5.29 It is noted that Table 5, indicates that for all three estates the greatest proportion of provision concerning the net additional proposed of homes is for 1 and 2 bed homes – around 95% for High Path, 100% for Eastfields and 84% for Ravensbury and it is advised that the applicants are requested to demonstrate and justify the extent to which the proposed bed unit mix addresses and has been informed by Merton's identified local housing needs.

#### Proposed Minimum and maximum parameters (gross)

Table 6 - minimum and maximum parameters

Estate	Minimum Total (gross)	Affordable housing %	Private housing %	Maximum Total (gross)	Affordable housing %	Private housing %	Parameter difference	Tenure change (y/n)
HP	<b>1,527</b>	18%	82%	<b>1570</b>	18%	82%	+43	N
EA	<b>773</b>	34%	66%	<b>800</b>	33%	67%	+27	Y
RAV	<b>173</b>	51%	49%	<b>180</b>	51%	49%	+7	N

### Grant funding / public subsidy

- 6.5.30 Comparative scenarios setting out the level of affordable housing provision with or without grant funding would be helpful in assessing the extent to which opportunities to maximise affordable housing provision have been sought.
- 6.5.31 Details on level of affordable housing the secured grant funding is supporting would be helpful e.g. quantity, bed unit size etc. of affordable housing per estate
- 6.5.32 Also it would be helpful to understand whether any grant funding has been (or is proposed to be secured towards meeting the council's 40% affordable housing policy target.
- 6.5.33 Can the applicants confirm that references to affordable (rent) refers to existing social rented affordable housing tenure and consider amending as such to avoid confusion with affordable rent tenure.

## **6.6 Housing Needs**

- 6.6.1 The Council's Housing Needs Officer was consulted on the application and provided comments as follows:
- 6.6.2 I have set out key figures from our emerging SHMA update below. These figures are based on the more up-to-date GLA 2016-based Households Projections and show growth for the next 10 years (2017-2027). Using projections of household growth as a starting point is in line with NPPG and the government's new proposed methodology for calculating housing need, although I have not applied the newly proposed market signals adjustment to the figures.

### Key stats to date

- Merton needs another 11,130 homes over the next 10 years, or 1,113 per annum, to meet the needs of population growth (or 1,600 p.a. after market-signal adjustment)
- There is a need for 8,681 additional affordable homes in the borough over the next 10 years, or 868 per annum (backlog of need at 2017 + estimated newly arising need, minus estimated new lets and re-lets between 2017-2027)
- Note that these are housing needs figures that will be part of Merton's OAN. Further work will be required (e.g. looking at land supply, constraints etc.) to develop housing target for the Local Plan
- The need for 868 affordable homes per year can be met through either Social Rent / London Affordable Rent homes for low income households, and Shared Ownership or London Living Rent homes for middle income households
- Note that a proportion of this need 8,681 affordable homes can also

be met in the private rented sector supported by Housing Benefit / Local Housing Allowance payments

- The table below shows estimated bed size mix for all tenure and for affordable housing (both rented and LCHO)

	<b>All Tenure</b>	<b>Affordable Housing</b>
1 Bed	30%	45%
2 Bed	38%	31%
3+ Bed	32%	24%
	100%	100%

6.6.3 The proposal would provide a re-provision of the affordable housing units mostly through Social Rented units, which is considered the most favoured tenure of affordable housing. The proposal would also provide an adequate mix of units and an appropriate amount of three beds to be allocated social rented affordable housing. In this instance the proposals would be acceptable in terms of housing needs.

## **6.7 Heritage**

6.7.1 These comments relate specifically to the revised Townscape. Heritage & Visual Impact Assessment Addendum, dated January 2018. These consist of 5 key views, 1, 4, 7, 8 & 9.

### View 1 Morden Road

6.7.2 The main item of interest is St. John's Church. The church is well secluded by mature vegetation in this view and will only become more apparent in winter months. The reduction in building height is welcome and it is acknowledged that these buildings need to relate to the Morden Road frontage. However, at the junction with High Path, the juxtaposition of the church and new buildings will be much more apparent and this corner building will become much more dominant over the church and its setting. There is a reasonable case for the height on this corner to be reduced further and architectural expression to be used as a means of expressing the corner as a landmark.

### View 4 Abbey Parade

6.7.3 This is a strong linear high street and significant intrusions into this regular form will disrupt it. The main building of conservation interest is the Nelson Arms PH, which is locally listed. Most of the new buildings fronting the high street will be screened by the existing mature trees.



However, the two 'book-end' buildings stand out prominently from this and disrupt the view. This is acceptable up to a point, but the easternmost one has a significant detrimental effect on the setting of the PH in this view. This is because it looms large in the background directly behind the pub as a high single building mass and will significantly detract from, and compete with, the view of the pub. Therefore, at this point, the blue line maximum extent should be cut back to match the grey mass of the 'intended' extent. This will make it less dominant, and a more fragmented form and not compete with the view of the pub.

#### View 7 Merton Road (Balfour Road jn)

- 6.7.4 This is a key view from the Wimbledon direction from the north. The view chosen is misleading for two reasons. Firstly it is taken where a tree obscures one of the proposed buildings. Secondly, it is the other side of the road where most people and vehicle occupants will see the building, also, closer to the junction – where the new buildings will have a greater impact. The view shown however, shows a huge disparity in scale between the station building and the proposed building and these will clearly undermine views of the station from the north at varying distances from the station. Further reductions in height in addition to the minimal changes shown so far, are needed. This is as true for this view as it is for view 8.

#### View 8 Kingston Road

- 6.7.5 Like view 7, this also seems a carefully selected view, there being none from the actual junction itself, and the panorama of the whole backdrop to the station that will be visible by all the pedestrian and vehicle occupants who use this junction and are waiting to cross. This is a clear omission in the views and ought to be rectified. Nevertheless, the reduction in height of the building immediately to the east of the station sets up a relationship that is more acceptable in terms of difference in scale. However, the case here is equally applicable to the view from the north of the flank of the building fronting Morden Road and the flank of the 'middle' building adjacent to it. These are out of sight in this view but will become clear and very apparent when the walker on the pavement takes the few steps forward to the traffic light. These buildings need to have their impact – and height – reduced further to be in line with those of the building to the east of the station (fronting Hayward Close).

#### View 9 Hamilton Road

- 6.7.6 The impact of the buildings from this point is less severe here, but it would be more accurate to have a view from the middle of the road, to account for the fact that pedestrians can be on either side of the road and people also view the buildings from inside vehicles. No changes are suggested for this view.

## **6.8 LBM Highways & Transport**

- 6.8.1 Highways Officers have had ongoing communication with the applicants during the course of this application and prior to submission, since the option to redevelop High Path came into the picture. In December 2017, LBM Highways Officers had the following comments:

Refuse collection (existing)

- 6.8.2 The refuse route currently starts at Merantun Way (A24) turning left into High Path heading west adjacent to the High Path Site and turning right into Haywards Close.

Refuse Collection (proposed)

- 6.8.3 There is no indication of the proposed route of refused vehicles to and from the site.

Current access restrictions

- 6.8.4 The applicant needs to provide a comprehensive Transport Impact Assessment providing justification for any proposed changes to the above existing restrictions. The applicant must also provide the appropriate mitigation measures.

- Abbey Road width restriction
- Pincott Road width restriction
- left turn only from High Path into Morden Road
- One way on Pincott Road from Merton high street
- One way (part) on High Path

Pincott Road with High Path Junction

- 6.8.5 The development proposals will include rigid vehicles and refuse vehicles servicing the west side, requiring to exit the Estate via High Path/ Morden Road signalised junction. It is therefore proposed to widen the left turn from High Path onto Morden Road for large rigid vehicles.

- 6.8.6 The applicant must carry out a Highways Impact Assessment of this junction coupled with Morden Road (A219)/ Merton High street (A238) junction to the north of the site. This entire area is classed as Strategic Road Network and therefore subject to TfL approval process.

Vehicle Swept Path Analysis

- 6.8.7 A vehicular swept path analysis has been undertaken to show how various vehicles can access and egress throughout the proposed layout. However the tracking diagrams for 11.2m wide refuse vehicles overrun the footways/buildings, which is not acceptable.

Insufficient information provided:

- Bus Stops:
  - Adopted highway areas require revisions and agreement.
  - Access across the proposed park area requires options to stop general use.
  - Impact on vehicular traffic to and from existing and proposed schools to be considered.
- 6.8.8 A number of assumptions have been made within the Construction traffic proposals including bus stops repositioned, junction revisions and routings, without alternative options or impact considerations or justification. During discussions [with the applicant] during 2016 with TfL on this project, the request for the bus stop relocation has previously been refused by TfL.
- 6.8.9 The Applicant should have a separate discussion with LBM Highways regarding the aspirations for highway adoption across the High Path Estate and the subsequent areas to be stopped up. However, the Council is keen to adopt land to the back of existing footway along High Path.

Tram

- 6.8.10 It is essential that the applicant proactively engages with TfL and LBM Planning & Highway Asset Manager on the need to safeguard flexibility within the design to accommodate a potential tram spur from Morden Road to South Wimbledon. This could also impact on access arrangements at High Path junction with Morden Road and any proposals to improve the left turn swept path to serve larger vehicles.
- 6.8.11 The Council requires a comprehensive and meaningful Transport Impact Assessment for the area to include all the surrounding network including the necessary mitigating measures to address any adverse impact.

Conclusion

- 6.8.12 Notwithstanding further information provided by the applicant since the comments as detailed above by LBM's Highways officer, concerns remain unchanged.

**6.9 Climate Change**

- 6.9.1 Comments were provided by the Council's Sustainability Team on the application pre-submission as follows:

Sustainable Design

- 6.9.2 The applicant has indicated that the development will be designed in accordance with the energy hierarchy detailing a site-wide strategy

including: energy efficiency measures, CHP system (providing 55% of the heating and hot water demand) and solar PV, and has detailed the carbon emissions savings for each stage of the energy hierarchy, split by domestic and non-domestic sources.

- 6.9.3 The applicant has provided a clear commitment to achieving carbon emissions reductions compared to Part L 2013 and indicated that the development will be designed in accordance with the energy hierarchy, detailing a site-wide strategy, including: energy efficiency measures, CHP system (providing 55% of the heating and hot water demand) and solar PV.
- 6.9.4 Re: domestic emissions – the applicant has indicated that 2% of the emissions reductions will be achieved via energy demand reduction. The scheme should adequately demonstrate compliance with the fabric first approach (i.e. secure emissions reductions via energy demand reduction first, prior to exploring other methods of emissions reduction).
- 6.9.5 The applicant has acknowledged the requirement to achieve zero carbon standard, with a minimum 35% improvement on Part L 2013 on-site for domestic elements.
- 6.9.6 Any non-domestic uses on the development with a GIA of 500m<sup>2</sup> or more will need to achieve the BREEAM New Construction performance requirements, as detailed under Policy CS15 of Merton's Core Planning Strategy 2011.
- 6.9.7 As part of a major mixed use application, all non-domestic uses will be required to achieve emissions reduction requirements in accordance with a major scheme (i.e. minimum 35% improvement on-site, with potential for zero carbon requirements).
- 6.9.8 The applicant should consider the implications of anticipated policy introduction on the future phasing and delivery of the development. Specifically, from October 2019, under Policy 5.2 of the London Plan, zero carbon requirements will apply to non-domestic as well as domestic elements of the development.
- 6.9.9 The council will secure on-site emissions reductions, in accordance with the energy statement to be submitted, via the use of Sustainable Design & Construction condition(s).
- 6.9.10 The council will secure BREEAM targets for all eligible non-domestic uses, in accordance with the submitted sustainability statement, via the use of a BREEAM standard condition.

#### Water efficiency

- 6.9.11 The applicant has indicated in the submitted Sustainability Statement that the development will '...aim to implement design measures that will allow for water consumption to be reduced to 105 litres/person/day.' The applicant should note London Plan Policy 5.15 requires developments to minimise the use of mains water by 'designing residential development so that mains water consumption would meet a target of 105 litres or less

per head per day'. All domestic development should therefore achieve at least 105 litres per person per day for internal water consumption.

- 6.9.12 The council will secure on-site water efficiency targets, in accordance with the submitted sustainability statement, via the use of Sustainable Design & Construction condition(s).

#### Carbon offsetting

- 6.9.13 The developer has provided a commitment to work with the council to explore options for addressing any emissions reductions that cannot be achieved on-site. This includes potential further on site reductions, investment in the applicant's existing housing stock in the borough, or by payment into Merton's carbon offset fund. The Council is supportive of this approach and would welcome further dialogue on this matter in due course.
- 6.9.14 The council will secure the development's carbon offset contribution (whether on near-site offset or cash in lieu contribution) via S.106 agreement.

#### District energy

- 6.9.15 The applicant has demonstrated that they have explored the scope for connection to existing or planned district heating network near to the development. LB Merton can confirm that there are no existing heat networks in the vicinity of the site.
- 6.9.16 The applicant has made a commitment to a site-wide heat network served by CHP from a single energy centre, delivering 33% of the on-site emissions saving. The application indicates that all residential and non-residential uses will be connected to the network (albeit additional renewables will be required to supplement the non-domestic element). This approach is consistent with the London Plan guidance, where all heat uses on a site should be connected to the local heat network.
- 6.9.17 The proposed development comprises up to 1,570 residential units and up to 9,900m<sup>2</sup> of non-domestic floorspace. The development could therefore be considered by the GLA of sufficient size to be considered as a catalyst for an area wide network.
- 6.9.18 The applicant has indicated that there is no scope to include additional plant in the proposed plant room to address any considerable additional load – although they have indicated that some capacity for extension has been built in. This may not be sufficient to satisfy the GLA of the scope to use the site as a catalyst for further network expansion.
- 6.9.19 Feasibility work undertaken by AECOM on behalf of Merton Council has indicated that there is limited viability for the future development of a network beyond the immediate site boundary.
- 6.9.20 A notable exception is the proposed secondary school development at High Path that could provide an opportunity for connection. To date, this scheme is in pre-application stage.

- 6.9.21 The applicant should ensure that the plant room could provide sufficient scope for potential connection to the school (should the school development come forward), albeit the feasibility and timescales/phasing of development will need to be carefully considered. The applicant should therefore seek dialogue with the EFSA on the timescales for development of the school to fully explore whether a linked energy statement for the sites could be deemed viable.
- 6.9.22 The applicant should note that the council is unlikely to support a proposal for biomass-fired CHP due to the associated adverse air quality impacts.
- 6.9.23 The council will secure the decentralised energy network and on-site emissions reductions, in accordance with the submitted energy statement, via the use of CHP and decentralised heat network decentralised energy condition(s).

#### Renewable energy technologies

- 6.9.24 The applicant has provided an initial feasibility assessment of on-site renewable energy technologies and has indicated that solar PV will be used to help achieve the onsite emissions reduction targets for the non-domestic elements – amounting to 3% of site-wide emissions reductions.
- 6.9.25 The council will secure on-site use of solar PV, in accordance with the submitted energy statement, via the use of a renewable energy condition(s).

#### Overheating

- 6.9.26 The applicant has acknowledged the policy requirements re: overheating and cooling and has indicated that the scheme will be delivered in accordance with the Mayor's Cooling Hierarchy detailed under London Plan Policy 5.9. The applicant has indicated that the development will be assessed against CIBSE guidance TM52. Furthermore they have indicated that a dynamic assessment will be undertaken within a sample of dwellings that have been identified as having a potential risk of overheating. This will be undertaken at the detailed design stage.
- 6.9.27 The council will secure the approach to overheating analysis in accordance with the submitted energy statement via the use of a non-standard condition.

#### District Heating

- 6.9.28 The councils District Heating Feasibility Phase 1: Heat Mapping and Energy Master planning document should be referred to in the application in order to demonstrate compliance with London Plan policies, Merton Core Strategy and Estate Plan policies that make reference to district heating. Particular attention should be drawn to the heat maps within this report that should be very helpful in setting the

development in the wider context in district heating. It should be noted that the Eastfield's development is identified in Figure 5 -1 Merton heat demand map.

- 6.9.29 Site wide district heating schemes should be designed to operate at low temperatures. This will require that secondary side systems and domestic central heating systems are aligned with a low temperature network. One of the key challenges identified within the District Heating Feasibility Study was the difficulty in connecting a low temperature network to existing buildings that would require a higher temperature district heating network. The results of Merton's district Heating Feasibility study are based on the assumption that any district heating scheme designed to service new developments will be a low temperature network.
- 6.9.30 The council is unlikely to support a proposal for biomass-fired CHP unless it can be demonstrated that there will be no potentially adverse air quality impacts. Air quality impacts from biomass can be mitigated through careful plant design, flue design and location and demonstrated through careful dispersion modelling. Without sufficient evidence to demonstrate that air quality concerns have been addressed the council is unlikely to support a proposal for biomass-fired CHP.
- 6.9.31 The applicant should explore the potential of delivering 75% of the developments energy requirements from the district heating network, this would potentially allow the development to benefit from financial support from the Heat Networks Investment Project (HNIP).

#### Air Quality – District Heating

- 6.9.32 In order to help with the dispersion of flue gasses from CHP energy generation flues are normally designed to be vented at the tallest part of the development. The applicant will need to demonstrate that opting for a lower part of the development for the location of the flue will not adversely impact on air quality through dispersion modelling.

#### Estates Plan Policies

- 6.9.33 The applicant will need to incorporate more detailed responses to the Estate Plan Policies within their response. With respect to the sustainability policies it will require more information on the energy performance of new development compared to existing dwellings and the potential for battery storage.

### **6.10 Trees**

- 6.10.1 The arboricultural information provided with this outline application is only useful in terms of an initial impact assessment. It does not provide a full assessment of the design and its impact on the trees. It is of limited value. There are aspects of the proposal where it affects the important trees located on Merton High Street which need to be carefully considered within the context of the proposed development. Although the Arboricultural Method Statement and Tree Protection Plan can be left to

reserved matters, I think it should be addressed at the earliest stage to show that those trees can be retained once the actual details have been properly looked at. It's not unusual for developers to provide this information as part of the full planning application.

6.10.2 On close examination of the Landscape Masterplan and Arboricultural Report, in respect the trees bordering Merton High street, I would comment as follows;

- There would appear to be some discrepancies in terms of what trees are to be removed. It would seem that the trees listed as T91, T99 and T116 would be removed, over and above those listed in the arboricultural report;
- The arb. report does briefly cover the encroachment of the new paving and whatever edging is proposed to the new landscape beds bordering Merton High Street. It is likely that there will be considerable root disruption to the retained trees and there is of losing trees as a result of changes in levels and rooting habitat.

6.10.3 A planning condition requiring any trees lost as a result of this development, or within 5 years following the completion of the development should be replaced with semi-mature London Plane trees of a minimum 30 – 35 cm girth so as to restore the amenity provided by the existing trees.

6.10.4 If you are minded to recommend a grant of outline planning permission, then I would therefore advise attaching the following planning conditions:

- i. F5 – Tree Protection
- ii. F8 – Site Supervision (Trees)
- iii. Landscaping - No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. The approved works shall be carried out in the first available planting season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with semi-mature London Plane trees of a minimum 30 – 35 cm girth so as to restore the amenity provided by the existing trees, unless the LPA gives written consent to any variation. Reason: To enhance the appearance etc.

## **6.11 Flood Risk**

6.11.1 The Council's Flood Risk Manager has had ongoing communication with the applicant's drainage consultants and most recently (26<sup>th</sup> February) provided the following comments on the revised details submitted with



the application:

- 6.11.2 I have reviewed the revised AECOM Drainage/SuDS Strategy (Project Number 60332278) dated Jan 2018. The report has been revised and updated to take into account my previous comments from Merton's Lead Local Flood Authority.
- 6.11.3 In summary, the following is now proposed:
- 6.11.4 It is understood that the final detailed foul and surface water strategy will be required to be submitted for the reserved matters submission. The outline SuDS strategy layout drawing can be found in Appendix A (Drawing number 60332278 - C-001). Please note that this drawing is marked as indicative. The submitted report now acknowledges that the development will be constructed in phases and calculates attenuation, SuDS measures and discharge rates for each phase. It is understood that the phasing strategy is in progress and final phasing will be determined at a later date. An indicative phasing plan is included for reference in Appendix B of the report.
- 6.11.5 The total site area encompassing all phases, i.e. 1-7, is 7.47 hectares. The area within the redline boundary (excluding phase 1) is 6.91 hectares. Based on the assumption that 80% of the existing development consists of impermeable areas, the surface water runoff calculation is based on area of 5.528 hectares. The Greenfield rate for the development was calculated at 8.9 l/s for the 1:1 year return period based on a site area of 6.91ha as shown in Appendix C. The approximate volume of attenuation based on the Greenfield runoff rate was calculated as 4681m<sup>3</sup>.
- 6.11.6 It is proposed to adopt the discharge rates as shown in Table 4 of the AECOM Drainage Strategy for each phase. The proposed overall site-wide reduction in runoff, compared to the existing discharge rate is 85.5%. This reduction is based on the existing run-off rate from the site as calculated in section 2.2.1. Therefore the proposed discharge for the development will be no greater than 101.2 l/s for a 1:100 year return period plus 40% climate change.
- 6.11.7 In order to reduce the surface water runoff by 85.5%, an attenuation volume of 3643m<sup>3</sup> will be required for phase 2-7 as shown in Appendix E.
- 6.11.8 The report shows various forms of SuDS measures including green and brown roofs, permeable paving (non-infiltration), swales and oversized pipes/man-holes and calculates storage within each component.
- 6.11.9 The Highway Authority has not yet seen any details or proposals or had any discussions with the applicant with regards to adoption of any surfaces or road or footway layout. A number of drainage diversions are proposed. Any diversions of adopted sewers or highway drainage should be the approval of Thames Water or the Highway Authority.
- 6.11.10 Should you be minded to approve the application, please include the following conditions:

Non-Standard Condition:

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates (ref: 32120/2010 Revision DWG 2019-PLdated February 2018). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

Non-Standard Condition:

Prior to commencement of the development hereby permitted by this planning permission, details shall be submitted to the approval of the local planning to demonstrate that finished floor levels for all residential units shall be assessed in detail and details regarding flood risk mitigation shall be submitted and approved by the Local Planning Authority. The mitigation strategy for each block shall follow this hierarchy and demonstrate that floor levels will be (i) raised above the corresponding surface water flood depth for the given block location (ii) set no lower 250mm above existing ground levels (iii) or include flood risk resistance or resilience measures up to the corresponding surface water flood depth. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

Non-Standard Condition:

The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the submitted document included within Appendix D of the FRA Addendum by Peter Brett Associates ref: 32120/2010 Revision DWG 2019-PLdated February 2018) and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's CS16 and policy DM F1 and the

London Plan policy 5.12.

Non-Standard Condition:

No development approved by this permission shall be commenced until a detailed scheme for the provision of an overarching surface and foul water drainage strategy for the whole site, and each phase, has been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final detailed drainage scheme shall be designed at reserved matters stage in accordance with the outline details submitted in the AECOM Drainage/SuDS Strategy (ref: 32120/2010 Revision DWG 2019-PLdated February 2018) dated Jan 2018.

The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (the provision of attenuation volume is to be no less than 3643m<sup>3</sup>) and control the rate of surface water discharged from the entire site at a maximum rate of 101.2 l/s for a 1:100 year return period plus 40% climate change. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Green and Blue roof Condition:

Prior to the commencement of development, the detailed design, specification and planting scheme for the green and brown roofs shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved, retained and maintained in perpetuity thereafter. The Green and Brown Roofs shall be designed in accordance with the drainage and attenuation measures set out in the Flood Risk Assessment produced by Peter Brett Associates

(ref: 32120/2010 Revision DWG 2019-PLdated February 2018).

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

## **6.12 Waste Management**

- 6.12.1 I have read the attached Waste Management strategy for the High Path redevelopment
- 6.12.2 Although I support the idea of underground waste storage the methodology proposed is not compatible with our current waste collection vehicles.
- 6.12.3 For underground storage to work we require the containers to be accessible by our crews and collection vehicles at street level.
- 6.12.4 Under the proposed scheme we would need the containers to be lifted up to street level prior to collection. Please note that our vehicles are not fitted with the required cranes to lift the containers up and out of the underground reservoir as suggested in the planning document.
- 6.12.5 For the underground solution to be practical we would require hydraulic lifts to be fitted underground, below the waste containers. The system would need to be operated from street level by either our crews or by the estates caretakers.

## **6.13 Environmental Health**

- 6.13.1 Noise  
No objection, subject to conditions
- 6.13.2 Air quality  
No objection, subject to conditions
- 6.13.3 Contamination  
No objection, subject to conditions

## **6.14 Economic Development**

- 6.14.1 The study undertaken by Peter Brett on Health and Socio-Economic considerations is welcomed, in particular that the development will introduce quality housing and dedicated open space that supports health

and well-being in the community.

- 6.14.2 The economic benefits, particularly around local spend of new residents; council tax, disposable income and CIL are significant positives for the development and good for Merton in general.

## **6.15 Public Health**

- 6.15.1 We welcome that HIA has looked at the affect of vulnerable families and individuals more during the regeneration and welcome that Clarion Housing have commissioned Merton Centre for Independent Living (MCIL) to help investigate how to best contact, support and accommodate disabled people and other vulnerable groups. More importantly that this research will inform not only their rehousing processes but the continued engagement of this this section of the population throughout the regeneration work and beyond. We welcome that the HIA has looked at the health benefits to the surrounding area also. We welcome the inclusion of the Monitoring section the HIA.

## **7. POLICY CONTEXT**

- 7.1 By virtue of s38 (6) of the Planning and Compulsory Purchase Act (2004), the starting point for the consideration of this outline planning application is the Development Plan. The Council is required to make decisions in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for the London Borough of Merton comprises:

- The London Plan (2016);
- Merton Estates Local Plan ((2018)
- Merton LDF Core Planning Strategy (2011)
- Merton Site and Policies Plan (2014)

Any other supporting and relevant guidance

## **7.2 National Planning Policy Framework (2012)**

- 7.2.1 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as *"a golden thread running through both plan-making and decision-taking."*

7.2.2 For decision-taking the NPPF (2012) states that the presumption means *'approving development proposals that accord with the development plan without delay'* and where the Development Plan is *'absent, silent or relevant policies are out of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole'*.

7.2.3 The whole of the NPPF (2012) is potentially material to this application, but the specific policy areas considered directly relevant are as follows:

- Building a strong, competitive economy;
- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design; and
- Promoting healthy communities.

### **7.3 The London Plan (2016)**

7.3.1 The London Plan (2016) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20-25 years.

7.3.2 The London Plan was published on 14th March 2016. The policies relevant to this application are:

2.3 Growth Areas and coordination corridors;

2.6 Outer London: vision and strategy;

2.7 Outer London Economy;

2.8 Outer London Transport;

2.13 Opportunity and intensification areas;

3.1 Ensuring Equal Life Chances for All;

3.3 Increasing housing supply;

3.4 Optimising housing potential;

3.5 Quality and design of housing developments;

3.6 Children and young peoples play and Informal Recreation Facilities;

3.7 Large residential developments;

3.8 Housing choice;

3.9 Mixed and balanced communities;

3.10 Definition of affordable housing;

3.11 Affordable housing targets:

3.12 Negotiation affordable housing on individual private residential and mixed use schemes;

3.13 Affordable housing thresholds;

3.16 Protection and enhancement of social infrastructure;

3.18 Education Facilities;

5.2 Minimising carbon dioxide emissions;

5.3 Sustainable design and construction;

5.7 Renewable energy;

5.13 Sustainable drainage;

5.15 Water use and supplies;

6.2 Providing public transport capacity and safeguarding land for transport;

6.3 Assessing effects of development on transport capacity;

6.7 Better Streets and Surface Transport;

6.9 Cycling;

6.10 Walking;

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 and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.

8.2 Planning Obligations;

### 8.3 Community Infrastructure Levy;

7.3.3 The new consultation **draft London Plan 2017-18** is currently in consultation until 02<sup>nd</sup> March 2018. Following the close of the consultation period, the next formal step will be the holding of the Examination in Public (EiP). This will be led by an independent panel, which is expected to take place by autumn 2018. The Mayor of London is likely to publish the new London Plan by autumn 2019. The GLA's Stage 1 response refers to policies within the new consultation draft London Plan 2017. For the purposes of the determination of this planning application, officers consider that while the consultation draft London Plan 2017-18 is a material consideration, it is at a first consultation stage. This report indicates if officers have considered that the policies within the draft London Plan are a material consideration that outweighs adopted policy.

These policies are:

Policy GG1 Building strong and inclusive communities

Policy GG2 Making the best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering the homes Londoners need 19

Policy GG5 Growing a good economy 21

Policy SD1 Opportunity Areas 28

Policy SD10 Strategic and local regeneration

Policy D1 London's form and characteristics 98

Policy D2 Delivering good design 102

Policy D3 Inclusive design 106

Policy D4 Housing quality and standards 109

Policy D5 Accessible housing 115

Policy D6 Optimising housing density 117

Policy D7 Public realm 122

Policy D8 Tall buildings 126

Policy D9 Basement development 131

Policy D10 Safety, security and resilience to emergency 132

Policy D11 Fire safety



Policy D12 Agent of Change 136

Policy D13 Noise

Policy H1 Increasing housing supply 144

Policy H2 Small sites 152

Policy H3 Monitoring housing targets 159

Policy H4 Meanwhile use 160

Policy H5 Delivering affordable housing 161

Policy H6 Threshold approach to applications 164

Policy H7 Affordable housing tenure 169

Policy H8 Monitoring of affordable housing 173

Policy H9 Vacant building credit 174

Policy H10 Redevelopment of existing housing and estate regeneration  
175

Policy H11 Ensuring the best use of stock 177

Policy H12 Housing size mix 178

Policy H13 Build to Rent 180

Policy H14 Supported and specialised accommodation 185

Policy H15 Specialist older persons housing 186

Policy H16 Gypsy and Traveller accommodation 190

Policy H17 Purpose-built student accommodation 193

Policy H18 Large-scale purpose-built shared living

Policy S1 Developing London's social infrastructure 202

Policy S2 Health and social care facilities 204

Policy S3 Education and childcare facilities 208

Policy S4 Play and informal recreation 212

Policy S5 Sports and recreation facilities 214

Policy S6 Public toilets 218

Policy S7 Burial space

Policy E2 Low-cost business space 227

Policy E3 Affordable workspace 230

Policy E10 Visitor infrastructure 261

Policy E11 Skills and opportunities for all

Policy HC1 Heritage conservation and growth 268

Policy HC5 Supporting London's culture and creative industries 287

Policy HC6 Supporting the night-time economy 292

Policy G1 Green infrastructure 302

Policy G3 Metropolitan Open Land 304

Policy G4 Local green and open space 305

Policy G5 Urban greening 308

Policy G6 Biodiversity and access to nature 311

Policy G7 Trees and woodlands 313

Policy G8 Food growing 315

Policy G9 Geodiversity

Policy SI1 Improving air quality 320

Policy SI2 Minimising greenhouse gas emissions 324

Policy SI3 Energy infrastructure 329

Policy SI4 Managing heat risk 334

Policy SI5 Water infrastructure 336

Policy SI6 Digital connectivity infrastructure 341

Policy SI7 Reducing waste and supporting the circular economy 344

Policy SI8 Waste capacity and net waste self-sufficiency 347

Policy SI12 Flood risk management 359

Policy SI13 Sustainable drainage 361

Policy T1 Strategic approach to transport 402

Policy T2 Healthy Streets 403

Policy T3 Transport capacity, connectivity and safeguarding 406

Policy T4 Assessing and mitigating transport impacts 412

Policy T5 Cycling 414

Policy T6 Car parking 420

Policy T6.1 Residential parking 423

Policy T6.5 Non-residential disabled persons parking 429

Policy T7 Freight and servicing 430

Policy T9 Funding transport infrastructure through planning

Policy DF1 Delivery of the Plan and Planning Obligations

#### **7.4 London Borough of Merton LDF Core Planning Strategy (2011)**

7.4.1 The relevant policies in the Merton LDF Core Planning Strategy (2011) are:

CS.2 Mitcham;

CS.7 Centres;

CS.8 Housing choice;

CS.9 Housing provision;

CS.11 Infrastructure;

CS.12 Economic development;

CS.13 Open space, nature conservation, leisure and culture

CS.14 Design;

CS.15 Climate change;

CS.16 Flood risk management;

CS.18 Active transport;

CS.19 Public transport;

CS.20 Parking servicing and delivery;

#### **7.5 London Borough of Merton Site and Policies Plan (2014)**

7.5.1 The relevant policies in the Merton Site and Policies Plan (2014) are:

DM H2 Housing mix

DM H3 Support for affordable housing

DM C1 Community facilities

DM E2 Offices in town centres

DM E4 Local employment opportunities

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

DM O1 Open space

DM O2 Trees, hedges and landscape features

DM EP2 Reducing and mitigating noise

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

DM T5 Access to the Road Network

## **7.6 London Borough of Merton Estates Local Plan (February 2018)**

OEP 1 Vision

OEP 2 Strategy

OEP3 Urban Design Principles

EP H1 Townscape.

EP H2 Street network

EP H3 Movement and access

EP H4 Land use.

EP H5 Open Space.

EP H6 Environmental protection.

EP H7 Landscape

EP H8 Building heights.

## **7.7 OTHER DOCUMENTS AND GUIDANCE**

#### **7.7.1 Mayors Affordable Housing & Viability SPG**

The current London Plan seeks to maximize affordable housing provision in London and deliver mixed and balanced communities as set out in policies 3.9, 3.11 and 3.12. A consultation on this SPG ran from 29 November 2016 to 28 February 2017.

#### **7.7.2 Mayors Housing SPG**

The Housing SPG was published in March 2016 following publication of the Further Alterations to the London Plan (FALP) and the Minor Alterations to the London Plan (MALP). It provides guidance on a range of strategic policies including housing supply, residential density, housing standards; build to rent developments, student accommodation and viability appraisals. This SPG replaced the 2012 Housing SPG and the Mayor's Housing Standards Policy Transition Statement.

#### **7.7.3 Mayors Sustainable Design & Construction SPG**

This SPG provides guidance on the implementation of London Plan policy 5.3 - Sustainable Design and Construction. It also features guidance on a range of other policies, primarily in Chapters 5 and 7, which deal with matters relating to environmental sustainability.

#### **7.7.4 Mayors Play and informal Recreation SPG**

The guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan), in particular Policy 7.1 on Lifetime Neighbourhoods.

#### **7.7.5 Mayors Homes for Londoners Draft Good Practice Guide to Estate Regeneration**

This is a draft Guide for consultation. Following consultation, a final version will be published by the Mayor. The document informs good practice in estate regeneration projects which will typically fall into three broad categories: maintaining good quality homes; supporting the supply of new housing; and improving the social, economic and physical environment in which those homes are located.

#### **7.7.6 London Borough of Merton 'Planning Obligations SPD' 2006**

The purpose of this SPD is to assist developers, applicants, landowners and the Council in the process of preparing planning obligations. It explains the relationship between planning obligations, planning conditions, CIL and s278 Agreements.

#### **7.7.7 London Borough of Merton 'Archaeology SPD' (Part 1 & 2) 2004**

This Guidance Note is intended to provide information and advice on the importance of archaeology when developing a site within the London

Borough of Merton. The Guidance Note is divided into 2 Sections, the first explains the importance of archaeology, both nationally and in the local context and outlines Merton's archaeological heritage. The second Section sets out the Planning Framework in relation to the development process and provides advice and guidance to owners and developers on the processes involved.

## **8. PLANNING CONSIDERATIONS**

The main planning considerations include assessing the following:

- 8.1** Principle of redevelopment
- 8.2** Case for regeneration
- 8.3** Principle of non-residential uses
- 8.4** Principle of residential land use
- 8.5** Affordable housing
- 8.6** Housing Mix
- 8.7** Standard of Residential Accommodation
- 8.8** Residential Amenity (daylight sunlight, overshadowing, outlook noise, etc)
- 8.9** Design, Conservation & Heritage (including parameters for layout, scale and massing and impact on locality heritage assets)
- 8.10** Ecology & Trees, Open space & Landscaping
- 8.11** Biodiversity
- 8.12** Access
- 8.13** Transport
- 8.14** Sustainable design and construction and energy
- 8.15** Drainage/Flooding
- 8.16** Environmental Health: Contamination, Air Quality, Noise
- 8.17** Waste and Recycling
- 8.18** Health Impact
- 8.19** Planning obligations

### **8.1 Principle of redevelopment**

8.1.1 The site is identified in the London Plan as an area suitable for intensification of development (Area 44 in the London Plan). The plan indicates that across London intensification areas can accommodate a further 8,650 homes and 8,000 new jobs. The plan encourages and offers support for the development by boroughs of suitable strategies to realise the potential of intensification areas.

8.1.2 London Plan policy 2.13 identifies a number of key factors in decision making in these areas including seeking to optimise residential outputs and densities, providing necessary social and other infrastructure to sustain growth and where appropriate containing a mixture of uses. Decisions should support wider regeneration and should integrate development proposals to the surrounding areas.

- 8.1.3 The annual housing target for the London Borough of Merton in the current London Plan (Table 3.1) is 411 which is set to increase by 223% to 1,328 net housing completions with the publication of the Draft London Plan (2017), and a ten-year target for the period 2019-2018 amounting to 13,280.
- 8.1.4 The plan indicates that across London 66,000 homes every year and 8,000 new jobs will be required. The plan encourages and offers support for the development by boroughs of suitable strategies to realise the potential of intensification areas.
- 8.1.5 London Plan policy 2.13 identifies a number of key factors in decision making in these areas including seeking to optimise residential outputs and densities, providing necessary social and other infrastructure to sustain growth and where appropriate containing a mixture of uses. Decisions should support wider regeneration and should integrate development proposals to the surrounding areas.
- 8.1.6 Since 2014 the Council has been exploring the regeneration of the High Path and two other large housing estates managed by the applicant (Eastfields and Ravensbury Estates) in consultation with residents, the Mayor of London, TfL and Clarion (the applicant, previously known as Circle Housing Merton Priory). Development proposals such as the Estates Regeneration Project are essential in assisting the Borough meet this regional target.
- 8.1.7 Since 2014 the Council has been exploring the regeneration of the High Path and two other large housing estates (Eastfields and Ravensbury Estates) managed by the applicant, Clarion (previously known as Circle Housing Merton Priory) in consultation with residents, the Mayor of London, TfL and Clarion.
- 8.1.8 The public consultation on the Main Modifications to Merton's Estates Local Plan has been developed through various rounds of consultation and revisions, closed on 7th November 2017. Following the publication of the Inspector's report in December 2017, the Estates Local Plan was formally adopted in February 2018
- 8.1.9 The plan's purpose is to shape and guide any redevelopment proposals on this and the other two estates that come forward within the next 10-15 years. The plan is a material consideration in planning, for the delivery of new homes and to meet housing targets, improve the building fabric and to improve infrastructure on the three estates. The plan recognizes the opportunities presented on High Path to sustain much higher densities.
- 8.1.10 This planning application relates to the masterplan phases 2-7 of the regeneration of the High Path Estate. Phase 1, which included the Old Lamp Works, and provided for the delivery of 134 new homes including 80 affordable homes, was approved under a separate application (ref: 16/P3738) by the Planning Committee, on 16<sup>th</sup> March 2017. Phase 1 provides the kick start for the regeneration of the High Path estate, in order to deliver new homes for existing residents, without having to move residents off-site.

## **8.2 Case for regeneration**

- 8.2.1 The proposal involves the phased demolition and redevelopment of High Path Estate. Currently there are 608 residential units on the estate and a scattering of non-residential uses including community facilities and a small commercial unit. The estate was constructed over a 30 plus year build out period dating back to 1950's. The proposal will provide
- 8.2.2 When Merton Council transferred it's housing stock to Clarion, part of the transfer agreement was for Clarion to improve the quality of accommodation up to Decent Homes standard. Clarion identified that the work required significant maintenance, refurbishment and financial investment to achieve the required standard and narrowed down their options to the most cost effective way of delivering longer term sustainable Decent Homes standards through regeneration which allows for the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 8.2.3 Paragraph 1.33 of the adopted Estates Local Plan states, *'It is the council's view, supported by Clarion Housing Groups evidence that whilst incremental refurbishment and Decent Homes works would improve the internal housing quality in the short to medium term, regeneration provides an opportunity to deliver comparatively more significant positive changes to the three neighbourhoods and a once in a generation opportunity to improve the quality of life for current and future residents.'*
- 8.2.4 A string of benefits related to regeneration are identified in the ELP para. 1.34, including high quality well-designed neighbourhoods, wider housing mix, more private space for residents, better quality green spaces and community facilities and the creation of job opportunities.
- 8.2.5 This is in line with paragraph 111 of the National Planning Policy Framework (NPPF) which encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of a high environmental value.

## **8.3 Principle of non-residential uses**

- 8.3.1 The applicant proposes up to 9,000sq.m of non-residential floor space, this will include 2,700sq.m of shops (A1), financial services (A2), restaurants and cafes (A3), drinking establishments (A4), and up to 5,350sq.m of offices (B1) including 1,250sq.m of flexible work units, and up to 1,250sq.m of community (D1) and 600sq.m gym/leisure facilities (D2). The reprovision of the existing convenience shop and community centre on site will be included within this provision of non-residential floorspace.
- 8.3.2 Policy DMR2 of the Merton Sites and Policies Plan (2014) sets out how proposals relating to the scale and function of proposed development outside of Merton's town centres will be considered. Specifically, the policy requires that there is a sequential test and impact assessment submitted which is proportionate to the scale of the development



proposed and satisfies the council's requirements, the vitality and viability of Merton's existing town centres must not be not harmed, and local convenience development outside town centres may not exceed 280sq.m of net retail floorspace.

8.3.3 Paragraph 1.25 of policy DMR2 states 'In accordance with Merton's Core Planning Strategy, impact assessments may be required for any retail proposals located edge-of-centre or out-of-centre where the net floor area exceeds 280 sqm. In accordance with the National Planning Policy Framework 2012 (NPPF), impact assessments will be required for leisure and office development above 2,500 sqm located outside town centres and not in accordance with the development plan.'

8.3.4 Policy EPH4 of the Estates Local Plan, relates to land use in the High Path Estate and states under that 'a) Non-residential uses may be appropriate to support employment, community activities and street vibrancy.' The council supports the reprovision of the existing convenience shop in Pincott Road, however paragraph 3.175 requires that 'any proposed new local convenience shop which is located outside the designated town centre and parades boundary and is above 280sq.m will be subject to sequential test and impact assessment.'

8.3.5 A Commercial Report and Floorspace Assessment has been submitted as part of this application and reviewed by independent assessors on behalf of the LPA. The results of the independent assessment are summarised as follows:

Sequential test

8.3.6 The application site is in an out of town centre location and national, regional, and local policy generally considers town centre type uses should be located within main town centres in order to ensure their viability and vitality.

8.3.7 The NPPF advises that Local Planning Authorities (LPAs) should apply a 'sequential test' to planning applications for main town centre uses that are not in an existing town centre and are not in accordance with an up-to-date Local Plan. LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The NPPF also advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre and that applicants and LPAs should demonstrate flexibility on issues such as format and scale.

8.3.8 The NPPF advises that when assessing applications for retail, leisure and office development outside of town centres, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (which is 280sq.m in Merton). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of

the proposal; and

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

8.3.9 The NPPF advises that where an application fails to satisfy the 'sequential test' or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.3.10 The applicant has carried out a 'sequential test' in respect of the proposed non-residential proposal. The nearest designated centres are Collier Wood District Centre, Wimbledon Town Centre and Morden District Centre. If the Council is satisfied the proposed development will not have a significant adverse effect on designated town centres, then the availability of suitable sites within and on the edge of designated centres should be considered.

8.3.11 The results of the sequential test demonstrate that cumulatively vacant floorspace within the four designated centres is capable of accommodating most if not all of the proposed retail, leisure and office uses, but this would require a significant level of disaggregation and would not deliver development that is suitable or closely similar.

8.3.12 The two development sites identified by the applicant which appear to be capable of accommodating the scale of development proposed. However, the availability of these sites for development in a similar timeframe is unclear. Based on the information provided, there is no clear indication these sites that are available and suitable to accommodate a closely similar development within the same timeframe. On this basis the sequential approach has been satisfied.

#### Retail Impact Assessment

8.3.13 The NPPF (paragraph 26) indicates that impact assessments are required for retail, leisure and office development located outside of town centres and not in accordance with an up to date plan.

8.3.14 Paragraph 26 of the NPPF suggests, where there is no locally set floorspace threshold within an up to date development plan, then retail impact assessments will only be required for developments of 2,500 sq.m gross or more. The application proposals are expected to provide up to 2,700 sq.m of Class A1 to A5 uses, 4,100 sq.m of B1 office use and up to 1,850 of Class D1 and D2 uses. The main town centre uses proposed exceeds the minimum impact threshold.

8.3.15 NPPF states that planning applications for town centre uses should be assessed against:

1. the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

2. the impact of the proposal on the town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 8.3.16 If a proposal is likely to lead to a significant adverse impact then it should be refused.
  - 8.3.17 Cumulative impact (i.e. taking into account recent development, under-construction schemes, extant planning permissions or allocations) is not referred to in the NPPF. Even if commitments are not explicitly mentioned in the NPPF impact tests, they will be “other material considerations” that the decision-taker may take into account and attach weight to; they may affect the vitality and viability of a town centre over the 5 year period for which impact assessments are required.
  - 8.3.18 The highest levels of impact are expected to fall of local convenience stores that are not located within designated centres i.e. at South Wimbledon. Impact on designated town centres is expected to be offset by growth in expenditure between the base year, 2016 and design year, 2021.
  - 8.3.19 The independent assessment concluded that predicted levels of retail impact are not significant and will not harm the vitality and viability of any designated centre.

#### Employment floorspace

- 8.3.20 As indicated in the previous section, the NPPF (paragraph 26) indicates that impact assessments are required for office development over 2,500sq.m located outside of town centres and not in accordance with an up to date plan. This proposal seeks permission for 4,100sq.m of B1 office use therefore an impact assessment is required.
- 8.3.21 The independent assessment for High Path Estate proposals identified that the development has the potential to account for between 17% to 42% of the latest net office requirement in the Borough up to 2035. There is a future shortfall of office space, particularly for larger floor-plate office premises in Wimbledon town centre and incubation premises for start-up firms. In this respect the application proposal can be viewed as beneficial in terms of meeting a specific identified need.
- 8.3.22 The independent assessment concluded that there appears to be sufficient projected demand to fill vacant office floorspace in Wimbledon town centre and the application proposals. Planned investment within the town centre has either been pre-let or is not at a sufficiently advanced stage to be afforded protection. The High Path Estate is unlikely to attract large cooperate office occupiers and compete with Wimbledon town centre.
- 8.3.23 It is considered that the proposed non-residential element of the development has been justified in terms a sequential test and that it would not compromise the viability of existing or proposed retail facilities in the locality. Should this application be approved, it is recommended that the retail floorspace proposed by the applicant and which formed the basis of the impact assessment be secured by a planning condition. The

proposed retail unit would also create an estimated 51 full time employment positions at the application site, which will help to reduce unemployment levels within both LBM

#### **8.4 Principle of residential land use**

- 8.4.1 Policy CS. 9 within the Council's Adopted Core Strategy (2011) and Policy 3.3 of the London Plan (2016) state that the Council will work with housing providers to provide a minimum of 4,107 additional homes (411 new dwellings annually) between 2015 and 2025. As stated earlier in section 8.1, this housing target has been increased significantly with the adoption of the Draft London Plan (2017). The estates regeneration will provide a sizeable contribution to meeting Merton's Strategic housing target.
- 8.4.2 There are 608 residential units existing on the high Path Estate, and the applicant proposes the phased demolition and redevelopment of up to 1,570 new residential units. The estates Local Plan Policy EP H4 for the High Path Estate states that the primary land use for the Estate will be residential, to accord with the predominant land use of the existing site and surrounding area.
- 8.4.3 Phase 1 of the comprehensive phased regeneration of the estate, is to be located on the Old Lamp Works, allocated as site 46 in the Merton Sites and Policies Plan 2014. Full planning permission was granted in March 2017 for phase 1 which consists of 134 units and associated landscaping and car parking. That part of the site that lies outside of the boundary of this outline planning application and the Estates Local Plan, however, it presented an opportunity as a kick-start site for the redevelopment. This has allowed for Clarion to be able to offer existing residents to be decanted directly into their new homes, as the first new units will be built on neighbouring disused industrial and garage sites.
- 8.4.4 In the above context, the principle of the redevelopment of the site for a residential use is compliant with national, regional and local planning policy.

#### **8.5 Affordable housing**

- 8.5.1 London Plan Policies 3.9, 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units and provide for mixed and balanced communities.
- 8.5.2 The Mayor's Affordable Housing Viability SPG, 2017 introduces a threshold approach to viability, where the approach to viability information differs depending on the level of affordable housing provision being provided. The SPG introduced a fast-track route to applications that meet or exceed 35% affordable housing provision.
- 8.5.3 Applicants who do not meet this minimum threshold of affordable housing provision or require public subsidy to do so, must submit detailed viability

information to be scrutinised by the LPA and potentially the Mayor, to determine whether a greater level of affordable housing could viably be supported. The applicant submitted a detailed viability assessment with this outline planning application and the Council has employed independent viability assessors to scrutinise the results.

- 8.5.4 The SPG requires that where permission is granted, review mechanisms should be applied to ensure that the maximum reasonable amount of affordable housing, up to 50 per cent is provided. A two stage viability review assessment; an early stage review and a late stage review, will be required. The SPD also allows for mid-term reviews for longer term phased schemes such as this Estates Regeneration. This application is being recommended for grant therefore a review clause is set out as part of this application's s106 agreement in line with the Mayor's SPG.
- 8.5.5 The SPG also sets out that, where the Mayor considers that affordable housing opportunities for affordable housing may have been missed for reasons such as the unsatisfactory provision or insufficient scrutiny of viability information, the Mayor may choose to 'call in' the application, which means that that he is to be the Local Planning Authority for the purposes of determining an application.
- 8.5.6 Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social rented and 40% intermediate. Furthermore, the policy states that in seeking affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.
- 8.5.7 Policy CS 9 states that the Council will support the provision of well designed housing, located to create socially mixed and sustainable neighbourhoods, including the redevelopment of poor quality existing housing and not support proposals that result in a net loss of residential units, or net loss of affordable housing units.
- 8.5.8 The application received 4 letters of objection regarding housing which is addressed in this section.
- 8.5.9 In terms of affordable housing provision, there will be no net loss in affordable housing on the High Path Estate. It is important here to note that this includes the reprovided affordable homes included in the Phase 1 'kick-start' site, which already benefits from full planning permission (ref: 16/P3738), as it is linked to the outline planning application in terms of viability. The comprehensive masterplan will therefore provide 357 affordable homes (790 affordable habitable rooms), which is equivalent to the number of affordable homes existing, plus an additional 76 affordable habitable rooms, because larger affordable homes are proposed to accommodate existing issues of overcrowding.
- 8.5.10 As part of this application, 277 affordable homes for Phases 2-6 (18% by unit; 20% by habitable room) would be provided. The affordable units will all be rented accommodation to provide replacement homes for the

existing tenants of the High Path Estate. As there are no existing intermediate tenures to be decanted, therefore no intermediate tenures are proposed. The applicant has committed to providing new homes to existing tenants at the same rental levels as their existing tenancies.

- 8.5.11 The applicant has applied about £21million of the Mayor's grant funding into the scheme to maximise the provision of affordable homes delivered as part of this scheme in line with the SPG which aims to support Registered Providers to deliver programmes with at least 50% or 60% affordable housing.
- 8.5.12 It is acknowledged that there is a shortfall in affordable housing provision in line with the Borough target as set out under Policy CS 8. Financial Viability Assessment has been undertaken and submitted as part of this application, which revealed that 24% of affordable housing (on a habitable room basis) (based on the indicative accommodation schedule and inclusive of Phase 1) is the maximum reasonable amount of affordable housing that can be delivered at High Path, having regard to the financial viability of the Merton Estates Project as a whole.
- 8.5.13 High Path is the largest estate within the programme and is located in the highest value area. The applicants have promoted a single regeneration programme is that the regeneration of the High Path Estate is financially more viable than Eastfield or Ravensbury Estates. In order to ensure that all three progress to delivery cross subsidisation is needed so that surpluses from High Path could be used to plug viability gaps in the other two estates. Comprehensively, the three estates when taken as a whole, provide 27% affordable homes or 726 affordable rented units. If the three estates were redeveloped on an individual basis, it would not be possible to deliver the programme as proposed through the outline planning applications.
- 8.5.14 The NPPF states in Paragraph 173 that careful attention to viability should take place to ensure that the burden of required or necessary planning obligations, such as affordable housing, do not threaten the viability of development, and provide a competitive return to willing land owners and developers when taking the normal costs of development into account. Assessing viability demonstrates the scale of planning obligations which are appropriate. However, the NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and that these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 8.5.15 The Local Planning Authority appointed independent viability consultants to review the assessment submitted by the applicant and verify the conclusions of the assessment. The independent assessment confirmed the fundamental role that value generation in High Path has in cross-subsidising the delivery of the other estates. On a standalone basis the High Path Estate generates a level of return which would suggest a higher on-site affordable housing provision may be supported. However, in contrast the level of return generated at Ravensbury and Eastfields is

far below that which could justify the regeneration proposals put forward.

- 8.5.16 The overall return generated by the project reflects the applicant's intention to both re-provide all affordable tenure units, whilst providing a sustainable balance of tenures across replacement homes, private rented and private sale. In doing so Clarion have sought to deliver a significant quantum of private rented homes across the High Path Estate.
- 8.5.17 The report highlighted a number of potential variances in the Financial Viability Appraisal the cumulative effect of these potential variances will actually reduce the viability of the overall programme. The report concluded that there is not capacity for the development to fund additional affordable housing or other planning gain at this stage (BBP High Path Viability Assessment, para. 6.19). It is therefore considered that the resulting affordable housing offer meets policy objectives.
- 8.5.18 Notwithstanding the offer of 27% affordable rented accommodation, it would be prudent for a legal agreement to ensure that this is the minimum proportion of units to be provided as affordable housing with at least 60% providing rented accommodation. Therefore, a S106 legal agreement will be entered into between the applicant and the Council, as part of the application process, providing a review mechanism as required by the Mayor's SPG, detailed above.
- 8.5.19 A clawback review mechanism, will provide the Council with an opportunity, to review the viability of the development in terms of affordable housing provision, at a later stage. For instance, as of each of the subsequent applications for the detailed phases of the masterplan come forward, an updated viability assessment will evaluate the outturn cost and achieved sales values of the scheme, to determine whether a greater level of affordable housing provision or contribution may be achievable.

## 8.6 Housing Mix

8.6.1 The accommodation mix of the proposed 1570 units is as follows:

Unit Type	Total No. Units	% Units
Studios	163	10
1 Bed	552	35
2 Bed	686	44
3 Bed	160	10
4 Bed	9	1
<b>Total</b>	<b>1570</b>	

8.6.2 London Plan Policy 3.8, together with the Mayor's Housing SPG seeks to

promote housing choice and a balanced mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more. In this instance, this would equate to 855 of the proposed units (56%) providing family sized accommodation.

- 8.6.3 Of the total 1570 units, 277 would be for affordable housing (affordable rent), to accommodate the reprovided units which currently exist on the estate.
- 8.6.4 Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built environment including widening the choice of high quality homes. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic trends, market trends and the needs of different groups should be provided.
- 8.6.5 At the regional level, London Plan Policy 3.8 states that boroughs should seek to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 8.6.6 London Plan Policy 3.9 further seeks a more balanced mix of tenures in all parts of London. This is emphasised within the Mayor's Housing SPG which provides further guidance to aid the delivery of a wide choice of quality homes and a mix of housing that meets local and strategic demand.
- 8.6.7 At the local level, the Council's Sites and Policies DM H2 requires mixed and balanced communities and sets out the Council's priority for a choice of housing with respect to dwelling size and type in the borough. This policy recognises the need of housing of families with children, single person households and older people by providing a mix of dwelling sizes. Policy DM H2 reiterates Core Planning Strategy Policy CS8 and sets out the Council's preferred housing mix for mainstream market housing schemes which states that there should be a varied mix of units across the development, with the indicative percentage being as follows: 33% 1 bedroom units, 32% 2 bedroom units and 35% 3 bedroom units. Currently the estate comprises only one bed flats and three bed houses.
- 8.6.8 The proposals comprise a sustainable mix of tenure and dwelling types and sizes. The proposed development comprises a high proportion of two bedroom and single person units to comply with the objectives of the policies noted above. The proposed development seeks to provide the following mix of unit sizes to cater for the socially mixed community within the borough; 315 x 1 bed units (39%), 319 x 2 bed units (40%), and 166 x 3 bed units (21%).
- 8.6.9 Although the percentage of three bedroom family units are lower than the policy requirement, nevertheless 20% of the proposal would comprise of three bedroom units and it is considered that the proposed mix has been developed following careful consideration of the local characteristics of the site, market trends and demands, demographics and the desire to



optimise the development potential of this brownfield regeneration site. There are no two-bed units in the current estate so the addition of 319 two-bed homes represents a substantial increase in numbers and housing choice in the local area.

- 8.6.10 Overall, the proposed mix provides a range of unit types and sizes across the development and is considered wholly appropriate for the borough. The variety of units proposed would assist in creating a socially mixed and balanced community whilst meeting identified local needs, in accordance with the objectives of the London Plan Policies 3.8 and 3.9, Core Planning Strategy Policy CS8, Sites and Policies Plan DM H2.

## **8.7 Affordable Housing Review Mechanism**

- 11.22 The Mayor's Affordable Housing and Viability SPG 2017 states that in order to maximise affordable housing delivery in the longer term and to acknowledge the potential for significant changes in values in the housing market the use of review mechanisms should be applied within s106 'Heads of Terms', which is also fully supported in the London Plan.
- 11.23 Review mechanisms allow increases in Section 106 contributions to reflect changes in the value of a development from the date of planning permission to specific stages of the development programme. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty.
- 11.24 It is noted that the GLA's comments on the planning applications for each of the three Merton estates draws attention to the need to put in place financial viability review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG. The SPG contains a series of formulas which should provide a useful set of principles around which review mechanisms can be developed.
- 11.25 The January 2018 BBP review of the Financial Viability Assessments highlights the high sensitivity of financial performance to changes to variables which will inevitably arise due to a range of policy, market and economic factors over the duration of the regeneration programme. Whilst the January 2018 review concluded that there was no financial headroom to provide additional affordable housing and planning gain at this stage, this situation could change over the 10-15 year lifetime of the project and it is possible that future phases may be able to support additional contributions.
- 8.1** 11.26 For these reasons, the LPA will be putting in place an effective review mechanism. This will be robust and have longevity over the duration of the programme. There will be a need for an agreed 'financial model', agreed thresholds/trigger points and formulas for converting surpluses into additional planning gain. The timing of reviews would also be considered.

## **8.2 Standard of residential accommodation**

- 8.2.1 London Plan policies 3.5, 3.6, 3.7, 3.8, CS policy CS 14, and SPP policies DMD1 and DM D2 seek to ensure that new residential

development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.

#### Density

- 8.2.2 The London Plan includes a density matrix (Table 3.2) as one part of a wider policy to optimise development on sites in different settings, with different levels of public transport and accommodating homes of different sizes. The density ranges within the table are sufficiently wide to accommodate the wide range of policy considerations which must be taken into account when optimising development at a particular location. Development at densities outside these ranges will still be considered however require particularly clear demonstration of exceptional circumstances. Exceptionally, higher or lower densities on individual developments may be acceptable where these can be clearly and robustly justified by local circumstances. However densities at High Path are not fixed and can only be quantified on the tenancy mix provided for the benefit of illustrating one of the ways in which the units may be proportioned. However, this detail of housing mix and unit sizes is subject to change through the course of the 10-15 year term of the redevelopment, as this is an outline application with all matters reserved.
- 8.2.3 3 letters of objection were received regarding density of the development and this is addressed here.
- 8.2.4 The density ranges recommended in Table 3.2 of the London Plan are not meant to be applied mechanistically and PTAL alone is not an appropriate measurement to inform residential density and the Draft London Plan 2017, removes the density calculation table entirely. In accordance with paragraph 1.3.41 of the Mayor's Housing SPG, in order to be acceptable, any development will need to be of the highest standards of design, and provide high quality residential accommodation that is well designed, and delivers an appropriate mix of units, with sufficient play and amenity space.
- 8.2.5 In response to objections received during the consultation phase of this application, it is considered that the proposed residential quality will of a high enough standard to justify the higher density proposed and the high PTAL location further supports this.
- 8.2.6 Furthermore, the consultation draft London Plan 2017 Policy D6 *Optimising Housing Density* focusses on delivering developments at the optimum density by using a design-led approach to determine the capacity of the site. The density matrix has been removed from the consultation draft London Plan in favour of a design-led approach to optimising the potential of the site.

#### Unit sizes and Layout

- 8.2.7 As this is an outline planning application with all matters reserved, details of unit sizes and layouts are not being determined as part of this planning application. However, in the Design and Access Statement, indicative

layouts have been provided to show how each of the building typologies may work in practice, while the Design Code states that all units must comply with relevant minimum space standards as set out in Table 3.3 of the London Plan.

- 8.2.8 London Plan policy 7.1 considers that development should be designed so that the layout, tenure and mix of uses interface with the surrounding land. Policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. Policy 7.7 of the London Plan states that tall and large buildings should be part of a plan-led approach to changing or developing an area. Applications should include an urban design analysis and address a number of criteria. Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. Policy EP H1 of the Draft Estates Local Plan sets out a number of criteria that should be addressed. Proposals will be expected to integrate well with the surrounding urban form in terms of layout, scale and massing, whilst making the best possible use of land.
- 8.2.11 Policy EP H8 states that taller buildings may be considered appropriate to facilitate intensified use of the site. Building heights must be based on a comprehensive townscape appraisal and visual assessment.

#### Residential Amenity

- 8.2.12 DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 8.2.13 This is a high density residential scheme intended to financially enable the proposed regeneration at this and two other estates forming part of the whole programme. Typically, as a scheme of this density, normal separation distances between new dwellings cannot always be achieved. A degree of flexibility is required for large scale schemes such as this and which are located within constrained sites.
- 8.2.14 The design code submitted as part of this outline application sets the principles for the strategic design of the phased development. The Council's Urban Design Officer has highlighted a number of areas in the design code which could benefit from improvement, clarification. Therefore, a revised design code will be conditioned to be submitted for approval by the LPA prior to submission of reserved matters for any phases of the development.

## Daylight, Sunlight and Overshadowing

- 8.2.15 In support of the application the applicants have conducted a detailed survey and submitted a report that considers the potential daylight, sunlight and overshadowing effects of the proposals on surrounding residential properties. The methodology used follows Building Research Establishment best practice guidance and examines a number of recognized factors including Vertical Sky Components and Average Daylight factors.
- 8.2.16 The BRE Guide contains two tests, which measure diffuse daylight to windows. The first test is the Vertical Sky Component [VSC] (expressed as a percentage of the sky visible from the centre of a window).
- 8.2.17 The second test is daylight distribution; the BRE guide states that where room layouts are known, the impact on the day lighting distribution can be found by plotting the 'no sky line' in each of the main rooms. As detailed designs are not for approval as part of this outline planning application, the daylight/sunlight study has been considered as an illustration of what conditions may arise a result of the approved parameter plans.
- 8.2.18 It should be noted that a sunlight assessment only needs to be undertaken in relation to windows of neighbouring properties, which face within 90 degrees of due south. Sunlight may be affected if after a development the centre of the window receives less than 25% of annual probable sunlight hours and less than 0.8 times its former sunlight hours or it has a reduction in sunlight received amongst the winter months to less 5% of annual probable sunlight hours and less than 0.8 times its former value.
- 8.2.19 The results of the VSC assessment show that a large number of units will experience negligible to minor impacts from the proposed development. The results of the NSL analysis identified that the rooms assessed will retain good levels of daylight after proposed development is in place. The No-Skyline analysis can be considered more detailed than VSC analysis as it takes into account the internal layouts as well as all the windows serving the rooms.
- 8.2.20 The results of the Probable Sunlight Hours test show that surrounding properties analysed will, in general, retain good levels of sunlight with proposed development in place both on an annual basis and that during the winter period. This ensures that opportunities for passive solar gain in winter are preserved.
- 8.2.21 The results of the Probable Sunlight Hours analysis for the Maximum Parameter option show that good levels of sunlight will be achieved by surrounding properties on an annual basis and that during the winter period.

The following table is taken from the applicant's daylight/sunlight assessment report and shows a summary of the results for the Vertical Sky Limit and No Sky Limit calculations for daylight/sunlight impacts on

surrounding properties.

Table 7.1. Summary of the results for daylight (VSC) calculation

VSC Parameter	negligible	minor	moderate	significant	Grand Total
Abbey Road	80	4	12	1	97
Merton High Street	88	8	147	1	244
Morden Road	20	4	64	5	93
Nelson Grove Road	11	15	11	32	69
High Path (Merton Abbey Primary School)	0	0	1	6	7
Rodney Place	52	0	0	0	52
High Path	6	0	0	0	6
Merton Road	1	0	0	0	1
<b>Grand total</b>	<b>258</b>	<b>31</b>	<b>235</b>	<b>45</b>	<b>569</b>

Table 7.2. Summary of the results for daylight (NSL) calculation

NSL Parameter	negligible	minor	moderate	significant	Grand Total
Abbey Road	68	1	9	0	78
Merton High Street	107	20	23	4	154
Morden Road	37	17	21	10	85
Nelson Grove Road	35	2	8	4	49
Merton Abbey Primary School	3	2	0	0	5
Rodney Place	32	2	0	0	34
High Path	3	0	0	0	3
Merton Road	1	0	0	0	1
<b>GrandTotal</b>	<b>286</b>	<b>44</b>	<b>61</b>	<b>18</b>	<b>409</b>

8.2.22 The results of the analysis (Vertical Sky Component and No-Sky Line) for the Maximum Parameters option (above) show that reasonable levels of daylight will generally be achieved across the properties tested.

Table 8.1 and 8.2 Summary of the results for sunlight (APSH and WPSH) calculation

APSH Parameter	negligible	moderate	significant	NA*	Grand Total
Abbey Road	93	1	0	3	97
Merton High Street	244	0	0	0	244
Morden Road	46	13	34	0	93
Nelson Grove Road	0	0	0	69	69
High Path (Merton Abbey Primary School)	0	0	0	7	7
Rodney Place	8	0	0	44	52
High Path	1	0	0	5	6
Merton Road	1	0	0	0	1
<b>Grand total</b>	<b>393</b>	<b>14</b>	<b>34</b>	<b>128</b>	<b>569</b>

WPSH Parameter	negligible	minor	moderate	significant	NA*	Grand Total
Abbey Road	92	1	0	1	3	97
Merton High Street	203	0	0	41	0	244
Morden Road	72	0	1	20	0	93
Nelson Grove Road	0	0	0	0	69	69
High Path (Merton Abbey Primary School)	0	0	0	0	7	7
Rodney Place	8	0	0	0	44	52
High Path	1	0	0	0	5	6
Merton Road	1	0	0	0	0	1
<b>Grand total</b>	<b>377</b>	<b>1</b>	<b>1</b>	<b>62</b>	<b>128</b>	<b>569</b>

\*NA stands for Northern Aspect

8.2.23 The results of the analysis for the Maximum Parameters option (above) show overall sunlight access for the surrounding properties will remain good even with the proposed development in place.

8.2.24 The applicant submitted an addendum report which analysed the available daylight/sunlight to the proposed amenity spaces based on the

same methodology as for the assessment on the surrounding areas.

8.2.25 Ten proposed amenity or open spaces (OpSp) within High Path masterplan have been analysed in terms of the overshadowing criteria, and they represent the communal courtyards of each block and the public open space (OpSp 7) at the heart of the masterplan as shown in the table below:

**Table 2** Overshadowing tabulated results for Maximum Parameters Height option

<b>MPH</b>	<b>% area with more than 2 hrs. of sun</b>	<b>% area in shadow (&lt; 2 hrs.)</b>	<b>Meets Discretionary BRE Criteria</b>
OpSp_MPH_1	7%	93%	No
OpSp_MPH_2	17%	83%	No
OpSp_MPH_3	18%	82%	No
OpSp_MPH_4	3%	97%	No
OpSp_MPH_5	48%	52%	Marginal falls below
OpSp_MPH_6	70%	30%	Yes
OpSp_MPH_7	100%	0%	Yes
OpSp_MPH_8	15%	85%	No
OpSp_MPH_9	78%	22%	Yes
OpSp_MPH_10	42%	58%	Marginal falls below
<b>ALL</b>	<b>61%</b>	<b>39%</b>	<b>YES</b>

8.2.26 The Maximum Parameter Height option, illustrated that open spaces 6, 7 and 9 fully comply with BRE discretionary guidance and receive 2 hours of direct sunlight on more than 50% of the area. Open spaces 5 and 10 marginally fall below the BRE criteria; however, the northernmost portions of both open spaces receive at least 2 hours of the direct sunlight and therefore can be used most of the year around. In the summer when these spaces are most likely to be used, the spaces will receive direct sunlight for over 5 hours of the day. Open spaces 1, 2, 3, 4 and 8 will have the majority of their areas in shade on 21st March, but when these spaces are most likely to be used in the summer, they will all receive more than 2 hours of direct sunlight.

8.2.27 Overall the proposals meet the discretionary BRE criteria, with 74% of the proposed amenity space receiving at least 2 hours of direct sun in the Indicative masterplan and 61% receiving at least 2 hours of direct sun in the Maximum Parameters height option, on 21st March, which is acceptable.

8.2.28 A number of objections were received on the application relating to the impact on daylight sunlight and overshadowing. Based on the maximum parameters being determined as part of this application, acceptable levels of daylight/sunlight and good outlooks and levels of privacy between units are expected. However, the results shown here may be improved upon in the detail design of the application where scale, layout and access will be determined. Therefore, the Council will condition further details to be submitted at each of the development phases which will assess

daylight/sunlight and overshadowing in more detail.

### **8.3 Heritage & Design**

#### Archaeology

- 8.3.1 The site lies within an Archaeological Priority Zone and as such the application was accompanied by a desk based Archaeological Assessment. Following assessment by Historic England, the Archaeological Assessment is recommended for approval subject to the completion of a field evaluation to determine appropriate mitigation. Officers therefore recommend that a suitably worded condition should secure a two-stage process of archaeological investigation.
- 8.3.2 High Path Estate is located in an Area of Intensification (No.44 London Plan 2016) and in an area with good access to public transport (PTAL 4-5). Policy CS14 of the Council's Core Strategy at paragraph 22.20 that tall buildings may be suitable in areas of the borough where three factors are present: regeneration or change is envisaged; good public transport accessibility; and, existing higher building precedent. Policy EP H8 of the Pre-Submission Estates Local Plan states that taller buildings may be considered appropriate to facilitate intensified use of the site. Such buildings must be located in appropriately and relate well to the surrounding context and public realm, particularly at street level.
- 8.3.3 London plan policy 7.7 (Location and design of tall and large buildings) states that the location of a tall or large building, its alignment, spacing, height, bulk, massing and design quality should identify with and emphasise a point of civic or visual significance over the whole area from which it will be visible. Ideally, tall buildings should form part of a cohesive building group that enhances the skyline and improves the legibility of the area, ensuring tall and large buildings are attractive city elements that contribute positively to the image and built environment of London. In terms of building heights, blocks A and B exceed 30m in height and therefore require an assessment against the criteria set out in Policy 7.7 of the London Plan.

#### Grade II Listed Building

- 8.3.4 In the north west of High Path is Wimbledon Station, a Grade II Listed Building. The proposed development will abut the boundary shared with the station. The Listing states:
- 8.3.5 This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.
- 8.3.6 Name:  
LONDON REGIONAL TRANSPORT STATION,INCLUDING  
ADJACENT SHOPS TO LEFT AND RIGHT SOUTH WIMBLEDON  
LONDON REGIONAL TRANSPORT STATION

8.3.7 List entry Number: 1358037

8.3.8 Location:

LONDON REGIONAL TRANSPORT STATION,INCLUDING  
ADJACENT SHOPS TO LEFT AND RIGHT, MORDEN ROAD SW19  
SOUTH WIMBLEDON LONDON REGIONAL TRANSPORT  
STATION, HIGH STREET SW19

The building may lie within the boundary of more than one authority.

County: Greater London Authority

District: Merton

District Type: London Borough

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 25-Jun-1987

Date of most recent amendment: Not applicable to this List entry

8.3.9 Asset Groupings:

This list entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

8.3.10 List entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details..

Reasons for Designation

Legacy Record - This information may be included in the List Entry Details..

History

Legacy Record - This information may be included in the List Entry Details..

Details

LONDON BOROUGH OF MERTON MORDEN ROAD, SW19 TQ 25 70  
(east side) South Wimbledon 9/106 LRT Station, including adjacent shops  
to 25.6.87 left and right - II

LRT Station. 1926. Designed by Charles Holden. Portland stone. Roof not visible. Symmetrical composition on corner site. Vertical stripped classical manner. Tall ticket hall to corner with triple entrance below, flanked by lower single storeyed ranges of shops. Curved facade. 3 square headed entrances with stepped jambs and cantilevered canopy. Tall clerestory above, divided into 3 parts by pair of pilasters with globular capitals, the LT motif in the round. Vertical metal glazing bars with inset LT motif in



stained glass. One of stations on extension of 1926 to City and South London Underground Railway.

Listing NGR: TQ2582170023.

#### Selected Sources

Legacy Record - This information may be included in the List Entry Details

National Grid Reference: TQ 25821 70023.

- 8.3.11 There are a number of neighbours who have written into the Council to object to this application based on the impact of the new development on the existing Grade II Listed South Wimbledon Station. Furthermore, the points raised by LBM's Conservation Officer with regard to the impact of the development when observed from the various view points from outside the estate are noted. However, Historic England have informed the Council that they have no comment and that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 8.3.12 Policy EPH8 of the Estates Local Plan relates to building heights and says that
- “c) Morden Road: Land around the Tube station and Morden Road is part of the focus of activity and uses in the local area. The street is quite wide and taller buildings are beginning to be built long Morden Road. This is the most suitable location on the estate for the tallest buildings and cues must be taken from emerging buildings to guide what is appropriate. Along Morden Road a consistent height must be sought, which is complementary to creating a boulevard feel to the street.”*
- 8.3.13 Taking from the existing Townscape, across the road from the station is Spur House which is a 9 storey high building with it's top floor set back to appear less apparent and reduce the appearance of bulk.
- 8.3.14 Considering, the comments received from neighbours, the Council's Conservation and Design Officers, and Historic England. the Planning Officer approached the applicants and requested that a number of the building parameter heights proposed at 10 storeys are reduced to 9 storeys, particularly those closest to the station along Merton Road in line with the Estates Local Plan Policy EP8. Furthermore the solid mass which was created by the longitudinal form of architecture being proposed around the station needed a visual break, in order to appear less intrusive.
- 8.3.15 Of particular importance were also the lower properties on the north side of Merton High Street which are up to 3-storeys high. It was considered necessary to also reduce the proposed parameter heights facing Merton High Street closest to the Station, from 10-storeys to 7-storeys, to allow for a better transition between the existing townscape and the proposed taller buildings.

- 8.3.16 The other significant change has been to interrupt the continuous bulk illustrated by the applicants original plans. When perceived from Merton Road in the north, at the junction with The High Street, the buildings behind the station at 10-storeys high and a continuous span appeared intrusive to the existing townscape. The Developer was advised of this concern and revised their plans to create visual breaks in the elevation of the buildings in that very prominent and sensitive location close to the Listed Station.
- 8.3.17 There was also some concern with the overshadowing in the courtyard areas behind the 'Mews Street' and closest to St John's Church. As stated by the Council's Conservation Officer, the Church is locally listed. The developer has done well to create a vista to the church from the north, inner street. However, the buildings fronting High Path and the locally listed church in this vicinity were too tall. Therefore the Planning Officer suggested a reduction in height from 10-storeys to 5-storeys which was considered more appropriate, considering its setting.
- 8.3.18 The revised plans have been received by the council which show the reduction in heights and visual breaks in the elevations. Officers are therefore satisfied that the development is in line with Policy EPH8 and the other relevant policies of the development plan, and is therefore considered acceptable in this regard.
- 8.3.19 Conservation Area
- 8.3.20 Wandle Valley Conservation Area is to the south-east of High Path Estate development boundary, along Station Road, which connects to High Path and extends eastward. Four Streets of residential terraces, east of Abbey Road separate the conservation area from the development site which follows along the River Wandle. It is considered that as this conservation area is further away and there are urban elements separating it from High Path, the proposed development would cause no unreasonable harm to the character and appearance or setting of the conservation area, and is therefore acceptable with this regard.

#### **8.4 Open Space Nature Conservation, Leisure and Culture**

##### **Open Space**

- 8.4.1 The NPPF (paragraph 74) states, "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
1. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  2. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  3. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."
- 8.4.2 The Mayor will support the creation of new open space in London to ensure satisfactory levels of local provision to address areas of

deficiency, according to London Plan Policy 7.18 'Protecting Open Space and addressing Deficiency'.

8.4.3 Draft Policy EP H5 (Open Space) states that development proposals must provide public open space to address the identified deficiency in access to Local Open Spaces in accordance with London Plan policy 7.18 and the Mayor's 'Play and Informal Recreation' supplementary planning guidance document (2012). Development proposals must be supported by an analysis of the current and future need for the provision of indoor and outdoor sports facilities, in accordance with Sport England's Planning for Sport Aims and Objectives.

8.4.4 The proposed development is within Wandle Valley Regional Park buffer. Policies (CS5) CS13 para 21.13 states:

In line with Chapter 15 'Wandle Valley Sub-Area - Policy 5' in creating a linked green infrastructure network, development within 400 m of the Wandle Valley Regional Park boundary will be required to consider its relationship to the park in terms of visual, physical and landscape links, to ensure that new development enhances the accessibility and attractiveness of the park. Our aspiration is to ensure the arrangement of buildings within new developments complement the existing green corridors and prevent disjointed pedestrian and cycle accessibility, removing physical barriers such as railings and built form that disrupt continuity and access into and around the park. As identified in Chapter 22 'Design - Policy 14' we will enhance the legibility and reinforce the green character of the borough.

8.4.5 Appendix 1 of the Estates Local Plan includes a plan for Areas Deficient in Access to Local Open Spaces and shows two areas at High Path, one in the north and east of Pincott Road and the second around Rodney Place.

#### Landscaping

8.4.6 The applicant proposes a 'Neighbourhood Park' extending north to south through the site from Merton High Street to High Path. This will provide approximately 7,500sq.m with children's play space incorporated into the park.

8.4.7 Each of the perimeter blocks will have communal courtyards. Balconies, terraces and gardens provide private amenity space for all units.

#### Children's playspace

8.4.8 Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter. The SPG suggests that new residential development yielding more than 10 children (as determined by the application of GLA child occupancy

estimates) should provide suitable play space as part of the development scheme.

- 8.4.9 Children's play space will be incorporated within the Neighbourhood Park and in the communal courtyards. A new landscaped public realm will also be provided throughout the masterplan areas, including along Merton High Street where the existing London Plane trees are to be retained.

#### Ecology, Biodiversity & Trees

- 8.4.10 Core Strategy Policy CS 13 seeks to protect and enhance the Borough's public and private open space. The plan states that the Council will protect and enhance biodiversity, trees and open space through supporting the objectives of the London Biodiversity Action Plans and will use Tree Preservation Orders to safeguard significant street trees.

- 8.4.11 Developments that have a significant adverse effect on the population or conservation status of protected or priority species and priority habitats will be refused.

- 8.4.12 Policy DM D2 of the Sites and Policies Plan aims to achieve high quality design and protection of amenity within the borough therefore, all development will be expected to meet the following criteria relating to open space and landscaping, ecology and biodiversity:

1. Ensure provision of appropriate energy efficient external lighting that provides safe and secure environments while not causing light pollution that adversely affects neighbouring occupiers or biodiversity;
2. Conserve and enhance the natural environment, particularly in relation to biodiversity and wildlife habitats and gardens;
3. Ensure trees and other landscape features are protected;
4. Ensure that landscaping forms an integral part of any new development where appropriate;

- 8.4.13 Development will need to integrate new or enhanced habitat or design and landscaping which encourages biodiversity. Furthermore, developments are expected to incorporate and maintain open space, play areas and landscape features, and the council will seek planning contributions in lieu of such features.

## **8.5 Transport and Highways**

- 8.5.1 The nature of this application is that all matters are reserved except for parameter plans. This means that details regarding layout, access, scale, massing, and design are not being approved as part of this application. Nonetheless, the developer submitted a Transport and Movement Strategy as part of the supporting documents with the outline planning application.

- 8.5.2 The LBM's Highways and Transport Engineers have reviewed the information submitted and have stated that there is insufficient information provided. The movement strategy initially suggested by the applicant requires extensive highways works, and without necessary research

based evidence to determine that this is the best solution for movement into, out and across the site, LBM's Transport and Highway Officers requested a detailed Highway Impact Assessment to be submitted for approval at the reserved matters stage. This assessment will consider the three or more various movement options to serve the development and the developer will have to enter into a s106 agreement to agree to the costs involved in implementing any additional highway infrastructure improvements or changes which will be necessary.

8.5.3 Furthermore, TfL have stated that they will need the developer to enter into detailed discussions with them relating to the possible relocation of the bus stops at Merton High Street and Morden Road. Although these bus stops will remain in close proximity to their existing location, moving them can produce significant costs to re-plan the surrounding infrastructure, and as such a s106 has also been included to ensure the developer covers any associated costs.

8.6 A number of residents have raised concern about parking congestion in the area. The developers' transport strategy revealed there is a parking surplus at High Path and considering it is in a PTAL 6 area, their recommendation is to reduce the number of parking spaces in the new development. This is in line with the Estates Local Plan Policy EPH3, CS18-20 of the Core Strategy and London Plan Policy 6.13, which aim to encourage users towards more sustainable modes of transport.

8.7 Officers are satisfied that the transport and movement strategy can be considered in more detail in the reserved matters stage and that the s106 Heads of Terms agreed will ensure that the applicant meets his obligations on the project to deliver a project which will be policy compliant.

## **8.8 Refuse and Recycling**

8.8.1 The Operational Waste Management Strategy has been prepared by Peter Brett Associate LLP (PBA) in support of the outline planning application. The strategy proposes the introduction of a new waste storage and collection process, the Underground Refuse Systems (URS), supported by the existing conventional system which currently operates in the Borough. URS is supported from an urban design / public realm perspective however, its operation may require a variation to the South London Waste Partnership's contract with the council's waste collection provider. As a contract variation would be outside the scope of the determination of this Outline Planning Application, the S106 heads of terms allow for both URS and conventional collection.

### **Underground Refuse System (URS)**

8.8.2 A URS would be used for storage of recycling and residual waste. At the time of collection the bins stored underground would be emptied by a vehicle with a telescopic crane, which lifts the bins out of a concrete chamber beneath the ground. The concrete chamber will be fitted with a safety platform, which rises up as the bulk container is lifted out to reduce the risk of people falling into the chamber. The URS bins will be lifted above the vehicle for emptying, with hooks on the crane being used to operate a mechanism that opens the bottom of the container so that the

waste can drop out into the collection compartment of the vehicle. The entire process can be completed by a single operator and estimated collection time is significantly reduced, compared with conventional waste collection, it can take approximately 2 to 3 minutes.

- 8.8.3 The waste storage volumes have been calculated for each block of the proposed development. The waste storage volumes have then been used to determine the most appropriate size of URS bin required for each residential block which would either be 3000 L, 4000 L or 5000 L. This is based on the proposed maximum parameters in the accommodation schedule for the outline application, up to 1570 residential units.
- 8.8.4 The total waste volume output has been calculated based on an alternating waste collection service and therefore both recycling and residual waste capacities have been calculated for fortnightly requirements. Given the large storage facilities, collection is not required as frequently as current weekly collection.
- 8.8.5 In this instance the developer will be required to pay the cost associated with the operation of the URS system including, which would include the following and is to be secured by way of s106 and is listed in the Head of Terms accompanying this report.
- i. the implementation of the proposed URS system including necessary freight, equipment and labour as required;
  - ii. the variation of contract between the South London Waste Partnership and their appointed contractor;
  - iii. the ongoing maintenance and management of the equipment and infrastructure located on Eastfields Estate which is required to operate the URS system; and
  - iv. the ongoing maintenance and management of the equipment and freight required to operate the URS system for a minimum of 5 years post 100% occupation of all residential units across the development.
- 8.8.6 As the LB Merton's waste services contract currently does not include the servicing of URS bins, this would need to be included within any revised or new contract discussions when they take place with other members of the South London Waste Partnership (SWLP) which includes Croydon, Kingston and Sutton.

### **Conventional Waste**

- 8.8.7 Conventional waste storage facilities would be provided for food waste, garden waste and bulky waste.

### **Food Waste**

- 8.8.8 Waste storage volumes for compostable (food) waste have been agreed

with Merton Council who suggest that a 23L external caddy is provided per household or 240L per 30 multi-occupancy building (minimum of 8L per dwelling in a multi-occupancy building).

- 8.8.9 For multi-occupancy buildings, Merton Council's Guidance Note for Architects states that an outdoor metal housing should be provided for food waste storage. The secure housing would restrict vandalism, odour and the potential to attract vermin.

### **Garden Waste**

- 8.8.10 Merton Council's Guidance Note for Architects (received September 2016) has been used to calculate the volume of waste storage required for garden waste of maisonettes and mews. Merton Council's Guidance Note for Architects (received September 2016) recommends that space for one 240L wheeled bin for garden waste should be incorporated into the design so if residents choose to take up this option, they can do so by joining the service for an annual fee.
- 8.8.11 For multi-occupancy buildings without private gardens, no separate garden waste collection has been assumed. Any garden waste generated with the communal areas will be removed by a private contractor as part of the maintenance plan for the building. The contractor will need to adhere to all legislation relevant to the transportation and processing of this waste.

### **Bulky Waste**

- 8.8.12 10m bulky waste store per 50 dwellings has been allowed for within the general building layout.

### **Commercial Waste Servicing**

- 8.8.13 Bin storage areas for commercial land uses will be located within each commercial unit. Commercial units will be serviced conventionally at street level by a private waste contractor. Bins will be collected from the front of the commercial unit where access is available.
- 8.8.14 These bins will be located in a store that is internal to the building and is of sufficient size to accommodate a mix of recycling and residual waste including food waste.

## **8.9 Secured By Design**

- 8.9.1 London Plan policy 7.3 aims to ensure that measures to design out crime are integral to development proposals and are considered early in the design process, taking into account the principles contained in Government guidance on 'Safer Places' and other guidance such as 'Secured by Design' published by the Police. Development should reduce the opportunities for criminal and anti-social behaviour and contribute to a sense of security without being overbearing or intimidating. Places and buildings should incorporate well-designed security features as

appropriate to their location.

- 8.9.2 The proposals include indicative security measures and lighting schemes. The details of both the security measures and lighting will be secured by condition. The Met Police are broadly supportive of the proposals and an informative regarding secured by Design accreditation is recommended.
- 8.9.3 The applicant has confirmed that the proposed development has been designed to be 'Secured by Design' compliant. The Metropolitan Police Designing Out Crime Officer has been in discussions with the applicant both at pre-application stage and during the course of this application and has raised no objections to the proposed development.
- 8.9.4 However, a number of detailed comments have been made in respect of the principles and practices of Secured by Design. These are matters that could be incorporated into the design code and the Council and dealt with in detail in the reserved matter stage. Therefore in support of the Met Police request, a condition will be applied to the application to require secured by design accreditation prior to occupation of each phase of the development.

#### **8.10 Response to neighbour consultation comments**

- 8.10.1 A comment was received from Councillor Moulton in December, requesting an extension on the period of public consultation allowed and a public forum to be held in order to question the applicant and Council Officers on the application. Officers response is as follows:
- 8.10.2 The proposal has undergone extensive public consultation conducted by the developer, Clarion, prior to submission. As documented in their Statement of Community Involvement, submitted as part of the planning application, a public exhibition was held as far back as July 2013, and then more recently, in September/October 2017, a revised outline phasing event was held.
- 8.10.3 Furthermore, the final round of consultation on the Council's Main Modifications to the Estates Local Plan was concluded 7th November 2017, and the Inspector's report is expected on this in due course. [The Inspectors report was received 18th December 2017 and the Plan has since been formally adopted in February 2018.]
- 8.10.4 Local consultation on the outline planning application has already been extended beyond the statutory duration from 21 to 28 days, and we are aiming to take the application to Committee mid-February. Therefore to extend the consultation until the end of January as you suggest, would not be feasible.
- 8.10.5 We have no objections to your constituents arranging a public meeting with the developers, and we advise that you liaise directly with the developer to that regard.
- 8.10.6 As the Councillor rightly pointed out, the statutory period of time allotted for public consultation on any planning application is 21days, whereas, considering the scale and complexity of this application, the Council used its discretion and extended the official duration to 28days plus the additional 4days which is automatically added onto letters for postage.



Furthermore, representations which have been received after this time have been recorded as part of this application and all material planning considerations have been taken into account in the assessment on this application.

## 8.11

- Housing

Addressed in section 8.5 above

- Viability

Addressed in section 8.5 above

- Density

Addressed in section 8.7.2 above

- Transport/Highways

There were about 6 comments received regarding transport and Highways issues particularly with regard to there being too little existing and the development making this worse. There were 1 or 2 comments concerned with the likely increase in traffic congestion in the area. One person was concerned with safety along Abbey Road for pedestrians, and parked vehicles, due to rat running. One person raised the point that the development offered the opportunity to improve west to east cycle route along Merton High Street and suggested LBM and developers should consult with London Cycling Campaign about the network improvements and cycle parking provision.

1 resident objects to public funds being used to mend damage to the highway as a result of construction of the development.

- Environmental Health

6 comments received regarding noise, dust, vibration likely to cause disturbance during construction. One resident was also concerned with the pollution caused by construction vehicles. Two residents also concerned with pollution due to 'canyon affect' of tall buildings, air pollution from traffic congestion in the area does not disperse as quickly. Specifically one resident stated '37m high buildings proposed at junction with Morden Road and Merton High Street, will 'act as a barrier and hinder natural dispersal of exhaust fumes at this very busy junction.'

- Design

30 objections were received regarding the proposed heights of the buildings. Local residents and businesses on Merton High Street

were particularly concerned about the overbearing buildings of 7-10 storeys fronting existing buildings on Merton High Street which are 2-3 storeys. The buildings would dominate the skyline and change the character of the area. Residents are concerned that this development would set a precedent for tall buildings in the area. The tall buildings are out of keeping with the Edwardian/Victorian Streets which surrounding the Estate. An equal number of residents and occupiers were concerned particularly with regard to the Morden Road, Merton High Street corner with South Wimbledon Station, where the development design is thought to dominate the area and be overbearing with relation to the South Wimbledon Listed Station. There were

- Conservation & Heritage

About 5 of the objections received were concerned about the impact of the high buildings in close proximity to the listed building and Roman Stane Street and Merton Priory therefore Archaeological conditions required. Concern over 'massive', 'bulky' buildings affecting the heritage asset and its setting, S. Wimbledon Underground Station.

- Light

6 objections were received with concerns regarding the loss of light as a result of the development. One resident mentioned that the internal communal amenity space courtyards did not meet BRE standards for daylight sunlight and overshadowing, while another resident commented that the retention of the mature trees along Merton High Street provided a reasonable set back from the existing buildings on the north side which would help to minimise overshadowing.

- Public/ Residential Amenity

19 objections were received regarding the impact on the amenity of existing and future occupiers. About 3 people raised a point regarding the lack of children's play space in the new development, many people were concerned about the overshadowing of the existing buildings from the development. There were 2 objections regarding overlooking but were unspecific.

- Land uses

3 objections were received regarding the proposed land uses. One was interested in the ability to deliver the appropriate quality, scale and diversity of community amenities and commercial units/activity, another raised concern over the commercial and community uses exacerbating congestion, one was concerned over the loss of the existing community uses on the site namely; on Pincott Road and the Church Hall on High Path. Furthermore, it

was stated that “even with the additional residential units, one does not see a great demand for additional retail offerings.”

- Sustainability

1 person objected to the illustrative layout of the buildings on the basis that the open plan layout makes it more difficult to heat rooms.

- Drainage/ Flooding

1 objector raised concern over the existing poor drainage of surface water and/or maintenance of drainage particularly at Merantun Way and High Path and greater mitigation needs to be considered.

- Biodiversity/ Ecology

Concern over impact on birds and other animal lives at risk by loss of trees and changes in environment Arboriculture/ Landscaping. The resident particularly mentioned the following species: green and golden Privat, Elder and Hawthorn should be retained or improved along Morden Road and High Path.

- Economy

1 neighbour objected over the Impingement on the redevelopment on the Broadway.

- Procedural

Consultation process is flawed and the application is pre-mature as the Estates Local Plan had not been adopted at the time of the application submission neither had the Inspector's report on the local plan has been made public.

- Other

1 resident stated that responses previously submitted to the Estates Plan and the phase 1 full application on the Lamp Works site should be incorporated into the considerations off this planning application. "This application is contrary to law." The application submission preceeds the Planning Inspector's report on the Main Modifications of the Local Plan being made public. Objects to the "demolition of buildings of substance", specifically Norfolk House and the Private Garages in Hillborough Close/DeBurgh House. The application should be considered in the light of 'planning guidelines' and 'consultation'.

Height of buildings will 'block the television signal'

Concern over disregard for existing private renting tenants.

The decision to redevelop the estate should have been a democratic process

Allowing existing residents to stay in the area and to be able to move into comparable new housing as the scheme progresses should be an integral part of any application.

Budget should include compensation for non-estate residents for damage caused to properties from pile driving etc.

Compensation is sought for resident freeholders who will be CPO through the process of the development.

## **8.12 SECTION 106 LEGAL AGREEMENT**

8.12.1 Planning obligations, enforced through Section 106 (S106) legal agreement (Town and Country Planning Act 1990 (as amended)), assist in mitigating the impact of potentially unacceptable development to make it acceptable in planning terms however they should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should also only be sought where they meet all of the following tests within the Community Infrastructure Levy regulations 2010:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

8.12.2 Where obligations are being sought, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. An approval subject to a S106 is not final until the S106 agreement has been completed and signed by all parties.

8.12.3 A section 278 (S278) agreement (Highways Act 1980 (as amended)) is a legally binding document between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

8.12.4 The document is prepared by the Local Highway Authority's solicitor and issued to the developer's solicitor in draft format. The details of the agreement are then agreed before the final document is completed and signed by both parties before the commencement of any work on site.

8.12.5 The agreement details what the requirements of both the Local Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Local Highway Authority may act should the developer fail to complete the works.

8.12.6 Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions". Paragraph 206 of the National Planning Policy Framework states "Planning

conditions should only be imposed where they are:

1. Necessary;
  2. relevant to planning and;
  3. to the development to be permitted;
  4. enforceable;
  5. precise and;
  6. reasonable in all other respects
- 8.12.7 Should the application be approved, there are S106 (including S278) heads of terms recommended in addition to recommended planning conditions to ensure that the development is acceptable in planning terms, and does not result in an undue impact on local parking and highways conditions from construction through operation, an undue impact on the amenities of the occupiers of the adjoining and surrounding residential and commercial properties, delivers the maximum amount of on-site affordable housing the scheme will viably allow and contributes towards sustainable energy provision and biodiversity gains.
- 8.12.8 The recommended planning conditions and S106 heads of terms are laid out further below. The relevant S106 legal agreement between LBM and Clarion shall include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations. The Committee will be provided with an updated position at the Committee meeting). Furthermore it should be noted that there must be connection between the Overarching agreement and this S106 agreement.
- 8.13 This outline permission is GRANTED subject to conditions and informatives and completion of a Section 106 Agreement with the following Heads of Terms:**

### **High Paths 106 Heads of Terms**

**The relevant S106 legal agreement between LBM and Clarion, shall include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations. The Committee will be provided with an updated position at the Committee meeting).**

**Must be connection between the Overarching agreement and this S106 agreement**

**All sums payable by the developer pursuant to the s106 agreement will be index linked**

1. **Affordable housing:** the developer to provide a minimum of
  - i. [357] social rented units, and
  - ii. [ ] affordable rented unitsall units to be available in-perpetuity to persons or households who meet LB Merton's affordable housing eligibility criteria with first priority for that

affordable housing to be given to existing tenants on the High Path Estate in line with Clarion's Residents Offer who will require rehousing on a "like for like" basis as a result of the High Path Estate redevelopment without prejudice to the existing contract between the Council and Circle Housing dated [ ].

2. **Affordable housing viability review mechanism:** the developer to undertake a viability review at specified timescales during the delivery of the development. This will identify whether the development generates any financial surplus, including through unspent section 106 contributions returned to the developer, that could be used to provide additional affordable housing to achieve policy compliance (details to be provided in full in the s106)
3. **The agreed financial viability model:** shall be consistently applied in the viability review for all phases of the development as agreed as part of the overarching s106.
4. **The baseline affordable housing specification and tenure mix schedule:** to be agreed, in line with the Statutory Development Plan.
5. **Highways works within London Borough of Merton:** the developer shall prior to first occupation of each "relevant work phase" either
  - i. complete the highway works as set out below at its own cost; or
  - ii. pay to the Council a specified reasonable contribution to be calculated by the Council

such off-site highway works which may include but not be limited to:

- i. New footways and carriageway
- ii. Revised access/crossover arrangements
- iii. Relocation/replacement of street lighting
- iv. Relocation of services, if and where necessary
- v. Drainage
- vi. Road markings and signs and related traffic management orders;
- vii. Any works required as a result of the Highways Impact Assessment;
- viii. Repair of damage caused to the highway as a result of any works related to the development
- ix. LB Merton on-street parking controls (waiting and loading):
  - a. the developer shall undertake an assessment for the waiting and loading requirements on and within the vicinity of the High Path Estate prior to [ ]/at a specified trigger to be set out in the section 106 agreement ; and,
  - b. In the event that the assessment referred to in a. above demonstrates additional demand for waiting and loading restrictions as a result of the development, to pay to the Council prior to [ ]/at a specified trigger to be set out in the section 106 agreement, such sums as are required to

address this demand which may include, but not be limited to, payments for the improvements to existing or implementation of new waiting and loading restrictions.

**6. Bus Improvements**

**a. Bus Stops:**

the developer shall

- i) undertake at its own cost and submit to the Council for its written approval a bus stop assessment for the bus stops nearest to High Path Estate, and in compliance with the GLA report dated 8 January 2018 at a specified trigger to be set out in the section 106 agreement; and,
- ii) in the event that the bus stop assessment demonstrates additional demand as a result of the development, to pay to the Council at a specified trigger to be set out in the section 106 agreement, such sums as are required to address this demand which may include, but not be limited to, payments for the relocation of bus stops and infrastructure improvements.

**b. Bus Capacity Improvements**

The developer to pay to the Council at a specified trigger to be set out in the section 106 agreement the sum of £75,000 (as Indexed) for bus capacity improvements for the bus route from North Cheam to Putney;

**7. Pedestrian Crossing Improvements:** the developer to

- a. undertake at its own cost and submit to the Council for its written approval a detailed investigation of the safety and accessibility of pedestrian and cycle routes within the vicinity of High Path Estate, in particular the pedestrian crossings between High Path Estate and Abbey Recreational Ground, at a specified trigger to be set out in the section 106 agreement;; and
- b. in the event that the investigation demonstrates that improvements are required to the pedestrian and cycle routes as referred to in (1) above to pay to the Council at a specified trigger to be set out in the section 106 agreement, such sums as are required to provide these improvements, which may include but not be limited to, signalling, lighting, carriageway and footway works, drainage and other matters..

**8. Parking management plan:** the developer to

- a. undertake and submit at its own cost an overarching parking management plan at a specified trigger to be set out in the section 106 agreement for written approval by the Council; and
- b. thereafter to submit at specified triggers to be set out in the section 106 agreement detailed parking management plans for written approval by the Council; and
- c. consult on and implement the approved overarching and detailed the parking management plans in accordance with each

phase.

**9. Highway standards:** the layout and completion of all public highways and internal estate roads must be designed and built to meet or exceed the Council's adoptable standards.

**10. Transport:**

a. **LB Merton on-street parking controls (CPZs):** the developer to

- i. pay to the Council at a specified trigger to be set out in the section 106 agreement the cost of undertaking a public consultation into the need for CPZs within the vicinity of High Path Estate and
- ii in the event that such consultation reveals a need for CPZs, pay to the Council at a specified trigger to be set out in the section 106 agreement, the cost required to carry out physical works on changes to identified to and/or implementation of new CPZ's to enable specific controls and the imposition of these controls.

b. **Exclusion of residents from existing CPZs:** No residents on the redeveloped High Path Estate, other than disabled blue badge holders, shall be entitled to apply for parking permits in existing CPZs . Permit free provisions are to be complied with for new units, including giving advance notice to occupants of permit free provisions prior to occupation of residential units; notifications of the permit free provisions are to be included within any sale or letting agreement of the residential units.

c. **Delivery and Services Plan:** the developer shall:

- i. undertake and submit at its own cost an overarching delivery and servicing plan at a specified trigger to be set out in the section 106 agreement for written approval by the Council; and
- ii. thereafter to submit at specified triggers to be set out in the section 106 agreement detailed delivery and servicing plans for written approval by the Council;

all plans to cover delivery and servicing for the residential and non-residential aspects of the development to include site waste management plans in respect of the storage and removal of refuse and recycling for all elements of the approved development and the access and egress for delivery and collection vehicles accessing the site for both residential and non-residential servicing; and

- iii. consult on and implement the overarching and detailed delivery and servicing plans in accordance with each phase.

**d. Transport Impact Assessment**

The developer shall:

- i. undertake and submit at its own cost an overarching transport impact assessment at a specified trigger to be set



out in the section 106 agreement for written approval by the Council; and

- ii. undertake at its own cost a transport impact assessment for each phase within such timescales to be specified in the section 106 agreement, such assessments to be submitted to the Council for its written approval; and
- iii. in the event that the assessments reveal a need for improvements to identified roads to either
  - 1. pay to the Council such reasonable sums required to undertake the relevant works required prior to [ ]/at a specified trigger to be set out in the section 106 agreement, or
  - 2. to complete at its own costs any such highway works required as a result.

e. **Workplace / Residential Travel Plan:** the developer shall

- i. submit to the Council the Workplace/Residential Travel Plan prior to first occupation of the residential units/workplace units for the Council's written approval on a phase by phase basis;
- ii. provide, deliver, monitor and fund the Workplace/Residential Travel Plan on a phase by phase basis;
- iii. to implement and promote to the occupiers of the workplace/residential units, the terms of the Workplace/Residential Travel plan.

f. **Electric vehicle charging points:** the developer to

- i. replace any existing electric vehicle charging points in the same place or a new position on High Path Estate such location to be agreed with the Council; and
- ii. pay to the Council any contractual penalties associated with the costs of relinquishing any third party licence agreement or other penalties.

f. **Car club:**, the developer shall

- i. provide four suitably positioned parking bays on a phased basis on High Path Estate at its own cost (such location to be determined by the Council) at a specified trigger to be set out in the section 106 agreement; and
- ii. to offer to each new resident of the High Path Estate a minimum of 2 years car club membership to be provided at the cost of the developer

**11. Works associated with utilities diversion:** Any works to divert utilities onsite (including any utilities to the boundary of the High Path Estate), including Thames Water sewer/s, shall include associated works to LB Merton highway assets including highway drainage connections.

**12. Underground Refuse System:** the developer to pay the uplift in cost (when compared to the baseline costs of existing waste services paid by the Council) associated with the operation of the URS system including:

- i. the implementation of the proposed URS system including necessary freight, equipment and labour as required.
- ii. the variation of contract between the South London Waste Partnership and their appointed contractor;
- iii. the ongoing maintenance and management of the equipment and infrastructure located on High Path Estate which is required to operate the URS system

the developer will be required to agree and enter into with the Council a URS strategy. As part of this strategy the developer will be required to pay costs attributable to the increased costs of collecting waste from High Path Estate as a result of the URS [above the base collection costs as set out in xxxx NEED POLICY REFERENCE HERE]

**13. Energy:**

i. **Energy Strategy:** the developer to bear the mitigation and management costs of compliance with the energy demands of the development, in accordance with the outcomes from the developer's energy strategy, such strategy to be submitted in advance and approved in writing by the Council.

ii. **District Heating Network:** the developer to

i. submit to the Council for its written approval prior to Commencement of Development the DHN plan which includes proposals for the design, implementation, monitoring and management of the DHN which shall demonstrate that:

1. the network is designed and operates in accordance with the relevant best practice guidance, and to include the method of connecting the phased development to the DHN;
2. the DHN shall be connected to practical nodes in the area including the Merton Abbey Primary School unless otherwise agreed in writing by the LPA;
3. alternative methods in which the development's energy demands and emissions reductions will be met, if not by the proposed DHN, within 5 years of practical completion;

ii. implement the DHN plan as approved by the Council in writing at its own cost;

- iii. design the DHN in such a way so as to futureproof the network for connection to other developments, including the emerging High School at High Path, and decentralised energy networks, subject to feasibility and viability assessments, unless otherwise agreed in writing by the Council;
- iv. ensure connection of High Path Estate to the DHN from the DHN Operational Date

iii. **Zero Carbon Contribution:**

- 1. the developer to achieve a 35% reduction on Building Regulation 2013 target emission rates and
- 2. to undertake further on-site reductions beyond the minimum 35% required on-site;
- 3. in the event that further on-site reductions are not achievable to undertake carbon reduction projects within the borough (including opportunities to undertake improvements in the Applicants existing affordable housing stock); or
- 4. pay a financial contribution to the Council.

jjj.

**14. Noise and air quality monitoring and mitigating:** the developer to:

- 1. a financial contribution towards air quality mitigation measures to improve the air quality levels required during and for a specified period following completion of the construction of each phase of the proposed development and future air quality improvements within the borough; and
- 2. a financial contribution towards mitigation measures to reduce the noise levels as is required during and for a specified period following completion of the construction of each phase of the proposed development.

**15. Re-provision of ball courts/recreational facility:**

The developer shall in respect of the two ball courts or recreational facility to be provided by the developer as part of the development;

- a. submit to the Council for its written approval:
  - i. prior to [Commencement of Phase ( )] a Ball Court/Recreational Facility Specification and
  - ii. prior to First Occupation of the Residential Units the Ball Court/Recreational Facility Management

and Maintenance Plan

- iii. prior to [Commencement of Phase ( )] submit to the Council for its written approval a Temporary Ball Court/Recreational Facility Specification and the Temporary Ball Court/Recreational Facility Management and Maintenance Plan;
- b. The two existing ball courts to be lost as a result of the development shall be:
- i. replaced by either a ball court and/or recreational facility of equal or greater size prior to occupation of []% of the residential units with at least one ball court to be provided on site with the option of another being provided adjacent to the site
  - ii. prior to either ball court being closed a temporary ball court or recreational facility of equal or greater size should be provided prior to the ball court being closed in order to ensure at least 2 ball courts/recreational facilities are provided at all times during construction. At least one temporary ball court to be provided on site with the option of another being provided adjacent to the site

and made available to the public and kept publically accessible.

**16. Re-provision of the existing community centre:**

- a. The developer shall submit to the Council for its written approval
  - i. prior to commencement of development of the relevant phase of the Development] the community centre specification for the delivery of the new community centre
  - ii. prior to first occupation of the community centre, the management and maintenance plan for the operation and future management and maintenance of the community centre;
- b. The existing Community Centre at Pincott Road to be lost as a result of the development shall be
  - i. re-provided on-site, in accordance with the approved community centre specification, to an equal or greater floor area to that existing to the satisfaction of the LPA within a specified timescale as set out in the section 106 agreement;
  - ii. made available for the use of residents on High Path Estate; and
  - iii. managed and maintained at its own cost and in accordance with the approved management and maintenance plan referred to hereof;
- c. in the event the permanent Community Centre is not completed or ready for Occupation at the time the use of the

existing Community Centre comes to an end the developer shall provide a temporary community centre or pay to the Council a sum (to be specified) to make improvements to an existing community facility within the vicinity of the High Path Estate (within three months) of the current community centre being closed or otherwise rendered unusable as a result of the development;

**17. Open Spaces:** the developer shall: a. submit to the Council for its written approval

i. prior to [Commencement of Development of each phase] the Open Space specifications for the delivery of the Open Spaces and

ii) prior to first Occupation of any of the Residential Units the management and maintenance plan for the , operation and future management and maintenance of the Open Spaces such Open Spaces to include:

- i. public realm areas on the High Path Estate (which may include children's play spaces);
- ii. the Neighbourhood Park; and
- iii. the private courtyards (which may include children's play spaces)

all of which may include children's play spaces and the developer shall

b. provide the Open Spaces in accordance with the approved Open Space specifications at relevant work phases;

c. manage and maintain the Open Spaces at its own cost and in accordance with the approved management and maintenance plan;

d. make available to the public and keep publicly accessible the public realm areas and the Neighbourhood Park

**18. Primary Care :** the developer shall

i. retain for (a specified period of time as set out in the s106 agreement). a unit or space within the development of not less than [ ] sqm for the provision of a primary care facility to service the needs of the residents of the High Path Estate and the residents on this part of the borough;

ii. to work with the Council and the NHS (for a period of not less than 2 years from First Occupation) with regard to providing an on-site facility in the unit or space referred to at i. above or to make a contribution towards the improvement of facilities within the vicinity of High Path Estate, for the provision of primary care services to meet the demands of the proposed development unless and until the NHS confirm in writing that it has no need for a Primary Care facility on High Path Estate.

iii. any such contribution payable in line with ii. above may be in the form of the costs associated with securing suitable premises which will be easily

accessible and accommodate future residents on the High Path Estate, and/or a financial contribution towards improvements of existing services to provide for future residents on the High Path Estate.

iv. Should the NHS require a primary care facility on site to ensure this is completed in accordance with a specification (to be submitted to the Council in advance and agreed with the primary care provider) within a specified period of time as set out in the Section 106 agreement.

**19. Delivery:** provisions to secure the completion of the redevelopment of the High Path Estate, delivery of works in kind and the payment of contributions set out in the Section 106 Agreement.

**20. Legal fees:** the developer to meet the Council's reasonable costs associated with drafting the Section 106 Agreement

**21. Monitoring fee:** the developer to meet the Council's costs of monitoring the Section 106 Obligations.

## **8.14 Conclusion**

8.14.1 The Development Plan supports the redevelopment of the site as part of the Merton's Estate Regeneration Project for the High Path Estate. The principle of development is therefore supported.

8.14.2 The development would represent a significant major regeneration for this part of South Wimbledon in particular and for the Borough as a whole. The report has highlighted a range of planning and housing benefits that would accrue from the development including financial and non-financial commitments as part of any s106 Agreement.

8.14.3 The proposal has been developed from masterplan stage to this current outline scheme over the past 4 years, which has resulted in substantial public consultations, including Design Panel Review and ongoing dialogue with Planning Officers.

8.14.4 The Council is satisfied that the Transport Impact Assessment, to be submitted for approval at the reserved matters stage and secured through legal agreement, will ensure the development knits seamlessly into the existing urban fabric, and that the most suitable transport and movement strategy is secured, without causing undue harm to the surrounding amenity. Furthermore, the Transport Impact Assessment will entail details to accommodate the existing primary and proposed high school on High Path.

8.14.5 The development parameters secured through the parameter plans being approved, would also result in an acceptable building envelope for each of the subsequent construction phases, planned over the long term strategic programme of the estates regeneration. It takes into account the surrounding buildings and townscape, as identified in the Officer's

assessment which has been examined within the main body of the report.

- 8.14.6 The proposal would also result in an improvement of public open space, with the introduction of the Neighbourhood Park. The Park contributes towards addressing the deficiency in access to Local Open Space, as identified at in the GIGL map, Appendix 1, of the Estates Local Plan for High Path. Local residents, workers, and visitors will be able to benefit from the recreational space, which will remain publicly accessible, secured by the Council through a legal agreement with the applicant. Notwithstanding the proposed communal courtyards which provide amenity space for residents, the Park will also provide a significant contribution towards the 4877sq.m of play/recreational space, calculated as the necessary minimum requirement for the expected child yield for the development, ages 0-18. This would be in line with Merton's Core Planning Strategy policy CS 13, The London Plan policy 3.6, and the Mayor of London's 'Play and Informal Recreation' SPG 2012.
- 8.14.7 Officers have engaged with and considered carefully the representations from those likely to be affected by the proposals and, in partnership with the applicants, have sought to identify ways of addressing or mitigating such impacts to an acceptable level through the imposition of planning conditions.
- 8.14.8 Following Reserved Matters applications, it is considered that the scheme would provide the opportunity to develop this key growth area and secure high quality urban design that achieves additional housing. The scheme would make a positive contribution to the economic, social and environmental well-being of the area.
- 8.14.9 In view of Development Plan policies, guidance set in the NPPF (2012) and an assessment of other material considerations, officers are satisfied that the proposed scheme has met in principle the requirements for a development of this size and scale in relation to the planning issues considered under the main assessment section of this report. The scheme presented will deliver a high quality and improved environment which will meet the needs of future occupiers and bring about a number of benefits for the local community.
- 8.14.10 In that context, it is considered that there are no material considerations that would warrant refusal of outline planning permission in this instance. The conditions that are recommended and the s106 obligations package that is set out would ensure that any adverse impacts of the scheme are mitigated against.

## **9. Recommendation**

- 8.15** That the Planning Committee **GRANT** outline planning permission subject to conditions, referral to the Greater London Authority (under The Town and Country Planning (Mayor of London) Order 2008)) and the completion of a s106 Agreement to include the Heads of Terms as outlined in Section 26 of this committee report.

## 10. Planning obligations

### CONDITIONS

#### COMMENCEMENT

1. **Commencement.** The development shall commence not later than three years from the date of this permission or two years from the final approval of the last Reserved Matters application, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

#### APPROVAL OF RESERVED MATTERS

2. **Approval of the details shown below (the Reserved Matters)** of development for each phase of development shall be obtained in writing from the Local Planning Authority before any development in that phase is commenced:

- Access;
- Scale
- Layout;
- Appearance; and
- Landscaping.

3. **Reserved matters time limit** No Reserved Matters approval for the relevant phase of development shall be implemented more than 2 years from the date of the final approval of any Reserved Matters application for that phase, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

4. **List of approved drawings** The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

[List of drawings and documents to follow]

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

#### PHASING

5. **Phasing strategy** Upon submission of the first Reserved Matters application, a Phasing Strategy setting out the delivery of the phases across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall confirm the order and timing of delivery of each of the



phases.

REASON: To ensure the scheme is delivered as proposed in accordance with Policies 3.5 and 7.3 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E1, EP E2, EP E3, EP E4 and EP E8 of the Adopted Estates Local Plan 2018.

**6. Delivery of non residential floorspace** Prior to commencement of each of the relevant phases of development hereby permitted, a plan linking the delivery of the quantum of non-residential floor space to the completion of the residential units within that relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the appropriate minimum amount of non-residential floor space is provided as part of the development in order to maximise delivery of employment opportunities in line with Policy 2.17 of the London Plan (2016), Policy DM E3 of the SSP Local Plan, Policy CS12 of the Core Planning Strategy 2011 and Policy EP E4 of the Adopted Estates Local Plan 2018.

#### **DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH PERMISSION**

7. Reserved Matters applications should accord with the submitted Development Parameters (Plans and Schedule) and Design Code, or such updated / replacement Development Parameters (Plans and Schedule) and / or Design Code approved in writing by the Local Planning Authority.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

#### **PARTICULARS TO ACCOMPANY RESERVED MATTERS APPLICATIONS**

8. Urban Design Strategy: Applications for approval of Reserved Matters for each relevant phase of development submitted pursuant to this permission relating to layout, scale, access, appearance and landscaping shall be accompanied by an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code. This document should also include measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of that phase of development.

REASON: To ensure good design throughout the development in line with the principles set in the NPPF (2012), Policies 3.5 and 7.3 of the London Plan (2016), Policies DM D1, DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies OEP.1, OPE.2 and EP E4 of the Adopted Estates Local Plan 2018.

**9. Energy Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by an overarching Energy Strategy for all phases. For each subsequent relevant phase of development thereafter, an updated detailed

Energy Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. The Energy Strategies shall explain:

- How the proposed design realises opportunities to include design and technology energy efficiency measures;
- The reduction in carbon emissions achieved through these building design and technology energy efficiency measures compared with the emissions permitted under Building Regulations prevailing at the time the application(s) for approval of Reserved Matters are submitted;
- The specification for any green and / or brown roofs;
- How energy shall be supplied to the buildings highlighting:
- How the buildings relate to any side-wide strategy for district heating incorporating co- or tri-generation from distributed combined heat and power; and
- Any other measures to incorporate renewables.
- Preparation of a Site Waste Management Plan to comply with Best Practice Standards. Confirm what measures will be implemented in the construction. The approved measures shall be fully implemented in accordance with the approved details prior to the first occupation of any of the residential units hereby approved. A statement of verification from a suitably qualified expert shall be provided to the Local Planning Authority and agreed in writing to confirm compliance with the provided details prior to occupation of any of the residential units hereby permitted.

REASON: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8, 5.9 and 5.11 of the London Plan (2016), Policies DM EP1 of the SPP Local Plan 2014, Policies CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**8. Ecology and biodiversity strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale, appearance and landscaping of the public realm shall be accompanied by a detailed **Ecology and Biodiversity** Strategy for approval by the Local Planning Authority prior to commencement of that relevant phase. The Ecology and Biodiversity Strategy shall explain:

- The incorporation of bird boxes, bat roosts and other wildlife features on buildings;
- The creation of wildlife habitats within the public realm, integrated into the detailed SUDS designs; and
- The management and arrangements for these features.

REASON: To ensure the development contributes to improving the ecology and biodiversity of the area in accordance with Policy 7.19 of the London Plan (2016),

Policy DM O1 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**9. Construction Environmental Management Plan** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Construction Environmental Management Plan. This document shall explain:

- The proposed Best Practice Measures to be implemented during construction to suppress dust and minimise noise and vibration associated with demolition / building works;
- A full detailed Noise and Vibration Assessment;
- The measures proposed to reduce and remove risks to the water environment and reduce flood risk during construction;
- A full Construction Logistics Plan, which demonstrates how the impact of construction vehicles would be minimised; and
- Details of proposed hours of work for construction activity.

**REASON:** To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policy 7.15 of the London Plan (2016), Policies DM EP2 & DM EP3 of the SPP Local Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**10. housing accommodation schedule** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, scale and appearance for each relevant phase of development including if built out as a single phase (other than demolition, enabling and groundworks, shall be accompanied by a Housing Accommodation Schedule. For each subsequent relevant phase of development thereafter, a detailed Housing Accommodation Schedule shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain and include:

- The type and mix of units proposed;
- Whether the units are to be provided as affordable and what tenure;
- The gross internal floor areas of each dwelling; and
- A cumulative position statement on the provision of housing.

**REASON:** To ensure the development provides an appropriate mix and quality of housing as well as providing an appropriate amount and mix of affordable housing having regard to the relevant viability assessment in accordance with the NPPF (2012), Policies 3.3, 3.4, 3.7, 3.8, 3.9, 3.11 and 3.12 of the London Plan (2016), Policies DM H2, DM H3 of the SPP Local Plan 2014, Policy CS8 of the Core Planning Strategy 2011 and Policy EP E4 of the Adopted Estates Local Plan 2018.

**12. Daylight and sunlight assessment** Applications for approval of Reserved Matters for each relevant phase of development including if built out as a single

phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout and scale shall be accompanied by a detailed Daylight and Sunlight Assessment. This document shall explain:

- a) The impact of the proposed development on daylight and sunlight to neighbouring properties;
- b) The impact of the proposed development on daylight and sunlight to properties within the development itself; and

REASON: To ensure the development has an acceptable impact on neighbouring residents and future occupiers in terms of daylight and sunlight in line with the recommendations set out in the Daylight and Sunlight Report in accordance with Policy 7.7 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

**13. Surface water drainage strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and landscaping shall be accompanied by an overarching Surface Water Drainage Strategy for all phases. For each subsequent relevant phase of development thereafter, a detailed Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. These documents shall explain:

- a) The proposed use of Sustainable Urban Drainage Systems (SUDS) to manage surface water run-off;
- b) Surface water attenuation, storage and disposal works, including relevant calculations; and
- c) Works for the disposal of sewage associated with the development.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance with Policies 5.12 and 5.13 of the London Plan (2016), Policies DM F1, DM F2 of the SPP Local Plan 2014, Policy CS5 & CS16 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

**14. Accessibility strategy** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks shall be submitted pursuant to this permission relating to layout and landscaping shall be accompanied by a detailed Accessibility Strategy for the relevant phase. This document shall explain:

- a) How the proposed public realm areas, within each relevant phase, would be accessible to all, including details of finished site levels, surface gradients and lighting;

b) How each building would be accessible to all, including details of level access and internal accommodation arrangements and access to car parking; and

c) That 10% of the overall residential dwellings hereby permitted would meet Building Regulation M 4(3).

REASON: To ensure the development is accessible and inclusive to all in accordance with Policy 7.2 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E2, EP E3, EP E4 of the Adopted Estates Local Plan 2018.

**15. Lighting Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access, appearance and landscaping shall be accompanied by an overarching Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Lighting Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

a) The lighting proposed for amenity spaces and external communal areas, including relevant justification; and

b) The proposed external building lighting.

REASON: To ensure the development is adequately lit in order to minimise the risk and fear of crime, whilst ensuring that the proposed lighting would not unduly impact on local character, amenity or biodiversity in accordance with Policies 7.3 and 7.19 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011.

**16. Refuse Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout, access and landscaping shall be accompanied by an overarching Refuse Strategy for all phases including if built out as a single phase (other than demolition, enabling and groundworks). For each subsequent relevant phase of development thereafter, an updated detailed Refuse Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

a) The storage and disposal arrangements for refuse and waste associated with the residential and commercial elements of the proposed development, including vehicular access thereto;

b) The storage and disposal arrangements for refuse and waste associated with proposed public realm areas, including vehicular access thereto;

c) The hours of proposed waste collection; and

d) A full waste management strategy with details of the location, size and the design of the residual waste and recycling container storage areas for each

residential unit

e) The operation and management of the Underground Refuse System (URS), including vehicular access thereto;

REASON: To ensure that adequate refuse storage and disposal facilities are provided, in the interests of local character and amenity in accordance with Policy 5.16 of the London Plan (2016), Policies DM D1, DM D2 of the SPP Local Plan 2014, Policy CS2 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**17. Noise and vibration mitigation strategy** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by a detailed Noise and Vibration Mitigation Strategy for the relevant phase. This document shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas. Post completion Noise Assessments are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of that relevant building.

REASON: To ensure the new buildings in the development have adequate provision against noise and vibration from existing sources and within the development in accordance with Policy DM EP2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**18. Sound insulation** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout, scale and appearance shall be accompanied by a detailed Scheme of Sound Insulation for the relevant phase. This document is designed to prevent the transmission of excessive airborne noise between the proposed residential uses proposed immediately above commercial uses and shall be submitted to and approved in writing by the Local Planning Authority. The airborne sound insulation performance shall achieve as a minimum a 10dB increase in the minimum requirements of Approved Document E of the Building Regulations. The sound insulation shall be installed and maintained only in accordance with the details so approved.

REASON: To protect the living conditions and amenity of future / new residents of the proposed development from noise attributed to the associated commercial units below in accordance with Policy DM EP2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**19. Arboricultural Impact Assessment** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by an overarching Arboricultural Impact Assessment for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Arboriculture Impact Assessment shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain how trees are to be retained, together with measures for their protection during the course of the development. If any trees are to be removed, lopped or topped, a full justification must be provided within the Arboriculture Report. This document shall also explain the total number of trees to be removed, together with details of proposed replacement tree planting, to ensure an overall increase in the number of trees across the site.

REASON: To safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policy DM O2 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP E7 of the Adopted Estates Local Plan 2018.

**20. Transport Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to layout and access shall be accompanied by a detailed Transport Strategy for the relevant phase. This document shall explain:

- a) A detailed Parking Management Strategy for that part of the development (including Car Club provision);
- b) Details of cycle parking provision for each of the proposed uses;
- c) Details of electric car charging points with 20% active and 20% passive provision;
- d) Details of pickup and drop off facilities for the school (in applications relating to the primary school only);
- e) Details of motorcycle and scooter parking;
- f) Details of pedestrian and cycle routes throughout that part of the scheme;
- g) Details of pedestrian and vehicle signage and way-finding within the development;
- h) Details of enforcement procedures for parking offences on un-adopted roads;
- i) A summary of how the approach relates to the original Transport Assessment; and
- j) A summary of how the proposed Strategy relates to the Travel Plan to be submitted under the s106 Agreement.

REASON: To ensure that adequate levels of parking are proposed, that

sustainable means of transport are encouraged and to ensure that no unacceptable increase in traffic movements result, in line with the recommendations of the Transport Assessment and in accordance with Policies 6.3, 6.9 and 6.13 of the London Plan, Policies DM T1, DM T2 & DM D3 of the SPP Local Plan 2014, Policy CS18, CS19 & CS20 of the Core Planning Strategy 2011 and Policies EP E2 & EP E3 of the Adopted Estates Local Plan 2018.

21. **Levels plans** Applications for approval of Reserved Matters for each relevant phase of the development submitted pursuant to this permission shall be accompanied by a detailed **Levels Plan** for the relevant phase. This document shall explain details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and land contamination, in accordance with Policy 5.21 of the London Plan (2016), Policies DM D1 & DM D2 of the SPP Local Plan 2014, Policy CS2 & CS14 of the Core Planning Strategy 2011 and Policy EP E1 of the Adopted Estates Local Plan 2018.

### **LAND CONTAMINATION AND REMEDIATION**

22. a) **A land contamination investigation and risk assessment**, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### **b) Site Investigation for Contaminated Land**

Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **c) Remediation**



Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### **e) Verification**

Where required, the contamination shall be fully treated and completed wholly in accordance with the approved measures in the remediation strategy. A verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority before the development is occupied or brought into use in accordance with the approved Phasing Strategy.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**23. Demolition and construction method statement** No development shall take place until a detailed Demolition and Construction Method Statement has been submitted for each of the phases of the development, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.

-measures to control the emission of dust and dirt during construction/demolition  
-a scheme for recycling/disposing of waste resulting from demolition and construction.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

## **ENERGY AND SUSTAINABILITY**

24. Carbon reduction statement Prior to commencement of any superstructure works for any phase of the development, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

25. **Non-residential floorspace carbon reduction** The non-residential floor space hereby permitted shall be constructed to achieve not less than **BREEAM 'Very Good'** (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The non residential floorspace shall not be occupied until formal post-construction stage certification has been issued confirming that not less than 'Very Good' has been achieved and this certification has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy 5.2 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

26. **Water conservation** Prior to the commencement of the relevant phase of the development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day for residential dwellings only shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.

REASON: To minimise the water use of the development, in accordance with Policy

5.15 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**27. Energy Centre** Prior to commencement of the relevant phase of the development in which the energy centre is to be situated, details and verification to demonstrate that the energy centre flue will be at least 3m above any openable window or ventilation air inlets within the new residential development within a distance of 5 times the stack height shall be submitted to and approved in writing by the Local Planning Authority. The flue shall be implemented in accordance with the agreed details prior to the first occupation or first use of buildings of any phase of development and thereafter retained and managed accordingly.

REASON: To ensure the development is sustainable and to comply with Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**28. Overheating strategy** Prior to commencement of the relevant phase of the development hereby permitted, details for the provision of an Overheating Strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is sustainable and to comply with Policy 5.3 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

## **OPEN SPACE**

**29. Open Space Strategy** Prior to the commencement of the relevant phase of the development hereby permitted, a detailed for the provision of open space within that phase shall be submitted to and approved in writing by the Local Planning Authority. The proposed open space, where it would not form part of the permanent areas of public realm, shall be accompanied by full details of the proposed approach to the landscaping, including planting plans, a schedule of plants, including plant sizes and proposed numbers, as well as details of hard landscape materials, boundary treatments and street furniture. The development shall be carried out in accordance with the Open Space Strategy prior to first occupation of any part of that relevant phase of the development and thereafter retained and maintained.

REASON: To ensure adequate provision of open space within the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

**30. Public Realm management plan** Prior to first occupation of any phase of the development hereby permitted, a **Public Realm Management Plan** shall be submitted to and approved in writing by the Local Planning Authority for that phase of development. This document shall include:

a.) Details of the contractual arrangement between the developer and the management company;

b.) Details of a scheme for waste management in the public realm;

c.) Details of proposals for landscape management in the public realm including long term objectives, responsibilities and maintenance schedules for all public realm areas; and

d.) A Maintenance and Management Plan for the non-adopted drains and SUDs systems. The Public Realm Management Plan shall be implemented as approved.

REASON: To ensure that the public realm within the development is maintained to an adequate standard, to safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

**31. Landscaping and planting scheme** No development shall take place within each phase until full details of a landscaping and planting scheme relevant to each phase has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. The approved works shall be carried out in the first available planting season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation.

REASON: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP E5 of the Adopted Estates Local Plan 2018.

### **AMENITY AND NOISE**

**32. Noise mitigation** Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with each separate commercial unit shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

33. **Deliveries** Deliveries to each of the non-residential units associated with the development shall not be undertaken outside of the hours of 07.30 hours until 21:00 hours Monday to Saturday, and 08:30 to 20:00 hours on Sunday and Public Holidays.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

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

REASON: To protect the living conditions of future residents on and around the application site in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2, DM EP2, DM E1 & DM E3 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

35. **Odour** Details of the measures to control odour from all mechanical systems serving an individual food premises shall be submitted and approved in writing to the local planning authority and implemented. The measures are subject to approval by the local authority. The system shall be designed so neighbouring premises are not affected by odour.

REASON: To protect the amenities of adjoining properties and the surrounding area, in order to comply with Policies DM D2, DM EP2, DM EP4, DM E1 & DM E3 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP E1 & EP E6 of the Adopted Estates Local Plan 2018.

## **FLOOD RISK AND DRAINAGE**

36. Non-Standard Condition:  
The development permitted by this planning permission shall be carried

out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates (ref: 32120/2010 Revision DWG 2019-PLdated February 2018). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

Non-Standard Condition:

Prior to commencement of the development hereby permitted by this planning permission, details shall be submitted to the approval of the local planning to demonstrate that finished floor levels for all residential units shall be assessed in detail and details regarding flood risk mitigation shall be submitted and approved by the Local Planning Authority. The mitigation strategy for each block shall follow this hierarchy and demonstrate that floor levels will be (i) raised above the corresponding surface water flood depth for the given block location (ii) set no lower 250mm above existing ground levels (iii) or include flood risk resistance or resilience measures up to the corresponding surface water flood depth. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

Non-Standard Condition:

The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the submitted document included within Appendix D of the FRA Addendum by Peter Brett Associates ref: 32120/2010 Revision DWG 2019-PLdated February 2018) and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's CS16 and policy DM F1 and the London Plan policy 5.12.

Non-Standard Condition:

No development approved by this permission shall be commenced until a detailed scheme for the provision of an overarching surface and foul water drainage strategy for the whole site, and each phase, has been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final detailed drainage scheme shall be designed at reserved matters stage in accordance with the outline details submitted in the AECOM Drainage/SuDS Strategy (ref: 32120/2010 Revision DWG 2019-PLdated February 2018) dated Jan 2018.

The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to sewer at the agreed restricted rate in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (the provision of attenuation volume is to be no less than 3643m<sup>3</sup>) and control the rate of surface water discharged from the entire site at a maximum rate of 101.2 l/s for a 1:100 year return period plus 40% climate change. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Green and Blue roof Condition:

Prior to the commencement of development, the detailed design, specification and planting scheme for the green and brown roofs shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved, retained and maintained in perpetuity thereafter. The Green and Brown Roofs shall be designed in accordance with the drainage and attenuation measures set out in the Flood Risk Assessment produced by Peter Brett Associates (ref: 32120/2010 Revision DWG 2019-PLdated February 2018).

*Reason: To reduce the risk of surface and foul water flooding to the*

*proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.*

**37. Ecology and demolition** No demolition of buildings or removal of trees or shrubs shall take place in any phase of development hereby permitted until up to date bat and breeding bird surveys are submitted to and approved in writing by the Local Planning Authority for that phase of development. If evidence of bat or breeding birds are found prior to demolition, specific mitigation measures should be included in any submission for the written approval of the Local Planning Authority. Development shall proceed in accordance with any approved mitigation measures.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with Policy 7.19 of the London Plan (2016), Policies DM EP2 & DM EP3 of the SPP Local Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

#### **PERMITTED DEVELOPMENT RESTRICTED**

**38.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling and to safeguard the amenity of neighbouring residents in accordance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP E1 & EP E8 of the Adopted Estates Local Plan 2018.

**39. Secured by Design** Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police SW Designing Out Crime Office, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

REASON: In the interest of creating safer, sustainable communities, in compliance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the



Core Planning Strategy 2011 and Policies EP E1, EP E2, EP E3, EP E4 & EP E8 of the Adopted Estates Local Plan 2018.

**40. Archaeology** No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under Part A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: In the interests of archaeological protection in accordance with Policies DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies EP E1 & EP E8 of the Adopted Estates Local Plan 2018.

**41. Air quality assessment** Prior to commencement of development, a detailed Air Quality Assessment Report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be at least '*Air Quality Neutral*' and an air quality neutral assessment for both buildings and transport shall be included in the report to demonstrate this.

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**42. Air pollution mitigation measures scheme** Prior to commencement of development, a scheme for air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

**43. Control of dust and emissions during construction and demolition** All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and

including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

44. **Non-Road Mobile Machinery (NRMM)** An inventory of all NRMM must be kept on-site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept onsite for inspection. Records should be kept on-site, which details proof of emission limits for all equipment. This documentation should be made available to Local Authority officers as required until completion of development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

45. **Air Quality Demolition Management Plan** ( Prior to any works commencing on site, an Air Quality Demolition Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

46. **Combined Heat and Power** Prior to occupation or use of the development the following details of the installed boiler/CHP shall be submitted to and approved in writing by the Local Planning Authority: NOx mission rates in g/kWh for comparison against the ultra-low NOx emission limits in the Borough's Air Quality Supplementary Planning Guidance Details of the servicing and maintenance of the boiler and any pollution control system.

REASON: To protect the future occupiers and neighbouring residents in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning

Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

47. Prior to any works commencing on site a scheme for protecting future users from external air pollution (Where applicable) shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of such a scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development

REASON: To protect the future occupiers and neighbouring residents in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

49. **Combined Heat and Power stack** The proposed CHP plan must have a discharge stack, which is at least 3m above any openable windows or ventilation air inlets within a distance of 5Um. Details to demonstrate compliance with this condition must be submitted to the Local Planning Authority for approval prior to commencement of the relevant phase of the development.

REASON: To protect the future occupiers and neighbouring residents from exposure to pollutant emissions from the energy centre in accordance with Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP E6 of the Adopted Estates Local Plan 2018.

### **Informatives**

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre-planning application advice service.

2. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

3. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London.

SE2 9AQ. Telephone: 020 3577 9200.

4. The application is subject to both the Mayoral and the Merton Council Community Infrastructure Levy unless an application for an exemption is made and approved.

5. If the intention is to complete tree work between the 1st March & the 31st July (inclusive) a due diligence check for nesting birds must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. Arborists should record such checks in their site specific Risk assessment. If active nests are found work should not take place until the young have fledged.

6. A due diligence check for bats and likely habitats (see attached link) must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. Arborists should carry out and record such checks in line with BS8596: 2015 surveying for bats in trees and woodland in their site specific risk assessment. If bats or potential roosting features are found work must not start until an appropriately licenced bat handler has been engaged.

7. The developer should consult with Thames Water with regard to whether any offsite reinforcement of the foul water drainage network is required. Copies of the correspondence should be provided for the Council records.

8. Surface Water Drainage: It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development We recommend that developers should: Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/29740\\_1/s\\_cho0804bibr-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/29740_1/s_cho0804bibr-e-e.pdf)

Refer to the Environment Agency Guiding Principles for Land Contamination for the Type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

<https://www.gov.uk/government/publications/managing-and-reducinglandcontamination>

Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and End 5 installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site. A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out.
- In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.
- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs.
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.) 8. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.

9. In the event that asbestos containing materials (ACMs) are discovered, details of the contractors with their plan of work detailing the method of removal of ACMs in compliance with current legislation shall be submitted to the HSE.

10. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

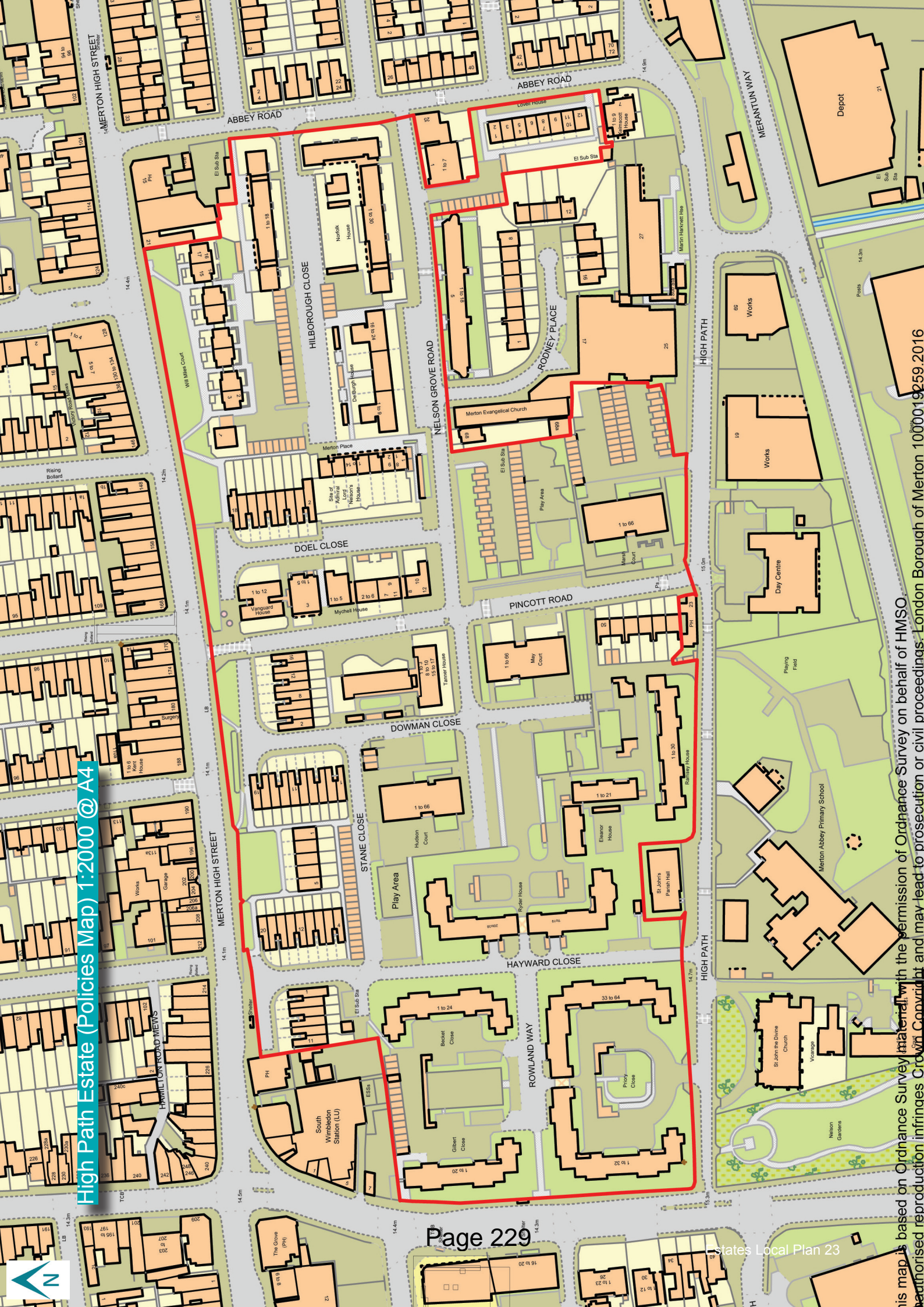
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[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load



High Path Estate (Policies Map) 1:2000 @ A4



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## PLANNING APPLICATIONS COMMITTEE 8 MARCH 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P1718	16/11/2017
<b>Address/Site</b>	Ravensbury Estate, Morden, CR4 4DT
<b>Ward</b>	Ravensbury

**Proposal:** Outline planning application (with layout, scale and access for approval, expect in relation to parameter plans for height) for the regeneration of the Ravensbury Estate (on land to the west of Ravensbury Grove) comprising the demolition of all existing buildings and structures; erection of new buildings ranging from 2 to 4 storeys providing up to 180 residential units (C3 Use Class); provision of replacement community centre (up to 160 sqm of Use Class D1 floor space); provision of new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking) and car parking spaces, together with associated highways and utilities works. Landscaping works are also proposed to the east of Ravensbury Grove and along Hengelo Gardens.

**Drawing Nos** 0100 REV E, 0113 REV E, 0114 REV G, 0115 REV D, 0151 REV E, 0152 REV D, 0153 REV D, 0101 REV E, 0113 REV E, 0114 REV G, 0115 REV D, 0121 REV D, 0151 REV E, 0152 REV D & 0153 REV D.

### Documents Submitted;

- Application Form and Certificates Nov-17
- Site Location Plan Nov-17
- Drawing List Feb-18
- Town Planning Statement (including Affordable Housing Statement and draft s106 Heads of Terms) Nov-17
- Open Space Table (Para 4.23) Feb-18
- Design and Access Statement (including Open Space, Lighting and Refuse Strategy) Nov-17
- Design and Access Statement Errata Sheet Nov-17
- Design Code Feb-18
- Townscape and Visual Impact Study Nov-17
- Townscape and Visual Impact Assessment Letter Feb-18
- Air Quality Assessment Nov-17
- Technical Note – Amendments to the Air Quality Assessment from the Maximum Parameters Accommodation Schedule Nov-17
- Statement of Community Involvement Nov-17
- Socio-Economic Analysis Nov-17
- Technical Note – Amendments to the Socio Economic Assessment from the Maximum Parameters Accommodation Schedule Nov-17

- Health Impact Assessment Nov-17
- Health Impact Assessment Addendum Dec-17
- Sustainability Statement Nov-17
- Energy Statement (incorporating Overheating Assessment) Nov-17
- Energy Technical Note Nov-17
- Daylight and Sunlight Assessment (incorporating Overshadowing Assessment) Nov-17
- Daylight and Sunlight Assessment Technical Note Feb-18
- Updated Flood Risk and Drainage Assessment (Issue 4) Feb-18
- Transport Assessment (including Parking Provision and Management, PERS Audit, and Framework Construction Logistics Plan) Nov-17
- Framework Residential Travel Plan Nov-17
- Arboricultural Impact Assessment Feb-18
- Preliminary Ecological Appraisal Nov-17
- Noise Impact Assessment Nov-17
- Demolition and Construction Management Plan Nov-17
- Utility Infrastructure Report Nov-17
- Heritage Assessment (incorporating Archaeological Assessment) Nov-17
- Ground Condition Assessment (Contamination and Stability) Nov-17
- Parking Management Plan Nov-17
- Response to GLA comments Dec-17
- Response to GLA Stage 1 Energy Comments Dec-17
- Overarching approach to energy Dec-17
- Letter Response to GLA Stage 1 Report Feb-18
- Response to TfL Comments Jan-18
- Existing and Proposed High Ways Adoption Overlay Nov-17
- Ravensbury Financial Viability Assessment Sep-17
- Merton Estate Regeneration Programme Financial Viability Assessment Sep-17
- Merton Estate Regeneration Programme Financial Viability Assessment - addendum report Nov-17
- Financial Viability Assessment Summary Report Dec-17
- Merton Estates Housing Tenure and Mix Dec-17
- Net Uplift in Units by Tenure based on Illustrative Maximum Accommodation Schedule Dec-17
- Merton Estates Project - Habitable Room and Floorspace Information for GLA Dec-17
- Internal Layout and Vehicle Movement Strategy Jan-18
- Sports Facilities Assessment Dec-17
- Sports Facility Assessment Dec-17

**Contact Officer:** Awot Tesfai

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## **RECOMMENDATION**

Grant Outline Planning Permission subject to s106 legal agreement and conditions.

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## **CHECKLIST INFORMATION.**

- Heads of Agreement: See section 29 for full heads of terms.
- Is a screening opinion required: No
- Is an Environmental Statement required: Yes
- Has an Environmental Statement been submitted: Yes
- Press notice: Yes

- Site notice: Yes, 30, including advertising conservation area and departure from policy
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 8,323 property addresses across Merton including 653 property addresses in the vicinity of Ravensbury Estate
- External consultations: Greater London Authority (GLA), Transport for London (TfL), Environment Agency (EA), Sport England (SE), Department of Communities and Local Government (DCLG), London Borough of Wandsworth Council (LBW), Network Rail, Metropolitan Police, NHS England, Merton CCG, Historic England Greater London Archaeological Advisory Service, British Telecom, National Grid, Natural England, Thames Water, London Power Networks, Woodland Trust; Friends of Ravensbury Park; Wandle Valley Regional Park Trust; Wandle Industrial Museum; Watermeads Residents Association; Ravensbury Residents Association; Merton Centre for Independent Living; Wandle Valley Forum; Canal and Rivers Trust, London Boroughs of Lambeth, Croydon, Wandsworth, Sutton and the Royal Borough of Kingston upon Thames.
- Conservation Area: yes , a small part of the site is within The Parks sub-area of the Wandle Valley Conservation Area
- Public Transport Accessibility Level (PTAL): Level 3 (moderate)/2 (poor) on the TfL Information Database (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility)

## **1. INTRODUCTION**

- 1.1 This application seeks outline planning permission with some matters reserved (appearance and landscaping) for the regeneration of Ravensbury Estate as set out in the development description. The parameter plans submitted for approval set out the height parameters. It is intended that the Design Code provides principles for the development through the Reserved Matters stages.
- 1.2 The application is brought before PAC due to the development being a departure from the development plan with regards to Ravensbury being located with a Flood Zone 3. Furthermore, Officers consider it is appropriate for the development to be determined by Committee due to the scale and complexity of the proposals which concern the Council's involvement in subsequent purchase notices being served. This major Outline Planning Application is referable to the Mayor of London for any further direction.

## **2. SITE AND SURROUNDINGS**

- 2.1 The Ravensbury Estate covers a total area of 4.58 hectares (including the buildings which are to remain and the first phase which has secured a separate planning permission (ref: 16/P1968)). The outline application site comprises 3.21 hectares. The estate is situated alongside the River Wandle, between Morden Hall Park and Ravensbury Park with Morden Road wrapping around its western and northern perimeters.

- 2.2 Ravensbury Estate was originally constructed between the late 1940s and mid 1950s as part of the post-World War II housing boom, ownership and management of the Estate was acquired by Circle Housing Merton Priory in 2010 as part of a Housing Stock Transfer Agreement (HSTA) with London Borough of Merton
- 2.3 The existing site comprises of private gardens to houses and green spaces surrounding the flatted blocks. The Estate, as a whole, consists of 192 existing residential units (of which 97 are located within the outline application boundary), which are a mixture of two storey semi-detached and terraced family sized houses and two storey flats. The phase 1 site including a three and four storey 'walk up' maisonette flat / block (known as Ravensbury Court), which lies on the eastern side of Ravensbury Grove are not included within the outline application boundary. In addition the properties on Hengelo Gardens and 56 to 62 (evens) Ravensbury Grove are being retained and are not included in the outline application boundary.
- 2.3 There is also an existing community room on the estate (within the outline application boundary), situated at ground floor level, along Ravensbury Grove (western side). The community room provides approximately 84.5 sqm of floorspace. Surrounding the residential properties are areas of amenity grassland, informal planting beds, scattered semi-mature trees and hard standing consisting of pavements, roads and car parking. Located at the southern corner of the Estate there are a number of garages that are in disrepair and are not in use (these formed part of the first phase which as noted has secured planning permission separately).
- 2.4. The site is conveniently located a short walking distance from a number of bus stops, which are served by bus routes to a range of destinations. There are six bus routes and a night bus route that serve the site. Belgrave Walk and Phipps Bridge Tramlink stops are also located within 500m walking distance. Morden Underground Station is a 15-minute walk from the site. The site has a PTAL rating of up to 3 providing a moderate level of access to public transport links.
- 2.5. The vehicular access into the site is from Ravensbury Grove, which runs north to south through the Estate. Ravensbury Grove is an internal road, which is connected at the north to Morden Road that forms one of the main vehicular access roads within the area. The site is accessible on foot either from along Morden Road or from the pedestrian footpath along the edge of the River Wandle. Further afield there is also an existing pedestrian bridge over the back-channel connecting the estate to the footpath along the edge of the River Wandle.
- 2.6. The surrounding area predominantly comprises brick built two storey houses both to the north and the opposite side of the river. To the north-east of the site is a cluster of light industrial buildings ranging from three to five storeys in height. North-west of the site is Morden Hall Park and to the south-east is Ravensbury Park, both providing extensive publically accessible green open spaces and play opportunities. The Estate is located in close proximity to

many local amenities, which can be accessed on foot, for example, a small shopping parade is located immediately outside of the site along A239 Morden Road.

- 2.7 The Estate forms one of the three housing estates allocated for development in the Estates Local Plan DPD. The LBM Policies map shows that the site falls within an Archaeological Priority Zone and a small section of land that runs along the eastern part of the site is identified as Wandle Valley Conservation Area. There are also grade II listed buildings in the vicinity of the Site as well as locally listed buildings. The site falls within Flood Zones 2 and 3. To the south, there is a small area of designated Open Space (on the first phase site – outside the outline application boundary), and adjacent to the Estate to the south is a Green Chain, Metropolitan Open Land and the Wandle Valley Regional Park buffer. The area to the south and east of the Estate is designated Local Nature Reserve, Metropolitan Open Land, and Metropolitan Site of Importance for Nature Conservation, Open Space and Green Corridor.

### 3. **CURRENT PROPOSAL**

- 3.1 The Outline Planning Application seeks permission with some matters (appearance and landscaping) reserved. Outline planning permission is sought for the following; Layout, Scale; and Access.
- 3.2 The application seeks approval for up to 180 residential homes and up to 160 sqm of community (use class D1) floor space. The proposal also provides an illustrative scheme of 173 homes; however it is expected that through detailed design work and depending on the housing mix within the proposed flatted blocks this could potentially increase to 180 homes. It is worth noting that the proposal demonstrates an Illustrative accommodation schedules for the 173 unit and an Illustrative Maximum scheme of 180 units, as shown within the application submission. The internal layouts of the homes and community space will be developed further at Reserved Matters stage; however, indicative unit layouts are included within the design code.
- 3.3 Following EA consultation, amendments have been received which have resulted in most of the proposed properties located within the central, lower, part of the site to be raised from finished floor level in order to achieve EA's required flood risk mitigation measure. Overall the raised levels do not significantly affect the layout scale and massing of the proposed development, while reducing flood risk. The proposal as such has not significantly altered from the initial masterplan that was discussed at the 'Design Review Panel' on September 2016. As such the revised proposal which comprises of modest level adjustments would not have a serve impact on the character and appearance of the wider area in context with Ravensbury Park, Morden Hall Park, Wandle Valley Conservation Area or Morden Road and the scheme would be regarded acceptable in form, scale and visual amenities.

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

- 4.1. Overall there are 14 planning applications within Ravensbury Estate as a whole which also includes properties along Ravensbury Grove and Hengelo Gardens. The most significant planning applications other than minor works are noted below in reverse chronological order;
- 4.2. **16/P2354** (Full Planning Permission) - Land at Ravensbury Grove Mitcham - PROVISION OF 36 TEMPORARY PARKING SPACES ON GRASS VERGES AND LAND WITHIN THE CURTILAGE OF NUMBERS 2-18 AND 36-50 RAVENSBURY GROVE ON EITHER SIDE OF THE ROAD, WITH DROPPED KERBS, VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING – Grant Permission subject to conditions - 15/05/2017
- 4.3. **16/P1968** (Full Planning Permission) - 64-70 Ravensbury Grove, Ravensbury Garages and adjacent Land Mitcham - DEMOLITION OF GARAGES ON RAVENSBURY GROVE AND EXISTING FLATS AT 64-70 RAVENSBURY GROVE AND THE REDEVELOPMENT OF SITE TO PROVIDE 21 RESIDENTIAL UNITS (C3 USE) - COMPRISING 14 x FLATS AND 7 x DWELLINGHOUSES WITH THE 14 FLATS WILL BE SPLIT INTO 2 x PART THREE, PART FOUR STOREY BUILDINGS. PROVISION OF ASSOCIATED VEHICULAR ACCESS, PARKING, CYCLE AND REFUSE STORAGE AND LANDSCAPING – Grant Permission subject to S106 and conditions - 09/05/2017
- 4.4. **08/P2084** (Outline Planning Application) - Garages adjacent 11 Ravensbury Grove - OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF 9 THREE STOREY HOUSES (7 X 3 BEDROOM AND 2 X FOUR BEDROOM) ON THE SITE OF DISUSED GARAGES (ACCESS LAYOUT AND SCALE TO BE CONSIDERED) – Withdrawn by applicant - 03/10/2008
- 4.5. **MIT2957** (Retrospective) - 11 Ravensbury Grove Mitcham - 40 LOCK UP GARAGES – Grant permission subject to conditions - 16/03/1957.
- 4.6. **MIT4673** – (Retrospective) 11 Ravensbury Grove Mitcham - 32 LOCK UP GARAGES – Grant Permission subject to conditions - 29/04/1963
- 4.7. **MIT2095** (Retrospective) - 26 Ravensbury Grove - ERECTION OF 29 AGED PERSONS DWELLINGS AT RAVENSBURY ESTATE – Grant permission subject to conditions - 26/08/1953.

#### 5. **CONSULTATION**

- 5.1. This Outline planning application was the subject of the following consultations;
- Conservation Area Consultation;
  - (Majors) Outline Planning Application Consultation;

- (Majors) Advertised as a departure application for public consultation.
- Site and press Notice - 30 site notices were displayed within and around the Ravensbury estate, advertising the planning application as above

## 5.2. **External Bodies**

- Crime Prevention Design Adviser
- Environment Agency
- Greater London Authority
- Historic England
- Greater London Archaeological Advisory Service
- Transport for London (TfL),
- Sport England
- Department of Communities and Local Government
- Metropolitan Police,
- NHS England,
- Merton CCG, Historic England Greater London Archaeological Advisory Service,
- British Telecom,
- National Grid,
- Natural England,
- Thames Water,
- London Power Networks, Association
- Woodland Trust;
- Friends of Ravensbury Park;
- Wandle Valley Regional Park Trust;
- Wandle Industrial Museum;
- Watermeads Residents Association;
- Ravensbury Residents Association;
- Merton Centre for Independent Living;
- Wandle Valley Forum;
- Canal and Rivers Trust
- London Boroughs of Lambeth, Croydon, Sutton, Wandsworth and the Royal Borough of Kingston upon Thames

## 6. **REPRESENTATIONS**

### 6.1. **Statutory Consultees**

- 6.1.1. **Environment Agency:** No objection subject to conditions The proposal has undergone significant changes in terms of raising the height of the proposed buildings in order to meet the Environment Agencies regulations of 1 in 100 years Climate Change + 300mm Freeboard. Following revised drawings and further consultation with the EA it was considered that EA are now satisfied with the proposed scheme and have no objections on the proposed re-development at Ravensbury Estate - Subject to the imposition of eight recommended conditions) relating to carrying out the development in

accordance with the Flood Risk Assessment, floodplain compensation scheme, finished floor levels de-risking and mitigating water contamination. These conditions are listed as Planning Conditions 12-20 not including Condition 15 at the end of this Committee Report.

6.1.2. **Greater London Authority:** The application is referable under the following categories of the Town and Country Planning (Mayor of London) Order 2008:

6.1.3. The GLA's Stage 1 recommendation states the following:

**'The principle of the comprehensive estate renewal**, which increases overall housing delivery, is supported'. The application would be fully compliant and in accordance with the Current London Plan if the following concerns are addressed;

**Estate regeneration and affordable housing:** The estate regeneration results in an uplift in affordable housing with replacement homes being provided on an equivalent basis. The applicant's viability assessment will be robustly interrogated to ensure the maximum amount of additional affordable housing is provided. Review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG will be secured.

**Community use:** The re-provided community facility must be secured in accordance with Policy Si of the consultation draft London Plan 2017.

**Urban design:** The overall design strategy is supported plans and design code demonstrates that a suitably high residential quality, amenity provision and public realm would be achieved. The scheme would preserve existing heritage assets. Robust conditions are required to secure the design commitments made by the applicant.

**Climate change:** Further information is required, including scope for further carbon savings, before an appropriate contribution to the Council's carbon offset fund is secured. Details of the drainage strategy also need to be secured by condition.

**Transport:** Further information is required in relation to trip generation assessment, bus stop assessment and cycling infrastructure improvements, together with a number of mitigation measures, conditions and obligations.

**GLA Energy comments** No objections, all items can be considered closed.

6.1.4. **Transport for London:** No objections raised from TfL; In summary, TfL welcome further discussions with the applicant and Merton Council on a range of issues including the TRICS assessment and outputs, bus stop relocation on Woodstock Way, bus stop assessment, Draft London Plan cycle parking standards and cycle infrastructure improvements.

6.1.5. **Sports England:** No objections



- 6.1.1. **National Trust:** No objections raised.
- 6.1.6. **Historic England / Greater London Archaeological Advisory Service:** It is recommended that there is a discernible on-going archaeological interest with the site mainly in respect of the prehistoric and industrial period potential of the area. Having reviewed the available information it is recommended that the archaeological interest can be conserved by attaching recommended conditions. On other matters Historic England have considered the application and do not wish to offer further comments In accordance with the Handling Heritage Applications Direction 2015 and the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 6.1.7. **Historic England/Development Management:** Specialist staff at HE have considered the information received do not wish to offer any comments on this occasion. As such HE have advised that this application should be determined in accordance with national and local policy guidance, and on the basis of the Councils specialist conservation officer.
- 6.1.8. **London Borough of Croydon:** no objections It is considered that whilst the proposals constitute a Major development as the proposals are a significant distance from the Borough boundary, the Council would not wish to comment on the proposals.
- 6.1.9. **Royal Borough of Kingston upon Thames:** No Objections raised.
- 6.1.10. **London Borough of Sutton:** No Objections raised.
- 6.1.11. **London Borough of Wandsworth:** No objections raised.
- 6.1.12. **London Borough of Lambeth:** No Objections raised.
- 6.1.13. **London Fire and Emergency Planning Authority:** No Objections raised.
- 6.1.14. **Metropolitan Police (Crime Prevention):** Having reviewed the design and layout of the application and taken into account the provisions of ADQ, there is no reason why this development would not be able to achieve the Secured by Design Gold or Secured By Design Silver awards. If planning permission is granted, I would like to seek to have a planning condition requiring that this development achieve Secured By Design accreditation.
- 6.1.15 **Network Rail:** No comments received
- 6.1.6 **Thames Water:** No objections “Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the

line of, or would come within 3 metres of, a public sewer – Thames Water have recommended informative to be attached to any such consent”.

**6.1.7 Canal & River Trust:** No objections The Trust does not own or manage the River Wandle, which we would expect to be in riparian ownership, therefore the Trust raises no objections to this Outline Planning Application.

## 6.2. LBM Consultees

6.2.1. **Environmental Health - Noise and Land Contamination:** No objections to the proposed scheme subject to the imposition of recommended conditions.

6.2.2. **Environmental Health - Pollution (air)** The proposed waste management system seems to be aesthetically pleasing, no objections raised subject to the imposition of recommended conditions.

6.2.3. **Environmental Health Waste** - A full waste management strategy with details of the location, size and the design of the residual waste and recycling container storage areas for each residential unit is required with this planning application. No objections raised subject to the imposition of conditions that captures the above.

6.2.4. **Transport & Highways** - No objections raised, however the development will require full Transport & Highways input and consultation regarding any areas of interaction and alteration of the existing public highway at reserved matters stage.

6.2.5. **Tree Officer** – Had initially raised some concerns with the survey of the existing trees and some of the tree works proposed to facilitate the proposed development. The applicants have since addressed the concerns the tree officer has noted the applicants revised plans. There are no further objections from the Councils tree officer however there were points raised that some of the trees along the northern part of Morden Road should be retained. As landscape is a reserved matter these aspects will be further examined at the reserved matters stage. Furthermore conditions have been attached to any such consent.

6.2.6. **Open Space and Biodiversity** – No objections subject to the imposition of conditions and informatives requesting further details to be submitted at reserved matters stage.

6.2.7. **Children’s Play Space** - Any doorstep play proposed within the public realm areas needs to be designed in accordance with the Mayor of London’s Play and Informal Recreation SPG and must be safely accessible. The applicant’s use of a 400m radius is not an adequate calculation as it doesn’t take into account the actual walking distance from the site for children. Approximate ‘actual walking distance’ from the estate to the play space in Ravensbury Park is between 320m and 618m. It was noted that there are a variety of play equipment’s at Ravensbury Park for all ages. The proposal would also provide informal play spaces around the public open spaces as well as with private courtyards. This

would also be further scrutinized at the reserved matters stage with the submission of more detailed plan drawings and documents.

- 6.2.8. **Economic Development** – Welcomes the study undertaken by Peter Brett on Health and Socio-Economic considerations, in particular that the development will introduce quality housing and dedicated open space that supports health and well-being in the community. Both estates are in deprived wards and new stock of this kind is welcomed. The economic benefits, particularly around local spend of new residents; council tax, disposable income and CIL are significant positives for the development and good for Merton in general.
- 6.2.9. **Energy & Sustainability** – The applicant has provided a clear commitment to achieving carbon emissions reductions compared to Part L 2013 and indicated that the development will be designed in accordance with the energy hierarchy detailed under Policy 5.2 of the London Plan. The applicant has indicated that 8% of the domestic emissions reductions will be achieved via energy demand reduction, which would demonstrate compliance with the fabric first approach (i.e. secure emissions reductions via energy demand reduction first, prior to exploring other methods of emissions reduction).
- 6.2.10. The applicant has acknowledged the requirement to achieve zero carbon standards and has indicated that carbon emissions reduction equivalent to a 39.5% improvement on Part L 2013 will be achieved on-site. This exceeds the current minimum requirement for onsite emissions reduction detailed under Policy 5.2 of the London Plan.
- 6.2.11. The submitted energy statement indicates that non-domestic development will also comprise a proposed community centre but there has been no inclusion of emissions information for non-domestic sources. This information should be included in the submitted energy statement at reserved matters stage. No objections subject to the imposition of conditions.
- 6.2.12. **Street Works:** No objections raised to this outline planning application.
- 6.2.13. **Urban design:** The proposal would be further assessed through detailed drawings at reserved matters stage in order to assess the appearance of the proposed buildings. Urban Design Officers would play an instrumental part in further assessments relating to appearance.
- 6.2.14. **Conservation & Urban Design:** No objections overall to the proposed development, however the proposed block on the northern part of the site along Morden Road would need to be carefully designed in terms of its appearance and ensure sympathetic style of appearance and consideration to adjoining statutory listed and locally listed buildings.
- 6.2.15. **Drainage and Flooding:** comments to follow
- 6.2.16. **Housing Needs:** Have raised no comments, although earlier discussions with Officers noted the following; Merton needs another 11,130 homes over the next 10 years, or 1,113 per annum, to meet the needs of

population growth (or 1,600 p.a. after market-signal adjustment). There is a need for 8,681 additional affordable homes in the borough over the next 10 years, or 868 per annum (backlog of need at 2017 + estimated newly arising need, minus estimated new lets and re-lets between 2017-2027). The proposal would provide a re-provision of the affordable housing units mostly through Social Rented units, which is considered the most favoured tenure of affordable housing. The proposal would also provide an adequate mix of units and an appropriate amount of three beds to be allocated social rented affordable housing. In this instance the proposals would be acceptable in terms of housing needs.

6.2.17. **Public Health:** We welcome that the Health Impact Assessment has looked at the affect of vulnerable families and individuals more during the regeneration and welcome that Clarion Housing have commissioned Merton Centre for Independent Living (MCIL) to help investigate how to best contact, support and accommodate disabled people and other vulnerable groups. More importantly that this research will inform not only their rehousing processes but the continued engagement of this this section of the population throughout the regeneration work and beyond. We welcome that the HIA has looked at the health benefits to the surrounding area also. We welcome the inclusion of the Monitoring section the HIA

6.3. **Neighbour Consultees**

6.3.1. Letters were sent out to 8,323 property addresses within Merton advertising the three Outline Planning Applications at Ravensbury, Eastfields and High Path. Of these, 653 neighbouring property addresses to Ravensbury Estate were consulted on this application. 5 representations in total have been received.

6.3.2. Of the 5 representations received, 4 have objected to the proposal on the following grounds, which are summarised in, '*Table 1: Objections Received*' and responded to where appropriate; otherwise assessed under the '*Assessment*' section of this report:

6.3.3. One letter of support has been received for the proposed redevelopment of the Ravensbury Estate. The letter of support was received by a resident on the estate (225 Morden Road, Mitcham). This resident is in support of the proposed scheme and regards the whole process to have taken too long.

**Table 1: Objections Received**

Objections received	Officers response
Objections on behalf of the Tree Warden Group Merton to this outline application, which not only proposes felling of a substantial number of existing trees within the site that enhance and contribute to the	The proposed arboriculture assessment showing tree works has been assessed by the Councils Tree Officer. With reference to Plan Number 02015P_TPP_01F which relates to a tree protection plan, the

<p>character of the area but also proposes to fell or carry out works to trees on the boundary within the neighbouring Ravensbury Park.</p>	<p>proposal only 'Fell' two trees that are sited by Ravensbury Park entrance from Morden Road, this to facilitate the proposed development. The proposal also shows that a significant number of trees would be provided through the site and boundaries to ensure adequate coverage of green landscape and integration with the natural landscape at Ravensbury park. As landscape is a reserved matter this would be further examined at reserved matters stage.</p>
<p><b>Objection:</b> The proposal would adversely affect the estate, by changing its character. At present the extensive shared lawns and trees make it a pleasant place to live. There would be a corresponding loss of privacy, disturbance, and it is also likely to cause traffic and parking problems in the vicinity. In addition, the local infrastructure is not adequate to service the proposed development.</p>	<p>The plans shown in the proposed open space strategy reveals that there is a significant amount of open space proposed at Ravensbury. Currently the existing open space on Ravensbury comprises of 3880.4sq.m and the proposal would exceed this existing quantity of open space to provide a total of 6858.3sq.m of public open space on the estate. The proposal has been adequately designed in terms of scale, massing, relationship with neighbouring adjoining properties (as assessed in the main body of the officers report) and is not considered to cause a loss of privacy or disturbance on the amenities of existing or future occupants.</p> <p>The level and provision of parking for this proposed development is considered appropriate and compliant with policy. TfL have also been consulted and raise no objection on the transport and vehicle parking elements of the proposed development.</p> <p>The proposal would provide upgraded modern re-provision of the existing community centre which is currently in food use by residents of the estate and this would. As such the need for infrastructure has been recognised and is being improved and retained as</p>

	a necessary facility.
The proposed development would affect the character and appearance of Ravensbury as the buildings would be built too high.	The proposal is considered to be modest in scale, proportion, and height and would not be higher than the surrounding neighbouring trees, as such the proposal would not be considered to have a significant impact on the character and appearance of Ravensbury or the adjoining neighbouring surrounding.
Objection to the loss of green open space on the southern side of the site by Hengelo Gardens.	The removal of this small section of green space is considered modest and would not be highly visible or noticeable in its current location given that this is tucked away on the south-eastern side of Hengelo Gardens. The purpose of removing this minor part of the green space is to provide a turning head for vehicles on Hengelo Gardens. The need for such works has come out of consultation with local residents and in the interest of public highway safety. The works are considered part of overall highway improvements in the area. Furthermore, given that there would be additional open space provision in this area it is not considered that this modest loss of existing green space would have a significant impact on the wider ecology, biodiversity or nature conservation of the area.
Morden road is a very busy road, which often has accidents on (one happened just yesterday) and you are now suggesting to build even closer to the actual road. This will lead to fatalities without doubt,	This is fully noted and as part of the s106 heads of terms officers have applied the following terms; <u>Traffic Calming Measures</u> : the developer to introduce traffic calming to keep vehicle speeds low along the junction of Morden Road and Ravensbury Grove.
The visual aspect of these high rise flats is not something of the future but something very ugly & uninviting which would have been built many years ago. It will only attract the wrong type of resident.	The proposals seek to respect the form, scale and grain of the surrounding area, and would make a positive contribution to the character of the area and wider townscape. The proposed buildings vary in height from 2 to 4 storeys. The four storey buildings are focussed towards the

	<p><b>corners of the site adjacent to Ravensbury Park and opposite the Surrey Arms Public House, and along Ravensbury Grove, the three storey buildings are focussed along edges of the site on Morden Road and the two storey dwellings are situated towards the centre of the site. Proposed heights respond to the context of the site and the existing buildings on the Estate which are also between 2 and 4 storeys.</b></p>
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## **7. POLICY CONTEXT**

### **The London Plan (2016)**

7.1. The London Plan (2016) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital for the next 20-25 years. The policies relevant to this application are:

- 2.3 Growth Areas and coordination corridors;
- 2.6 Outer London: vision and strategy;
- 2.7 Outer London Economy; 2.8 Outer London Transport;
- 2.13 Opportunity and intensification areas;
- 3.1 Ensuring Equal Life Chances for All;
- 3.3 Increasing housing supply;
- 3.4 Optimising housing potential;
- 3.5 Quality and design of housing developments;
- 3.6 Children and young peoples play and Informal Recreation Facilities;
- 3.7 Large residential developments;
- 3.8 Housing choice;
- 3.9 Mixed and balanced communities;
- 3.10 Definition of affordable housing;
- 3.11 Affordable housing targets:
- 3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
- 3.13 Affordable housing thresholds;
- 3.16 Protection and enhancement of social infrastructure;
- 3.18 Education Facilities;
- 5.2 Minimising carbon dioxide emissions;
- 5.3 Sustainable design and construction;
- 5.7 Renewable energy;
- 5.13 Sustainable drainage;
- 5.15 Water use and supplies;
- 6.2 Providing public transport capacity and safeguarding land for transport;
- 6.3 Assessing effects of development on transport capacity;
- 6.7 Better Streets and Surface Transport;
- 6.9 Cycling;

- 6.10 Walking;
- 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 and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.2 Planning Obligations;
- 8.3 Community Infrastructure Levy;

7.2. The new consultation **draft London Plan 2017-18** is in consultation until 02<sup>nd</sup> March 2018. Following the close of the consultation period, the next formal step will be the holding of the Examination in Public (EiP). This will be led by an independent panel, which is expected to take place by autumn 2018. The Mayor of London is likely to publish the new London Plan by autumn 2019. The GLA's Stage 1 response refers to policies within the new consultation draft London Plan 2017. For the purposes of the determination of this planning application, officers consider that while the consultation draft London Plan 2017-18 is a material consideration, it is at a first consultation stage. This report indicates if officers have considered that the policies within the draft London Plan are a material consideration that outweighs adopted policy. These policies are:

- Policy GG1 Building strong and inclusive communities
- Policy GG2 Making the best use of land
- Policy GG3 Creating a healthy city
- Policy GG4 Delivering the homes Londoners need 19
- Policy GG5 Growing a good economy 21
- Policy SD1 Opportunity Areas 28
- Policy SD10 Strategic and local regeneration
- Policy D1 London's form and characteristics 98
- Policy D2 Delivering good design 102
- Policy D3 Inclusive design 106
- Policy D4 Housing quality and standards 109
- Policy D5 Accessible housing 115
- Policy D6 Optimising housing density 117
- Policy D7 Public realm 122
- Policy D8 Tall buildings 126
- Policy D9 Basement development 131
- Policy D10 Safety, security and resilience to emergency 132
- Policy D11 Fire safety
- Policy D12 Agent of Change 136
- Policy D13 Noise
- Policy H1 Increasing housing supply 144
- Policy H2 Small sites 152
- Policy H3 Monitoring housing targets 159
- Policy H4 Meanwhile use 160



Policy H5 Delivering affordable housing 161  
Policy H6 Threshold approach to applications 164  
Policy H7 Affordable housing tenure 169  
Policy H8 Monitoring of affordable housing 173  
Policy H9 Vacant building credit 174  
Policy H10 Redevelopment of existing housing and estate regeneration 175  
Policy H11 Ensuring the best use of stock 177  
Policy H12 Housing size mix 178  
Policy H13 Build to Rent 180  
Policy H14 Supported and specialised accommodation 185  
Policy H15 Specialist older persons housing 186  
Policy H16 Gypsy and Traveller accommodation 190  
Policy H17 Purpose-built student accommodation 193  
Policy H18 Large-scale purpose-built shared living  
Policy S1 Developing London's social infrastructure 202  
Policy S2 Health and social care facilities 204  
Policy S3 Education and childcare facilities 208  
Policy S4 Play and informal recreation 212  
Policy S5 Sports and recreation facilities 214  
Policy S6 Public toilets 218  
Policy S7 Burial space  
Policy E2 Low-cost business space 227  
Policy E3 Affordable workspace 230  
Policy E10 Visitor infrastructure 261  
Policy E11 Skills and opportunities for all  
Policy HC1 Heritage conservation and growth 268  
Policy HC5 Supporting London's culture and creative industries 287  
Policy HC6 Supporting the night-time economy 292  
Policy G1 Green infrastructure 302  
Policy G3 Metropolitan Open Land 304  
Policy G4 Local green and open space 305  
Policy G5 Urban greening 308  
Policy G6 Biodiversity and access to nature 311  
Policy G7 Trees and woodlands 313  
Policy G8 Food growing 315  
Policy G9 Geodiversity  
Policy SI1 Improving air quality 320  
Policy SI2 Minimising greenhouse gas emissions 324  
Policy SI3 Energy infrastructure 329  
Policy SI4 Managing heat risk 334  
Policy SI5 Water infrastructure 336  
Policy SI6 Digital connectivity infrastructure 341  
Policy SI7 Reducing waste and supporting the circular economy 344  
Policy SI8 Waste capacity and net waste self-sufficiency 347  
Policy SI12 Flood risk management 359  
Policy SI13 Sustainable drainage 361  
Policy T1 Strategic approach to transport 402  
Policy T2 Healthy Streets 403  
Policy T3 Transport capacity, connectivity and safeguarding 406  
Policy T4 Assessing and mitigating transport impacts 412

Policy T5 Cycling 414  
Policy T6 Car parking 420  
Policy T6.1 Residential parking 423  
Policy T6.5 Non-residential disabled persons parking 429  
Policy T7 Freight and servicing 430  
Policy T9 Funding transport infrastructure through planning  
Policy DF1 Delivery of the Plan and Planning Obligations

### **7.3. London Borough of Merton Estates Local Plan Adopted February 2018**

Relevant policies are:

OEP 1 Vision  
OEP 2 Strategy  
OEP3 Urban Design Principles  
EP R1 Townscape.  
EP R2 Street network  
EP R3 Movement and access  
EP R4 Land use.  
EP R5 Open Space.  
EP R6 Environmental protection.  
EP R7 Landscape  
EP R8 Building heights.

### **7.4. London Borough of Merton Core Planning Strategy (2011)**

The relevant policies in the Merton LDF Core Planning Strategy (2011) are:

CS.3 Morden;  
CS.7 Centres;  
CS.8 Housing choice;  
CS.9 Housing provision;  
CS.11 Infrastructure;  
CS.12 Economic development  
CS.13 Open space, nature conservation, recreation and leisure;  
CS.14 Design;  
CS.15 Climate change;  
CS.16 Flood risk management;  
CS.18 Active transport;  
CS.19 Public transport;  
CS.20 Parking servicing and delivery

### **7.5. London Borough of Merton Site and Policies Plan (2014)**

The relevant policies in the Merton Site and Policies Plan (2014) are:

DM H2 Housing mix  
DM H3 Support for affordable housing  
DM C1 Community facilities

DM E2 Offices in town centres  
DM E4 Local employment opportunities  
DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM D3 Alterations and extensions to existing buildings  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure  
DM T5 Access to the Road Network

## **8. MATERIAL PLANNING CONSIDERATIONS**

### **8.1. National Planning Policy Framework (2012)**

8.2. The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as *"a golden thread running through both plan-making and decision-taking."*

8.3. For decision-taking the NPPF (2012) states that the presumption means *'approving development proposals that accord with the development plan without delay'* and where the Development Plan is *'absent, silent or relevant policies are out of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole'*.

8.4. The whole of the NPPF (2012) is potentially material to this application, but the specific policy areas considered directly relevant are as follows:

- Building a strong, competitive economy;
- Promoting sustainable transport;
- Delivering a wide choice of high quality homes;
- Requiring good design; and
- Promoting healthy communities.

### **8.5. Other documents and guidance**

### **8.6. Mayors Affordable Housing & Viability SPG**

8.7. The current London Plan seeks to maximize affordable housing provision in London and deliver mixed and balanced communities as set out in policies 3.9, 3.11 and 3.12. A consultation on this SPG ran from 29 November 2016 to 28 February 2017.

## **8.8. Mayors Housing SPG**

8.9. The Housing SPG was published in March 2016 following publication of the Further Alterations to the London Plan (FALP) and the Minor Alterations to the London Plan (MALP). It provides guidance on a range of strategic policies including housing supply, residential density, housing standards; build to rent developments, student accommodation and viability appraisals. This SPG replaced the 2012 Housing SPG and the Mayor's Housing Standards Policy Transition Statement.

## **8.10. Mayors Sustainable Design & Construction SPG**

8.11. This SPG provides guidance on the implementation of London Plan policy 5.3 - Sustainable Design and Construction. It also features guidance on a range of other policies, primarily in Chapters 5 and 7, which deal with matters relating to environmental sustainability.

## **8.12. Mayors Play and informal Recreation SPG**

8.13. The guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young People's Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan), in particular Policy 7.1 on Lifetime Neighbourhoods.

## **8.14. Mayors Homes for Londoners Draft Good Practice Guide to Estate Regeneration**

8.15. This is a draft Guide for consultation. Following consultation, a final version will be published by the Mayor. The document informs good practice in estate regeneration projects which will typically fall into three broad categories: maintaining good quality homes; supporting the supply of new housing; and improving the social, economic and physical environment in which those homes are located.

## **8.16. London Borough of Merton 'Archaeology SPD' (Part 1 & 2) 2004**

8.17. This Guidance Note is intended to provide information and advice on the importance of archaeology when developing a site within the London Borough of Merton. The Guidance Note is divided into 2 Sections, the first explains the importance of archaeology, both nationally and in the local context and outlines Merton's archaeological heritage. The second Section sets out the Planning Framework in relation to the development process and provides advice and guidance to owners and developers on the processes involved.

## **8.18. Wandle Valley Conservation Area character assessment,**

8.19. Character assessments are useful tools that not only set out the specific characteristics for which an area has been designated as a conservation area, but also help the Council to assess the impact of

development proposals on the character or appearance of a conservation area. The Wandle Valley conservation area has been divided into six sub areas, of which No.5 “The Parks”, covering Morden Hall and Ravensbury Parks, relates to this scheme. The assessment aims to fulfil four key roles:

- to outline and explain the historical development of the area;
- to define the special character and interest of the conservation area, and its surroundings, in relation to it's architecture, topography, open spaces and townscape and the relationships between them;
- to, on the basis of this assessment, to review of the existing conservation area boundaries; and
- to identify opportunities for the preservation and enhancement of the area.

8.20. Merton's Cabinet resolved to approve amendments to the Wandle Valley Conservation Area Character Assessment, including boundary alterations, at their meeting on 25 June 2007. This included the area around “The Parks, where the approved alteration to the boundary incorporated the full width of Morden Hall Road and Morden Road including grass verges and footways. Part of this is within the red line of this planning application boundary.

## **9. PLANNING CONSIDERATIONS**

9.1. Key Planning considerations;

9.2. The main issues which shall be examined within this report relate to the following:

### **9. Principle of Development and Land Use**

**10. The acceptability of the development on the site including the proposed mix of accommodation;**

**11. The acceptability of the level of affordable housing on the site including the proposed tenure;**

**12. The acceptability of the scheme in terms of; Scale, Layout and Access;**

**13. Reserved Matters (Appearance and Landscaping)**

**14. Parking and Transport considerations;**

**15. Provisions of residential and community use;**

**16. Residential Amenity;**

**17. Standard of Accommodation and Future Occupiers;**

**18. Nature Conservation;**

**19. Heritage;**

**20. Public Open Space & Amenity;**

**21. Noise;**

- 22. Sustainability and Climate Change Mitigation;**
- 23. The acceptability of the scheme in terms of the environmental impacts; Flood Risk, Air quality, Ecology and Biodiversity, Land contamination and remediation,**
- 24. Accessibility and Inclusivity;**
- 25. Trees;**
- 26. Refuse and recycling;**
- 27. Archaeology;**
- 28. Secured by design;**
- 29. S106;**
- 30. Conditions & Informatives;**

### **9.3. Principle of Development and Land Use**

9.4. By virtue of s38 (6) of the Planning and Compulsory Purchase Act (2004), the starting point for the consideration of this outline planning application is the Development Plan. The Council is required to make decisions in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan for the London Borough of Merton comprises:

- The London Plan (2016);
- Merton Estates Local Plan 2018
- Merton LDF Core Planning Strategy (2011)
- Merton Site and Policies Plan (2014)
- Any other supporting and relevant guidance.

9.5. In accordance with the Policies Map of the Merton's Local Plan, the site is designated as:

- Conservation Area: small part within Wandle Valley CA.
- Flood Zone 3
- Archaeological Priority Zone
- Green Corridors
- Local Nature Reserves

### **10. The acceptability of the development on the site including the proposed mix of accommodation.**

9.6. Since 2014 the Council has been exploring the regeneration of the Ravensbury estate and two other large housing estates managed by the applicant (Eastfields and High Path Estates) in consultation with residents, the Mayor of London, TfL and Clarion (the applicant, previously known as Circle Housing Merton Priory). This was carried out via Merton's Estates

Local Plan, which started in 2014 and following extensive public consultation and an independent examination, was formally adopted in February 2018.

- 9.7. Merton's Estates Local Plan's purpose is to shape and guide any redevelopment proposals on this and the other two estates that come forward within the next 10-15 years. The plan was adopted by Merton Council in February 2018 and is a material consideration in planning, for the delivery of new homes and to meet housing targets, improve the building fabric and to improve infrastructure on the three estates.
- 9.8. When Merton Council transferred its housing stock to Clarion, part of the transfer agreement was for Clarion to improve the quality of accommodation up to Decent Homes standard. Clarion identified that the work required significant maintenance, refurbishment and financial investment to achieve the required standard and narrowed down their options to the most cost effective way of delivering longer term sustainable Decent Homes standards through regeneration which allows for the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 9.9. Part of the justification for the partial regeneration of Ravensbury estate specifically was the construction of part of the Estate as Orlit Homes, a form of construction that has generally been declared defective. The Estates Local Plan was adopted by resolution of full council in February 2018 and supports the partial regeneration of Ravensbury Estate, an area covering all of the Orlit homes and some of the brick built homes, which have already been the subject of a planning approval 16/P2354.
- 9.10. Paragraph 1.33 of the adopted Estates Local Plan states, *'It is the council's view, supported by Clarion Housing Groups evidence that whilst incremental refurbishment and Decent Homes works would improve the internal housing quality in the short to medium term, regeneration provides an opportunity to deliver comparatively more significant positive changes to the three neighbourhoods and a once in a generation opportunity to improve the quality of life for current and future residents.'*
- 9.11. A key principle of the estate regeneration, as set out in Estates Local Plan Policy OEP 2 Strategy (c.) is that development proposals are consistent with a single linked regeneration programme for all three estates. Paragraph 2.8 of the Estates Local Plan clarifies that the regeneration of all three estates as part of a single comprehensive programme has been presented to the council as the basis of being able to viably deliver regeneration and that it is on this basis that the council is considering deliverability. The applicant's viability assessment, and the council's independent review of the same, links the regeneration of the three estates on viability grounds, with High Path providing surplus to fund the regeneration of Eastfields and Ravensbury.
- 9.12. Alongside this in Estates Local Plan policy OEP.2. para 2.10 states *"A key expectation of any regeneration proposal that comes forward will be a commitment to keeping the existing community together in each neighbourhood and for existing residents to have a guaranteed right to return to a new home in their regeneration neighbourhood"* Assessment of the

quantum and mix of affordable housing has had regard to this Local Plan policy requirement and one of the overarching Heads of Terms for all three estates is to prioritise the rehousing of existing residents within their estates on a like-for-like basis.

- 9.13. A string of benefits related to regeneration are identified in the ELP para. 1.34, including high quality well-designed neighbourhoods, wider housing mix, more private space for residents, better quality green spaces and community facilities and the creation of job opportunities.
- 9.14. This is in line with paragraph 111 of the National Planning Policy Framework (NPPF) which encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of a high environmental value.
- 9.15. The proposal is in accordance with Core Planning Strategy 'Strategic Objective 3' which seeks to provide new homes and infrastructure within Merton's residential areas, through physical regeneration and effective use of space. In order to meet the aspirations of the strategic objective the following is expected to be delivered through the plan period; provision of higher density new homes and associated infrastructure and social facilities, supporting incremental growth in residential areas across the Borough, protecting areas of the Borough for uses other than residential and delivering community services and infrastructure to support new homes.
- 9.16. Policy CS9 of Core Planning Strategy paragraph 18:41 recognises opportunity areas for new residential developments to be sited around Morden Town Centre and through regeneration of Brownfield sites. Consultation draft London Plan policy H.10 supports managed intensification of residential development through applying higher density developments in key brownfield regeneration sites. Specifically, the proposal would enable the net gain of an additional 83 units whilst improving quality of accommodation across the site.
- 9.17. In terms of the proposed demolition, officers accept that the existing buildings are not unique insofar as they are post war two storey dwellings and purpose built flats, with some of the properties comprising of 'Orlit Homes', which were discontinued in 1980's as these were considered inadequate standards of housing that were not built to last. The 97 properties under this proposed regeneration initiative comprise of two storey terraced and semi-detached properties including purpose built blocks of flats, which are sited within an area that is characterised by two to four storey dwellings and purpose built flats immediately adjoining the site on Hengelo Gardens and Ravensbury Grove. Further afield the surrounding area comprises of a mixture of two and three storey buildings. The Wandle Valley Conservation Area (The Parks section) extends into the site for an element of carriageway, footway and landscaping fronting Morden Road but does not include any buildings within the conservation area. It must be noted that aside from their modest scale, the buildings do not possess any significant architectural quality and their contribution to the visual amenity of the area is considered neutral to negative.



9.18. For the reasons outlined above, officers are of the view that the proposed redevelopment of the site would be acceptable in principle. The proposal would represent a more efficient use of land, aligning with the strategy and land use based policy objectives of the Estates Local Plan 2018 and Core Planning Strategy Objectives 2011, in addition to the sustainable development mandate provided by the NPPF 2012.

## **Housing Mix**

9.19. Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built environment including widening the choice of high quality homes. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic trends, market trends and the needs of different groups should be provided.

9.20. At the regional level, London Plan Policy 3.8 states that boroughs should seek to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

9.21. London Plan Policy 3.9 further seeks a more balanced mix of tenures in all parts of London. This is emphasised within the Mayor's Housing SPG which provides further guidance to aid the delivery of a wide choice of quality homes and a mix of housing that meets local and strategic demand.

9.22. At the local level, the Council's Sites and Policies DM H2 requires mixed and balanced communities and sets out the Council's priority for a choice of housing with respect to dwelling size and type in the borough. This policy recognises the need of housing of families with children, single person households and older people by providing a mix of dwelling sizes. Policy DM H2 reiterates Core Planning Strategy Policy CS8 and sets out the Council's preferred housing mix for mainstream market housing schemes which states that there should be a varied mix of units across the development, with the indicative percentage being as follows: 33% 1 bedroom units, 32% 2 bedroom units and 35% 3 bedroom units.

9.23. This Outline Planning Application (including layout, scale and access) for Ravensbury seeks approval for a maximum of 180 new homes. The applicants have prepared an indicative masterplan demonstrating that 180 new homes could be delivered in the following sizes as set out below. This indicative maximum masterplan has been used to assess many aspects of compliance with the Statutory Development Plan and other material considerations, including housing mix.

**Table 1 – Housing mix: Ravensbury illustrative maximum scheme**

<b>Illustrative maximum scheme for Ravensbury</b>	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4- bed</b>	<b>Total number of units</b>	<b>Total number of habitable rooms</b>
<b>New homes</b>	67	29	67	17	<b>180 homes</b>	<b>662 habitable rooms</b>
<b>% unit size</b>	37%	16%	37%	9%		

9.24. The percentage of three bedroom, family units and single person units are considered to be consistent with policy requirements. Although the percentage of two bedroom units are lower than the policy requirement, nevertheless 16% of the proposal would comprise of two bedroom units. Taken as a whole, the proposed housing mix has been developed following careful consideration of the estate regeneration requirements to offer existing residents like-for-like properties as well as local characteristics of the site, market trends and demands, demographics and the desire to optimise the development potential of this brownfield regeneration site.

9.25. Overall, the indicative mix provides a range of unit types and sizes across the development and is considered appropriate for this regeneration scheme and for the borough. The variety of units proposed would assist in creating a mixed and balanced community whilst meeting identified local needs, in accordance with the objectives of the London Plan Policies 3.8 and 3.9, Core Planning Strategy Policy CS8, Sites and Policies Plan DM H2.

9.26. It should be noted that while the applicant has presented an indicative housing mix as part of this Outline Planning Application incorporating layout, scale and access, this precise housing mix is not for final approval as part of this Outline Planning Application. Over the 10-15 year lifetime of this project there is likely to be changes to many of the elements that influence housing mix, including statutory planning policies, the needs of existing residents, housing need and demographic trends in Merton, development viability, guidance and other material considerations. At each Reserved Matters stage the applicant will be required to specify the housing mix proposed for that phase, and that will be considered by the Local Planning Authority against the statutory development plan and other material considerations in place at the time of the application. This Outline Planning Application is accompanied by Heads of Terms that require the applicant to address this.

#### **11.0 Affordable housing on the site including the proposed tenure**

9.27. The NPPF (paragraph 47) states that local authorities should act to “boost significantly the supply of housing” and use their evidence base to ensure that

Local Plan documents meet “the full, objectively assessed needs for market and affordable housing.”

- 9.28. London Plan Policy 3.11 seeks to maximise affordable housing provision to ensure an average of at least 17,000 additional affordable homes per year across London.
- 9.29. Policy 3.11 also promotes a strong and diverse intermediate housing sector and sets out that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. The policy also requires local authorities to set an overall target for affordable housing provision as well as separate targets for social rented and intermediate housing. Policy 3.13 of the London Plan sets a standard affordable housing provision threshold of sites with capacity to provide 10 or more units.
- 9.30. London Plan Policies 3.9, 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units and provide for mixed and balanced communities.
- 9.31. The Mayor’s Affordable Housing Viability SPG, 2017 introduces a threshold approach to viability, where the approach to viability information differs depending on the level of affordable housing provision being provided. The SPG introduced a fast-track route to applications that meet or exceed 35% affordable housing provision.
- 9.32. Applicants who do not meet this minimum threshold of affordable housing provision or require public subsidy to do so, must submit detailed viability information to be scrutinised by the LPA and potentially the Mayor, to determine whether a greater level of affordable housing could viably be supported. The applicant submitted a detailed viability assessment with this outline planning application and the Council has employed independent viability assessors to scrutinise the results.
- 9.33. The SPG requires that where permission is granted, review mechanisms should be applied to ensure that the maximum reasonable amount of affordable housing, up to 50 per cent is provided. A two stage viability review assessment; an early stage review and a late stage review, will be required. The SPD also allows for mid-term reviews for longer term phased schemes such as this Estates Regeneration. This application is being recommended for grant therefore a review clause is set out as part of this application’s s106 agreement in line with the Mayor’s SPG.
- 9.34. The SPG also sets out that, where the Mayor considers that affordable housing opportunities for affordable housing may have been missed for reasons such as the unsatisfactory provision or insufficient scrutiny of viability information, the Mayor may choose to ‘call in’ the application, which means that that he is to be the Local Planning Authority for the purposes of determining an application.

- 9.35. Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social rented and 40% intermediate. Furthermore, the policy states that in seeking affordable housing provision the Council will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.
- 9.36. Policy CS 9 states that the Council will support the provision of well designed housing, located to create socially mixed and sustainable neighbourhoods, including the redevelopment of poor quality existing housing and not support proposals that result in a net loss of residential units, or net loss of affordable housing units.
- 9.37. Policy DM H3 titled 'Support for affordable housing' sets out that new development should provide affordable housing in accordance with the requirements of the London Plan and the Core Planning Strategy Policy CS8.
- 9.38. The Ravensbury regeneration proposes in total 92 of the 180 additional residential units as affordable units; 51% on a unit basis and 54% on a habitable room basis. As a total of 89 affordable homes are proposed for demolition, this results in a net gain of six affordable homes. (This does not include Phase 1 scheme 16/P1968 which provides a total of 21 units, 18 (86%) of which are affordable.) The affordable homes will be delivered largely as socially rented affordable housing to provide replacement homes for the existing tenants of the part of Ravensbury that would be displaced by the regeneration proposals. As there are no existing intermediate tenures to be decanted, therefore no intermediate tenures are proposed. The applicant has committed to providing new homes to existing social tenants at the same rental levels as their existing tenancies. . All units, irrespective of tenure, would be designed and built to the same specification. These measures would ensure that the socially rented units are genuinely tenure blind and would assist in providing a more mixed and balanced community within the scheme. The level and mix of affordable housing provision has been carefully considered having regard to viability, planning policy guidance, local housing need particularly of households affected by the regeneration and market requirements.

**Table 2 – Housing mix and tenure: Ravensbury illustrative maximum scheme (incorporates Table 1)**

<b>Illustrative maximum scheme for Ravensbury</b>	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4- bed</b>	<b>Total number of units</b>	<b>Total number of habitable rooms</b>	<b>% affordable and private by unit</b>	<b>% affordable and private on a habitable room basis</b>
Affordable	34	10	35	13	92	355	51%	54%
Private	33	19	32	4	88	307	49%	46%

<b>TOTAL</b>	<b>67</b>	<b>29</b>	<b>67</b>	<b>17</b>	<b>180 homes</b>	<b>662 habitable rooms</b>		
% unit size	37%	16%	37%	9%				

9.39. With a total of 180 units, the scheme would provide 51% of the proposed residential properties for affordable housing, with a net gain of six affordable homes. (For information, this does not include Phase 1 scheme 16/P1968 which provides a total of 21 units, 18 (86%) of which are affordable.) London Plan Policies 3.9, 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units and provide for mixed and balanced communities. Merton’s Core Planning Strategy policy CS.8 seeks a borough-wide target of 40% having regard to have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

9.40. Applicants who do not meet this minimum threshold of affordable housing provision or require public subsidy to do so, must submit detailed viability information to be scrutinised by the LPA and potentially the Mayor, to determine whether a greater level of affordable housing could viably be supported.

9.41. The applicant submitted a detailed viability assessment with this outline planning application and the Local Planning Authority has employed independent viability assessors to scrutinise the results.

9.42. A 30-page summary of the applicant’s viability assessment is available online. The assessment concluded that the development would be unviable and in deficit given that profit within the development would come forward over a number of years as opposed to being upfront as a traditional build to sell model.

9.43. As set out in Estates Local Plan 2018, policy OEP.2 the council is considering the three estates as part of a single linked regeneration programme in the applicants viability assessment, the regeneration of the High Path Estate is financially more viable than Eastfield or Ravensbury Estates. In order to ensure that all three progress to delivery cross subsidisation is needed so that surpluses from High Path could be used to plug viability gaps in Ravensbury and Eastfields. Comprehensively, the three estates when taken as a whole, provide 27% affordable homes or 726 social and affordable rented units. If the three estates were redeveloped on an individual basis, it would not be possible to deliver the programme as proposed through the outline planning applications including the Ravensbury Estate

9.44. This regeneration programme is proposed to take place over the next 10-15 years and the costs and values associated with this scheme will change over this time. As set out above In order to ensure that any future financial benefit would result in an increase in affordable home, an affordable housing financial viability review mechanism is included as part of the planning obligations for

this proposal and is included as a Head of Term within this report. **Condition 12** requires the applicants to comply with the Councils requirements on accommodation schedule mix.

#### **9.45. Affordable Housing Review Mechanism**

9.46. The Mayor's Affordable Housing and Viability SPG states that in order to maximise affordable housing delivery in the longer term and to acknowledge the potential for significant changes in values in the housing market the use of review mechanisms should be applied within s106 'Heads of Terms', which is also fully supported in the London Plan.

9.47. Review mechanisms allow increases in Section 106 contributions to reflect changes in the value of a development from the date of planning permission to specific stages of the development programme. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty.

9.48. It is noted that the GLA's comments on the planning applications for each of the three Merton estates draws attention to the need to put in place financial viability review mechanisms in accordance with the draft London Plan and the Mayor's Affordable Housing and Viability SPG. The SPG contains a series of formulas which should provide a useful set of principles around which review mechanisms can be developed.

9.49. The January 2018 BBP review of the Financial Viability Assessments highlights the high sensitivity of financial performance to changes to variables which will inevitably arise due to a range of policy, market and economic factors over the duration of the regeneration programme. Whilst the January 2018 review concluded that there was no financial headroom to provide additional affordable housing and planning gain at this stage, this situation could change over the 10-15 year lifetime of the project and it is possible that future phases may be able to support additional contributions.

9.50. For these reasons, the LPA will be putting in place an effective review mechanism for each phase of the development and a mechanism to ensure that all three estates are progressed; this is part of the Heads of Terms for this report. This will be robust and have longevity over the duration of the programme. There will be a need for an agreed 'financial model', agreed thresholds/trigger points and formulas for converting surpluses into additional planning gain. The timing of reviews would also be considered.

## **12.0 The acceptability of the scheme in terms of the access, layout and scale;**

### 12.1 Access (Including Parking and Transport Improvements)

12.2 A key design objective in developing the scheme has been to significantly improve connectivity and integration from and within the site to the surrounding area. The outline scheme is therefore based on the principle of increased permeability within the site with buildings fronting an open space with front doors and windows providing active frontages over such spaces.

12.3 The submitted plan for the approval of Access confirms the road hierarchy network.

12.4 The proposal has raised the levels of the properties in order to address the flood risk concerns raised by Environment Agency and LBM Flood Risk and Drainage Officer. The raised levels are regarded to be a modest increase from the current site finished floor levels. The access of the proposed buildings would not be compromised as a result of the level changes and provision of adequate access is provided throughout the proposed development, All proposed access have been designed to address inclusive design and mobility access.

### 12.5 Vehicular Access

12.6 This Plan illustrates that vehicular access will only occur in accordance with the following arrangements via the existing main access at the junction of Ravensbury Grove and Morden Road located on the northern boundary of the site and emergency access/exist points to be located on the western boundary of the site. The retained Ravensbury Grove access is the primary route with a new network of secondary vehicle routes across the site.

### 12.7 Cycle Access

12.8 New proposed cycle connections are thought to be sited adjacent to the emergency entry/exit points on the western boundary of the site, as well as on the southern boundary of the site in order to provide improved cycle links with the river Wandle.

### 12.9 Pedestrian Access

12.10 Pedestrian access is provided across the whole site including wherever primary and emergency access routes are planned. These pedestrian routes will be clearly defined by appropriate surface materials including shared surfaces in certain areas. Some of the pedestrian access points are proposed to improve legibility of routes particularly on the southern part of the site enabling improved connections with the open space element surrounding river Wandle.

- 12.11 It is also worth noting although not part of the red line boundary that it is considered a new link bridge would provide a significant contribution to the overall access improvements of the site and surrounding area. This would be secured and delivered through S106 contributions and conditions in order to ensure improved sustainable means of access from the development site to Wandle Road.
- 12.12 Access into all the building blocks would be served via the main street frontage; some of the blocks however would have more than two entry points to provide secondary access points into the buildings. Vehicular parking to the blocks would be sited close to the entry access of each block particularly in the case of the disabled access units to ensure that those units are DDA compliant. The dwellings would comprise of conventional access with a mixture of on-street and off-street vehicle parking provision.
- 12.13 Clearly marked access points have been shown for each of the dwellings proposed in this scheme, which would have direct access from the main street. It is noted that some of the dwellings however would comprise of access from the side profile of the under-croft which are designed to accommodate vehicular parking bays. Although it is considered more appropriate to provide direct access from the street, in this instance it is thought that the provision of such access lends itself adequately to this style of design rational. Other elevational treatments could also be incorporated to these styles of dwellings, which would be assessed later in the reserved matters application under appearance. The elevational treatments would be carried out in the form of appropriately proportioned and symmetrically placed windows in order to enhance active frontages along the street.
- 12.14 Officers are satisfied with the access arrangements as it would not create any new vehicular entrance or exit points. The current car ownership in Ravensbury is identified as being 0.8 vehicles per household and this is expected to remain at a comparable level following the redevelopment. Although there is expected to be uplift in vehicle use given the additional residential development, however the balance between cars and residents is still proportional and comparable to existing.
- 12.15 Therefore in this instance officers are satisfied that the proposed development regarding trip generation/vehicular movements will remain on an acceptable level and it is considered that the residential units permitted for car parking provision would not result in a detrimental impact on the local highway network or pedestrian safety in terms of access and transport provision throughout the site. As such the proposals would accord with Policy EP R3 Movement and Access of the ELP Adoption 2018, as the overall design of the scheme in terms of access would ensure improvements to pedestrian routes across the estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks. Entrance access into the Ravensbury Park has also be sensitively planned into the wider scheme to provide a positive contribution in terms of legibility and provide enhanced amenity, safety and overall biodiversity the surrounding open space. This would be in line with policies outlined within Policy EP R3 of the ELP Adoption 2018



## 12.16 Layout

- 12.17 Policy EP R3 of the Estates Local Plan 2018 sets out that development proposals should provide physical and legible connections with surrounding streets, paths and neighbouring development. The layout and block structure of proposals should be coherent with active street frontages and a clear distinction between public and private spaces.
- 12.18 The proposed layout of the scheme has been developed following a detailed contextual analysis of the site and surrounding area, including analysis of its opportunities and constraints. This also takes into consideration the physical constraints of the river and park. The estate is bound by Morden Road on the northern and western boundary of the site and therefore the layout of the scheme had to ensure active frontages along these streets in order to inform a design that contributed visually to the character and appearance of the street scene along Morden Road. The new proposal was designed to ensure that the layout and access contributed to provide clear connections that reduced the current detached make-up of the estate.
- 12.19 The proposed layout has evolved through close consultation with officers, the GLA and a design panel review of the proposed development. The proposed layout has been designed to maximise active frontages and natural surveillance along the new and retained streets. As part of the new layout two new streets have also been formed (east to west) which accords with the Estates Local Plan achieving overall connection improvements on site, whilst having adequate barriers in place to avoid through traffic routes.
- 12.20 This proposal complies with the provisions of Local Plan Policy 7.1, and ELP Policy OEP 3 and EP R1, R2 and R3, as the scheme has been designed so that the layout creates a positive interface with the surrounding area, with the adoption of a perimeter block arrangement with buildings proposed to front onto the street and to overlook the river to the south.
- 12.21 Site and Policies Plan 2014 Policy DM D2 outlines that proposals will be expected to: “relate appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area; and provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.”
- 12.22 The layout of the proposed development comprises of five flatted blocks (D, F, M, N & Q) on the key corners of Morden Road and the primary route through the site, Ravensbury Grove, which comprise of four storeys high. The proposal would also provide terraced residential dwellings comprising of two and three storeys high. The proposed Houses will create traditional streets within the central core of the site, which would relate to the neighbouring retained homes.
- 12.23 Having regard to flood risk, the sequential approach to site layout has been adopted with the proposed buildings generally located in areas of the least flood risk. Flow routes have been taken into account in developing this site layout. The overall design approach and layout is considered to enhance the

character of the area in accordance with planning policy requirements by creating clearly defined streets and spaces.

- 12.24 The layout of the site has been designed to be accessible and easy to navigate for all new residents and the general public, with legible routes through the site, visible entrances to buildings and clear distinctions between public and private spaces. The landscaping proposals would enable easy access to all parts of the site.
- 12.25 The proposed layout is supported and provides good connectivity through the development by way of a central pedestrian route between all flatted blocks and the residential dwellings, allowing adequate access to the public footpath and 'River Wandle'. Distances between the blocks and dwellings also allow good visual permeability at all frontages, particularly when viewed from distance, in particular the north to south link that connects Ravensbury Grove to the River Wandle. Policy EP R2 (B) States that Ravensbury Grove must be extended fully to the boundary of the Ravensbury Park providing clear views along its whole length into the park. The proposal is therefore compliant of this policy requirement, which also includes a layout of new networks that provide appropriate connection and overall permeability throughout the site ensuring adequate movement throughout the site.
- 12.26 Overall, the proposed layout has been carefully designed to accord with the Estates Local Plan Adoption 2018 and policies within the Local Plan. The footprint of the proposed buildings respond appropriately to the site constraints and surrounding area, whilst the open space along Ravensbury Grove including landscaped area to the south and south-east of the site creates a highly accessible and connected layout.

#### 12.27 **Scale**

- 12.28 London Plan Policy 7.7 states that buildings with large footprints should relate well to the form, proportion, composition, scale, and character of surrounding buildings, urban grain, and public realm. The policy seeks to ensure that buildings of large nature contribute to improving the permeability of the site and wider area. Furthermore, Policy 7.7 states that large buildings should not affect the environment of their surroundings adversely, including in terms of overshadowing.
- 12.29 Policy 7.4 (Local Character) requires development to provide a high quality design response having regard to the pattern and grain of existing spaces and streets; the urban structure and the surrounding historic environment. In relation to heritage assets, Policy 7.8 (Heritage Assets and Archaeology) outlines that where development affects a heritage asset and its setting, it should conserve that asset's significance by being sympathetic in terms of form, scale and materials.
- 12.30 Policy 7.6 (Architecture) states that new development should be of the highest architectural quality, whilst also being of an appropriate proportion and scale so as not to cause unacceptable harm to the amenity of surrounding land and buildings, especially where these are in residential use. The policy requires development to optimise the potential of sites.
- 12.31 Core Planning Strategy Policy 14 requires development proposals to sensitively address the issues of height and scale through a detailed analysis of

the impact on local context. Furthermore, Policy DMD2 states that development proposals should respond to their context, specifically in terms of scale, height and massing. Core Planning Strategy Policy 14 also sets out that larger and medium rise buildings are appropriate within the key growth locations and where regeneration initiatives are thought. Proposals should consider local context to ensure building heights and scale are in keeping with surrounding neighbouring properties.

- 12.32 Policy DMD2 further states that proposals for all development will be expected to: “relate appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area; and...provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.”
- 12.33 Merton’s Estate Local Plan Policy EP R8 recognises the need to set appropriate heights and scales of buildings particularly in the interest of safeguarding existing open views to the surrounding trees and parkland setting. This policy therefore seeks to ensure that building heights do not extend higher than the existing Ravensbury Court flats which comprise of 4 storey purpose built flatted blocks. The policy also states that any proposed building on this estate does not extend or compete with established mature trees which envelope the estate. The main objective of this policy is to ensure that the scale, height and massing of proposed buildings provide a positive contribution to the existing townscape, character and local distinctiveness of the area.
- 12.34 Policy EP R8 further states that buildings around the edge of the estate fronting Morden Road along Ravensbury Grove and on Ravensbury Garages should be higher than the middle of the estate. Building heights within the middle of the estate must generally be lower than around the edges.
- 12.35 It is noted that all existing buildings on Ravensbury estate are two-storeys with the exception of the one larger four-storey block, Ravensbury Court. Whilst the low-rise buildings define the estate as a suburban place and provide ideal views to the tree-line visible around the estate from numerous locations, it is considered however that there is more scope to sensitively increase heights to create more homes, so long as existing views to the trees are not obstructed and the landscape character of the overall estate remains visibly strong.
- 12.36 The proposed buildings vary in height from 2 to 4 storeys. The four storey buildings are focussed towards the corners of the site adjacent to Ravensbury Park and opposite the Surrey Arms Public House, and along Ravensbury Grove, the three storey buildings are focussed along edges of the site on Morden Road and the two storey dwellings are situated towards the centre of the site. Proposed heights respond to the context of the site and the existing buildings on the Estate which are also between 2 and 4 storeys.
- 12.37 Furthermore, the proposed developments are considered acceptable as per the definition within the London Plan Policy 7.7 which seeks to ensure that buildings of large nature contribute to improving the permeability of the site and wider area, as well not to cause an adverse impact on the environment or their

surroundings. The proposals have been fully assessed against these criteria and the requirements of other local planning policy.

- 12.38 The proposals seek to respect the form, scale and grain of the surrounding area, and would make a positive contribution to the character of the area and wider townscape. As such given the modest scale and massing of the proposed development in context with surrounding buildings the proposal is therefore considered acceptable and would accord with the proposed building heights strategy outlined within ELP Policy R8, and townscape policy ELP Policy EP R1 and also in accordance with SPP Policy DM D2.
- 12.39 The proposals have been designed to ensure a coherent pattern of development across the site to provide a high quality 'gateway' between Morden and Mitcham, whilst also providing a high quality connection between 'Ravensbury Park' (south-east) and the National Trust Park 'Morden Hall Park' (north-west). The application site would also provide positive contribution to the area and create visually appealing approach when arriving from A239 'Morden Road' located on the northern/western boundary and Wandle Road on the southern boundary of the site.
- 12.40 The modest height increase in order to address the flood risk concern is considered to be acceptable and would not compromise the character and appearance of the proposed development. The height parameter would be the maximum which the development could be built to and this would be set as part of the approved scheme. The maximum parameter of the development would ensure the maximum ridge height of the flatted blocks would be marginally higher than the existing Ravensbury Court situated on the eastern side of Ravensbury Grove, which comprises of 4 storey building. Furthermore it should be noted that the proposed fourth storey of the flatted blocks would be set back from the buildings facing elevation in order to ensure subservience and modesty on the visual amenities of the street scene. The building heights of the flatted blocks (4 storeys) would also be subservient to the surrounding trees which has been the main design focal points of the proposed scheme.
- 12.41 The proposed design of the buildings would be exemplary in terms of scale and massing, providing a high quality development within Morden/Mitcham. The overall scale, form and positioning of the development reinforces the acceptability of the scheme and would ensure no harm is caused to the character and appearance of surrounding land and buildings and amenities of wider neighbouring properties in terms of over-massing and overbearing impacts.

#### Design Review Panel

- 12.42 Overall the proposed scale, massing and design of the proposed development had been fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on September 2016. A summary of the review revealed that Ravensbury estate masterplan regeneration scheme performed rather well against the 'Build For Life' 12 questions, which offers a tool kit aimed at assessing residential quality for new developments. The assessment is based on a simple 'traffic light' system (red, amber and green) which is recommended that new proposed developments should aim to secure as many 'greens' as possible.

12.43 The proposed masterplan scheme was awarded eight 'greens' which reflects the benefits of its location as well as the design solutions used on the estate. In the area's where 'amber' scores were awarded, this related to issues such as; proximity to local amenities for future residents, landscape, car parking and refuse/recycling facilities, these were regarded as areas which could be further improved. The design panel review had no objections on the proposal in terms of; scale, massing and design which was considered acceptable overall.

### **13.0 Reserved Matters (Appearance and Landscaping)**

#### **13.1 Appearance**

13.2 Consideration will be given at the detailed stage (known as Reserved Matters) to ensure a high quality of architecture and materials including building form and design are applied. The assessment under appearance in the Reserved Matters will also consider the need to minimise single aspect residential units, well-designed and usable private and communal amenity spaces and an integrated approach to car parking and the public realm. It is anticipated that the Reserved Matters applications will be subject to detailed assessment review by the Council's established Design Review Panel and the Design Council.

13.3 The application is supported by a Design and Access Statement, which sets out a well-considered analysis of the urban design issues relevant to the existing site and its surroundings and which then, informs the urban design rationale for the proposed redevelopment. It explains the key urban design principles which have informed the proposed development and includes the objectives of achieving the highest standards of architecture and urban design through a Design Code. As mentioned, the applicant has submitted a Design Code document, which provides overarching guidance for future design teams that would be involved at Reserved Matters stage. It establishes design principles and provides a general indication of the proposed development.

13.4 The Design Code sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and detailed design of future phases, these include; landscape and public realm, built form, architectural quality and materials and building typologies. The establishment of principles within the Design Code will be a useful tool at Reserved Matters stage should this outline scheme be delivered.

#### **13.5 Landscaping**

13.6 The landscaping strategy through the site is sound, which includes green buffers along Ravensbury Grove and also the southern part of the site. All the houses and mews would have provision to private amenity space and the flatted blocks would have access to semi-private amenity space.

13.7 To conclude, the Design Code also provides further information on the coding to be applied at the Reserved Matters stage in preparing the landscaping design in line with ELP policies to assist in delivering the vision for creating a suburban parkland setting.

## 14.0 Parking and Transport

14.1 The outline status of this planning application does not seek PAC's decision on specific scheme details such as parking locations and their interaction with the street scene including the appearance and landscaping details. As the overall scheme would progress on a phased basis, these important aspects of detail would be appraised within future Reserved Matters applications. This means that at this outline stage, only Access, Layout and Scale is for consideration, however, all other planning matters are assessed to establish the feasibility that this scheme can be delivered in its entirety.

### 14.2 Car Parking

14.3 The initial TfL review of the proposed Transport Assessment for Ravensbury Estate Regeneration the proposal had included the indicative provision of 176 car parking spaces, which equates to a car parking ratio of 1 space per 0.97 units.

14.4 It is noted that the Draft London Plan 2017 parking standards, state that for outer London sites with a PTAL 2, the maximum standard is up to 1 space per unit. However, given the site's proximity to the tram and bus services, TfL would recommend that the car parking provision is reduced. Following minor amendments to road layouts in accordance with LBM Transport & Highway Officers comments the proposal has reduced the number of parking to 167 car parking spaces, which would be considered acceptable.

14.5 The on-street parking spaces are intended for shared purposes by residents of the flatted blocks and no individual car parking spaces would be allocated to the residents in these apartments.

14.6 Policy OEP 3 (Urban Design Principles) (xii) titled 'Parking Provision' states that vehicular parking that is provided on-street as a first choice should be well managed and integrated into the rest of the street.

14.7 The proposal has applied these principles within the site; the on-street parking provision has taken into consideration suitable siting and designation for vehicle parking, with a coherent layout along the street networks. The overall road hierarchy suitably accommodates facility for the following; footpath (2 metres), parallel parked cars (2 metres) and carriageway width (5 metres), with a total comprising of 13 metres street width.

14.8 The Council will seek a full parking management plan to be implemented in order to manage parking within the communal areas, with parking allocation and management to be decided within this plan at a later stage. This is to be provided in accordance with Policy OEP 3 (Urban Design Principles) (xii) 'Parking Provision'.

14.9 Furthermore as part of the parking strategy, the applicant will investigate controlled parking zones covering the estate could be implemented to ensure adequate management of parking is maintained on site.

14.10 The TA states that the proposal for provision of disabled car parking will accord with London Plan standards, this will equate to 18 disabled car parking spaces. The provision of disabled car parking spaces would be planned in accordance with GLA Best Practice Guidance on Wheelchair Accessible Housing, which states that 10% of parking for new housing should be designed

to be wheelchair accessible or easily adaptable for residents who are wheelchair users'. Furthermore this would be secured by way of condition.

14.11 The submitted detailed plans at Reserved Matters stage would need to demonstrate a minimum dimension of 2.4m x 4.8m for general car parking space and 3.8m x 6m for disabled parking spaces with an additional 1.2m to the side and (where possible), also 1.2m to the rear as transfer strips of disabled access.

14.12 Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the London Plan (2016) standards with 20% active and 20% passive provision or the standards in place at the time of Reserved Matters applications. The TA states that the proposed provision of Electric Vehicle Charging Points (EVCP5) would accord with London Plan 2016 standards: 35 active EVCP and a further 35 passive provision. These would be secured by way planning condition. Furthermore it is worth noting that all the houses with on-plot parking will be provided with external power points for charging, which would be further dealt with at the reserved matters stage.

#### **14.13 Cycle Parking**

14.14 All cycle parking would be secured as a condition to the outline planning permission that would result in separate and secure storage for the proposed flats. The indicative layouts proposes potential locations for the cycle and refuse stores. The total number would accord with the minimum cycle parking requirements set in the London Plan (2016) or the requirements of the Statutory Development Plan in place at the time of the Reserved Matters planning applications. This will be secured by condition.

#### **14.15 Transport Improvements**

14.16 As part of the proposal, a series of works are to be secured as part of a s278 Agreement as well as financial contributions that would be secured as part of the s106 Agreement to the outline planning permission. Officers have yet to confirm the sum for works associated with s278 works given that the level of details showing highway works has yet to be fully worked up and will require further detailed drawings at Reserved Matters stage to enable a calculated cost attributed to the s278 works.

14.17 As part of the S278 agreement and prior to the first occupation of each "relevant work phase" either complete the highway works as set out below at the developers own cost; or pay to the Council a specified contribution to be calculated by the Council such highway works which may include but not be limited to:

- Renewal/addition of any footpath or carriageway;
- Removal/addition of any crossover;
- Reinstatement/Provision of any dropped kerbs;
- Removal/addition of single/double yellow lines and other road markings and signs and related traffic management orders;
- Extension of existing controlled parking bays;
- Carriageway resurfacing to the site entrances;
- Revisions to street lighting;
- Relocation of any services if and where necessary;

- Drainage; and
- Repair of damage caused to the highway as a result of any works related to the development.

14.18 The developer must also agree to pay the sum for the S278 Highway works which may include the introduction of traffic calming to keep vehicle speeds low along the junction of Morden Road and Ravensbury Grove. Other potential public highway works which may comprise of bus relocations will also be considered at reserved matters stage upon further consultation with Transport for London and LBM Transport & Highway Officers at the developers own cost.

14.19 In order to cater for any anticipated burden on local services the Council, in tandem with Transport for London, will require contributions towards the improvements of local bus services in the area as part of any s106 Agreement. During pre-application discussion TfL requested the applicant investigate improving the location of the bus stops on Woodstock Way in consultation with TfL Buses. It was noted that there had been no reference to this in the Transport Assessment that was submitted along with this Outline Application. The details of this assessment would be imposed by way of condition as part of the Transport Assessment at Reserved Matters stage and any necessary improvements would be funded by the applicant by way of S106.

14.20 Detailed Travel Plans for each phase of the development would be required to be submitted post-outline permission and secured under any s106 Agreement to ensure sustainable modes of transport are encouraged and less dependency on the car.

14.21 The layout and completion of all internal estate roads must be designed and built to meet or exceed the Council's adoptable standards. It should also be noted that the roads currently being proposed for adoption are not being assessed in this current outline planning application, which will require further assessment and consultation with Officers.

14.22 Furthermore **Condition 8** would require the applicants to provide an Urban Design Report, which explains the approach to the design and how it takes into account the Design Code, which will inform the design proposal for matters relating to; scale, layout, access, appearance and landscaping.

## **15.0 Provisions of residential and community use;**

### **15.1 Residential**

15.2 Whilst the proposal outlines what could be achieved on-site in terms of the maximum number of residential units, a planning condition sets out ranges for the mix of dwellings to ensure a broadly policy compliant mix is ensured as set out in Policy DM H2 of the Local Plan Policies 2014 and Policy CS 8 of the Core Planning Strategy 2011. The actual mix provided on site will be determined through the Reserved Matters at each phase. It is expected that



the applicant at Reserved Matters stage would seek to achieve the residential mix set in Policy DM H2 of the Local Plan Policies 2014 or to an agreed mix with the Local Planning Authority.

### **15.3 Community use**

- 15.4 London Plan Policy 3.1(B) states *“Development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.”*
- 15.5 London Plan Policy 3.16 (B) also states that *“Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted.”* The Merton Core Strategy Policy CS11 and Sites and Policies Plan Policy DMC1 both aim to resist the net loss of community facilities.
- 15.6 The proposal meets Policy EPR4(a) of the Estates Local Plan (Main Modifications) 2017 through the proposed retention of the existing community room: *“The predominant land use for this estate is to be retained as residential with the re-provision of the existing number of affordable homes and the existing community room.”*
- 15.7 The proposal indicates that the existing community room will be demolished (84.5sqm) and replaced with a new D1 community space (of up to 160sqm) accessible by all residents, therefore there will be no net loss of community facilities.
- 15.8 The new community facility is proposed to be constructed during Phase 3 before the proposed demolition of the existing community facility, which is also proposed during Phase 3. This is supported so that residents will have access to and use of the community facility during all stages of the construction period.
- 15.9 The re-provision of the community facility will be required during the construction stage in the form of temporary provision whilst works are being undertaken at phase 3 stage, this requirement will be secured by way of s106 to the satisfaction of the LPA. **Condition 6** has been imposed relating to the non-residential element of the scheme.

### **16.0 Residential Amenity**

- 16.1 The applicant would be required to fully demonstrate with detailed drawings at Reserved Matters stage that the daylight and sunlight test results would show that the habitable rooms of the surrounding properties will receive good levels of daylight and sunlight in accordance with the Building Research Establishment (BRE) guidelines with the proposed development in place. It would include carrying out tests for daylight to windows comprising the Vertical Sky Component (VSC), daylight distribution, Average Daylight Factor (ADF) and the depth of the room. Sunlight to windows would also be

considered by carrying out an assessment of Annual Probable Sunlight Hours (APSH) and overshadowing to gardens and open spaces.

- 16.2 A Daylight and Sunlight analysis has been carried out. The main scope of this study is to assess the reasonableness of the retained values of the existing surrounding properties in terms of daylight and sunlight. The assessment has been undertaken on the basis of the maximum quantum of development (in terms of residential units, non-residential floor space, and maximum parameters which provide the maximum layout and scale of the proposal). The massing of both the Phase 1 buildings and the rest of the masterplan has been included to assess whether the Outline Development made an impact on the Phase 1 buildings. To ensure that this assessment can be appropriately evaluated, the analysis has been carried out in accordance with the following guidance documents: - Building Research Establishment (BRE) Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011) - British Standard BS8206-2:2008 Lighting for buildings-Part 2: Code of Practice for Daylighting.
- 16.3 The 25 degree line test demonstrated that the proposed development falls under the angular plane for all the existing buildings. The BRE guide states that when this is demonstrated, no further analyses are considered to be necessary. There was a desire to understand what daylight and sunlight levels will be enjoyed by the retained buildings with the proposed development in place, and so an analysis was undertaken in the proposed scenario. A daylight and sunlight facade study was carried out to assess the effect of the new buildings on the residential properties located immediately adjacent to them. For sunlight, in accordance with the BRE Guide, only windows facing 90 degrees of due south need to be assessed. The daylight assessment demonstrates that the surrounding buildings and occupants will keep enjoying good levels of daylight in their main living rooms as reasonable daylighting levels are expected to be achieved with the proposed buildings in place. Likewise, residents living close to the proposed development will keep enjoying direct sunlight in their main living rooms throughout the year. An overshadowing analysis was undertaken considering also the effect which the trees will have on the buildings. The results of this analysis show that the existing amenity spaces will achieve reasonable sunlight levels with the proposed buildings in place.
- 16.4 In order to maintain good levels of daylight the BRE guidance recommend that the Vertical Sky Component (VSC) of a window should be 27% or greater. The surrounding properties will not be adversely affected by the proposed development as the daylight levels on their facades are all within acceptable levels (i.e. VSC above 27%). A study of the daylight, sunlight and overshadowing reveals that surfaces show a white colour which indicate areas that have a VSC of over 27%, which meets the recommended performance. Other colours, from yellow to orange, pink and purple indicate areas with a VSC of less than 27%. The results of the analysis show that the retained values in the proposed condition are all within reasonable levels.

- 16.5 Furthermore the minimum distances within the site between buildings will provide acceptable amenity levels. Referring to the relationship with the nearest existing residential occupiers on the eastern and south-eastern side of the site, the proposed residential Blocks M & Q at a maximum of four storeys would be sited away from the boundaries of the nearest residential properties along eastern side of Ravensbury Grove by at least 30m-35m. The proposed residential Block F at a maximum of four storeys would be sited away from the boundaries of the nearest residential properties along south-eastern side of Ravensbury Grove by at least 20m.
- 16.6 The orientation and distance between these adjacent buildings would not be back-to-back or directly facing and therefore, would not result in any adverse impact on these existing occupiers. Other neighbouring residential occupiers are more distant. It is therefore considered that, subject to detailed consideration of the design of the dwellings, the proposed development would not be overbearing to the occupiers of neighbouring dwellings adjacent to the site, nor would the buildings result in unacceptable loss of light or outlook. Accordingly, the proposed development would not unduly impact on the amenities of the occupiers of any existing neighbouring residential properties in the vicinity due to separation distances. The proposal would therefore ensure that an acceptable impact on the amenities of neighbouring residential occupiers would be provided, in accordance with the requirements of Policy DM D2 of the LB Merton Local Plan 2014.

## **17.0 Standard of Accommodation and Future Occupiers**

- 17.1 Regarding internal floor areas, all of the residential properties would need to meet the minimum space standards for new residential development, in accordance with the Mayor of London's Housing SPG (2016).
- 17.2 As the proposal is submitted in outline form, no detailed internal layout plans of the proposed residential buildings have been submitted. There are however illustrative plans and parameters in relation to housing layout and typologies, which provide an indication of how the site could be developed. On the basis of the information provided including Parameter Plans, officers are satisfied that the proposed houses and flats could be designed to accord with space standards set in the London Plan (2016) and the Department for Communities and Local Government Technical Housing Standards (2015).
- 17.3 There would also be a good level of communal amenity space provided and subject to further consideration of this issue at Reserved Matters stage, the proposal is considered to be acceptable in this regard.

### Density

- 17.4 The regeneration proposals seek to optimise the housing potential of the site and ensure that this large brownfield site is used effectively. The site has a PTAL rating of 2 and the draft ELP suggests that the site falls within a suburban setting; therefore, the indicative density range guidance is 45 – 70 uph. The housing density for the outline planning application at Ravensbury is

56 units per hectare, based on a site area of 3.21 hectares and up to 180 units proposed.

- 17.5 May also want to add as it reveals the proposed scheme incl phase 1 would still fall comfortably within the density matrix.
- 17.6 Including the first phase which has been granted planning permission separately, the density is 57 dwellings per hectare based on an area of 3.52 hectares, 21 homes in the first phase and up to 180 units proposed (total of 201 units).
- 17.7 The proposed density falls comfortably within the density guidance range provided in the LP for urban and suburban sites. It is considered that the proposals optimise the potential of the site having regard to the character of the area and site context. The density is the outcome of the design-led approach adopted in developing the masterplan and is therefore acceptable.

## **18.0 Nature Conservation**

- 18.1 Policy CS 13 Open space, nature conservation, leisure and culture expects developments to incorporate and maintain appropriate elements of open space, play areas and landscape features such as trees which makes a positive contribution to the wider network of open spaces. In addition the developments also need to improve access to open space and nature conservation by public transport, cycle, mobility vehicles and on foot and protect and enhance the borough's public and private open space network including Metropolitan Open Land, parks, and other open spaces. The policy also encourages the use of land for growing food.
- 18.2 In terms of Nature Conservation the above policy seeks to protect and enhance biodiversity through supporting the objectives of the London Biodiversity Action Plans and encourage new green links, green corridors and islands to seek in reducing areas of deficiency in nature conservation and to create safe species movement and havens for nature. The policy also requires protecting street trees and using Tree Preservation Orders to safeguard significant trees and improve public access to and enhance our waterways for leisure and recreational use while protecting its biodiversity value. The policy requires, where appropriate, the developments to integrate new or enhanced habitat or design and landscaping which encourages biodiversity and where possible avoid causing ecological damage. Full mitigation and compensation measures must be proposed for any ecological damage that is caused.

## **19.0 Heritage**

- 1.1. A 'Heritage Assessment' was carried out by Cotswold Archaeology Consultancy in support of the outline planning application.

- 1.2. Morden Hall Park, separated from the site by Morden Road / Morden Hall Road, is registered under the Historic Buildings and Ancient Monuments Act 1953 within the register of Historic Parks and Gardens as Grade II listed <https://historicengland.org.uk/listing/the-list/list-entry/1001336>
- 1.3. Wandle Valley Conservation Area covers Morden Hall Park and Ravensbury Park (on either side of the site) and adjoin the Wandle Valley Conservation Area. Wandle Valley Conservation Area – Lower Mitcham: Watermeads and Station are also situated within a 500m radius of the Site.
- 1.4. The buildings in the area date from around the 15th century onwards, the earliest buildings mainly being mills and their associated buildings. The height of the buildings is generally two storeys, with the bigger villas having three.
- 1.5. The main significant buildings within the sub area include the listed buildings around Mitcham Station, Wandle House, the Grove Mill and the mill workers' cottages. The most common materials are yellow and brown stock brick laid in Flemish bond. The area is mainly urban in character, although the parkland areas are well wooded and the section around the river is a nature reserve, which gives these areas a more open character.

**1.6. Setting of a listed building – statutory listing**

- 1.7. The following buildings are listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.
- 1.8. These heritage assets comprise the Grade II Listed Ravensbury Mill, Grade II Listed White Cottage and Grade II Listed Morden Lodge, in addition to the Grade II Registered Park and Garden at Morden Hall and associated Listed Buildings. The Wandle Valley Conservation Area sub-area 5 (the Parks, containing Ravensbury Park and Morden Park; has also been considered as part of the detailed settings assessment.

**1.9. Grade II Listed White Cottage (NHL 1080910)**

**1.10. Step 1: The heritage asset and its setting.**

- 1.11. The Grade II Listed White Cottage comprises a detached structure, dating to the 18th century. The building has three storeys, with bay windows on its south-west facing façade overlooking the A239 (Morden Road). The structure is timber clad, with brickwork visible in areas.
- 1.12. The Listed Building lies within a small garden area, surrounded by fencing. A public house (which is not designated or included on the Local List; Merton Borough Council) lies immediately to the west, a small number of structures also lie to the north-west, and the building fronts onto the main road (the A239- Morden Road), and faces the housing estate which currently occupies

the Site. To the north and north-east lies the Grade II Registered Morden Park.

**1.13. Step 2: The contribution of setting to the significance of the historic asset.**

1.14. The significance of the Listed Building derives primarily from the historic and architectural interest retained by the asset's physical fabric. The evidential and historical values of White Cottage are embodied within the fabric of this building, representing an example of a post-medieval vernacular dwelling. Ravensbury, Borough of Merton: Heritage Desk-Based Assessment

1.15. The key setting of the Listed Building comprises the garden area in which it lies and adjacent structures. White Cottage is stated within the Listed description to date to the 18th century, and thus historic maps which depict the area from this period give an indication as to the original setting of the asset. Historic maps, including Rocque's Map of 1768 and the Tithe map of 1847, show that in the past the Grade II Listed Building has lain within a small group of structures situated on the bend of the A239 as it does today.

1.16. Rocque's map shows that beyond the adjacent buildings and enclosure in which these and the Listed Building lay, were fields to the north, and north east the River Wandle to the west, and fields within the Site area which lay, as it does today, beyond the bend in the main road. The main road forms part of the setting of the Listed Building.

1.17. During the 18th century this part of the River Wandle was associated with market gardening. Medicinal and aromatic herbs, watercress and other species were grown in this area. The area was also important at this time for calico bleaching, printing, flour and snuff milling, the manufacture of flock, felt and paper, copper and leather working. Buildings shown within the Site, and possibly to the south, in addition to the Snuff Mill recorded at Ravensbury Mill on Rocque's map of 1768 are likely to have been associated with these processes. The modern houses which lie within the Site make no contribution to the setting of the Grade II Listed Building, and can be clearly seen from the Listed Building. However, they are a representation of the historical processes that have dominated this area, with the development and closure of the industrial activity followed by two phases of residential development.

**1.18. Step 3: The effect of the proposed development on the significance of the asset.**

1.19. The proposed development would comprise the demolition of the current houses, and the construction of modern housing, including a four-storey block of flats at the corner of the site (opposite the cottage), with three storey pitched-roof houses fronting onto Morden Road to the east and south.

1.20. The proposed development would not affect the key contributors to the significance of the Listed Building, embedded in its physical fabric and architectural form. The key elements of the setting that make a contribution to

the significance of this asset, including its garden, its roadside location and historical associations with the history of the development of the River Wandle environs would not be affected. The development would comprise the replacement of the existing housing estate within the Site within modern, higher quality houses. Such development would not constitute a change to the character of the surroundings of this Listed Building. The proposed development has been designed to respond to the local patterns of development and to the industrial history of the area, with the form of new buildings (i.e. pitched roofs to town houses) and traditional material (including brick) complementary to local architectural traditions. Such design principles could create surroundings that would be more harmonious with the Listed Building than the present, worn and aesthetically displeasing estate. As specified in the Townscape and Visual Impact Assessment, the massing and detailing proposed (as defined in the Design and Access Statement and the Design Code produced by HTA) will ensure that the quality of the Proposed Masterplan will be a great improvement to the urban design and architectural conditions that currently exist on the Site, particularly along the edges of the estate and nearest to the White Cottage and Ravensbury Mill Listed Buildings.

- 1.21. However, it is noted that the proposed building immediately opposite the Listed Building is of greater scale than the extant houses (three storeys with set-back fourth instead of two storeys with pitched roof). Whilst such introduction into the setting of the Listed Building could be detrimental, it would fall within the lower end of the scale of less than substantial harm, as defined by the Framework - it would not affect the key contributors to the asset's significance. As such, any change to the significance of this Listed Building needs to be considered in the context of the existing estate, which is worn, unsightly and makes no positive contribution to the significance of this asset. The new buildings, albeit taller, which could be perceived to be dominant, would form part of a considerate development creating quality public realm along Morden Road and replacing an unattractive estate. In this context, any limited harm upon the significance of the White Cottage by taller buildings needs to be weighed against the benefits of the proposal and the proposed improved character of a well-designed residential street, which has the potential to enhance the character of the Listed Building's setting. On balance, it is Ravensbury, Borough of Merton: Heritage Desk-Based Assessment considered that the proposal would have a neutral effect on the significance of White Cottage.

**1.22. Grade II Listed Ravensbury Mill (NHL 1080857)**

**1.23. Step 1: The heritage asset and its setting.**

- 1.24. The Grade II Listed Ravensbury Mill comprises a watermill, recorded within the Listing description to comprise a factory structure, dating to the mid to late 18th century. The building is made of stock brick with a hipped slate roof and red brick arches over cast iron casements in places. Water wheels are also retained within the Listed Building. The Mill is situated close to the River Wandle, associated with a range of conjoined buildings which line Morden Road. Large residential structures, such as Riverside House, lie to the south

and east of the Listed Building, and have elements within their design which reflect the character of the mill.

**1.25. Step 2: The contribution of setting to the significance of the historic asset.**

1.26. The key setting of the Listed Building comprises the River Wandle. In functional terms the Grade II Listed Building's existence and location relates to this river, and in terms of its wider context the River formed the focus for industrial activities from the post-medieval period, of which Ravensbury Mill survives as a standing reminder.

1.27. Rocque's map of 1768 shows a line of buildings within and adjacent to the Site, and the tithe map records a printing factory in this area, and the snuff mills at Ravensbury Mill. During the 18th century, the area was also important for calico bleaching, printing, flour and snuff milling, the manufacture of flock, felt and paper, copper and leather working.

1.28. The modern buildings which surround the mill in their form and materials reflect the character of the Grade II Listed Building, and make a positive contribution to its setting, emphasising its presence and history. The houses which lie within the Site make no contribution to the setting of the Grade II Listed Building. However, they are a representation of the historical processes that have dominated this area with the development and closure of the industrial activity followed by two phases of residential development.

**1.29. Step 3: The effect of the proposed development on the significance of the asset.**

1.30. The proposed development would comprise the demolition of houses, and the construction of modern housing, with illustration of the new development provided on Viewpoint 1 of the Visual Impact Study (by Miller Hare Limited). As with the Grade II Listed White Cottage the replacement of this housing with modern, higher quality units would enhance the area and could, through use of appropriate materials, be constructed in a way which would be more harmonious with the Listed Building than the current housing. Materials concordant with the mill (including durable and high quality facing materials, including brick, and metalwork that is colour-coordinated) may enhance the setting of the Grade II Listed mill through emphasising elements of its historic setting. The use of such materials in the area most closely adjacent to the mill and River Wandle would serve to enhance the setting of the mill by the formation of structures in line with the post-medieval industrial character of this area. Given the nature of the Site and the location of the Listed Building it is apparent that the most sensitive areas of the new development will be those in the adjacent south west corner of the Site and along the Wandle Valley. The Wandle Valley includes a large number of shrubs and trees, many of a mature age. These limit views along the river and serve to hide part of the proposal Site from Ravensbury Mill. It is therefore concluded that there would



be no harm to this heritage asset, in line with the National Planning Policy Framework.

**1.31. Wandle Valley Conservation Area, Grade II Registered Park and Garden at Morden Hall and associated Listed Buildings**

**1.32. Step 1: The heritage asset and its setting.**

1.33. Wandle Valley Conservation Area was designated in 1990 and extended in 2000. Draft character assessments for the Wandle Valley Conservation Area are being prepared by Merton Borough Council and are available in draft format from the council website. The Conservation Area has been divided into a series of sub-areas, for which separate character assessment documents have been produced.

1.34. The Site lies beyond, but is surrounded on three sides by the Parks sub-area of the Wandle Valley Conservation Area. 'The Parks' area covers Morden Hall and Ravensbury Park, and as such the Grade II Registered Park and Garden at Morden Hall, the 8 Grade II Listed Buildings and a number of Locally Listed Buildings within it have been considered here, in tandem with the Wandle Valley Conservation Area. However, it must be noted that different policies cover these heritage assets.

1.35. The Planning (Listed Buildings and Conservation Areas) Act of 1990 provides protection for the Conservation Area and Listed Buildings, while Registered Parks and Gardens are designated by English Heritage who use powers set out in the 1983 National Heritage Act. The Framework sets out national planning policy relating to the conservation and enhancement of the historic environment. Conservation Area. This sub-area of the Conservation Area is characterised by parkland representing the remains of estates arranged along the River Wandle, which include Morden Hall, Ravensbury Park and the former Mitcham Grove (Watermeads Housing Estate). Additionally, three water mills also lie within this sub are (Ravensbury Mill and two mills within Morden Hall Park). The mills form a physical representation of the milling and industrial activities which took place along the river and formed an important aspect of the history of the Conservation Area.

1.36. Ravensbury Park, which characterises the south-eastern part of this sub-area of the Conservation Area, is associated the former Ravensbury House. Ravensbury House is shown on historic maps, just to the north of the River Wandle, and adjacent to the southern Site boundary. Remains recorded within this area relate to the 18th-century Manor House. Excavations conducted in 1973 recorded evidence of an 18th-century yard and outbuildings in the direct vicinity of the manor house. Earlier industrial remains were also found, and medieval pottery was recovered from subsoil deposit. It has been suggested that the 18th century manor house lay on the Site of an earlier, medieval, house of which documentary evidence dating from the 16th century is known (Montague 1977: 286). The house is thought to have formed the focus for calico bleaching and printing (ibid), and a printing factory I recorded adjacent to the manor house and shrubberies on the 1847 Tithe map.

- 1.37. By the latter part of the 19th century, Ravensbury Manor House had fallen into disuse, and the surrounding parkland, characterised by mixed conifer and broadleaf plantation, had developed. During the 20th century areas of the parkland were developed for residential purposes, and the remaining area was allocated as public parkland in 1930. Additions and alterations have been made in the subsequent period, including the excavation of a lake in the eastern part of the park in 1970, for drainage, and the extension of the riverside walk. Modifications to the river's course adjacent to Ravensbury Mill have also been made.
- 1.38. Ravensbury Mill also lies within the Conservation Area, and is discussed separately, in detail above. Mitcham Grove comprises the remains of a post-medieval estate focused around an Elizabethan Manor. Excavations have shown that there was an earlier, 12th-13th century house on this Site, which may have been the precursor to the 18th/19th century house. The grounds of Mitcham Grove were incorporated within Ravensbury Park and the public park formed in 1930.
- 1.39. Morden Hall Grade II Registered Park and Garden is focused around Morden Hall. Morden Hall is itself a Grade II Listed Building lying around 610m to the north-west of the Site. The land on which Morden Hall was founded belonged to Westminster Abbey prior to the dissolution, at which point it was purchased by Messrs Duckett and Whitchurch. In 1554 Richard Garth purchased the lands, which included a new mansion house at that date, located southward of the current Morden Hall. The present Grade II Listed Building was built in 1750-1765 (although the Conservation Area Appraisal notes a date of 1770 shows a series of enclosures within the area of the current parkland which may represent formal gardens associated with the hall. The kitchen gardens are thought to be contemporary with the hall, dating to the 18th century. In the period following the construction of the hall the associated kitchen gardens were let to a series of nursery men and were used as market gardens for the majority of the 19th century, and the hall was occupied by tenants including Rev. J and T. White who used it as a school. The kitchen gardens, which in the past were used as a nursery, now comprise a garden centre. During the 19th century the parkland was used as a deer park by the then owner Gilliatt Hatfield (who began buying up parts of the estate in 1867), during which period many of the buildings were altered to suit this purposes.
- 1.40. During the creation of the parkland in 1873 Gilliat removed boundaries and knocked down cottages. He also established tree-lined boundaries along the east and west park edges. English Heritage cite the main features of the 1873 parkland as comprising the 'tree-lined drive from the Hall to the new South Lodge in Morden Road'. This single storey Lodge, a Locally Listed Building, is characterised by the stonework details on the chimney, round headed windows in the east elevation and timber bargeboards (Merton Borough Council 2009). The previous main entrance lead to the hall from Morden Road, from the west, and can be seen on Rocque's map. This entrance leads to a turning circle in front of the hall.

- 1.41. A small number of changes to existing watercourses and the construction of a series of bridges crossing the Wandle were also made by Hatfield. The Hall gardens also saw minor alterations and new structure including lodges and a stable block were built.
- 1.42. Step 2: The contribution of setting to the significance of the heritage asset.**
- 1.43. A number of important strands which tie the historical background, context, wider setting and character of the parkland, Conservation Area and associated Listed Buildings and Locally Listed Buildings can be drawn out. The elements which form the key aspects of setting include: the River Wandle, which forms an important feature of the design, history and setting of the parkland. The river runs through the parkland and has been altered in places, incorporated into the design of the park, and features within the park (such as the Grade II Listed bridges installed by Hatfield) reflect the presence and importance of the River as a parkland feature. The river also formed the focus for industrial activities which characterise the Conservation Area (including Ravensbury Park and Listed buildings including Ravensbury Mill, discussed above) in addition to the parkland.
- 1.44. Industrial development along the River Wandle. This forms part of the character and historical background of the Conservation Area, Listed Buildings, such as Ravensbury Mill, and is connected with the development of Ravensbury Park.
- 1.45. The horticultural connections of the parkland. The kitchen garden was used for market gardening during the 19th century. The history of market gardening in the area is also an important feature of the Wandle Valley APZ, and its role in the history of this area is noted as such within the Conservation Area Character Assessment.
- 1.46. The trees which form features within Morden Park, such as the tree-lined avenue, and also comprise one of the key features of Ravensbury Park and thus the sub-area 5 part of the Conservation Area are a key component of the setting of the parkland, Listed Buildings and Conservation Area.
- 1.47. As a group the heritage assets all form key components of the setting of each other. Views The key views of the Registered parkland appear, for the most part, across relatively short distances. The principal house looks out over closely adjacent woodland, and lawned gardens to the north. Views toward Morden Hall are of principal importance from the driveway which leads to the hall, over a Grade II Listed bridge. The hall is only visible once the corner in the tree-lined avenue has been turned, coming into view as once proceeds westwards along this avenue. The south lodge installed by Hatfield (Locally Listed Building), located c. 25m west of the Site on the opposite side of Morden Road, can be seen along the road, although the majority of views outward from along this avenue are screened by the trees which line it. However the modern housing estate which lies within the Site is visible from the south-eastern end of the avenue, where it joins the main road (Morden

Road), adjacent to the south lodge installed by Hatfield (Locally Listed Building). Earlier views along the original driveway would also have been of importance. These views would not include the Site.

- 1.48. Views within the Conservation Area and parkland are general restricted due to the numbers of trees and residential development, including that within the Site. Views of the Site are not possible from the focus of Grade II Listed Buildings at Morden Hall, including the Grade II Listed hall itself, Grade II Listed Gate piers and Grade II Listed Bridge. Additionally woodland was observed to screen views from the Grade II Listed Pedestal and Statue of Neptune, Grade II Listed Pedestal and Statue of Venus and Cupid 50 Yards North of Morden Cottage, Grade II Listed Walls of the Walled Garden to the South of Morden Hall, Grade II Listed Snuff Mills and Grade II Listed Morden Cottage. Views of the Site from the majority of the Registered Park and Garden are screened by vegetation within the parkland Likewise the majority views from within the rest of the Conservation Area are similarly screened.
- 1.49. The Site, currently occupied by housing, makes no contribution to the significance of the Registered Park and Garden, Listed Buildings or Conservation Area. However, they are a representation of the historical processes that have dominated this area. With the development and closure of the industrial activity followed by two phases of residential development.
- 1.50. **Step 3: The effect of the proposed development on the significance of the asset.**
- 1.51. The proposed development would comprise the demolition of houses, and the construction of modern housing, including a three-storey block of flats (with setback fourth floor) at the corner of the Site (east of the south-eastern end of the avenue), with three storey pitched-roof houses fronting onto Morden Road to the east and south.
- 1.52. None of the key elements of setting contributing to significance would be altered. Although the details of views of the Site would be changed by more modern housing (as illustrated on Viewpoint 3 of the Visual Impact Study), the nature of these views would continue to be characterised by residential development, albeit improved, as the development proposals intend to deliver higher quality design than the present situation. The replacement of the extant housing estate with a modern, higher quality development would not change the land-use within the Site, and thus the character of the Site would remain unaltered. The details of the appearance of the new development will be developed at reserved matters. The proposed development has intended to respond to the local traditions and to the industrial history of the area, with the form of new buildings (i.e. pitched roofs to town houses) and proposed materials (including brick) complementary to local architectural traditions. The new buildings, including those taller than extant structures, would form part of a considerate development creating quality public realm along Morden Road, more harmonious with the Conservation Area and Registered Park and Garden than the present, worn and aesthetically displeasing estate. Furthermore, green landscaping and the provision of appropriate trees,

especially along Morden Road, would serve to complement the parkland character of the area. Such change would be considered an improvement of the current character of the setting along Morden Road. It can therefore be concluded that there would be no harm to the Conservation Area, Registered Park and Garden and associated heritage assets as a result of the proposed development with reference to the National Planning Policy Framework.

### **1.53. Summary**

- 1.54. The assessment had shown that the development will not result in any harm to the significance of the majority of the designate heritage assets in the proximity of the Site, including the Grade II Listed Ravensbury Mill. Additionally there is an opportunity through appropriate detailed design of the new residential properties and the accompanying landscaping for the scheme to improve the setting of the Conservation Area and Registered Park and Garden. This assessment has established that although the development would introduce taller structures, which may be perceived as dominant, in the immediate vicinity of Grade II Listed White Cottage. This could result in limited harm to its significance, however, when weighed against the improved character of the well-designed street scene, the development will result in neutral effect on the significance of this Listed Building.
- 1.55. The proposal is therefore considered to achieve the objectives of policy EP R1 c) of the Estates Local Plan. As shown on the Illustrative Masterplan the existing set back building line along Morden Road is maintained and new tree planting is proposed adjacent to the Ravensbury Park entrance.
- 1.56. New streets provide enhanced visual and pedestrian connections with neighbouring Morden Hall Park and the Wandle Trail and river edge to the South of the site. Given the proximity to such quality open spaces, priority has been given to private garden spaces for homes instead of public open space within the site. Landscape enhancements include new tree planting and a swale which connects the green spaces throughout the estate.
- 1.57. As shown in the proposed scheme, developments are set back from the edge of Morden Road and follow a similar building line to that of the opposite Surrey Arms Public House thus assisting to create a sense of place on this corner. The maximum building height in this location, and across the estate, is 3 – 4 storeys. This helps to ensure that the proposals do not over dominate the existing Public House.
- 1.58. Furthermore it should be noted that both Historic England and LBM Conservation Officers were consulted on the proposed development and have raised no objections to the proposed scheme. The details of the appearance of the proposed new buildings will be developed at reserved matters and it is recommended that the design team takes into consideration the local character and provides explanation on how this character has been reflected in the detail design. At this outline stage it can be commented that the initial proposals have intended to respond to the local traditions and to the industrial history of the area, with the form of the buildings (i.e. pitched roofs to town

houses) and some of the proposed materials (including brick) complementary to local architectural traditions and therefore compliant with Policy of policy EP R1 c) of the Estates Local Plan

**1.59. Locally listed buildings nearby.**

- 1.60. The Locally Listed Buildings have also been considered as part of this assessment. It has been established that majority of these do not require a detailed assessment. However, the Locally Listed Building Morden Hall Park Lodge adjacent to Surrey Arms Public House (which is not Locally Listed), located c. 25m west of the Site, has been included and is discussed as part of the Wandle Valley Conservation Area.
- 1.61. The visual impact of the Ravensbury Estate in its existing form is neutral. The scale and architecture of the existing buildings work well in their existing context, though the density of the built form is rather low on the estate. The proposed development is considered to be modest in scale and massing which has remained mostly two storeys except in areas where there is considered to be an opportunity to increase the height up to 4 storeys. As such given the sensitive approach that has been adopted in the design of this scheme it is considered that the proposal would not have a detrimental impact on the visual amenities of these neighbouring buildings of special interest and would instead provide a positive contribution to the existing townscape, character and local distinctiveness of the area in accordance with the Estates Local Plan 2018. Condition 50 would ensure that historical and archeological interests are safeguarded.

**20.0 PUBLIC OPEN SPACE AND AMENITY SPACE**

- 20.1 The site is surrounded by designated open spaces at Morden Hall Park and Ravensbury Park.
- 20.2 The proposals will result in the reconfiguration and re-allocation of existing amenity spaces within the estate. Currently the existing amenity space on Ravensbury comprises 3,880sq.m, laid out mainly as green spaces (e.g. in front of the existing community centre). The proposal would provide a total of 6,858sq.m of public amenity space on the estate, an increase of 57% (2,978sqm). Appearance and landscaping of this space will be considered at a later date as part of Reserved Matters and a planning condition has been added to this effect.
- 20.3 Although each house will have a private garden, due to the increase in number of homes, streets and roads and publicly accessible amenity space, there will be a reduction in private amenity space from 16,268 sqm existing to 9,288sqm, a loss of 6,980sqm.
- 20.4 The Ravensbury estate sits between two large parks (Morden Hall Park and Ravensbury Park) and the site's location combined with the increase in publicly accessible amenity space is considered to compensate the reduction in private amenity space. Therefore it is considered that the reduction in

overall private amenity space will not cause detrimental harm to the amenities of existing and future occupants of the site.

- 20.5 It is also worth noting that the proposal would remove a small section (c.20sqm) of green space which acts as highways land and the end of Hengelo Gardens. This 20sqm is designated as 'Open Space' within the LBM Policies Map 2014, therefore this Outline Planning Application was advertised as a departure from the statutory development plan for the purposes of open space. The purpose of removing this minor part of the green space is to provide a turning head for vehicles on Hengelo Gardens. The need for such works has come out of consultation with local residents and in the interest of public highway safety. It is also worth noting that, although public realm improvements are being made to Hengelo Gardens, the proposed redevelopment of buildings would not extend as far as this part of the area as buildings located in Hengelo Gardens will be retained. The works are considered part of overall highway improvements in the area. Furthermore, given that there would be additional publicly accessible amenity space of +2,978sqm and the Ravensbury Estate sits within two large parks it is not considered that this modest loss of existing green space would have a significant impact on the wider ecology, biodiversity or nature conservation of the area.
- 20.6 Play space
- 20.7 Draft Policy EP R5 requires play space provision having regard to the Mayor of London's 'Play and Information Recreation' supplementary planning guidance (2012). The policy also requires development proposals to be supported by an analysis of current and future need for the provision of indoor and outdoor sports facilities, with any proposals having regard to Sport England's Planning for Sport Aims and Objectives.
- 20.8 Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter.
- 20.9 The D&A Statement indicates that 3 new areas of publically accessible doorstep play space will be provided on site, which is considered suitable in principle. However the location and size of these areas need further clarification to ensure these meet the requirements in line with the Mayor's SPG. Page 99 of the DAS states provision of at 120sqm, however page 2 of the DAS supplement states that up to 620sqm will be provided. As there is no play space within 100m actual walking distance of the site, the minimum space required must be provided on site.
- 20.10 Any doorstep play proposed within the public realm areas needs to be designed in accordance with the SPG and must be safely accessible. Ravensbury Park play ground includes a slide, climbing boulders, swings, and a wheelchair accessible roundabout.

20.11 There are also other play space equipment's located nearby with approximate 'actual walking distance' from the estate to the play space in Morden Hall Park of between 611m and 852m, which provides additional play space for children of all ages.

20.12 It is therefore considered that there would be adequate amounts of play space for all ages in accordance with local and national policies and guidance. In any case the proposed provision for play space would be further assessed at reserved matters stage to ensure adequate play space has been considered for the child yield calculation to each phase of the development.

#### 20.13 Sport England

20.14 The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation. Active Design Sport England met with the applicant on (8/12/2017) to discuss Sport England's Active Design guidance. Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. Sports England have confirmed that the applicant's demonstrated that they had incorporated elements of the 10 principles set out in the document through the layout and design of the facilities on site.

20.15 As such Sports England does not object to this proposed outline planning application.

### **21.0 Noise**

21.1 The NPPF (2012) states that policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, by mitigating and reducing noise to a minimum (including through the use of conditions). However, the NPPF (2012) recognises that development itself will often create some noise.

21.2 Policy 5.3 of the London Plan (2016) states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments. This includes minimising noise pollution. Policy 7.15 of the London Plan (2016) states that development proposals should seek to manage noise by mitigating and minimising the existing and potential adverse impacts of noise from within, as a result of, or in the vicinity of new development without placing unreasonable



restrictions on development. It is recommended that to accord with policy at Reserved Matters stage when the detailed design would be confirmed, a Noise and Vibration Mitigation Strategy be submitted to the Local Planning Authority for approval. This document shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas.

- 21.3 An acoustic report has been prepared by Peter Brett Associates LLP (PBA) in support of the outline planning application. A fully automated environmental sound survey was undertaken in order to determine the current sound climate at the site. This was supplemented with an acoustic model of the site.
- 21.4 Based on measured external noise levels, Morden Road is the predominant environmental noise source within the vicinity of the site. As such, consideration would need to be given to the orientation of buildings close to the road, along with the acoustic requirements of façade elements to ensure external and internal noise criteria are met. Furthermore it should be noted 'Plant Noise' limits have been provided to reduce the impact from any external plant associated with the community centre.
- 21.5 In summary, the assessment has demonstrated that, with appropriate mitigation, the site is suitable for residential development. The final specifications for the noise reduction measures would be considered during detailed design with further details to be provided at the Reserved Matters stage, in accordance with Policies 5.4 and 7.15 of the London Plan (2016), Policy DM EP2 of the Local Plan 2014 and Policy CS 15 of the Core Planning Strategy 2011. Conditions have been attached to this effect.

## **22.0 Sustainability and Climate Change Mitigation**

- 22.1 Paragraphs 96-98 of the NPPF (2012) relate to decentralised energy, renewable and low carbon energy. Chapter 5 of the London Plan (2016) contains a set of policies that require developments to make the fullest contribution to the mitigation of carbon dioxide emissions. The application site is one of three Merton's Estate Regeneration Projects that is being brought forward in terms of seeking to obtain outline planning permission. Officers consider that the scheme being the smallest out of the three sites would not require decentralised energy centre. Particularly as the other two schemes at High Path and Eastfields are seeking to provide an opportunity for an onsite energy centre with an adequately sized floor space that will accommodate the application site and potentially other neighbouring properties or developments to be undertaken in the future within the area.
- 22.2 The proposal would require a reduction in carbon dioxide emissions by at least 35% compared to the 2013 Building Regulations to accord with the London Plan (2016). The applicant would need to demonstrate the measures set in the Energy Statement accompanying the planning application and would also require confirmation as to what measures have been implemented in the construction of the development. Any shortfall in compliance with the

carbon reduction target should be safeguarded by the requirement to make a financial contribution to the Council's Carbon Offset Fund.

- 22.3 The estimated percentage reduction after the implementation of the measures of the 'Be Lean' stage is 8.30%. There are no reductions at the 'Be Clean' stage as no CHP has been used. The estimated percentage reduction after the implementation of the measures of the 'Be Green' stage is 31.25%. Overall, the development achieves a regulated CO2 saving of 39.5% beyond Part L 2013 baseline. Any remaining shortfall in CO2 emissions will be subject to carbon off-setting facilities.
- 22.4 The use of PV panels mounted on the roofs has been considered to be a cost effective technology that will supply electricity directly to the buildings on clear days. If there is a surplus this could be sold to the grid. The electricity generated by these systems will feed into the landlord's electrical system.
- 22.5 The use of photovoltaic is expected to provide an increase in the amount of sustainable energy generated by the panel. The panels will be located on the roofs of the buildings covering a total area of 1299sq.m.
- 22.6 The use of potable water will be reduced to below 105 litres per person per day complying with the notional standards and the London Plan policy. This will be achieved by the use of aerated taps, mains powered showers and dual flush WCs. Water meters will be specified as these help to reduce significantly the water use and will reduce the short-term impact on water supply resources in the area.

## **23.0 The acceptability of the scheme in terms of the environmental impacts**

### **23.1 Flood Risk and Drainage**

- 23.2 The site falls within Flood Zone 2 and 3. Having reviewed the submitted FRA dated November 2017, the Environment Agency is satisfied with the proposal would not address the flood risk concerns
- 23.3 A number of revisions and updates have been undertaken to the previous FRA based on comments made by Merton's Lead Local Flood Authority (LLFA) and the Environment Agency and subsequent meetings with the applicants design team.
- 23.4 The site is located within Flood Zone 3a and the most significant risk of flooding to the site is associated with the River Wandle. As flood mitigation, all finished floor levels for residential uses on the site are now raised above the 1 in 100 year + climate change (35%) + 300mm (freeboard). Modelled flood levels across the site vary and are specified in section 5.2 of the Flood Risk Assessment. Flood depths are greatest in the central area of the site and are generally shallower at the perimeters of the site. The following flood risk mitigation measures are proposed, but will need to be designed in detail at the reserved matters stage:

- External areas will be profiled to shed surface water away from the properties.
- A new surface water drainage system will be provided which will incorporate attenuation devices to accommodate storms up to the 1%+CC event.
- New SuDS features will be incorporated within the landscaping to store and treat surface water run-off.
- All bedrooms to the houses will be provided at first floor level or above.
- Flood resilient materials will be used throughout the ground floor construction.
- Green roofs are to be provided to all but one of the blocks of flats.
- Roof attenuation is to be provided beneath the green roof system which will restrict discharge rates and accommodate a 1 in 100+CC event.
- Permeable paving will be used for all parking bays.
- Garden levels will be adjusted and re-profiled where required to ensure that any loss of floodplain volume will be compensated for on level for level basis.
- All units to be signed up to the EA's flood warning system and given copies of the site-specific Flood Evacuation Plan.
- All wheelchair units will be located in an elevated flat block.

23.5 All buildings will be raised above the design flood level and a void system which allows floodwater to pass beneath the properties is proposed. This will ensure that there is no loss of floodplain storage. It is important that at the reserved matters stage, that a level for level and volume for volume compensation scheme is proposed. In addition, all voids on the buildings shall be to the EA specification and take full consideration of flood flow direction/conveyance. The revised FRA has also considered floodplain compensation based on the indicative phasing plan provided, to ensure no losses occur during construction of each phase.

23.6 With reference the drainage strategy, the indicative drainage layout drawing (Appendix I) for the site will discharge to the river on the southern boundary. The site wide flows will be controlled via a hydro-brake with flows restricted to a total of 41 l/s for all events up to the 1 in 100 +30% event. Surface water attenuation will be provided to accommodate all storms up to the 1 in 100+30% event. Based upon the outline planning application layout, a variety of attenuation devices are proposed:

- Roof top attenuation to Blocks D, F, M & Q = 1000m<sup>2</sup> of blue roof attenuation will be provided below the green roofs, made up of 100mm deep tanks to provide approximately 50m<sup>3</sup> storage.
- Attenuation within the permeable roads and paving sub-base. Permeable paving is proposed for all parking bays across the site. At present, the volume of attenuation within the parking bays has not been included within the attenuation calculations.
- Swale – For the outline application, the preliminary details indicate it will be in the order of 170m long in total, and assuming a 0.15m<sup>3</sup> of volume per metre run it would provide approximately 25m<sup>3</sup> of

attenuation. Within the Phase 2 drainage system 15m<sup>3</sup> of attenuation has been allowed for within the swale.

- Oversized pipes - due to the limited available cover within the new roads the pipes linking the hydro-brakes to the attenuation tanks has been restricted to between 675 - 300 dia, which will provide 30 m<sup>3</sup> of attenuation across the phases.
- Shallow below ground attenuation tanks within the garden areas.

Phase 2 – 190m<sup>3</sup>

Phase 3 – 290m<sup>3</sup>

Phase 4 – 304m<sup>3</sup>

Total below ground attenuation = 784m<sup>3</sup>

23.7 In total 879m<sup>3</sup> of attenuation is provided at the outline stage, across Phases 2 to 4. Refer to Appendix J of the FRA for drainage calculations.

23.8 A number of drainage diversions are proposed in order to maintain the supply to the existing dwellings as each phase is constructed. Any diversions of adopted sewers or highway drainage should be the approval of Thames Water or the Highway Authority.

### **23.9 SUSTAINABILITY/EIA.**

23.10 No screening opinion is required to be carried out.

### **23.11 Air Quality**

23.12 LB Merton's Supplementary Planning Guidance (SPG) has been produced to address common air quality issues affecting the Borough and assist in providing a consistent approach to new development. The primary aim of this SPD is to supplement existing Local Plan Policies which seek to improve air quality in the Borough. This SPD is a material planning consideration when determining applications for planning permission and forms part of the Local Plan.

### **23.13 Air quality fund**

23.14 Where it is not possible to fully mitigate the air quality impacts of a new development or the Air Quality Neutral benchmarks are exceeded, developers will be required to off-set the additional emissions by making a financial contribution to the Borough's Air Quality Action Fund. This will be levied at the following rates and updated periodically:

- **traffic impacts** - £25 per car parking space including private garages for residential development
- **building impacts** - £100 for 1,2 bed properties, £150 for 3, 4 bed properties and £200 for 5 bed or more; mixed

use/commercial/community/public schemes should contribute £10 per 10 m<sup>2</sup> gross floor area

### 23.15 Air Quality Fund (AQF)

23.16 Developers should seek to further mitigate the residual impacts and provide local off-setting measures to deal with any adverse air quality impacts associated with development proposals, including if the development fails to meet one or more of the AQN benchmarks. Where it is not possible to fully mitigate the air quality impacts of a new development or the AQN benchmarks are exceeded, developers will be required to off-set the additional emissions by making a financial contribution to the Borough's Air Quality Action Fund (AQAF). This will be levied at the following rates, and updated periodically:

- **traffic impacts** - £25 per car parking space including private garages for residential development, excluding dedicated electric vehicle charging spaces.
- **building impacts – residential development** - £100 for 1 or 2 bedrooms, £150 for 3 or 4 bedroom properties, £200 for 5 bedroom or more properties
- **building impacts – non residential development** - mixed use/commercial/community/public schemes should contribute £10 per 10 m<sup>3</sup> gross building volume.

### 23.17 Construction Phase

23.18 The construction phase of major development can result in emission of air pollutants that adversely affects human health. To ensure that emissions are well controlled all planning consents for major development will include relevant planning conditions to reduce these impacts.

### 23.19 Air Quality and Dust Management Plan

23.20 An Air Quality and Dust Management Plan (AQDMP) must be submitted for approval in accordance with *The Control of Dust and Emissions during Construction and Demolition SPG*. The applicants have not submitted this in detail which will be required at Reserved Matters stage. The AQDMP will need to set out the measures to reduce the impacts during the construction phase. Monitoring of emissions will be required for all major development. The techniques to be used will depend on the development. For medium and high risk construction sites real-time monitoring will be required. The monitoring system should include an automatic alert direct to the site manager so that when dust levels breach acceptable limits action can be taken swiftly and effectively. This monitoring must be undertaken for a reasonable period before, during and after the works. The monitoring process will require financial contributions which will be secured as part of the s106 legal contributions.

23.21 The AQDMP may also be integrated within a wider Construction Environmental Management Plan (CEMP). The AQDMP should include the following;

- The emissions standards that the non-road mobile machinery (NRMM) used on-site will meet (see next section);
- Details of monitoring of dust emissions; and
- Details of the site specific mitigation measures that will be employed on-site.

23.22 The above will be imposed by way of condition as part of this outline planning application which would ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality arising during the phased construction works on the neighbouring vicinity in accordance with Policy 7.14 of the London Plan (2016), Policy DM EP4 of the Local Plan 2014 and Policy CS 15 of the Core Planning Strategy 2011.

### **23.23 Ecology and Biodiversity**

23.24 A Preliminary Ecology Appraisal report has been prepared by SLK consulting in support of the outline planning application.

23.25 The application site has a low to medium density and assessment report found the area to have negligible intrinsic ecological and nature conservation value.

23.26 The survey concluded that there where no bat roosting during the bat survey work that was undertaken for the whole application site. It is considered unlikely that the important bat roosts (i.e. breeding or hibernation roosts of common species, or roosts of spare species) will be recorded within the properties in the application site and it is likely that any roosts that may be present would be small, supporting low numbers of common species, for which appropriate mitigation and enhancement could be undertaken under license from Natural England.

23.27 Whilst the application site is considered to be of low ecological importance, to the immediate south and east of the site boundary lies the River Wandle, an associated diversionary channel, and woodland habitat. Whilst the habitats are of low to moderate intrinsic value for nature conservation, they provide a significant ecological function in the form of providing a green corridor through the urban landscape. This function has been recognised in the statutory designation of the upper river Wandle and Associated Habitats Metropolitan Site of Importance for Nature Conservation. The bat surveys that were carried out had recorded the presence of a small number of common pipistrelle bats commuting and foraging along this corridor.

23.28 The proposed development has been designed to avoid or mitigate either direct or indirect negative impacts on the adjacent wildlife sites, and particularly those that could harm their function as a wildlife corridor. As such

the proposal in its current design form and scale is anticipated to have no significant negative impact on nature conservation or ecological value.

23.29 Therefore the proposed development on this site would represent an opportunity to significantly improve the biodiversity of the area and it is proposed this be achieved through the provision of open space and landscaping opportunities at the Reserved Matters stage. Accordingly, the proposal would comply with Policy 7.19 of the London Plan (2016), Policy DM O2 of the Local Plan 2014 and Policy CS 13 of the Core Planning Strategy 2011, and which will be secured by condition on the outline permission. **Conditions** 10 & 51 are imposed in order to safeguard neighbouring ecology and bio-diversity.

### **23.30 Land Contamination and Remediation**

23.31 The 'Ground Condition Assessment and Contamination and Stability' report has acknowledged the following in terms of the sites current ground conditions;

23.32 **Ground Conditions:** The available geological data indicates that the Site is underlain by Alluvium, River Terrace Deposits and the London Clay Formation. It is expected that the natural strata are overlain by Made Ground associated with the previous and present developments of the Site. Groundwater is expected to be present at a shallow depth.

23.33 **Preliminary Geo-environmental Assessment:** The potential for significant contamination to be present across the site as a whole associated with its history is considered to be **Low** with **Moderate** potential for localised residual contamination to be present.

23.34 **Preliminary Ground Stability Risk Assessment:** A review of potential geological hazards has identified the risk of land instability or for potentially adverse foundation conditions to be present, in general, to be **Negligible/Very Low/Low**. The exception relates to a **Moderate** hazard potential for the site to be affected by compressible ground in the Alluvium, running sand in the Alluvium and the Taplow Park Gravel, and shrinkable ground in the Alluvium and the London Clay Formation. Therefore foundations at construction stage will need to be designed to accommodate the movement or be taken to a depth where the likelihood of damaging movement from shrinking or swelling of clay soils is low.

23.35 In this instance Officers consider the scheme is acceptable subject to the imposition of conditions to ensure the site is free from risk of contamination during all stages of the construction process. The key areas for submission for approval include:

- A Desk Study (Stage 1) of the nature and extent of contamination on-site is carried out;
- Site Investigation (Stage 2) determined the presence of contaminants with the full methodology and detailed results of the investigation provided. An

appraisal of proposed remedial actions is also required to be submitted for approval.

- Remediation Strategy (Stage 3) is where contamination is found which poses unacceptable risks, a detailed remediation scheme to bring the site to a condition suitable for the intended use is required. The scheme must include proposed remediation objectives and remediation criteria.
- Reporting of Unexpected Contamination during the course of the construction
- Verification (Stage 4) is where required, the contamination shall be fully treated and completed wholly in accordance with the
- Approved measures in the remediation strategy. A verification report (that demonstrates the effectiveness of the remediation carried out) must be approved by the Local Planning Authority.

23.36 **Conditions 29 & 30** have been imposed to ensure appropriate further assessments are carried out in regards to land contamination. A demolition and construction method statement is also required to be submitted by the applicant prior to any phase of the development.

## 24.0 Accessibility and Inclusivity

24.1 10% of the total number of units would be wheelchair accessible that would accord with Policy 3.8 of the London Plan (2016). The outline scheme would also provide a car parking space to disabled standard for each of the wheelchair units (1:1). This would accord with the provisions of the London Plan (2016) including Policy DM T3 of the Local Plan 2013 and Policy CS 20 of the Core Planning Strategy. Furthermore this would be secured by way of condition on the outline planning permission.

## 25.0 Trees

25.1 An Arboriculture tree Survey and Arboricultural Impact Assessment has been prepared by Tamla Tree Ltd for this proposed outline planning application. The tree survey carried out revealed that there are 49 trees on site. The categorisation of these trees in terms of quality and amenity value was assessed in line with British Standards BS5837. Of the 49 trees that were surveyed 15 of the trees were sited outside the scope of the assessment whereby access was not available to the rear gardens, and where trees are thought to be retained where possible. However the surveyors have confirmed within the assessment that the quality assessment of these trees would be made when access becomes available.

25.2 The survey of the trees on site revealed the following;

- **2** of the trees that were categorised as (as green) were considered as 'trees of high quality and value: in such a condition as to be able to make a substantial contribution' – **None of these trees are proposed for removal.**
- **20** of the trees that were categorised (as blue) were considered as 'trees of moderate quality and value: those in such a condition as to make a significant



contribution' – **8 of these trees are planned to be removed in order to facilitate the proposed development.**

- 9 of the trees that were categorised (as grey) were considered as 'trees of low quality and value: currently in an adequate condition to remain until new planting could be established' – **8 of these trees are planned to be removed in order to facilitate the proposed development.**
- 3 of the trees that were categorised (as red) were considered as 'trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed regardless of development' – **all trees to be removed in order to facilitate the proposed development.**

25.3 The proposal would also result in a financial contribution of £561,562.50 towards street trees and / or public realm. This would accord with the principles set in the Waltham Forest Revised Planning Obligations SPD (2014) and would be secured as an obligation to any s106 Agreement. The location for such trees and / or public realm will include landscaping along Orient Way that would assist in the creation of a new mixed use neighbourhood, rather than being dominated by arterial roads as is currently the case.

25.4 The council's Arboriculture Officer has been consulted throughout the outline application stage and following on going discussion has confirmed approval of the scheme subject to the imposition of a robust condition to ensure that the applicant provides an Arboricultural Method Statement and a Tree Protection Plan with the planning application at Reserved Matters stage showing details of the proposed new trees (size, species & locations).

## **26.0 Refuse and Recycling**

26.1 Officers consider that there is the option of a waste management scheme that would avoid excessive trips for waste collection. Further details would be required at the Reserved Matters stage and is secured as a condition to the outline planning permission.

26.2 The proposal would not use an Underground Refuse System, all refuse and recycling storage/collection would be carried out in the conventional manner.

26.3 At present, waste at the site is stored at the rear of each property throughout the week, inside upright plastic wheelie-bins and recycling crates. On collection day all waste, including recycling and food waste, is placed outside of each property by its residents, for collection by the LBM. Recycling and food waste is left out in crates and caddies respectively, with general waste left out in black bin liners.

26.4 The proposal would have to comply with Local Plan Policy 5.17 in terms of providing suitable waste and recycling storage facilities as part of the proposed development.

26.5 Houses being serviced for refuse and recycling will be directly adjacent to the individual dwellings, whilst flats would have communal bin stores. Full details

of the indicative refuse strategy have been included in the Design and Access Statement, and this is supplemented by the Design Code in relation to the design approach to be taken to storage facilities.

- 26.6 The bin stores will have storage facilities integrated within the development, the waste storage would be for; general waste, recycling and food waste and will be designed for access by the Councils waste collection teams on waste collection days.
- 26.7 The refuse and recycling strategy would be further assessed at the reserved matters stage and would be conditioned to ensure the storage/design of these facilities are up to the highest standards and accessible for collection purposes to the satisfaction of the LPA.

## **27.0 Archaeology**

- 27.1 An Archaeology report has been prepared by Cotswold Archaeology comprising of Heritage Desk-Based Assessment for Ravensbury Estate in support of this outline planning application. The objective of the assessment was to identify the nature and extent of the recorded heritage resource within both the site and its immediate environs.
- 27.2 The Site lies within the Mitcham/ Wandle APZ, characterised by industrial activities and market gardening. The post-medieval and modern potential within the Site relates primarily to features associated with industrial activities lining the River Wandle, and including a printworks and bleaching buildings and grounds. Former canalised channels of the Wandle may survive within the Site. There is also potential for former houses within the Site, and a farm and possible agricultural building to survive below ground.
- 27.3 Historic England have considered the submitted 'Heritage Document' and are in support of this proposed scheme for outline planning application. Notwithstanding Heritage England acknowledge that there is discernible on-going archaeological interest within the site, mainly in respect of the prehistoric and industrial period in the area. As such the imposition of a condition to any planning permission for the archaeological position is to be reserved is recommended. This would involve works not commencing until the applicant has secured the implementation of a programme of archaeological work. Historic England (Greater London Archaeological Advisory Service) has requested a condition be imposed as part of any outline planning permission that comprises a thorough archaeological investigation.

## **28.0 Secured By Design**

- 28.1 A number of detailed comments have been made in respect of the principles and practices of Secured by Design. These are matters that the scheme architect will respond to and adopt as part of the detailed design at Reserved Matters stage. In addition, it is the responsibility of any developer to adhere to the principles and practices of Secured by Design and Safer Places and apply

through an accreditation process that is overseen by the Metropolitan Police separately outside of the planning process

## **29.0 SECTION 106 LEGAL AGREEMENT**

29.1 Planning obligations, enforced through Section 106 (S106) legal agreement (Town and Country Planning Act 1990 (as amended)), assist in mitigating the impact of potentially unacceptable development to make it acceptable in planning terms however they should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should also only be sought where they meet all of the following tests within the Community Infrastructure Levy regulations 2010:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

29.2 Where obligations are being sought, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. An approval subject to a S106 is not final until the S106 agreement has been completed and signed by all parties.

29.3 A section 278 (S278) agreement (Highways Act 1980 (as amended)) is a legally binding document between the Local Highway Authority and the developer to ensure that the work to be carried out on the highway is completed to the standards and satisfaction of the Local Highway Authority.

29.4 The document is prepared by the Local Highway Authority's solicitor and issued to the developer's solicitor in draft format. The details of the agreement are then agreed before the final document is completed and signed by both parties before the commencement of any work on site.

29.5 The agreement details what the requirements of both the Local Highway Authority and developer are to ensure that the proposed works are carried out in accordance with the approved drawings. It also details how the Local Highway Authority may act should the developer fail to complete the works.

29.6 Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions". Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. Necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;

6. reasonable in all other respects.”

- 29.7 Should the application be approved, there are S106 (including S278) heads of terms recommended in addition to recommended planning conditions to ensure that the development is acceptable in planning terms, and does not result in an undue impact on local parking and highways conditions from construction through operation, an undue impact on the amenities of the occupiers of the adjoining and surrounding residential and commercial properties, delivers the maximum amount of on-site affordable housing the scheme will viably allow and contributes towards sustainable energy provision and biodiversity gains.
- 29.8 The recommended planning conditions and S106 heads of terms are laid out further below. The relevant S106 legal agreement between LBM and Clarion shall include the following heads of terms (as is normal practice, obligations as specified are still subject to further negotiations. The Committee will be provided with an updated position at the Committee meeting). Furthermore it should be noted that there must be connection between the Overarching agreement and this S106 agreement.
- 29.9 This outline permission is GRANTED subject to conditions and informatives and completion of a Section 106 Agreement with the following Heads of Terms:

**Overarching Head of Terms for all three estates (Eastfields (17/P1717), High Path (17/P1721) and Ravensbury (17/P1718))**

- a) **Linkage across three schemes** to ensure collectively that all three proposals are financially viable
- b) **Affordable housing** – minimum of 726 affordable homes with replacement affordable homes to be offered to existing tenants on basis of existing tenancy rights
- c) **Affordable housing viability review mechanism** – undertaken at specific times during delivery of the three schemes to see if any financial surplus to be used towards affordable housing policy compliance across the three estates
- d) **Financial viability model**, its inputs and assumptions used to be agreed in advance.
- e) **Delivery: Provisions** to ensure that all three estates are connected for viability and built out in reasonable time, and to secure the delivery of works in kind and the payment of contributions set out in the Section 106 Agreement.
- f) **Developer to meet council’s reasonable legal costs** for drafting S106 agreement

**g) Developer shall meet council's reasonable costs of monitoring S106 agreement**

**Ravensbury specific Heads of Terms**

All sums payable by the developer pursuant to the s106 agreement will be index linked

**h) Affordable housing:**

- i. 89 social rented units, and
- ii. 3 affordable rented units

i) **Affordable housing viability review mechanism:** the developer to undertake a viability review at specified timescales during the delivery of the development. This will identify whether the development generates any financial surplus, including through unspent section 106 contributions returned to the developer, that could be used to provide additional affordable housing (details to be provided in full in the s106) to achieve policy compliance.

j) **The agreed financial viability model:** shall be consistently applied in the viability review for all phases of the development as agreed as part of the overarching s106.

k) **The baseline affordable housing specification and tenure mix schedule:** to be agreed, in line with the Statutory Development Plan.

l) **Highways works** within London Borough of Merton: the developer shall prior to first occupation of each "relevant work phase" either

- a. complete the highway works as set out below at its own cost; or
- b. pay to the Council a specified reasonable contribution to be calculated by the Council. Such off-site highway works which may include but not be limited to:
  - i. Renewal/addition of any footpath or carriageway;
  - ii. Removal/addition of any crossover;
  - iii. Reinstatement/Provision of any dropped kerbs;
  - iv. Removal/addition of single/double yellow lines and other road markings and signs and related traffic management orders;
  - v. Carriageway resurfacing to the site entrances;
  - vi. Revisions to street lighting;
  - vii. Relocation of any services if and where necessary;
  - viii. Drainage;
  - ix. Any works required as a result of the Highways Impact Assessment; and
  - x. Repair of damage caused to the highway as a result of any works related to the development.

**m) Highways standards**

- n) **Traffic Calming Measures:** the Developer to introduce traffic calming to keep vehicle speeds low along the junction of Morden Road and Ravensbury Grove.
- o) **Pedestrian crossing improvements and cycle improvements within the vicinity of Ravensbury Estate,** particularly links between Morden Hall Park and Ravensbury Park.
- p) **Parking management plan within the estate** on phase by phase basis
- q) **LBM on street parking controls (CPZs)** - developer to fund reasonable costs of undertaking a public consultation on surrounding residential streets and if CPZs are required to be created or extended, then to fund reasonable costs of these works.
- r) **Permit free for new residents** from existing/new CPZs beyond Ravensbury Estate
- s) **Delivery and servicing plan**
- t) **Car club**
- u) **Works associated with utilities diversion** to also connect to LBM highways / drainage assets as necessary
- v) **Energy Strategy** submission and approval in writing.
- w) **Zero carbon contribution**
- x) **Noise and air quality** monitoring and mitigating
- y) **Re-provision of the existing community centre**
- z) **Open spaces including public realm, private courtyards, children's playspaces** – developer to provide at relevant phases, manage and maintain at own cost and keep publicly accessible.
- aa) **Access to Ravensbury Park** - improvements to entrance
- bb) **River Wandle footbridge**
- cc) **Lifts**
- dd) **Delivery** provisions to secure the completion of the redevelopment of the Ravensbury Estate, delivery of works in kind and the payment of contributions as set out in the Section 106 Agreement.

## RECOMMENDATION.

That the Planning Committee **GRANT** outline planning permission subject to conditions, referral to the Greater London Authority (under The Town and Country Planning (Mayor of London) Order 2008)) and the completion of a s106 Agreement to include the Heads of Terms as outlined in Section 26 of this committee report.

### **30. CONDITIONS**

#### COMMENCEMENT

1. The development shall commence not later than three years from the date of this permission or two years from the final approval of the last Reserved Matters application, whichever is the later.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

2. **Approval of reserved matters:** Approval of the details shown below (the Reserved Matters) of development for each phase of development shall be obtained in writing from the Local Planning Authority before any development in that phase is commenced:

- Appearance; and
- Landscaping.

3. **Timely delivery** No Reserved Matters approval for the relevant phase of development shall be implemented more than 2 years from the date of the final approval of any Reserved Matters application for that phase, whichever is the later.

REASON [for Conditions 2 and 3): In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

4. **Approved plans:** The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

0100 REV E, 0113 REV E, 0114 REV G, 0115 REV D, 0151 REV E, 0152 REV D, 0153 REV D, 0101 REV E, 0113 REV E, 0114 REV G, 0115 REV D, 0121 REV D, 0151 REV E, 0152 REV D & 0153 REV D.

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

5. **Phasing Strategy** Upon submission of the first Reserved Matters application, a Phasing Strategy setting out the delivery of the phases across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall confirm the order and timing of delivery of each of the phases.

REASON: To ensure the scheme is delivered as proposed in accordance with Policies 3.5 and 7.3 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP R1, EP R2, EP R3, EP R4 and EP R8 of the Adopted Estates Local Plan 2018.

**6. Delivery of non residential floorspace** Prior to commencement of each of the relevant phases of development hereby permitted, a plan linking the delivery of the quantum of non-residential floor space to the completion of the residential units within that relevant phase of development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the appropriate minimum amount of non-residential floor space is provided as part of the development in order to maximise delivery of employment opportunities in line with Policy 2.17 of the London Plan (2016), Policy DM E3 of the SSP Local Plan, Policy CS12 of the Core Planning Strategy 2011 and Policy EP R4 of the Adopted Estates Local Plan 2018.

**7. Development to be carried out in accordance with permission:** Reserved Matters applications should accord with the submitted Development Parameters (Plans and Schedule) and Design Code, or such updated / replacement Development Parameters (Plans and Schedule) and / or Design Code approved in writing by the Local Planning Authority.

REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

**8. Urban design:** Applications for approval of Reserved Matters for each relevant phase of development submitted pursuant to this permission relating to appearance and landscaping shall be accompanied by an Urban Design Report, which explains the approach to the design and how it takes into account the approved Design Code. This document should also include measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of that phase of development.

REASON: To ensure good design throughout the development in line with the principles set in the NPPF (2012), Policies 3.5 and 7.3 of the London Plan (2016), Policies DM D1, DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies OEP.1, OPE.2 and EP R4 of the Adopted Estates Local Plan 2018

**9. Energy strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to appearance shall be accompanied by an overarching Energy Strategy for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Energy Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. The Energy Strategies shall explain:

- How the proposed design realises opportunities to include design and technology energy efficiency measures;



- The reduction in carbon emissions achieved through these building design and technology energy efficiency measures compared with the emissions permitted under Building Regulations prevailing at the time the application(s) for approval of Reserved Matters are submitted;
- The specification for any green and / or brown roofs;
- How energy shall be supplied to the buildings highlighting:
- How the buildings relate to any side-wide strategy for district heating incorporating co- or tri-generation from distributed combined heat and power; and
- Any other measures to incorporate renewables.
- Preparation of a Site Waste Management Plan to comply with Best Practice Standards. Confirm what measures will be implemented in the construction. The approved measures shall be fully implemented in accordance with the approved details prior to the first occupation of any of the residential units hereby approved. A statement of verification from a suitably qualified expert shall be provided to the Local Planning Authority and agreed in writing to confirm compliance with the provided details prior to occupation of any of the residential units hereby permitted.

REASON: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8, 5.9 and 5.11 of the London Plan (2016), Policies DM EP1 of the SPP Local Plan 2014, Policies CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**10. Ecology and Biodiversity Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to appearance and landscaping of the public realm shall be accompanied by a detailed Ecology and Biodiversity Strategy for approval by the Local Planning Authority prior to commencement of that relevant phase. The Ecology and Biodiversity Strategy shall explain:

- The incorporation of bird boxes, bat roosts and other wildlife features on buildings;
- The creation of wildlife habitats within the public realm, integrated into the detailed SUDS designs; and
- The management and arrangements for these features.

REASON: To ensure the development contributes to improving the ecology and biodiversity of the area in accordance with Policy 7.19 of the London Plan (2016), Policy DM O1 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**11. Construction Environmental Management Plan** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Construction Environmental Management Plan. This document shall explain:

- The proposed Best Practice Measures to be implemented during construction to suppress dust and minimise noise and vibration associated with demolition / building works;
- A full detailed Noise and Vibration Assessment;
- The measures proposed to reduce and remove risks to the water environment and reduce flood risk during construction;
- A full Construction Logistics Plan, which demonstrates how the impact of construction vehicles would be minimised; and
- Details of proposed hours of work for construction activity.

REASON: To ensure the development contributes to climate change mitigation by meeting the highest standards of sustainable design and construction achieving an adequate reduction in carbon dioxide emissions from on-site renewable generation, in accordance with the principles set out in the Energy Statement and in accordance with Policy 7.15 of the London Plan (2016), Policy DM EP2 & DM EP3 of the SPP Local Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**12. Housing Accommodation Schedule** Applications for approval of Reserved Matters submitted pursuant to this permission relating to appearance for each relevant phase of development including if built out as a single phase (other than demolition, enabling and groundworks, shall be accompanied by a. For each subsequent relevant phase of development thereafter, a detailed Housing Accommodation Schedule shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain and include:

- The type and mix of units proposed;
- Whether the units are to be provided as affordable and what tenure;
- The gross internal floor areas of each dwelling; and
- A cumulative position statement on the provision of housing.

REASON: To ensure the development provides an appropriate mix and quality of housing as well as providing an appropriate amount and mix of affordable housing having regard to the relevant viability assessment in accordance with the NPPF (2012), Policies 3.3, 3.4, 3.7, 3.8, 3.9, 3.11 and 3.12 of the London Plan (2016), Policies DM H2, DM H3 of the SPP Local Plan 2014, Policy CS8 of the Core Planning Strategy 2011 and Policy EP R4 of the Adopted Estates Local Plan 2018

**13. Daylight and Sunlight Assessment** Applications for approval of Reserved Matters for each relevant phase of development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission relating to layout and scale shall be accompanied by a detailed Daylight and Sunlight Assessment. This document shall explain:

- a) The impact of the proposed development on daylight and sunlight to neighbouring properties;
- b) The impact of the proposed development on daylight and sunlight to properties within the development itself; and

REASON: To ensure the development has an acceptable impact on neighbouring residents and future occupiers in terms of daylight and sunlight in line with the recommendations set out in the Daylight and Sunlight Report in accordance with Policy 7.7 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policy EP R1 of the Adopted Estates Local Plan 2018.

**14. Flood Risk Assessment** The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Tully De'Ath Consultants ( ref: 11888 Revision 4 dated Feb 2018). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13. and Policy EP R6 of the Adopted Estates Local Plan 2018.

**15. Floodplain Compensation Scheme** No development approved by this permission shall be commenced until a detailed site wide level for level, volume for volume, floodplain compensation scheme has been designed and submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The development hereby permitted shall not be occupied until such time as a floodplain compensation scheme is implemented for each phase, which ensures that the flood risk is not increased onsite and elsewhere, both during and post construction of the scheme. The implemented scheme shall include flood openings (voids), taking into consideration flood flows, and these voids must be maintained and remain operational for the lifetime of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**REASON** To reduce the risk of river flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12. and Policy EP R6 of the Adopted Estates Local Plan 2018.

**16. Finished floor levels** Prior to commencement of the development hereby permitted by this planning permission, details shall be submitted to the approval of the local planning to demonstrate that finished floor levels for all residential units shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) as detailed in Section 5.3 of the submitted Flood Risk Assessment. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's Core Planning Strategy (2011) CS16, SPP (2014) DM F1 and the London Plan policy 5.12

**17. Surface Water drainage strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to landscaping shall be accompanied by an overarching Surface Water Drainage Strategy for all phases. For each subsequent relevant phase of development thereafter, a detailed Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval prior to commencement of that relevant phase. These documents shall explain:

- a) The proposed use of Sustainable Urban Drainage Systems (SUDS) to manage surface water run-off;
- b) Surface water attenuation, storage and disposal works, including relevant calculations; and
- c) Works for the disposal of sewage associated with the development.

REASON: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk, in accordance with Policies 5.12 and 5.13 of the London Plan (2016), Policy Policies DM F1, DM F2 of the SPP Local Plan 2014, Policy CS5 & CS16 of the Core Planning Strategy 2011 and Policies EP R1 and EP R6 of the Adopted Estates Local Plan 2018.

**18. Water contamination** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A site investigation scheme, based on the 'Ground Conditions Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and close the River Wandle and it is possible that the site may be affected by unexpected contamination. This is in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**19. Water contamination remediation strategy:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

REASON: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters. This is in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**20. Water contamination remediation verification** Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

REASON: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. This is in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**21. Preventing groundwater pollution** Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Environment Agency

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REASON: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. This is in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**22. Piling and preventing contamination** Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters. This is in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**23. Accessibility Strategy Applications** for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks shall be submitted pursuant to this permission relating appearance and landscaping shall be accompanied by a detailed Accessibility Strategy for the relevant phase. This document shall explain:

- a) How the proposed public realm areas, within each relevant phase, would be accessible to all, including details of finished site levels, surface gradients and lighting;
- b) How each building would be accessible to all, including details of level access and internal accommodation arrangements and access to car parking; and
- c) That 10% of the overall residential dwellings hereby permitted would meet Building Regulation M 4(3).

REASON: To ensure the development is accessible and inclusive to all in accordance with Policy 7.2 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP R2, EP R3, EP R4 of the Adopted Estates Local Plan 2018.

**24. Lighting Strategy Applications** for approval of Reserved Matters submitted pursuant to this permission relating to appearance and landscaping shall be accompanied by an overarching Lighting Strategy in line with the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers for all phases. For each subsequent relevant phase of development thereafter, an

updated detailed Lighting Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

- a) The lighting proposed for amenity spaces and external communal areas, including relevant justification; and
- b) The proposed external building lighting.

REASON: To ensure the development is adequately lit in order to minimise the risk and fear of crime, whilst ensuring that the proposed lighting would not unduly impact on local character, amenity or biodiversity in accordance with Policies 7.3 and 7.19 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011.

**25. Refuse Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission relating to appearance and landscaping shall be accompanied by an overarching Refuse Strategy for all phases including if built out as a single phase (other than demolition, enabling and groundworks. For each subsequent relevant phase of development thereafter, an updated detailed Refuse Strategy shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain:

- a) The storage and disposal arrangements for refuse and waste associated with the residential and commercial elements of the proposed development, including vehicular access thereto;
- b) The storage and disposal arrangements for refuse and waste associated with proposed public realm areas, including vehicular access thereto;
- c) The hours of proposed waste collection; and
- d) The proposed Waste Management Plan for public realm areas.
- e)

REASON: To ensure that adequate refuse storage and disposal facilities are provided, in the interests of local character and amenity in accordance with Policy 5.16 of the London Plan (2016), Policies DM D1, DM D2 of the SPP Local Plan 2014, Policy CS2 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**26. Arboricultural Impact Assessment** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by an overarching Arboricultural Impact Assessment for all phases. For each subsequent relevant phase of development thereafter, an updated detailed Arboriculture Impact Assessment shall be submitted to and approved in writing prior to commencement of that relevant phase. These documents shall explain how trees are to be retained, together with measures for their protection during the course of the development. If any trees are to be removed, lopped or topped, a full justification must be provided within the Arboriculture Report. This document shall also explain the total number of

trees to be removed, together with details of proposed replacement tree planting, to ensure an overall increase in the number of trees across the site.

REASON: To safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policy DM O2 of the SPP Local Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy EP R7 of the Adopted Estates Local Plan 2018.

**27. Transport Strategy** Applications for approval of Reserved Matters submitted pursuant to this permission shall be accompanied by a detailed Transport Strategy for the relevant phase. This document shall explain:

- a) A detailed Parking Management Strategy for that part of the development (including Car Club provision);
- b) Details of cycle parking provision for each of the proposed uses;
- c) Details of electric car charging points with 20% active and 20% passive provision;
- d) Details of pickup and drop off facilities for the school (in applications relating to the primary school only);
- e) Details of motorcycle and scooter parking;
- f) Details of pedestrian and cycle routes throughout that part of the scheme;
- g) Details of pedestrian and vehicle signage and way-finding within the development;
- h) Details of enforcement procedures for parking offences on un-adopted roads;
- i) A summary of how the approach relates to the original Transport Assessment; and
- j) A summary of how the proposed Strategy relates to the Travel Plan to be submitted under the s106 Agreement.

REASON: To ensure that adequate levels of parking are proposed, that sustainable means of transport are encouraged and to ensure that no unacceptable increase in traffic movements result, in line with the recommendations of the Transport Assessment and in accordance with Policies 6.3, 6.9 and 6.13 of the London Plan, Policies DM T1, DM T2 & DM D3 of the SPP Local Plan 2014, Policy CS18, CS19 & CS20 of the Core Planning Strategy 2011 and Policies EP R2 & EP R3 of the Adopted Estates Local Plan 2018.

**28. Levels** Applications for approval of Reserved Matters for each relevant phase of the development submitted pursuant to this permission shall be accompanied by a detailed Levels Plan for the relevant phase. This document shall explain details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site.



REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and land contamination, in accordance with Policy 5.21 of the London Plan (2016), Policies CS 14 of Merton's Core Planning Strategy 2011, and policies R.1, R2 R3 and R4 of Merton's Estates Local Plan 2018

29. a) **A land contamination investigation and risk assessment**, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**b) Site Investigation for Contaminated Land**

Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**c) Remediation**

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**e) Verification**

Where required, the contamination shall be fully treated and completed wholly in accordance with the approved measures in the remediation strategy. A verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority before the development is occupied or brought into use in accordance with the approved Phasing Strategy.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**30. Demolition and construction method statement** No development shall take place until a detailed Demolition and Construction Method Statement has been submitted for each of the phases of the development, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

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

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policy 5.21 of the London Plan (2016), Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**31. Carbon reduction statement** Prior to commencement of any superstructure works for any phase of the development, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy RP E6 of the Adopted Estates Local Plan 2018.

**32. Water Conservation** Prior to the commencement of the relevant phase of the development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day for residential dwellings only shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.

REASON: To minimise the water use of the development, in accordance with Policy 5.15 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**33. Overheating Strategy** Prior to commencement of the relevant phase of the development hereby permitted, details for the provision of an Overheating Strategy for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is sustainable and to comply with Policy 5.3 of the London Plan (2016), Policies DM EP1 & DM EP3 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**34. Open Space Strategy** Prior to the commencement of the relevant phase of the development hereby permitted, a detailed Open Space Strategy for the provision of open space within that phase shall be submitted to and approved in writing by the Local Planning Authority. The proposed open space, where it would not form part of the permanent areas of public realm, shall be accompanied by full details of the proposed approach to the landscaping, including planting plans, a schedule of plants, including plant sizes and proposed numbers, as well as details of hard landscape materials, boundary treatments, street furniture and play space for all ages within the public and private areas. The development shall be carried out in accordance with the Open Space Strategy prior to first occupation of any part of that relevant phase of the development and thereafter retained and maintained.

REASON: To ensure adequate provision of open space within the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP R5 of the Adopted Estates Local Plan 2018.

**35. Public Realm Management Plan** Prior to first occupation of any phase of the development hereby permitted, a Public Realm Management Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase of development. This document shall include:

- a.) Details of the contractual arrangement between the developer and the management company;
- b.) Details of a scheme for waste management in the public realm;
- c.) Details of proposals for landscape management in the public realm including long term objectives, responsibilities and maintenance schedules for all public realm areas; and
- d.) A Maintenance and Management Plan for the non-adopted drains and SUDs systems. The Public Realm Management Plan shall be implemented as approved.

REASON: To ensure that the public realm within the development is maintained to an adequate standard, to safeguard the character and appearance of the area and to enhance the appearance of the development, in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP R5 of the Adopted Estates Local Plan 2018.

**36. Landscaping and planting scheme** No development shall take place within each phase until full details of a landscaping and planting scheme relevant to each phase has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. The approved works shall be carried out in the first available planting season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation.

REASON: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy 7.5 of the London Plan (2016), Policies DM O1, DM D1 & DM D2 of the SPP Local Plan 2014, Policies CS2, CS5, CS13 & CS14 of the Core Planning Strategy 2011 and Policy EP R5 of the Adopted Estates Local Plan 2018.

**37. Timing of deliveries** Deliveries to and from the site for the non-residential uses hereby permitted shall only take place between 07.00hrs to 22.00hrs on any day unless for health and safety or road access reasons, in which case deliveries shall take place outside these hours with prior agreement with the Local Planning Authority.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP R1 & EP R6 of the Adopted Estates Local Plan 2018.

**38. Noise and Vibration Mitigation Strategy during construction** Applications for approval of Reserved Matters for each relevant phase of the development including if built out as a single phase (other than demolition, enabling and groundworks submitted pursuant to this permission shall be accompanied by a detailed Noise and Vibration Mitigation Strategy for the relevant phase. This document shall explain noise attenuation measures for the proposed uses, including noise barriers, specified glazing and ventilation and orientation / layout of buildings and amenity areas. Post completion Noise Assessments are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of that relevant building.

REASON: To ensure the future occupiers of the residential units in the development would not experience undue noise and disturbance from deliveries in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2 & DM EP2 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP R1 & EP R6 of the Adopted Estates Local Plan 2018.

**39. Noise levels**, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the community use shall not exceed LA90-10dB at the boundary with the closest residential property.

REASON: To protect the living conditions and amenity of future / new residents of the proposed development from noise attributed to the associated commercial units below in accordance with Policies DM C1 & DM EP2 of the SPP Local Plan 2014, Policies CS11 & CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**40. Community Centre hours of operation.** The community centre shall operate only between the hours of 08:00am and 10pm Monday to Sunday unless otherwise approved in writing by the local planning authority.

REASON: To protect the living conditions and amenity of future / new residents of the proposed development from noise attributed to the associated commercial units below in accordance with Policies DM C1 & DM EP2 of the SPP Local Plan 2014, Policies CS11 & CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**41. Acoustics** Prior to commencement of each phase of development, a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority for that relevant phase hereby permitted. Within the proposed residential unit (with the windows closed) the following internal noise levels shall be achieved; 35dB(A) Leq 16 hours 07.00hrs-23.00hrs in living rooms, while 30dB(A) Leq 8 hours in bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23.00hrs-07.00hrs.

REASON: To protect the living conditions of future residents on and around the application site in accordance with Policy 7.15 of the London Plan (2016), Policies DM D2, DM EP2, DM E1 & DM E3 of the SPP Local Plan 2014, Policies CS14 & CS15 of the Core Planning Strategy 2011 and Policies EP R1 & EP R6 of the Adopted Estates Local Plan 2018.

**42. Light spillage** There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this, the specifications, location and direction of external artificial lights should be such that the lighting levels within 8m of the top of the bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a lux level of 0-2.

REASON: To ensure the development is adequately lit in order to minimise the risk and fear of crime, whilst ensuring that the proposed lighting would not unduly impact on local character, amenity or biodiversity in accordance with Policies 7.3 and 7.19 of the London Plan (2016), Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011.

**43. Flood Risk Assessment** The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Tully De'Ath Consultants (ref: 11888 Revision 4 dated Feb 2018). The flood risk and drainage mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

**44. Floodplain compensation scheme** No development approved by this permission shall be commenced until a detailed site wide level for level, volume for volume, floodplain compensation scheme has been designed and submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The development hereby permitted shall not be occupied until such time as a floodplain compensation scheme is implemented for each phase, which ensures that the flood risk is not increased onsite and elsewhere, both during and post construction of the scheme. The implemented scheme shall include flood openings (voids), taking into consideration flood flows, and these voids must be maintained and remain operational for the lifetime of the development. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of river flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

**45. Finished floor levels** Prior to commencement of the development hereby permitted by this planning permission, details shall be submitted to the approval of the local planning to demonstrate that finished floor levels for all residential units shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level (in metres above Ordnance Datum) as detailed in Section 5.3 of the submitted Flood Risk Assessment. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within

the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

**46. Risks associated with contamination** Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A site investigation scheme, based on the 'Ground Conditions Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and close the River Wandle and it is possible that the site may be affected by unexpected contamination.

**47. Remediation strategy** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

REASON: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

**48. Verification plan for remediation** Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It

shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

REASON: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

**49. Sustainable drainage schemes** Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

REASON: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

**50. Piling or any other foundation designs** using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

## **DEMOLITION**

**51. Ecology and demolition** No demolition of buildings or removal of trees or shrubs shall take place in any phase of development hereby permitted until up to date bat and breeding bird surveys are submitted to and approved in writing by the Local Planning Authority for that phase of development. If evidence of bat or breeding birds are found prior to demolition, specific mitigation measures should be included in any submission for the written approval of the Local Planning Authority. Development shall proceed in accordance with any approved mitigation measures.

REASON: To safeguard the ecology and biodiversity of the area, in accordance with Policy 7.19 of the London Plan (2016), Policies DM EP2 & DM EP3 of the SPP Local



Plan 2014, Policies CS15 & CS16 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

### **PERMITTED DEVELOPMENT RESTRICTED**

52. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling and to safeguard the amenity of neighbouring residents in accordance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP R1 & EP R8 of the Adopted Estates Local Plan 2018.

53. **Secured by Design** Prior to the commencement of the relevant phase of development (other than demolition and enabling works), details of measures for that phase of development, to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site/development (as informed by the principles of Secured by Design), shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of creating safer, sustainable communities, in compliance with Policy DM D2 of the SPP Local Plan 2014, Policy CS14 of the Core Planning Strategy 2011 and Policies EP R1, EP R2, EP R3, EP R4 & EP R8 of the Adopted Estates Local Plan 2018.

54. **Archaeology** No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under Part A). C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

REASON: In the interests of archaeological protection in accordance with Policies DM D2 & DM D4 of the SPP Local Plan 2014, Policies CS2 & CS14 of the Core Planning Strategy 2011 and Policies EP R1 & EP R8 of the Adopted Estates Local Plan 2018.

### **AIR QUALITY**

**55. Air quality assessment** Prior to commencement of development, a detailed Air Quality Assessment Report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The development shall be at least 'Air Quality Neutral' and an air quality neutral assessment for both buildings and transport shall be included in the report to demonstrate this.

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**56. Air pollution mitigation measures scheme** Prior to commencement of development, a scheme for air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter

REASON: To ensure that the amenities of occupiers and neighbouring amenities are protected from the poor air quality in the vicinity in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**57. Control of dust and emissions during construction and demolition** All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policy DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**58. Non-Road Mobile Machinery (NRMM)** An inventory of all NRMM must be kept on-site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept onsite for inspection. Records should be kept on-site, which details proof of emission limits for all equipment. This documentation should be made available to Local Authority officers as required until completion of development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

**59. Air Quality Demolition Management Plan** ( Prior to any works commencing on site, an Air Quality Demolition Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

REASON: To protect local air quality in accordance with Policy 7.14 of the London Plan (2016) and Policies DM EP2, DM EP3 & DM EP4 of the SPP Local Plan 2014, Policy CS15 of the Core Planning Strategy 2011 and Policy EP R6 of the Adopted Estates Local Plan 2018.

### **Informatives**

1. **LBM Policies and Guidance** To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre-planning application advice service.

2. **Construction and demolition works** audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

3. **A Trade Effluent Consent** will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc., may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

4. **CIL** The application is subject to both the Mayoral and the Merton Council Community Infrastructure Levy unless an application for an exemption is made and approved.

5. **Tree works** If the intention is to complete tree work between the 1st March & the 31st July (inclusive) a due diligence check for nesting birds must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981.

Arborists should record such checks in their site specific Risk assessment. If active nests are found work should not take place until the young have fledged.

**6. A due diligence check for bats and likely habitats** (see attached link) must be completed before work starts in order to comply with the Wildlife & Countryside Act 1981. Arborists should carry out and record such checks in line with BS8596: 2015 surveying for bats in trees and woodland in their site specific risk assessment. If bats or potential roosting features are found work must not start until an appropriately licenced bat handler has been engaged.

**7. The developer should consult with Thames Water** with regard to whether any offsite reinforcement of the foul water drainage network is required. Copies of the correspondence should be provided for the Council records.

**8. Surface Water Drainage:** It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development We recommend that developers should: Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297401/s\\_cho0804bibr-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297401/s_cho0804bibr-e-e.pdf)

Refer to the Environment Agency Guiding Principles for Land Contamination for the Type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

<https://www.gov.uk/government/publications/managing-and-reducinglandcontamination>

Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination. E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and End 5 installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site. A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out.
- In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.
- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs.
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m. Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.) 8. If approved it is the developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Councils Street Naming/Numbering Officer.

9. **Asbestos** In the event that asbestos containing materials (ACMs) are discovered, details of the contractors with their plan of work detailing the method of removal of ACMs in compliance with current legislation shall be submitted to the HSE.

10. **Written schemes of investigation** will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

11. **Demolition of buildings** and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

**12. Flood Risk Activity Permit (FRAP)** Under the Environmental Permitting (England and Wales) Regulations 2016, you must submit plans to the Environment Agency and apply for a FRAP if you want to do work:

- In, over or under a main river
- Within 8m of the top of bank of a main river

Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment. You should apply for a Bespoke FRAP if your work cannot be classified as one of the following: an excluded activity (listed here) an 'exempt' activity (listed here) a 'standard rules' activity (listed here)

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[Click here](#) for full plans and documents related to this application.

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