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# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)

Najeeb Latif (Vice-Chair)

David Dean

Russell Makin

Simon McGrath

Peter Southgate

Billy Christie

Rebecca Lanning

Joan Henry

Dave Ward

#### Substitute Members:

David Chung

Edward Foley

Stephen Crowe

Daniel Holden

Carl Quilliam

John Dehaney

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

**Date: 19 March 2020**

**Time: 7.15 pm**

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

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# Planning Applications Committee

## 19 March 2020

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 14
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 98A Hartfield Road, London SW19 3TF 15 - 20  
Application Number: 20/P0339 Ward: Dundonald  
  
Officer Recommendation: GRANT Planning Permission subject to completion Conditions
- 6 Land Rear of 27 Leafield Road, Merton Park, SW20 9AG 21 - 38  
Application Number: 19/P2382 Ward: Merton Park  
  
Officer Recommendation: GRANT Planning Permission subject to Conditions
- 7 Former Mitcham Fire Station, 30 Lower Green West, Mitcham, CR4 3GA 39 - 46  
Application Number: 19/P3904 Ward: Cricket Green  
  
Officer Recommendation: GRANT Planning Permission subject to Conditions
- 8 15, 15a & 17 Russell Road, Wimbledon, SW19 1QN 47 - 66  
  
Application Number: 19/P3836 Ward: Dundonald  
  
Officer Recommendation: GRANT Planning Permission subject to Conditions

9 Abbey Wall Works, Station Road, Colliers Wood, SW19 2LP 67 - 172

- 1) Application Number: 19/P4266 &
- 2) Application Number: 19/P4268

Ward: Abbey

Officer Recommendations:

- 1) GRANT Planning Permission subject to S106 agreements and Conditions
- 2) Grant Listed Building consent subject to conditions

10 Planning Appeal Decisions 173 - 176

11 Planning Enforcement - Summary of Current Cases 177 - 180

### **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 Managing Director, South London Legal Partnership.

### **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.

**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.

**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:**

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# Agenda Item 3

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at [www.merton.gov.uk/committee](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

13 FEBRUARY 2020

(7.20 pm - 11.15 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor David Dean, Councillor Russell Makin, Councillor Simon McGrath, Councillor Peter Southgate, Councillor Billy Christie, Councillor Rebecca Lanning, Councillor Joan Henry and Councillor Dave Ward

ALSO PRESENT Neil Milligan – Building and Development Control Manager  
Tim Lipscomb – Planning Officer (Tesco Site Item only)  
Tim Bryson – Planning Team Leader North  
Jonathan Lewis – Planning Team Leader South  
Sarath Attanayake – Transport Planning Officer  
Lisa Jewell – Democratic Services Officer

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No Apologies for absence were received at the start of the meeting  
Councillor Dave Ward gave apologies as he had to leave the meeting after Item 7.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

Councillor Lanning declared that she had sought legal advice that confirmed that she does not have a disclosable pecuniary interest in Item 7. She confirmed that she would be able to assess the application with an open mind.

Councillor McGrath declared that in the interest of openness and transparency he has a connection to the applicant of Item 5, and so would not take part in the debate or vote on the item.

Councillor Latif declared that in the interest of openness and transparency he knows the applicant of Item 5, and so would not take part in the debate or vote on the item

Councillor Dean declared that in the interest of openness and transparency he has had discussions with the applicant for Items 8 and 9, and so would not take part in the debate or vote on both items.

Councillor Linda Kirby made a statement to inform the Committee that she and Councillor Najeeb Latif had both Chaired recent Design Review Panel meetings. At these meetings neither take any part in the debate nor vote on the proposal

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 16 January 2020 were agreed as an accurate record.

#### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 5, 7, 8, 9, 11 and 12. Order of the meeting – The Chair announced that the items would be taken in the following order: 7, 12, 6, 13, 10, 11, 5, 8, 9, 14 and 15

#### 5 177-187 ARTHUR ROAD, WIMBLEDON, SW19 8EA (Agenda Item 5)

Proposal: Erection of a part third and part fourth floor extension to provide 1 x 1 bedroom and 1 x 2 bedroom flats

The Committee noted the officer's report and presentation and additional material in the Supplementary Agenda - Modifications.

The Committee received a verbal representation from ward Councillor Ed Gretton who made points including:

- This application will still cause the same level of overlooking as the previously refused scheme. The issues have not been resolved
- Residents of Strathmore Road are very concerned about the overlooking
- The application should have three additional conditions to require all glazing on the Strathmore Road side to be fully obscure; to further set back the third floor and to reduce the height of the roof extension.

The Planning officer responded by saying that there was already a standard condition for obscure glazing. However the plans cannot be changed by condition.

#### RESOLVED

The Committee voted to GRANT Planning Permission subject to completion of a S.106 Agreement and conditions

#### 6 8 BLENHEIM ROAD, RAYNES PARK, LONDON, SW20 9BB (Agenda Item 6)

Proposal: Conversion of existing property from 3 to 8 flats involving the erection of single storey side extensions and a two storey rear extension (with basement level) with associated landscaping, off-street car parking, cycle parking and refuse storage.

The Committee noted the officer's report and presentation.

The Committee received verbal representations from two objectors to the application, who made points including:

- We acknowledge the changes made by the developer and but are disappointed that there are eight units in the development
- There are documents missing from the planning portal



- There are a number of planning applications in this area . Each one places more pressure on the infrastructure and more pressure on street parking in the area.
- Loss of oak tree
- The area is in a flood plain with an underground a river, this puts the basement at risk

The Committee received a verbal presentation from the Applicant's agent who made points including:

- We have worked with Officers on this application, and have the full support of the Council's conservation Officer
- This application takes the opportunity to reinstate many of the original features including the plaster and brickwork of this locally listed building, and to bring the building back to its former glory
- We recognise that there is an issue with the parking but have been advised that 5 spaces is acceptable
- The Council's engineers have found the small basement acceptable, and there is a basement method statement
- The landscaping will include mature planting

In reply to the objectors, The Planning Team Leader South explained that there are robust conditions in place to control the basement construction drainage. There are also conditions on the construction method statement and timing of construction. It is considered preferable to have landscaping at the front rather than one additional parking space.

Officers answered Members questions with the following points:

- Some units have their own outdoor space but all have access to shared garden
- The number of three bedroomed units is being maintained
- The units meet national space standards
- If required by a resident, a disabled parking bay could be created by widening one of the provided spaces
- The allocation of parking spaces is not a planning matter
- The Character of the street is houses with a small number of flats
- The area does is not a CPZ, and parking spaces are available on the nearby road

One members commented that this proposal was very slightly too big, whilst another Member commented that the design was very attractive and of a high quality.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

- 7 TESCO SITE, 265 BURLINGTON ROAD, NEW MALDEN, KT3 4NE (Agenda Item 7)

Proposal: Demolition of the existing buildings at 265 Burlington road and 300 Beverley way and erection of two blocks of development ranging in height between seven and 15 storeys and comprising 456 new homes, of which 114 will be one beds, 290 will be two beds and 52 will be three beds. 499sqm of b1(a) office space will be accommodated at ground floor level along with 220 car parking spaces, 830 cycle parking spaces, a realigned junction onto Burlington road, hard and soft landscaping and associated residential facilities. The application also includes minor changes to the layout and configuration of the retained Tesco car park

The Committee noted the officer's report and presentation and additional information in Supplementary Agenda – Modifications. The Planning Team Leader South reminded Members that recent guidance had suggested that the emerging London Plan should be given moderate weight when assessing schemes such as this.

The Committee received verbal representations from three objectors. A representative of Raynes Park High School made points including:

- Tall buildings are against policy
- The proposed 12 storey block is only 18m from the school boundary and 33m from the nearest classroom.
- There will be constant shadowing of the school's design classroom. This will affect pupils learning as light levels will be variable.
- Research shows that natural light is of benefit to student progress
- Department of Education advice on classroom design gives priority to natural daylight
- We are sensitive to the need for housing but this application is too close to the school

A representative from a local Business made points including:

- Good Vehicle access is essential to local businesses
- The station and level crossing already affect our business
- The level crossing is a major source of congestion as it causes long traffic queues. This traffic will also block access to the proposed development
- Measures to improve this congestion, such as a stacking lane, have not been incorporated into this proposal
- This development should encourage local businesses but it does not

A local resident made points including:

- I understand the need for housing but do not support this proposal, as it is not of a suitable quality
- The use of a podium for parking creates a poor interface with the street
- The DRP gave an earlier version of the proposal a red and commented on the podium, but this proposal still includes the podium and design and quality is not improved
- There are numerous quality issues with the design of the units from the dual aspect to the balconies that will be windy, lacking in privacy, unsafe and useless
- Only 12% of the units are three bedrooled, 33% less than the London Plan
- 492 letters of objection were received by the Council

The Committee received a verbal presentation from the Applicant's agent who made points including:

- This proposal will provide 465 new homes with 40% (171 units) affordable, and the other 60% for market rent. The independent viability assessment said that only 24% should be offered as affordable but developer choose to provide 40%
- The developers understand the problems and factors in the area, but few affordable homes were built in Merton in 2019 and in order to provide more the Committee must accept the height of this proposal
- The new London plan supports brownfield sites such as this, and the Mayor has given strategic support to this scheme
- Recent call-ins to the Secretary of State have supported proposals similar to this one where the need to provide housing has been given great weight
- The site is not constrained by immediate residential neighbours and performs well for maintaining daylight and not overlooking. It responds positively to its surroundings
- The Scheme has changed in response to the views of the DRP, the Council, the GLA and local stakeholders
- The scheme use high quality materials including brick, as noted by the GLA
- The height was amended following a meeting with Raynes Park High School. There are numerous example across London of such schemes next door to schools. The nearest school buildings are 34m away and the performance for daylight, sunlight and overlooking is good. WE will continue to meet with the school
- The Developers are aware of the traffic issues and level crossing. The Councils Traffic Officers and TfL have considered the proposal and have no problems.
- The existing site has the same level of parking that could be used now
- The Development will generate a CIL payment that can be spent on local services and local transport
- The scheme meets local, regional and national planning policy and provides affordable housing

The Committee received verbal representations from three Ward Councillors. Councillor Stephen Crowe representing the residents of Raynes Park made points including:

- There are no similar tall buildings in this area. The London Plan requires tall buildings to be of high quality design. The original application received a red from the DRP, but the proposal has hardly changed
- There were nearly 500 letters of objection
- This development would have an impact on traffic and congestion in the area, and would cause overlooking
- The density is 27% higher than the density matrix in the London Plan, and the housing mix does not comply with Merton Policy. The development is not policy compliant

Ward Councillor Eloise Bailey representing the residents of West Barnes made points including:

- We are not against development of this site in principle, but it must be right for this area. Planning policy says development must be in keeping and add to quality of the area, but how can a 15 storey block be in keeping with the existing 2 storey buildings
- There is a huge strength of feeling that this development is not in keeping with the surrounding area, and the DRP gave it a red; the experts agree with the residents. The scheme did not go back to DRP.
- The representations have been removed from the website so I have to trust the report.
- Redrow have listened and made some changes to the plans and affordable housing, but they haven't listened enough.
- If the affordable housing can be changed, what else could be improved?

Ward Councillor Hina Bokhari representing the residents of West Barnes made points including:

- This development is damaging and does not have enough positives
- Hundreds of residents have objected
- West Barnes does not have the infrastructure to cope with this development; step free access is needed at Motspur Park and Raynes Park stations, a new level crossing is needed, an extra medical centre is needed, local schools need extra classes. Local facilities are already struggling.
- Residents are worried by the environmental impact, loss of trees, there will be more traffic and more idling, there is a flood risk.
- The S106 monies should be focused and spent in West Barnes, its not enough to say there will be a few extra buses.
- The 220 car parking spaces are not enough.

In reply to the points raised by the Objectors and Ward Councillors the Planning Team Leader South made points:

- He referred Members to page 89 of his Agenda report, where there is consideration of the relevant guidance and policies that apply to Tall Buildings. He explained that there has to be judgement in balancing these policies.
- He referred members to page 97 of his Agenda Report which covered loss of light to surrounding buildings. He continued that the Department of Education Guidance relates to new build and does not apply in this situation
- The Density guidance in the London Plan is being modified so the housing density matrix will no longer apply.
- The emerging London Plan says that we should no longer be prescriptive about the Housing mix. We have our own plan from 2014 that has to weighed against the emerging plan, that will be adopted by spring 2020
- There will be substantial CIL monies which will be available for local facilities. There are strict regulations governing contributions

In reply to Members Questions the Planning Team Leader South made points including:

- It is rare for 40% affordable housing to be offered in a development. The actual rent figures charged would need to meet relevant criteria to ensure affordability used in London wide guidance

- The closing of the level crossing depends on the frequency of the trains. Traffic modelling has been examined by TfL and Merton Highways officers, and no overall concerns raised. It is accepted that there the proposal will have some local impact but there is a requirement for improvements at the nearby junction and pedestrian improvements
- The site is outside the limits of Crossrail 2 safeguarding, but was identified as a potential Crossrail 2 worksite. However there is no formal safeguarding of the site that would preclude a decision being made. Members must consider what is proposed and not speculate on what might happen in the future regarding delivery of Crossrail 2.
- The affordable housing would be located in core A and core B but not the upper floors of Core B
- 2%, i.e. 9 units, are single aspect. All face east
- There is an office/meeting space of 103m<sup>2</sup> available for residents as a community space
- Officers do not take issue with the proposed housing mix being different to the Merton preferred mix given the imminent adoption of the London Plan. Planning Officers and Housing Officers have instead focussed on the provision of family sized social housing as advised by the LBM Housing Officer.
- The high density taller buildings proposed could be considered as a reasonable way to achieve regeneration of this area. The area has previously been identified as an area of regeneration as it has good transport links. This application will fund improvements to the bus services in the area.
- The development provides playspace that meets the requirement for toddlers, and children. It does not provide space for teenagers and so a contribution for this is sought, which can be used to provide facilities in the future
- The development does not meet the on-site carbon saving target, so Planning Officers are bound to seek financial mitigation. This does not mean that the scheme does not have good environmental credentials
- Details of the heating fuel will be in the Energy Statement
- There are a number of refuse points on the site.

Members made comments including:

- Developments of this high density would be expected close to transport hubs, with a ptal rating of 5 or 6. This location, with a ptal of 2 is not appropriate for this density
- Disappointing that there is no environmental statement
- There are serious traffic problems in the area associated with the level crossing. This development would add to those issues
- There is not enough amenity space in the development, It will not be a good place to live. The first/ground floor will have no life, it will not be a good place for families
- The DRP gave the original application a red, the developer should have gone back to the DRP with this application. This application is still poor quality design
- The development does not meet or respect the Merton Council recommended housing mix

- There has been no account taken of the DRP's comments. There is no rationale for the height of the blocks
- The Development is out of keeping with the area. This density should be car free and close to a transport hub

A member spoke to support the development:

- There is an undeniable housing crises across London, with targets about to increase.
- We are offered 40% affordable housing from this development only because of its size
- There are significant concerns about this development, but the positive points for this development are the 450 units and the 40% affordable housing it provides

A motion to refuse was proposed and seconded.

RESOLVED

The Committee voted to:

1. REFUSE Planning Permission subject to any direction from the Mayor of London, for the following reasons:
  - Bulk, Mass and Height of the proposed development is too great
  - Traffic, Access and Parking
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

8 579-589 KINGSTON ROAD, RAYNES PARK, SW20 8SD (SCHEME A)  
(Agenda Item 8)

Proposal: Scheme A - demolition of existing buildings and redevelopment of site to provide office space and residential units in buildings of two to six storeys, comprising 118 self-contained flats, car and cycle parking, vehicle access, landscaping, plant and associated works.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda- Modifications.

In reply to Members Questions Officers made point including:

- The Council commissions external viability experts to assess the viability of proposed schemes. Costs, the financial environment and other factors can change with time which will influence the viability. A previous application for this site did provide affordable housing but the viability assessment for this proposal concludes that this scheme cannot support any affordable housing. A

clawback mechanism is proposed so that viability can be reassessed in the future.

- The previous application was 'build to rent'
- The Housing Mix of the Scheme is not supported by the Housing Officer. Given the move away from prescribed housing mix figures in the emerging London Plan and the applicants arguments Planning Officers consider the failure to provide three bedroomed units is justified
- There is a formula for calculating play space which depends on the 'child yield' of a scheme. This is influenced by the amount of affordable housing. As this scheme has no affordable housing the amount of play space provided, whilst considerably less than the previous scheme, meets requirements the requirements of the housing mix of the scheme.

Members commented on the application and expressed concern about:

- The loss of three bedroomed units, against the Housing Officers advice
- The sustainability of the development, the Climate Change Officer described it as fairly compliant, but Members would expect better than this.
- The development should be permit free, in line with TfL advice
- Loss of children's play space, by departing from the previous housing mix the scheme is less child friendly
- Overdevelopment of the site, it expands on the previously allowed scheme, and has a higher density
- Concerns regarding Trees on site, and their replacement

A motion to refuse was proposed and seconded. This was agreed by a vote

RESOLVED

The Committee voted to:

1. REFUSE Planning Permission for the following reasons:
  - Inappropriate housing mix, specifically the lack of 3 bedroomed units, with reference to the LBM Housing Officers comments at 7.3.11 and 7.3.12 of the Officers Report
  - Sustainability credentials not satisfactory, with Reference to the LBM Climate Change Officers comments at 5.8 of the Officers Report
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

9 579-589 KINGSTON ROAD, SW20 8SD (SCHEME B) (Agenda Item 9)

Proposal: Scheme B - demolition of existing buildings and redevelopment of site to provide office space and residential units in buildings of two to seven storeys, comprising 124 self-contained flats, car and cycle parking, vehicle access, landscaping, plant and associated works.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda- Modifications

In reply to Members' questions, Officers made points including:

- The previously allowed scheme had blocks that dropped down at either end, this scheme has a more uniform height
- There is an additional floor to Block C, compared to the previously allowed scheme
- There is no requirement for affordable housing, according to the results of the viability assessment

Members commented that the additional Bulk and Massing of this scheme would have a negative visual impact. Members were concerned that the housing mix of this scheme did not include any 3 bedroomed units, and that the sustainability measure were not as they would expect for such a scheme.

## RESOLVED

The Committee voted to:

1. REFUSE Planning Permission for the following reasons:

- Inappropriate housing mix, specifically the lack of 3 bedroomed units, with reference to the LBM Housing Officers comments at 7.3.11 and 7.3.12 of the Officers Report
- Sustainability credentials not satisfactory, with Reference to the LBM Climate Change Officers comments at 5.8 of the Officers Report
- Bulk and massing – the proposal would give a greater sense of enclosure within the development and would impact on the public realm

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

10 FLAT 1, 29 MERTON HALL ROAD, WIMBLEDON CHASE (Agenda Item 10)

Proposal: Application for variation of condition 2 (approved plans) attached to LBM planning permission 19/P0597 relating to the conversion of existing ground floor flat to create 1 x one bedroom flat and 1 x studio flat. Demolition of existing rear extension and replacement with full width single storey rear extension.

The Committee noted the officer's report and presentation.

An Objector could not be present and asked for a statement to be read out. This covered points including:



- The Planning Officer's report contains material errors. Serious difficulties with design and construction are not addressed.
- The plans and descriptions are inadequate, and do not provide sufficient information on which to make a decision. Key features have been left out. The errors and omissions suggest major changes are involved, making it impossible to determine whether the application adheres to planning rules.
- The construction difficulties are due to the differences in internal floor levels within the two flats.
- There is contradictory information given about the height of the extension
- This extension compromises the structural integrity of the building and the adjacent houses.

## RESOLVED

The Committee voted to GRANT Variation of Condition, subject to conditions

11 LAND ADJ TO 2 PARK AVENUE, MITCHAM, CR4 2EL (Agenda Item 11)

Proposal: Change of use of site from former scaffold yard to residential use, and erection of a residential block providing 5 self-contained units

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda – Modifications.

The Committee received a verbal representation from an Objector to the application and from the Applicant's architect and Agent.

The Objector made points including:

- This application will be very close to the boundary with my property and will be an invasion of privacy, bedrooms will be overlooked, there will be a loss of daylight and sunlight.
- The development is very dense and does not have enough garden space. It does not fit with the local character.

The Applicant's architect and Agent made points including:

- The design has been inspired by Victorian architecture, taking cues from the nearby shopping parade, and using the correct materials
- The comments of DRP were taken on board, the first scheme was too dense and inwards looking
- We have considered the representations of neighbours. The Design is policy compliant and construction will be controlled by condition.

Members asked officers if the CPZ could include the future residents of this scheme. The Transport Planning Officer replied that as the CPZ is about to be introduced in this area, the residents of this scheme will not be able to have permits. This is a sustainable location despite having a ptal rating of 2, and it is policy to discourage car use.

Members commented that it was harsh to not allow permits for this scheme. and a motion was proposed and seconded to allow all units one parking permit. Members voted to grant planning permission and then voted to allow one parking permit per unit.

## RESOLVED

The Committee voted to GRANT planning permission subject to Section 106 Obligation and Conditions.

The Committee voted that the development should not be permit free and that residents should be allowed 1 permit per household

NOTE: after the meeting it was confirmed that it was not in the power of the Committee to give parking permits in this area given that the CPZ is already confirmed.

## 12 51 PRINCES ROAD, WIMBLEDON, SW19 8RA (Agenda Item 12)

Proposal: Alterations and extensions to existing building including change of use of doctor's surgery to residential (5 x 2 bed flats) and associated landscaping, parking, cycle storage and bin storage

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda - Modifications

The Committee received a verbal representation from one objector to the application, who made points including:

- This application is overdevelopment on a small site. It is dense and dominant.
- The area is mainly single Victorian houses. It will impact on the neighbourhood and conservation area
- Can this building support 17 residents?
- The area CPZ is already oversubscribed. The development will affect parking and highway safety in the area
- The proposal extends the building line on Trinity Road further than existing houses. This sets a dangerous precedent
- There will be overshadowing, loss of light, overlooking and loss of privacy to local residents

The Committee received a verbal representation from the Agent to the application, who made points including:

- The Applicant had hoped that the Surgery could be refurbished but a new surgery close by has left this one redundant
- A change of use is required as it can no longer be used as a doctors surgery
- This application is smaller than previous and represents a sympathetic design that will be an improvement to the site.
- The parking is fully compliant and will be covered by the S106 agreement

The Committee received a verbal representation from the Ward Councillor, James Holmes, who made points including:

- Not aware that the applicant had to change her business
- This application does not address the reasons that previous applications were refused, there is no visible commitment to make these changes.
- The community is disappointed that the site will no longer be used as a surgery
- The extension was described as unneighbourly and detrimental in the previous application and this is not addressed in this application
- Residents feel that this application would be worse than the previous. There is a significant extension to the width.
- How will this work for 17 residents, some of the rooms have no windows

The Planning Team Leader North explained that all rooms have some natural light but there are open plan living rooms with windows at one end only.

Members made comments including:

- The flank wall created by the proposal on Trinity Road was stark
- The offer of a permit free development is welcomed
- The Applicant has demonstrated that an alternative use is required. The surgery is re-provided at the Patrick Doody Health Centre

## RESOLVED

The Committee voted to GRANT Planning Permission subject S106 agreements and conditions

13 7 RURAL WAY, STREATHAM SW 16 6PF (Agenda Item 13)

Proposal: Demolition of existing building and erection of 3 x 3 bed terraced houses. associated landscaping and creation of amenity areas, parking and cycle storage

The Committee noted the officer's report and presentation

The Committee received verbal representations from two objectors to the application, who made points including:

- 3 narrow properties on this site is over intensive, it is overdevelopment and is not in keeping with the road.
- There are other new town houses in the road but not three in a terrace
- There is a perfectly good house on the site already, and this proposal will result in the loss of trees
- This development will cause overlooking, and loss of privacy to neighbours
- The increase in hardstanding and the removal of trees will lead to an increase in the likelihood of flooding

The Committee received a verbal representation from the Applicant's agent, who made points including:

- The previously refused scheme did accept the principle of more intensive development, but was based on 6 units across 2 existing plots.
- This new proposal is half the size of that originally proposed, but is on the larger of the two plots.
- This proposal is a better wider design than the previous application
- There are no issues of overlooking, the bulk has been reduced with smaller dormers and the eaves kept low
- The precedent has already been set by number 21
- The hardstanding will improve the landscaping at the front and all details have been accepted by the flood risk officer

Members commented that two houses would look better than three, and that the frontage of 15.8m will look large on the street.

Members commented that this was overdevelopment of the site and a refusal on the grounds of Bulk and Massing being too great for the site was proposed and seconded.

#### RESOLVED

The Committee voted to:

1. REFUSE Planning Permission for the following reasons:
  - Bulk and massing resulting in overdevelopment of the site
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

#### 14 PLANNING APPEAL DECISIONS (Agenda Item 14)

The Committee noted the report on recent Planning Appeal Decisions

#### 15 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 15)

The Committee noted the report on recent Planning Enforcement cases

## PLANNING APPLICATIONS COMMITTEE 19 MARCH 2020

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
20/P0339	21/02/2020
<b>Address/Site</b>	98A Hartfield Road, London SW19 3TF
<b>Ward</b>	<b>Dundonald</b>
<b>Proposal:</b>	Erection of a shed in rear garden
<b>Drawing Nos</b>	PA1, PA2 and PA3
<b>Contact Officer:</b>	Richard Allen (020 8545 3621)

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### RECOMMENDATION

**GRANT Planning Permission subject to conditions**

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#### CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-No
- Design Review Panel consulted: No
- Number neighbours consulted: 12
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No
- Conservation Area: No

#### 1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee as the applicant is a Council employee.

#### 2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two storey semi-detached building situated on the east side of Hartfield Road. The property is currently occupied as five flats. The application site is not within a conservation area.

### 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a detached shed at the rear of the property within the garden area allocated to flat 98A Hartfield Road. The proposed shed would be 5.3 metres in width and between 2.8 and 4.5 metres in length with an 'L' shaped foot print. The shed would be of timber construction with main window and patio doors facing into the garden. The shed would be of a Chalet style and would have a pitched roof with an overall height of 2.47 metres. The rear elevation of the shed would abut the boundary with Hartfield Court, 96 Hartfield Road. The shed would serve the garden and be used for garden storage and as a garden room

### 4. **PLANNING HISTORY**

- 4.1 In June 1963 outline planning permission was refused for the erection of a house within the rear curtilage with access from Bertram Cottages (Ref.WIM6846).
- 4.2 In June 1973 planning permission was refused for alterations and extensions to provide 10 flats (Ref.MER326/73).
- 4.3 In September 1973 planning permission was granted for the conversion of the property into six self-contained flats with three parking spaces (Ref.MER901/73).
- 4.4 In March 1974 planning permission was granted for the conversion of the property into three self-contained flats (Ref.MER823/74).

### 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice (erected by applicant) and letters of notification to occupiers of neighbouring properties. In response two letters of objection have been received: The grounds of objection are set out below: -

-It is apparent from the size and design that the function of the shed will be that of a privately let –quirky’ Airbnb dwelling and not for garden equipment.

-Number 100 Hartfield Road overlooks both the garden and passage way to 98A Hartfield Road and it will add noise and further late night disturbance with people moving through the passage at the dwelling.

- If permission is granted a condition should be imposed on hours of construction and deliveries etc, as access to the rear flats (19B – 19E) is via a narrow passage which could be impeded by building works.

### 6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)  
CS14 (Design).
- 6.2 Sites and Policies Plan (July 2014)  
DM D2 (Design Considerations in all Developments) and DM D3 (Alterations and Extensions to Existing Buildings).
- 6.3 The London Plan (2016)  
The relevant policies within the London Plan are 7.4 (Local Character) and 7.4 (Local Character).
- 6.4 NPPF (2019)

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern the design/visual impact and neighbour amenity issues.

### 7.2 Design Issues

The proposed garden building would be of typical domestic design with shallow pitched roof. It would replace an existing smaller garden building. The size and scale of the garden building would be acceptable, taking into account the size of the garden it would serve. Its siting adjacent to one side of the boundary is a common arrangement for a garden building. The size and siting of the proposed out building is considered to be acceptable and the proposal accords with policies CS14 (Design), DM D2 (Design Considerations in all Developments) and DM D3 (Alterations and Extensions to Existing Buildings).

### 7.3 Neighbour Amenity

The concerns of the objector are noted. However, a garden building such as this is generally classed as 'permitted development'. However, planning permission is required in this instance as the application property is a flat. Therefore, a planning condition concerning hours of construction and a condition restricting the use of the outbuilding to domestic use incidental to the use of 98A Hartfield road as a residential flat. The position of the building would be sited up to the north boundary. The building is of limited height with a shallow pitched roof. Officers are satisfied that it would not cause material harm to the neighbouring ground floor windows at number 9 Harefield Court. The proposal is therefore considered that the proposal is acceptable in terms of policy DM D2 (Design Considerations in all Developments).

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

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there is no requirement for an EIA submission.

## 9. **CONCLUSION**

- 9.1 The design, scale and position of the proposed out building is considered to be acceptable and the proposal would not harm neighbour amenity. Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to the following conditions: -

1. A.1 (Commencement of Development)
  2. A.7 (Approved Drawings)
  3. B.3 (External Material as Specified)
  4. E.6 (Domestic use only incidental to 98A Hartfield Road)
- 

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





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**PLANNING APPLICATIONS COMMITTEE**  
**19 March 2020**

**APPLICATION NO.**

**DATE VALID**

19/P2382

24/07/2019

**Address/Site:** Land Rear of 27 Leafield Road,  
Merton Park  
SW20 9AG

**Ward:** Merton Park

**Proposal:** ERECTION OF 1x 3 BEDROOM & 1x 2 BEDROOM SINGLE  
STOREY DWELLINGS WITH ASSOCIATED LANDSCAPING

**Drawing No.'s:** Rev A Drawing Pack received 04.03.20: A-E-101; A-P-102; A-P-103; A-P-104; A-P-105; A-P-301; A-P-302; A-P-303; A-P-304; A-P-305; A-P-306; A-P-402; A-P-401; A-P-403; A-P-202; A-P-401; A-P-203; A-P-204; A-P-205; Specification and notes; A-P-206.

**Contact Officer:** Catarina Cheung (020 8545 4747)

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**RECOMMENDATION**

**Grant planning permission subject to conditions**

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**CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 11
- External consultations: 0
- Controlled Parking Zone: MP1
- Archaeological Zone: No
- Conservation Area: No

**1. INTRODUCTION**

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

**2. SITE AND SURROUNDINGS**

2.1 The application site is situated on the northern side of Leafield Road, Merton Park. The site comprises land formerly the garden of 27 Leafield Road with a smaller parcel of land in the north-western corner of the plot. An existing 'right of way' runs across the

vacant land and provides access to the garages and rear gardens of the 10 existing dwellings extending up to 7 Leaffield Road.

- 2.2 Beyond to the north is Rutlish School playing fields. Apart from the school, the local area is residential in character, with a mix of terrace and semi-detached dwellings.
- 2.3 The site is not located in a Conservation area nor is it in close proximity to a Listed Building.
- 2.4 The site is within an area of low flood risk.
- 2.5 The site has a PTAL rating of 2 (measured on a scale of 0 to 6b, 0 being the worst), and is located in a Controlled Parking Zone, MP1.

### 3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of 2 single storey dwellinghouses on the land at the rear of 27 Leaffield Road.
- 3.2 Unit 1 bungalow would comprise of an L-shaped plan, measuring:
  - 14m width front (western) elevation;
  - 13.6m side/northern elevation;
  - 5m depth, side/southern elevation;
  - 5.9m depth, side/eastern elevation;
  - 2.7m eaves height;
  - 4.5m maximum height.
- 3.3 Unit 2 bungalow would comprise of a slightly irregular rectangular plan, measuring:
  - 14.9m width front (eastern) elevation;
  - 16.84m maximum width;
  - 5.15m depth side/northern elevation;
  - 7.47m maximum depth.
- 3.4 Both bungalows would be built using timber frame construction, externally finished in brick, with grey zinc hipped roofs and timber framed windows and doors. The flat roof elements of the bungalows would be topped with “green roofs”.
- 3.5 The proposed dwelling mix would be as follows:

	Type	Storeys	Proposed GIA (sqm)	Amenity area (sqm)
Unit 1	3b 5p	1	99.75	Garden – 117 (not including the tree planting area 105)
Unit 2	2b 3p	1	74.8	Garden – 56 (not including the tree planting area 47)

- 3.6 Individual timber refuse stores provided at the front each bungalow, and an area designated for collection provided close to the street where residents wheel bins out to on collection day.
- 3.7 A communal bike store is provided at the east of the site.
- 3.8 The access path, which has a right of way across the site, would be upgraded as part of the proposal with the erection of a new security gate.

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

4.1 07/P2138: ERECTION OF SINGLE STOREY 4 BEDROOM DWELLING – Refused 31/08/2007

**Reason - The proposed new dwelling would by reason of size, siting and design be an unduly dominant and inappropriate form of backland development, resulting in a loss of amenity to adjacent residential dwellings contrary to policies NE.10, HS1, BE.15, BE.18, BE.22 of the Adopted Unitary Development Plan 2003.**

#### **5. CONSULTATION**

##### **External**

5.1 Public consultation was undertaken by way of letters sent to 11 neighbouring properties. 21 representations were received objecting to the proposal, and 1 in support.

5.2 The objections have been summarised as below:

##### Notification

- Not all residents at 7-23 (Odds) Leaffield Road were notified.

##### Principle of development

- Selling off garden space for development is in direct opposition to Merton Council's policies;
- Setting precedence for further development behind Leaffield Road houses.

##### Character and appearance

- Out of character with the housing stock in the area;
- 2007 planning application refused for one house by reason of size, siting and design to be unduly dominant and inappropriate backland development, resulting in a loss of amenity to adjacent residential dwellings. The current application is for two.
- Garden size in proposed development not of adequate size;
- Overdevelopment, similar to the footprint of the refused scheme in 2007.

##### Impact on neighbouring amenity

- Loss of privacy and overlooking for Aylward Road and Leaffield Road houses;
- Electronic gate located at the rear of neighbouring garden leading to noise pollution and car fumes;
- Noise and disturbance from occupiers of the new houses;
- Would the services the proposed houses require impact others in the road;
- Potential 24 hour up lighting;
- Alteration of views from neighbouring properties;
- Temporary low fence erected has damaged neighbouring vehicles entering.

##### Transport and highways

- Increase congestion along Leaffield Road as this is already a short cut through the area and busy during the periods 7-9.30am and 4.30-6.30pm;
- The entrance lane is very narrow with restricted sight lines up and down what can be a very busy road at peak times;
- Vehicles exiting the site would not have clear sight of pedestrians.

##### Access & Construction

- Applicant needs to show that the existing access way will be upgraded to a standard that would allow for the existing 10 properties which have a legal right of access;

- Residents have right of access which could frustrate the proposed development;
- Residents will expect continued access through the right of way and entry and exit through the gated development with their car/big van/small lorry;
- No traffic plan or tracking drawings to show how other resident and larger vehicles would manoeuvre in and out of their property;
- How would vehicles access the site for construction;
- Where would construction materials be stored;
- Construction would disrupt access to the right of way path;
- Access for large vehicles;
- Access for those with disabilities.

#### Other matters

- Loss of habitat for wildlife and birds;
- Impact on trees and biodiversity on site;
- Reduction of neighbouring property values;
- Consideration of areas where flood water can drain;
- Capacity which the new houses will be sold, i.e. affordable for first time buyers;
- Upkeep and maintenance of pathway and gate;
- Security of the gates;
- Plan inconsistencies.

#### 5.3 In support:

- Great idea of developing the empty land. The project has been done thoughtfully and considerate of views from neighbouring properties;
- Pleased about more secure access with an electric gate;
- Pleasant to look at 2 brand new bungalows rather than an empty piece of land.

#### **Internal**

- 5.4 Transport officer – The site lies within an area PTAL 2 which is considered to be poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport. The local area forms part of Controlled Parking Zone (MP1). Restrictions are enforced from Monday to Friday between 10am to 4pm.

#### **Access:**

A right of way is established through the site so that neighbours may access the garden gates and garages that line the back of gardens on Leafield Road. In total 12 units (2 proposed) will have the legal right of way through the access. In terms of the proposed site layout, the site access will be secured by electronically operated gates, located approximately 6.5m back from the current position on site. The entry to the site is gained by authorised fob or code holders.

There is a width restriction of 2.8m approximately 11 metres from Leafield Road. An ambulance of 2.5m width can negotiate through this point but not sufficient for a Fire Engine. Advice from London Fire Brigade should be sought to ascertain the procedure for fire defence arrangements.

#### **Car Parking:**

The proposal provides three car parking spaces for the two units which accords with the draft London Plan.

#### **Cycle Parking:**

Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide

dedicated storage space for cycles at the following level: 1 per studio and one bed dwellings; and 2 per all other dwellings.

The proposal would require 2 cycle spaces (secure & undercover) per each unit. The layout indicates storage facility for 4 cycle parking spaces which is acceptable.

#### Vehicle Generation

It is estimated that if all the rear garages were to be occupied, the daily 2-way flow along the access would be 40 trips. The level of traffic which could use the lane, allowing for all twelve properties (i.e. 10 existing + 2 proposed) would amount to a maximum 5 vehicles per hour. However, this estimation makes no allowance for the 10 existing properties having front driveway parking on their premises. It is noted in this instance, 7-27 Leafield Road all have at least 1 (some maximum 3) front off-street car parking spaces which would greatly reduce the use of the lane.

#### Refuse

A collection point is sited 10m away from Leafield Road which is acceptable. Under these arrangements residents will have to take their bins from their houses to the collection point for the operatives to collect.

**Recommendation:** The proposal is unlikely to have significant impact on the adjoining highway network. Should planning permission be granted the following conditions would apply: 1) Car parking as shown maintained, 2) Condition requiring cycle parking and 3) Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.

- 5.5 Climate Change – The information provided in the Energy Statement dated May 2019 indicates that the development will achieve a 20.68% improvement against Building Regulations 2013 with the installation of 0.75kWp of solar PV panels on each unit. This meets the minimum sustainability requirements of Merton’s Core Planning Strategy Policy CS15 (2011).

The inclusion of the rainwater collection systems and green roofs should be commended. The use of timber frame construction should also be commended.

No concerns are raised, and it is considered acceptable in this instance to attach a pre-occupation condition to ensure the water targets and carbon emissions are achieved pre-occupation.

- 5.6 Waste Services – the bin store location must be no more 10m from the highway for waste collection. The proposal has been amended to reduce this to the appropriate distance.

- 5.7 Trees – Following amendments to the soft landscaping scheme, no further issues are raised in relation to this. Further details are requested for the green roof for which a condition can be attached to ensure provision of this.

There are several mature Cypress trees located at the foot of the rear garden to no.74 Aylward Road. In the absence of an assessment of the neighbouring trees, conditions have been recommended to request details of the design of the foundation for Unit 2, accompanied with an arboricultural report and tree protection plan.

## **6. POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2019):  
Part 5 Delivering a sufficient supply of homes

Part 9 Promoting sustainable transport  
Part 11 Making effective use of land  
Part 12 Achieving well-designed places

- 6.2 London Plan 2016:  
3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
3.8 Housing choice  
3.9 Mixed and balanced communities  
5.1 Climate change mitigation  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.17 Waste Capacity  
6.3 Assessing effects of development on transport capacity  
6.9 Cycling  
6.13 Parking  
7.3 Designing out crime  
7.4 Local character  
7.6 Architecture  
8.3 Community infrastructure levy
- 6.3 Merton Sites and Policies Plan July 2014 policies:  
DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM E3 Protection of scattered employment sites  
DM EP4 Pollutants  
DM H2 Housing mix  
DM O1 Open space  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T5 Access to road network
- 6.4 Merton Core Strategy 2011 policy:  
CS 8 Housing choice  
CS 9 Housing provision  
CS 11 Infrastructure  
CS 13 Open space, nature conservation, leisure and culture  
CS 14 Design  
CS 15 Climate change  
CS 17 Waste management  
CS 18 Transport  
CS 20 Parking servicing and delivery
- 6.5 Supplementary planning documents  
London Housing SPG 2016  
Technical Housing standards – nationally described space standards 2015
- 7. PLANNING CONSIDERATIONS**
- 7.1 The key planning considerations of the proposal are as follows:
- Principle of development
  - Design and impact upon the character and appearance of the area



- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, parking and cycle storage
- Highway safety
- Refuse
- Sustainability
- Other matters
- Developer contributions

Principle of development

- 7.2 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.
- 7.3 Table 3.1 of the London Plan 2016 identifies that Merton has an annual housing target of 411 units, or 4,107 over a ten year period. However, this minimum target is set to increase to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year. This significant increase will require a step change in housing delivery within Merton.
- 7.4 Whilst the planning history of the site reveals that a proposed scheme of one dwellinghouse was refused on the site in 2007, officers welcome here a renewed approach to the development of the backland site. The proposed scheme offers instead 2 bungalows. In principle, the offer of residential units is acceptable as it would be in keeping with the residential surrounds, and also makes effective use of the site to increase provision of additional homes through intensification. However, notwithstanding the need for housing delivery within the borough, the proposal should also ensure compliance with relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents (as referred to in Section 6).

Character and Appearance

- 7.5 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should ensure that they are visually attractive and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.6 Policies CS14, DMD1 & DMD2 require that new development reflect the best elements of the character of the surrounding area, or have sufficient distinctive merit so that the development would contribute positively to the character and appearance of the built environment. Policy DM D2 of Merton's Sites and Policies Plan requires development to relate positively and 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 to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design is further supported by the London Plan London Plan Policies 7.4 and 7.6.

- 7.7 Policy CS 13 states any proposals for new dwellings in back gardens must be justified against the: local context and character of the site, biodiversity value of the site, value in terms of green corridors and green islands, flood risk and climate change impacts.
- 7.8 As mentioned under paragraph 7.4, it is noted a single dwellinghouse was refused in 2007 at the rear of 27 Leafield Road. That proposal sought a single storey dwellinghouse but involved a multi-pitch roof form which increased the height of some elevations up to, and over, 2 storeys (7.5m) therefore appearing visually intrusive to the backdrop of the residential gardens. The footprint of the previously refused single dwellinghouse would also uncomfortably cover a lot of the garden/backland area losing the spacious suburban character of the area.
- 7.9 This proposed scheme provides two bungalows, one toward the north-western corner and the other toward the eastern boundary. The single storey height is considered appropriate in a backland site, and its overall bulk and massing has been considerably reduced from the previously refused scheme and considered here much more sympathetic toward neighbouring outlook.
- 7.10 The bungalows would be built of timber frame construction, with brick external walls and zinc roofing, further complemented with timber window and door details. The flat roof elements would be finished with green roofs, which are a benefit in terms of sustainability but also, when viewed from an upper level it would appear visually comfortable with the surrounding green landscape. The two bungalows are appropriately laid out and do not appear cramped on site thereby retaining an open character.
- 7.11 Overall, it is considered that an improved approach to introducing development on the site has achieved attractive and unobtrusive bungalows at the rear garden of Leafield Road. These would sit subservient in scale in relation to the surrounding terrace dwellings, with details and finishing to contribute to the surrounding landscape and encourage biodiversity. It represents an appropriate example of backland development which makes effective use of the land, and the development optimises the use of the site without inappropriately over intensifying the density of the site.

#### Neighbouring Amenity

- 7.12 SPP Policy 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.13 The London Housing SPG standard 28 requires design proposals to demonstrate adequate levels of privacy in relation to neighbouring properties, designers should avoid windows facing each other where privacy distances are tight, in the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes.

#### **25 Leafield Road**

- 7.14 The hipped roof element of the bungalow, running parallel with the neighbour's garden, would be set back 12.6m from the shared boundary. However, this is considered a reasonable set back which would not unduly impact the neighbour's enjoyment of the garden and with further trees introduced toward the south-eastern corner of the plot, this would provide some further screening between the developments and garden areas.

7.15 The separation distance between the side/southern elevation of Unit 1 and the rear elevation of the main dwellinghouse 25 Leafield Road would be approximately 20m, and no windows are proposed on this side elevation. The rear sliding doors from Unit 1's kitchen/dining area (eastern elevation) would be approximately set back 23m from the rear of number 25. Such separation distances are considered reasonable and would not be considered to inappropriately encroach toward number 25. Furthermore, given its single storey height, there would be limited views of the bungalow from the neighbour's rear ground floor kitchen/dining areas and it would unlikely inappropriately dominate their views; and from the upper levels, the design of the green roofs would integrate well with the landscape.

**27 Leafield Road**

7.16 The distance between the rear building line of 27 and the rear boundary fence is 10m. The southern elevation of Unit 1 would be further set back around 5.5-8m from the fence, therefore totalling a separation distance of maximum 18m. This is considered a reasonable separation, and further noted there is a single storey outbuilding structure in the north-western corner of 27's garden which would provide a large screening of views.

**Aylward Road**

7.17 There is a separation distance of 8m between the rear (western) elevation of Unit 2 from the rear boundary line of number 72, and the rear garden of 72 Aylward Road is approximately 32m in depth. Therefore, this total distance of at least 40m is considered a reasonable separation which would unlikely raise harmful issues in terms of overlooking and privacy.

7.18 Furthermore, at the rear gardens of 74 and 76 Aylward Road, along the boundary, there are 3 large trees which currently provide a lot of screening toward the vacant plot. The proposed development would introduce another tree, to be planted in the north-western corner, therefore reinforcing the screening. 74 and 76 Aylward Road also have rear gardens of approximately 30-31m depth. Given the existing large trees and proposed new tree, with fairly large garden depths, the proposed development would unlikely have an unduly visual impact toward numbers 74 and 76, or raise privacy and light issues. It is further noted, whilst the flat roof element of the bungalow would lie adjacent to Aylward Road's rear boundary line, this would be at a height of 2.7m (around 0.7m above the height of a fence), and this would not be unduly dominant or an intrusive height toward the boundary.

Standard of accommodation

**Internal**

7.19 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

	Type	Storeys	Proposed GIA (sqm)	Required GIA (sqm)	Compliant
Unit 1	3b5p	1	99.75	86	Yes
Unit 2	2b3p	1	74.8	61	Yes

7.20 As demonstrated by the table above, the units would comply with the minimum space standards.

7.21 Furthermore, the design of the bungalows would provide comfortable open plan living areas, with views into their respective gardens with adequate levels of daylight; and particularly for Unit 1, the south facing garden would provide plentiful access to sunlight.

**External**

7.22 Merton' Sites and Policies Plan requires for all new houses to provide a minimum garden area of 50 sqm as a single usable regular shaped amenity space.

7.23 Each unit would be provided with a garden of over 50sqm, 117sqm for Unit 1 and 56sqm for Unit 2 thereby exceeding policy requirements. Both gardens would provide good quality private external amenity space.

Transport, parking and cycle storage

7.24 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 under Policy 6.13 of the London Plan stipulates that 1 cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.

7.25 The site has a PTAL of 2 and is located in a Controlled Parking Zone, MP1.

7.26 The Transport officer has been consulted and considers the proposal is unlikely to have significant impact on the adjoining highway network.

7.27 A right of way is established through the site so that neighbours may access the garden gates and garages that line the back of gardens on Leafield Road. The application proposes a security gate (approximately 6.5m back from the current position) and operated by fob or code holders, with surface upgrades to the vehicle access path. This would have the potential of delivering improvements in terms of safety and security whilst ensuring continued access for the existing residents and improved access, particularly for wheelchairs uses or those with pushchairs.

7.28 There is a width restriction of 2.8m approximately 11 metres from Leafield Road. An ambulance of 2.5m width can negotiate through this point, but noted would not be sufficient for a Fire Engine. Therefore, a condition will be attached to ensure that no dwelling shall be occupied until suitable details of a fire hydrant or otherwise agreed fire management and safety plan has been installed/carried out as agreed with by the London Fire Brigade.

7.29 The proposal provides three car parking spaces for the two units which accords with policy.

7.30 The Transport assessment provided by ADL Traffic and Highways Engineering Ltd estimates that if all the rear garages were to be occupied, the daily 2-way flow along the access path would be 40 trips. The level of traffic which could use the lane, allowing for all twelve properties (i.e. 10 existing + 2 proposed) would amount to a maximum 5 vehicles per hour. However, this estimation makes no allowance for the 10 existing properties having front driveway parking on their premises. Therefore, considering this, officers note that all properties, 7-27 Leafield Road, have at least 1

(some maximum 3) front off-street car parking spaces which would greatly reduce the use of the lane. So; such regular use and trips along the access lane would not be anticipated or greatly required. Nonetheless, given the scenario where one would require access to the rear, it is not considered the proposed upgrade of the path and erection of the 2 bungalows would prejudice vehicle access or compromise the safety of vehicle and pedestrian movement along the lane.

- 7.31 The proposal requires 4 cycle spaces to satisfy the proposed number of dwellings, the bike storage would offer 4 storage racks so would satisfy policy requirement. Should the application be minded for approval, a condition will be attached requiring the cycle storage, details as specified in the drawings, to be provided prior to occupation of the development.
- 7.32 Conditions will be appropriately attached as recommended by the Transport officer for details of a demolition/construction logistics plan.

#### Highway safety

- 7.33 To ensure adequate visibility for vehicles and pedestrians entering and exiting the site, the security gates should allow visibility through the gates so as not to prejudice highway safety. Therefore, if the application were minded for approval, a condition would be recommended requiring details of the new access gate.
- 7.34 As discussed previously, the existing right of way will be upgraded for the benefit of the existing residents on Leaffield Road and proposed occupiers of the development. A condition is also recommended to ensure this is delivered in accordance with the details set out in the drawings and sustainability assessment prior to any occupation of the development.

#### Refuse

- 7.35 The London Plan Policy 5.17 and Merton Core Strategy Policy CS17 require new developments to show capacity to provide waste and recycling storage facilities.
- 7.36 Individual timber refuse stores have been provided at the front each bungalow, accessible within 5m of the development from their respective kitchen bin store areas. On collection day, occupiers would wheel their bins to a communal collection point designated at the front of the site, toward Leaffield Road and this would be no more than 30m (maximum required walking distance for residents). The designated collection point would be within 10m of the highway which is the maximum required pulling distance for Merton's Waste contractors.
- 7.37 The designated collection area would be located at the front corner of 27 Leaffield Road. However, there would be no conflict with the existing dwellinghouse as looking into this area is a frosted window which serves a toilet and a non-openable stained glass window. The bins would reside at the collection point only once per week, but nonetheless, the area designated would not impact the flow of vehicle movement along the access path.
- 7.38 Should members be minded to approve, a condition will be attached requiring the individual refuse stores to be provided in accordance with the plans and details to be submitted of the new boundary treatment around the collection point to ensure this area is dedicated to the new development and not a part of 27 Leaffield Road.

#### Sustainability

- 7.39 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy

CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.

- 7.40 The information provided in the Energy Statement dated May 2019 indicates that the development will achieve a 20.68% improvement against Building Regulations 2013 with the installation of 0.75kWp of solar PV panels on each unit. The inclusion of the rainwater collection systems, green roofs and timber frame construction should be also commended.
- 7.41 It is considered the applicants have shown reasonable competence in understanding the local and London plan policies in terms of sustainability, and in this instance it would be considered acceptable to attach a pre-occupation condition to ensure the emission reductions and water targets will be secured through construction.

#### Other matters

##### **Trees and biodiversity**

- 7.42 Policy DM O1 seeks to protect and enhance open space and to improve access to open space. Policy DM D2 requires that developments should not cause significant adverse impacts on species, habitats and landscape. Back gardens are an important element in the borough's wildlife habitat provision and biodiversity. New developments should provide for sufficient space for new planting or existing planting to grow. They should incorporate opportunities including green roofs, roof gardens, terraces, permeable surfaces, window boxes and climbing plants.
- 7.43 The site does not have any Local Plan environmental site designations, but does lie adjacent to Open Space, the playing field of Rutlish School.
- 7.44 The Tree officer has been consulted and has commented that the proposed tree planting scheme needs to be more closely examined to ascertain the feasibility of the planting the trees in the specified locations. In response, the landscape plan has been redesigned with changes to the tree positioning. The Tree officer has reviewed this and considers the changes acceptable and raises no further concerns in terms of the soft landscaping.
- 7.45 There are several mature Cypress trees located at the foot of the rear garden to number 74 Aylward Road. In the absence of an assessment of the neighbouring trees, the Tree officer has recommended conditions to request details of the design of the foundation for Unit 2, accompanied with an arboricultural report and tree protection plan.
- 7.45 The proposed green roofs offer benefits in terms of ecology, biodiversity and sustainable urban drainage. The two green roofs will be extensive sedum green roofs with some bulbs interplanted. The sustainability statement provides a planting and density schedule. The incorporation of a green roof into the scheme is commendable, however the quality of green roofs are variable and so to ensure a high quality specification is delivered a condition will be attached requiring these details to be submitted to the Council for review and approval.

##### Developer Contributions

- 7.46 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

## **8. CONCLUSION**

- 8.1 In light of the increased need for housing provision in the borough and expected adoption of a significantly higher annual housing target for Merton, officers have welcomed a renewed approach to development of the backland site. Matters of concern raised in the previous application have been addressed, and overall, it is considered the scale, form, design, positioning and materials of the two bungalows have been thoughtfully developed so as not to have an undue detrimental impact toward the character and appearance of the streetscene, surrounding suburban residential character, neighbouring amenity or surrounding highway network.
- 8.2 Therefore, the proposal is considered to comply with the principles of policies referred to in Section 6 and it is recommended to grant planning permission subject conditions.

### **RECOMMENDATION**

Grant planning permission subject to conditions

The following conditions are recommended:

1. A1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials as specified
4. B4 Surface treatment – Prior to occupation of the development, the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft shall be carried out in accordance with the details submitted in the approved plans and Sustainability statement (dated May 2019). The development shall not be occupied until the details to which this condition relates have been carried out in accordance with the approved details and shall be permanently retained thereafter.
5. B5 Details of Walls/Fences – Prior to occupation of development, details of boundary walls, fences or gates shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be occupied until the details are approved and carried out in accordance with the approved details. The walls, fencing and gates shall be permanently retained thereafter.
6. C07 Refuse & Recycling – implementation
7. C08 No Use of Flat Roof of the developments
8. D11 Construction hours – No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
9. H04 Provision of vehicle parking – The vehicle parking area shown on the approved plans shall be provided before the occupation of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
10. H07 Cycle Parking – implementation
11. H09 Construction vehicles – The development shall not commence until details of

the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

12. H13 Construction Logistics Plan – Prior to the commencement of the development hereby permitted, a Construction Logistics Plan (including a Construction Management plan in accordance with TfL guidance) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use.
13. A Non-standard condition (lighting) – notwithstanding the details shown on the approved drawings, prior to occupation of the development, a more detailed lighting scheme shall be submitted to the LPA for approval.
14. C01 - No permitted development rights for the bungalows.
15. D10 External lighting – Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
16. F02 Landscaping/Planting Scheme – All hard and soft landscape works shall be carried out in accordance with the approved details as shown in the approved plans (amended, received 04.03.20) and Sustainability Statement (amended, received 04.03.20). The works shall be carried out in the first available planting season following the completion of 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 same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied.
17. Non-standard condition – Details of the green roof shall be submitted to and approved by the local planning authority before installation and completed prior to occupation. Reason. To promote biodiversity, and contribute to measures to deliver sustainable drainage and reduce runoff rates in accordance with Merton core strategy policies CS13 and CS16 and Merton Sites and Policies plan policy DM.F2.
18. A Non-standard condition (Sustainability) – No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.
19. Non-standard condition – A Tree Protection Plan/Arboricultural Method statement shall be submitted to the Council and approved prior to commencement of development of Unit 2. The details shall be drafted in accordance with the recommendations and guidance set out in BS 5837:2012. The details and measures as approved shall be installed, and retained and maintained until the



completion of site operations at Unit 2. Reason. To protect and safeguard the existing neighbouring trees along the western boundary, at the rear of Aylward Road and to comply with Merton Core Strategy policy CS10 and Merton Sites and Plans policy DM.O2

20. F06 Design of Foundations – The foundations to be used for Unit 2, as shown in the approved drawing titled ‘General Arrangement Plan’, dwg A-P-102, shall be a pile and beam type. Details of the foundations for Unit 2 shall be submitted to and approved in writing by the LPA prior to commencement of this dwelling, and the work shall be carried out in accordance with the approved details. Reason. To protect and safeguard the existing neighbouring trees along the western boundary, at the rear of Aylward Road and to comply with Merton Core Strategy policy CS10 and Merton Sites and Plans policy DM.O2
21. F08 Site Supervision – The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures. Reason. To protect and safeguard the existing neighbouring trees along the western boundary, at the rear of Aylward Road and to comply with Merton Core Strategy policy CS10 and Merton Sites and Plans policy DM.O2
22. Non-standard condition – No dwelling shall be occupied until the application has provided written confirmation as to the installation of a fire hydrant (or otherwise agreed fire management and safety plan), and that such measures have been agreed by the London Fire Brigade. Reason. To ensure the development delivers measures for use by emergency services or suitable alternative measures for the development and to comply with the objectives of Merton Core Planning Strategy policy CS20 and Merton Sites and Policies Plan policy DM.D2.

Informatives:

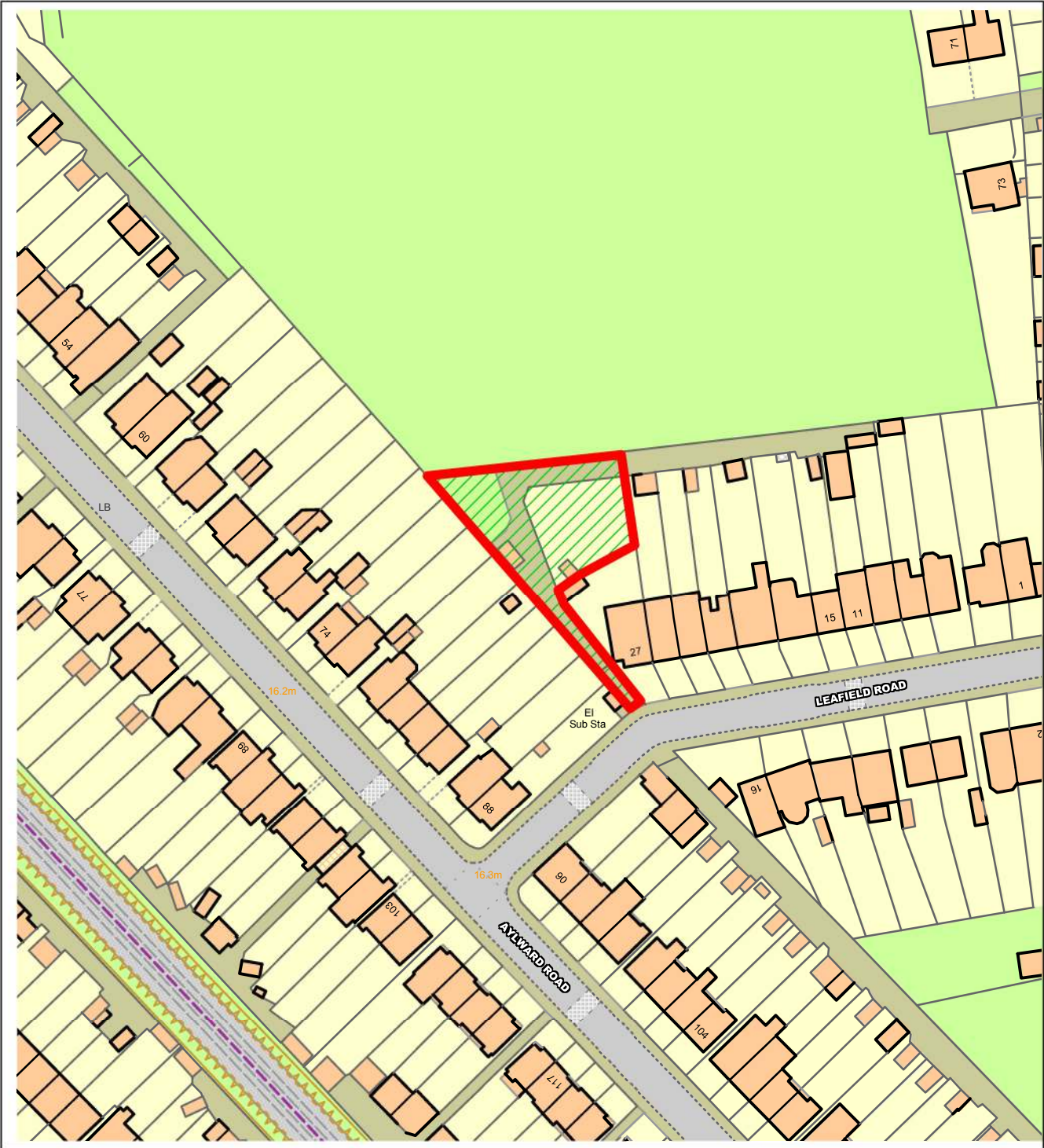
1. INF 01 Party Walls Act
2. INF 09 Works on the Public Highway
3. INF 12 Works affecting the public highway
4. INF 13 Waste Services
5. INF 14 Tree felling, birds and bats
6. INF 20 Street naming and numbering
7. INF non-standard sustainability
8. Note to Applicant – approved schemes

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 19 MARCH 2020

**APPLICATION NO.**                      **DATE VALID**  
19/P3904                                      05.11.2019

**Address/Site**                      Former Mitcham Fire Station  
30 Lower Green West  
Mitcham  
CR4 3GA

**Ward**                                      Cricket Green

**Proposal:**                              ERECTION OF HOARDINGS TO FRONT OF FIRE STATION  
FOR A PERIOD OF 12 MONTHS

**Drawing Nos;**                      Site location plan and drawing 6724-PH01

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### RECOMMENDATION

Grant Planning Permission subject to conditions.

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### CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 116
- Press notice – Yes
- Site notice – Yes
- External consultations: No
- Archaeological Priority Zone – Yes Tier 1 & 2
- Flood risk zone - No
- Controlled Parking Zone – No
- Number of jobs created: N/A
- Located within Mitcham Cricket Green Conservation Area
- Locally or statutorily listed buildings – Both the White Hart and the Burn Bullock are Grade II listed public houses in close proximity to the site. The nearby War Memorial is locally listed.

## 1 INTRODUCTION

- 1.1 The application has been brought before the Committee at the request of Councillor Martin Whelton.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is occupied by the vacant former fire station building which is locally listed and identified as making a positive contribution to the Conservation area. The building is part of a group of buildings on the Lower Green West 'island' comprising Vestry Hall, the Fire Station and the former Cricketers pub which has now been demolished and replaced by a block of residential flats, and which break the surrounding established building layout but forms a distinctive focal point on the green. The local listing description states "This is a two storey detached building, which dates from 1927, and is in a simple classical style. The building materials used include red brick on the upper floor, and ashlar sandstone on the ground floor. The roof is of green slate. The main features of interest include the curved roof slope, the diamond window set within the front facing gable, and the inscribed lettering above the fire engine doorways.

## **3. CURRENT PROPOSAL**

- 3.1 This application involves the erection of hoardings to the front of the fire station. Permission is sought for a period of 12 months. The applicant has already erected site hoardings in front of the vacant former Fire Station in the form of black painted wooden panels, supported on the inside by concrete blocks with gates to the front. The hoardings extend beyond the land in the ownership of the applicant and include land owned by Merton Council.
- 3.2 Prior to the sale of the building to the applicant the London Fire Brigade (LFB) employed property guardians to reside on site to protect it from squatting. The applicant no longer operates this system and has erected the hoardings for security purposes. In the meantime the applicant has been discussing proposals for the conversion of the building to a residential use with the Council.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 19/P2688 Application withdrawn by applicant for CHANGE OF USE OF THE VACANT FIRE STATION TO A RESIDENTIAL USE INVOLVING THE ERECTION OF A REAR EXTENSION TO PROVIDE 9 x SELF-CONTAINED FLATS, COMPRISING 5 x 1 BED, 3 x 2 BED AND 1 x 3 BED UNITS, WITH ASSOCIATED REFUSE AND CYCLE STORAGE AND PARKING
- 4.2 19/P3033 PRE-APPLICATION SUBMISSION FOR THE PROPOSED CHANGE OF USE AND EXTENSION TO EXISTING BUILDING TO FORM 9 SELF CONTAINED FLATS.

## **5. CONSULTATION**

- 5.1 The application was advertised by means of Conservation Area Site & Press notice and letters to local residents.

One letter of objection raised concerns relating to factual matters in the application paperwork and;

- There is no mention of the concrete blocks put in place
- The owner of the fire station does not own the forecourt which belongs to Vestry Hall
- Council website does not show the land as being for sale.

5.2 The Mitcham Cricket Green & Heritage Group raised concerns that;

- The application was not submitted with a heritage statement
- The concrete bollards are not included in the description but should be removed
- Hoardings will have major detrimental visual impact on this key location in the heart of the MCCA.
- Defined views through and across the MCCA will be significantly disrupted.
- It will damage setting of the listed War Memorial
- Will cause harm to views and context of the Fire Station and Vestry Hall
- No justification for securing such a large area of land, the apron in front of the building does not need to be enclosed. Only the building needs to be secure at its immediate perimeter.
- The best action would be to retain the building guardians
- The hoarding won't go after 12 months, they were erected without consent and unlikely to resolve the change of use within 12 months.
- We would like to help co design the scheme for the redevelopment of the site.

5.3 The Council's Conservation officer, Estates Department, Future Merton and Vestry Hall were all consulted and raised no objections.

## 6. **POLICY CONTEXT**

6.1 Relevant policies in the London Plan 2016 are; 7.4 (Local Character), 7.5 (Public realm), 7.6(Architecture) & 7.8 (Heritage assets)

6.2 Relevant policy in the Core Strategy 2011 is; CS 14 (Design)

6.3 Relevant policies in the Sites and Policies Plan 2014 are; DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments) & DM D4 (Heritage assets)

6.4 Supplementary guidance: Mitcham Cricket Green Character assessment.

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the design and impact on the locally listed building and Mitcham Cricket Green Conservation Area and neighbour amenity.

7.2 Design and Appearance.

London Plan policies 7.4 and 7.6, SPP policies DM D1 and DM D2 and LBM Core Strategy Policy CS14 offer guidance on relevant policy requirements for the design, bulk and massing of new developments, intended to ensure that proposals are well designed whilst Policies 7.8 in the London Plan and SPP

policy DM D4 require that works in conservation areas preserve and where possible enhance the conservation area.

7.3 It is acknowledged that the hoardings are of a functional design but they are only to be a temporary measure to protect and secure the locally listed building until it can be brought back into use. The applicant has secured the side windows with anti-squatter screens but as this is an old fire station the front doors are of significant size and they could not be secured in the same manner and it may be considered that to do so could result in a less attractive appearance than the hoardings.

7.4 Mitcham has historically suffered from squatters and traveler sites utilising vacant sites and buildings. Vacant buildings locally have also required robust measures to protect them from entry including steel window shutters installed at the former Cricketers Public House which remained vacant for a number of years and with its deteriorating condition marring the appearance of the conservation area. It is considered that the hoardings allow for the protection of the building and wider site in the longer term and any minor issues relating to appearance on a temporary basis are outweighed by the longer term benefit to the building and the MCCA.

7.5 Objections were raised that the hoardings impacted the Listed War Memorial but that structure is considered sufficiently distant from the site so as not to be compromised by any temporary works.

7.6 Neighbour Amenity.

An application would be assessed against adopted planning policies in particular London Plan policy 7.6 and SPP policy DM D2 in terms of possible impacts such as loss of light, privacy and visual intrusion on neighbour amenity.

7.7 There were no objections from immediate neighbours and none on amenity grounds other than visual intrusion for the wider area. The positioning and size of the hoardings are such that they are not considered to cause material harm to amenity no issues in relation to loss of light, privacy or outlook.

7.8 Other matters.

Officers acknowledge that the unrestricted retention of the hoardings would mar the appearance of the conservation area. However, given on-going discussion regarding redevelopment and the benefits of making the site secure, a limited period permission is considered appropriate. Members are advised that in the event of permission being granted to redevelop the site hoardings may be retained to make the site secure under permitted development (GPDO 2015 Schedule 2 Part 4 Class A). In the event that members are minded to grant permission officers recommend that permission be granted on a temporary basis as follows:

This permission is for a temporary period and the hoardings shall be removed on or before the 1st April 2022 or on re-occupation of the existing building, or on commencement of any development that may be granted planning permission on the site, whichever is the sooner.

Officers confirm that the hoardings occupy land outside the ownership of the applicant but the Council's Estates manager has raised no objection. The size



of the hoardings coupled with the robust measures to keep them in place including the concrete blocks also protects the front of the site being used being used by caravans etc. An informative advising the applicant that the grant of the application is not in itself consent to use the Council's land and that the Council retains the right to require their removal is recommended.

- 7.9 Officers are tasked with assessing the merits of the planning application and the Council is not in a position to require the applicant to provide property guardians for the site.

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

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

## **9. CONCLUSION**

- 9.1 The hoardings are intended to be temporary and offer a pragmatic solution to protecting the fabric of the old fire station and the appearance of the site and its surroundings in the short term. Subject to being temporary they are considered acceptable and the proposals are recommended for approval subject to conditions and informatives.

### **RECOMMENDATION.**

Grant planning permission subject to the following conditions.

1. This permission is for a temporary period and the hoardings shall be removed on or before the 1st April 2022 or on re-occupation of the existing building, or on commencement of any development that may be granted planning permission on the site, whichever is the sooner. Reason. Retention of the hoardings on a permanent basis would be likely to detract from the visual amenities of the Mitcham Cricket Green Conservation Area and the Council wishes to retain adequate control over their retention for a longer period pending suitable development proposals for the Fire Station coming forward and to comply with policies 7.8 of the London Plan 2016 and DM D2 & DM D4 of the Adopted Merton Sites and Policies Plan 2014..
2. The hoardings shall be retained in accordance with the following plans: Site location plan and drawing 6724-PH01. Reason. In the interests of safeguarding the visual amenities of the Mitcham Cricket Green Conservation area and to comply with policies 7.8 of the London Plan 2016 and DM D2 & DM D4 of the Adopted Merton Sites and Policies Plan 2014.

### **Informative**

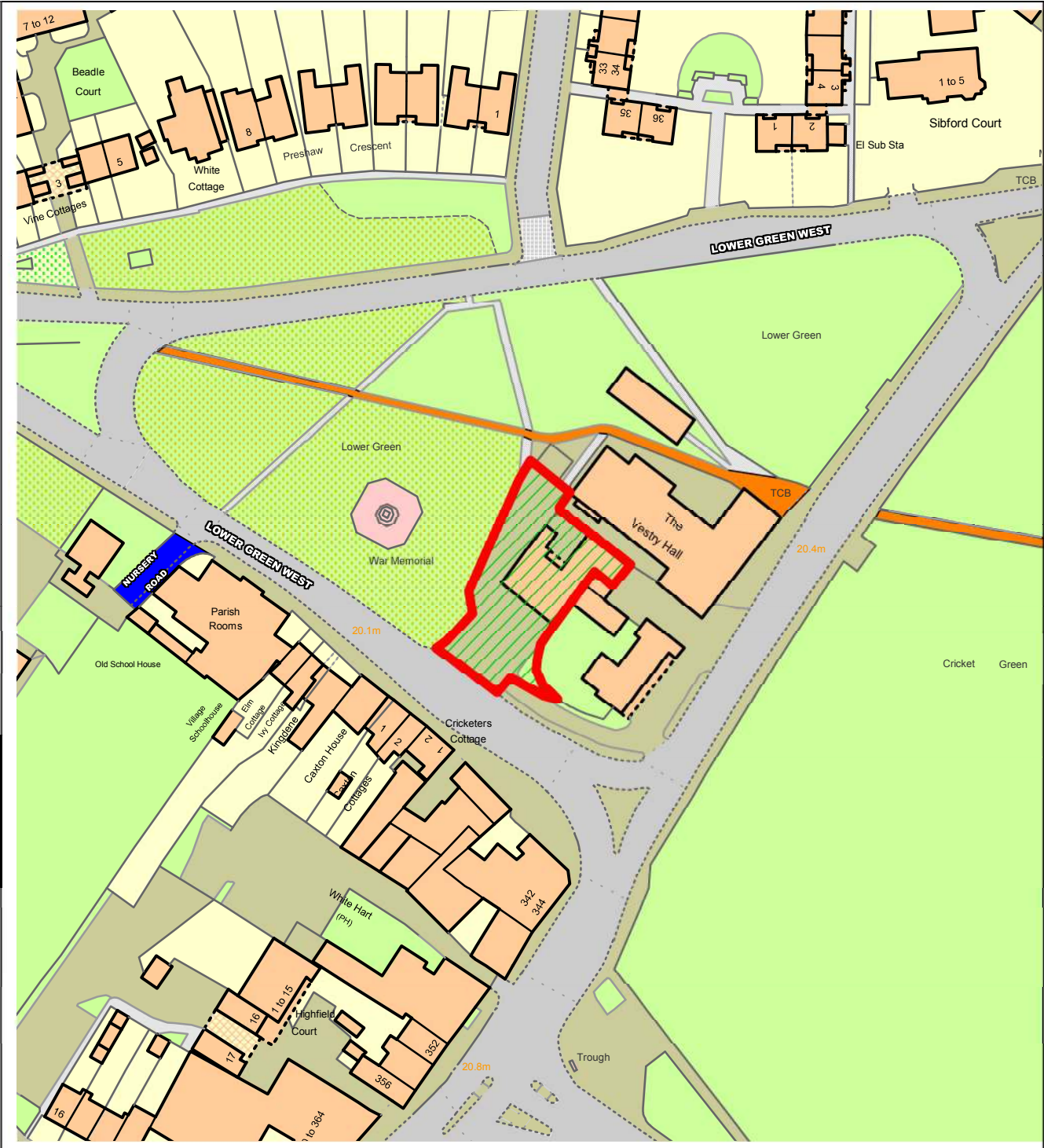
1. The applicant is advised that the grant of planning permission does not confer or imply to confer approval by the Council in its capacity as land owner for which separate approval should be sought. The Council, as land owner, retains the right to require the removal of the hoardings subject to a period of notice of not less than 1 month.

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## PLANNING APPLICATIONS COMMITTEE

19 MARCH 2020

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P3836	13/11/2019
<b>Site Address:</b>	15, 15a & 17 Russell Road, Wimbledon, SW19 1QN
<b>Ward:</b>	Dundonald
<b>Proposal:</b>	Demolition of existing buildings and erection of part two, three and four storey detached buildings comprising of 9 self-contained flats.
<b>Drawing Nos:</b>	0193_PLN_001, 0193_PLN_002 (rev A), 0193_PLN_004 (rev A), 0193_PLN003 (rev A), 0193_PLN_001 (rev A).
<b>Contact Officer:</b>	Calum McCulloch

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### RECOMMENDATION

**GRANT permission subject to S106 Agreement and conditions**

### CHECKLIST INFORMATION

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	No
Site notice	No
Design Review Panel consulted	No
Number of neighbours consulted	22
External consultations	1
Internal consultations	3
Controlled Parking Zone	Yes - W6

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## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is situated on the west side of Russell Road. It consists of a pair of two-storey semi-detached dwellings, 15 and 17 Russell Road. No. 15 is currently split into two self-contained units. The site lies directly adjacent to Wimbledon Town Centre.
- 2.2 Abutting the north of the site is Collingham House, a part two storey part four-storey commercial building with rooftop car park containing Evans Cycles, a Wetherspoons pub and office space. To the east of the site on the opposite side of Russell Road is the Grade II listed Wimbledon Theatre. To the south of application site is a single-storey bungalow containing 5 self-contained 1-bedroom flats, 19a-19e Russell Road.
- 2.3 Russell Road is characterised predominantly by two-storey residential dwellings but also contains some larger buildings, including a primary school, day nursery and social club.
- 2.4 To the west of the site is a pair of two-storey semi-detached dwellings on Gladstone Road similar to the existing dwellings at the application site.
- 2.5 The site does not lie within a Conservation Area and is not a Listed building.
- 2.6 The site is within a Controlled Parking Zone.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of all existing buildings on site and the erection of a part two, three and four storey detached building. The building would contain 9 self-contained flats. The housing mix would be as follows:
- 4 nos. 1Bed 2 Person
  - 1 nos. 1 Bed 1 Person (Studio)
  - 1 nos. 1 Bed 1 Person
  - 2 nos. 2 Bed 4 Person
  - 1 nos. 2 Bed 3 Person
- 3.2 Each flat will have some outdoor amenity space as outlined in Section 4 of this report.
- 3.3 The proposed building would have a total of four storeys and would step down progressively to the rear and south. The fourth storey would be set back from the front elevation by 0.35m, with the whole building set back from the public pavement by 2.1 m. Outdoor amenity space is provided in the form of roof terraces on the top three floors and private gardens on the ground floor.

- 3.4 The building would be finished externally in three principal finishes. Red stock brick is proposed for the main bulk of the dwelling towards the front of the building. Blue/black brick is proposed towards the rear in accordance with the change in massing. Pre-painted copper coloured metal cladding is proposed for the fourth floor. The building would look contemporary in relation to the surrounding area.
- 3.5 Provision is made up at side of the building for 12 cycle parking spaces and refuse storage, connecting to Russell Road. The main entrance to the building would be from Russell Road.

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

- 4.1 MER1050/83 - CONVERSION OF PROPERTY INTO SELF-CONTAINED FLATS INCLUDING REAR EXTENSION AT FIRST FLOOR LEVEL. – GRANT PERMISSION SUBJECT TO CONDITIONS

#### **5. CONSULTATION**

##### **Internal**

##### **LBM Environmental Health Officer**

- 5.1 The Council's environmental health officer raised concern over the impact of the development on the surrounding locality in terms of noise and recommends a condition for the provision of a noise survey be attached to this planning permission.

##### **LBM Transport Officer**

- 5.2 The Council's transport planner raised no objection subject to:
- Cycle parking obtained.
  - Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
  - Applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

##### **LBM Conservation Officer**

- 5.3 The Council's Conservation officer raised no objections to the proposed development.

##### **External**

##### **Historic England**

- 5.4 Historic England noted they did not consider it necessary for the application to be notified to them.

## Neighbour consultation

### *objections*

5.5 Public consultation was undertaken by a way of post sent to adjoining neighbours in November 2019 inviting comments on the first set of plans produced by the applicant. A total of **7 objections** were received, which raised the following issues:

- Proposed development too tall dense for the area contrary to character and appearance of the surrounding area.
- Overbearing sense of enclosure in respect of the no. 14, 16 and 18 Gladstone Road
- Overlooking and loss of privacy from no. 14, 16 and 18 Gladstone Road from first floor balcony, rear facing windows and side windows.
- Footprint is too large taking up nearly all of the existing garden, leaving only a very small courtyard with a detrimental impact on green space and urban habitats.
- Conversion from family housing to flats contrary to the character and appearance of the area which would set a precedent for similar developments in the area with associated detrimental impacts on neighbour amenity.
- Existing parking pressures in the area. The development makes no provision for off-street parking. One representation suggests the development must be permit free.
- The top floor should be set back.
- The single aspect of apartment 4 is undesirable – there would be no cross-ventilation.
- The building is too close to the boundary of no 14 Gladstone Road.
- Overbearing sense of enclosure and loss of light in respect of 19c Gladstone Road. The objector from 19c Gladstone notes they are already enclosed by extension at 23 and 25 Russell Road and therefore should the development go ahead their property would be even more enclosed.
- Previous applications at 23 Russel Road were refused due to the impact on 19c Russell Road. This includes:
  - 13/p3822 – refused due to the impact of the extension on living conditions
  - 14/p1477 refused due to the impact of the extension on living conditions
  - 14P0844 – scaled down due to the impact on living conditions and granted permission subject to conditions.

### *Support*

5.6 Two letters of support were received. One letter of support was received from no. 53 Russell Road noting the following:



- The development would uplift the appearance of Russell Road – the current properties on the site area are an eye-sore.
- The development would provide additional accommodation for people wanting to move to Wimbledon.
- The development would benefit shops within Wimbledon Town Centre.
- The owner of no. 19A Russell Road is in favour of the development despite windows shown to be impacted within the daylight sunlight report.
- The current housing density at the site is much lower than it could be so the new scheme will go some way to addressing that.

*Other*

- One representation highlighted the development presents an opportunity to help local swifts through including artificial nest sites, swift bricks or boxes into new construction.

5.7 A set of amended plans were received from the applicant following advice received from case officers reducing the depth at the rear at first floor level. A 14-day consultation period was administered inviting comment on the amended plans.

*Objections*

5.8 Six further objections were received highlighting the following issues:

- Overbearing sense of enclosure and a negative impact on outlook and visual amenity in respect of 14, 16 and 18 Gladstone Road, including obstructing the view of Wimbledon Globe.
- Loss of privacy in respect of no 14, 16 and 18 Gladstone Road due to overlooking from bi-fold doors and balconies.
- It is suggested by the occupier of 14 Gladstone Road that the bi-fold doors are removed from the rear and placed on the side elevation where there is enough wall space to do so.
- Scale size and footprint contrary to character and appearance – the 2<sup>nd</sup> floor surpasses the line of existing houses giving precedent to future developments on the road. Occupier of no .14 questions the need to have such large footprint and that planners need to understand and keep the building line of the existing house. This will require the removal of the top flat in its entirety and the 1<sup>st</sup> and 2<sup>nd</sup> floor set back. Consideration has not been taken at the front of the development in respect of adopting the line of other existing houses.
- Occupier of no. 16 Gladstone Road notes the footprint is not in keeping with other residential buildings on the street and is using the commercial building footprint as a guide.
- Occupiers of no. 18 Gladstone Road note the amended plans have not addressed previous concerns raised.

- Development is too dense for the area.
- Conversion from family housing to flats contrary to the character and appearance of the area which would set a precedent for similar developments in the area with associated detrimental impacts on neighbour amenity.
- Existing parking pressures in the area. The development makes no provision for off-street parking.
- One representation suggests electric charging points should be a condition on of development
- One representation questions what provision is made for waste and recycling.
- The occupier of 19c Russel Road maintains the amended design would adversely impact their conditions. The occupier also draws attention to a planning application lodged at no. 19a Russell Road.

*Other*

5.9

One comment was received from Wimbledon Theatre noting that any restrictions on Russell Road may cause operation difficulties for New Wimbledon Theatre. This is because the load-in door is opposite the application site and regularly requires the full width of Russell Road to facilitate the movement of large vehicles. These operational needs should be taken into consideration when granting permission for road and parking bay closures during construction. A further point is made that the theatre is a 24-hour operation and as such there is unavoidable noise external to Wimbledon Theatre.

## **6. POLICY CONTEXT**

### **National Planning Policy Framework (2019)**

- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 Conserving and enhancing the historic environment

### **London Plan (2016)**

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice

- Policy 3.9 Mixed and balanced communities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations
- Policy 8.3 Community Infrastructure Levy

#### **Merton Core Strategy (2011)**

- Policy CS 8 Housing Choice
- Policy CS 9 Housing Provision
- Policy CS 14 Design
- Policy CS 15 Climate Change
- Policy CS 17 Waste Management
- Policy CS 18 Active Transport
- Policy CS 19 Public Transport
- Policy CS 20 Parking, Servicing and Delivery

#### **Merton Sites and Policies Plan (2014)**

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM H4 Demolition and redevelopment of a single dwelling house
- DM D2 Design considerations in all developments
- DM D4 Managing heritage assets

- DM EP2 Reducing and mitigating noise
- DM T1 Support for sustainable transport and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards

## **7. PLANNING CONSIDERATIONS**

7.1 The material planning considerations in the assessment of this planning application are as follows:

- Principle of development
- Character and Appearance
- Neighbouring Amenity
- Standard of accommodation
- Transport and parking
- Refuse
- Sustainability

### **Amendments**

7.2 The design of the scheme was amended during the application process following advice from case officers. The amendments include:

- Setting back the first floor by 2.4m.
- Change proposed Flat 6 from a 2bed/4person flat to a 1bed/2person flat
- Altering the roof terrace of flat 6 to have obscure glazed privacy screens at the rear of the roof terrace.

### **Principle of development**

7.3 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 states that boroughs should seek to enable additional development capacity, which includes intensification, developing at higher densities.

7.4 The proposed development would result in a net increase of 6 residential units in close proximity to Wimbledon Town Centre. The surrounding area to the south is predominantly residential, therefore the proposed use of the land would not be considered out of keeping. Intensification of land is encouraged in the London plan and NPPF, therefore, the provision of 9 residential units would be in line with policy. However, this is subject to the following material considerations being equally fulfilled.

## **Character and Appearance**

- 7.5 Policy DMD2 (ii) of Merton's Sites and Policies Plan (SPP) requires that proposals use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- 7.6 The building is located at the edge of Wimbledon Town Centre and therefore is located at a juncture between lower density residential development with two-storey building heights and mixed commercial development with higher densities and three-five storey building heights.
- 7.7 The proposed development would have a height of approximately 12.15m. When viewed from the street, the building would not be out of proportion with the scale, bulk and height of Collingham House to the north which has a height of 10.44m (on the site boundary not including the chimney post), and Wimbledon Theatre and Wimbledon Social Club on the opposite side of the road which are both 3-4 storeys.
- 7.8 The proposed fourth storey is set back from the principle elevation and adopts metal copper coloured roof which would reduce the sense of bulk when viewed from the street. It should be noted, a building height of up to 6 storeys has been identified as appropriate for Collingham House (occupied by Evans Cycles and Wetherspoons) within the Future Wimbledon Masterplan SPD 2020 (Draft). Therefore, it is likely that the proposed development would be lower in height than Collingham should this site be redeveloped in the future.
- 7.9 The proposed development would be roughly 7.5m taller than the single storey bungalows to the south of the site, 19a-19e Russell Road, which have a ridge height of 4.68m. However, this set of dwellings are an anomaly within the wider area. The proposed development would be approximately 3.22m taller than no. 23 Russell Road to the south which has a ridge height of 8.93m. No. 14 and 16 Gladstone Road, located further to the west of the site have a similar ridge height to no. 23 Russell Road of around 9m. It is recognised the land falls away significantly towards no. 14 and 16 Gladstone Road meaning the perceived height would appear greater than 12.15m when viewed from the perspective of these dwellings. However, the stepped form of the development towards the south and west would help to reduce the overall sense of scale and bulk when viewed from the west.
- 7.10 The proposal adopts red/orange stock brick with lime coloured mortar at the front. The rear outrigger of the building of building would be finished in blue/black brick with colour matched mortar. The fourth storey would be finished pre-painted copper coloured metal cladding. The proposed use of stock brick is considered acceptable given its use in the surrounding streets. Similarly the copper coloured metal seamed roof is considered acceptable given its 'light' appearance and its use on the dome of Wimbledon Theatre. The proposed size and appearance of windows are considered acceptable. The proposed balconies would not overhang the highway and would harm the appearance of the wider street scene given the buildings separation from dwellings further to the south.
- 7.11 Overall, given the presence of buildings of a similar scale and mass within the vicinity, namely Collingham House and Wimbledon Theatre which marks the start of Wimbledon Town Centre, the stepped reduction in height towards the rear and

south towards surrounding residential properties, and the proposed materials, the proposed development is not considered to cause material harm to the character and appearance of the surrounding area. To ensure an acceptable appearance of the building, a pre-commencement condition on this application is recommended requiring samples of the brick and mortar to be approved by the Local Planning Authority.

### **Heritage**

- 7.12 The NPPF 2019, London Plan Policy 7.5 and SPP Policy DMD4 requires development protect and enhance designated heritage assets and their setting. The application site is located opposite Wimbledon Theatre which is Grade II listed. The development site faces the extended portion of the theatre comprised of a predominantly blank façade and of limited heritage value compared with the original theatre building towards The Broadway. The proposed development would be finished in brick and a copper roof in accordance with the appearance of the theatre opposite. The proposed development is not considered to harm the significance or setting of Wimbledon Theatre.
- 7.13 Given the listed status of Wimbledon Theatre located adjacent to the site, Historic England and the Council's Conservation Officer were consulted. Historic England noted they did not consider the application reconsidered it necessary for the application to be notified to Historic England. The Council's Conservation Officer raised no objection to the proposed development.
- 7.14 Overall, the proposed development is considered acceptable in respect of the historic environment and would not cause harm to the setting of the listed theatre.

### **Neighbouring Amenity**

- 7.15 SPP Policy 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.16 The applicant has provided a daylight, sunlight and overshadowing assessment produced by Syntegra Consulting (dated October 2019). The assessment analysed the set of plans first submitted by the applicant on daylight, sunlight and overshadowing in respect of 93 The Broadway, 19a-19e Russell Road, 14-20 Gladstone Road. The properties below are identified as being most likely to be impacted and are each considered in turn below:

#### **Impact of 19a-19e Russell Road**

##### *Daylight sunlight and overshadowing*

- 7.17 The southern side elevation of the proposed development faces windows on the north elevation of 19a-19e Russell Road. The layout of these residential units are somewhat of an anomaly compared with the majority of dwellings in the area. No. 19b-19e are served by north-facing front doors onto a passageway which runs adjacent to the application site. Bedrooms and bathrooms face northwards towards the application site, whilst living and kitchen spaces face south. No. 19a has a similar layout, however, for this flat the front door faces directly towards

Russell Road.

- 7.18 The proposed daylight, sunlight and overshadowing report provided by the applicant indicates that in terms of daylight, the proposed development would have a 'major adverse impact' on windows and doors for 19a-19c, a 'moderate adverse impact' on a single window and door at 19d and a 'minor adverse impact' on one small window at 19e. This set of results does not take into account the effect of vegetation on the boundary. The report indicates the development would have a negligible impact on sunlight for these properties. Owing to the orientation of the no. 19, overshadowing was not assessed given the proposed development lies directly to the north of no. 19.
- 7.19 The results described above indicate there would be some harm to the amenity of apartments at no. 19 Russell Road from loss of daylight. This harm is lessened to an extent due to the fact that windows facing the development are bathroom and bedroom windows as opposed to those serving principle living spaces which occupy the south of these properties. Furthermore, a row of reasonably thick vegetation runs along the boundary between no. 19 and the development site which currently limits existing daylight. Although the vegetation can be given limited weight, it is likely the proposed development would not result in any significant change to the amount of daylight received by no. 19 compared with the existing situation.

*Outlook, sense of enclosure and overlooking*

- 7.20 The proposed 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor windows directly facing no. 19 Russell Road would be obscure glazed. Similarly obscure glazed privacy screens are proposed on the side elevation of roof terraces on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor. As such, proposed development is not expected to result in material harm to neighbour amenity from overlooking.
- 7.21 The proposed development would result in some increased sense of enclosure and impact on outlook for 19a-19e Russell Road. The greatest impact would be to 19a and 19b Russell Road where the separating distance is limited and the height of the proposed building would be greater. Effort has been made in the design to mitigate the impact on no.19 by stepping down bulk of the building towards the south and the rear which does lessen the sense of enclosure upon 19c-e. Furthermore, as with daylight, the presence vegetation along the boundary means that the change in outlook and sense of enclosure is unlikely to change significantly as a result of the development.

**Impact on no. 14-20 Gladstone Road**

*Daylight sunlight and overshadowing*

- 7.22 The daylight/sunlight and overshadowing report supplied by the applicant indicates there would be a negligible impact on no.14-20 Gladstone Road.

*Outlook, sense of enclosure and overlooking*

- 7.23 Owing to the height of the building, there would be some increased sense of enclosure and change in outlook in respect of no. 14 and no. 16 Gladstone Road. Although still apparent, this impact would be somewhat less for 18-20 Gladstone positioned further to the south-west. It should be noted the drop in the level of

the land towards Gladstone Road does emphasise this sense of enclosure. However, the development steps down to the rear and the south helping to reduce the bulk of the building. The separating distance between the ground floor, 1<sup>st</sup> floor and 3<sup>rd</sup> floor of the proposed development would be roughly 18m, 21m and 27.7m respectively to the rear elevations of 14 and 16 Gladstone Road. 1.8m high obscure-glazed privacy screen would be installed on the rear of the first floor roof given its proximity to the boundary. Given the stepped form of the development, it is considered there would be no material harm to the amenity of 14-20 Gladstone Road from in respect of outlook, sense of enclosure and overlooking.

7.24 In light of the above, officers conclude the proposed development would result in harm to the amenity of no. 19b-19d Russell Road through loss of daylight demonstrated within the supporting daylight, sunlight overshadowing report. This harm is limited to an extent by the fact the principle living spaces are located to the south of these flats and the presence of vegetation along the boundary. A balance must be drawn between the disbenefit of the proposal in this respect, and the benefits of the scheme in terms of its design, character and provision of new homes.

7.25 The proposal would result in flats visible from other surrounding properties to the site, however, owing to resulting distances officers are satisfied that no harm would arise from the proposal.

#### **Noise**

7.26 London Plan Policy 7.15 and SPP Policy DM EP2 require development mitigates and avoids harmful effects of noise.

7.27 By virtue of its residential use, the development is not expected to result in significant noise generating activities. Nevertheless, a condition is attached to this planning permission requiring a noise report be undertaken to manage potential impact on the locality. This is in accordance with advice received from the Council's Environmental Health Officer. The development is acceptable in respect of noise subject to conditions met.

#### **Standard of accommodation**

7.28 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.



## Internal

Flat No.	Level	Type	Proposed GIA (sqm)	Required GIA	Compliant
Flat 1	Ground	1B 2P	51.5	50	Yes
Flat 2	Ground	Studio	42	39	Yes
Flat 3	Ground	2B 4P	70	70	Yes
Flat 4	First	1B 2P	56	50	Yes
Flat 5	First	1B 1P	46	39	Yes
Flat 6	First	1B 2P	56	50	Yes
Flat 7	Second	1B 2P	56	50	Yes
Flat 8	Second	2B 3P	64.5	50	Yes
Flat 9	Third	2B 4P	70	70	Yes

7.29 Demonstrated by the table above, the proposed units would meet the London Plan minimum space standards.

## External

7.30 In accordance with the London Housing SPG and Policy DMD2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person dwellings and an extra 1sqm provided for each additional occupant.

Flat No.	Level	Type	External amenity space proposed	Required	Compliant
Flat 1	Ground	1B 2P	5	5	Yes
Flat 2	Ground	Studio	10	5	Yes
Flat 3	Ground	2B 4P	72	7	Yes
Flat 4	First	1B 2P	5	5	Yes
Flat 5	First	1B 1P	6	5	Yes
Flat 6	First	1B 2P	12	5	Yes
Flat 7	Second	1B 2P	5	6	Yes
Flat 8	Second	2B 3P	14	6	Yes
Flat 9	Third	2B 4P	21	7	Yes

7.31 Demonstrated by the table above, the proposed development would meet the

requirements of the Local Plan and London Housing SPG with regard to outdoor amenity space.

### **Housing mix**

- 7.32 Policy CS 14 also states that schemes involving dwelling conversions that result in the loss of an existing family sized unit must incorporate the re-provision of at least one family sized unit – a family sized unit is one which has at least 3 bedrooms.
- 7.33 For the avoidance of doubt no. 17 Russell Road is a two-bed single dwelling, whilst no. 15 is split into two self-contained 2-bed units. As such, the existing site does not contain a family house in policy terms and a 3-bed unit does not need to be re-provided for. The housing mix proposed comprising of 1-bed and 2-bed flats affording a relatively high density is considered acceptable given the developments proximity to Wimbledon Town Centre and high accessibility to public transport.

### **Transport and parking**

- 7.34 Policies CS20 (Parking, Servicing and Delivery) of the Adopted Merton Core Planning Strategy (2011) DM T2 (Transport Impacts of Developments) and (DM T3 (Car Parking and Servicing Standards) of the Adopted Merton Sites and Policies Plan (2014) require developers to demonstrate that their development would not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or the quality of bus movements and/or facilities; on street parking and traffic management and provision of parking to the council's current standards.
- 7.35 The proposed development is well served in respect of public transport given its location adjacent to Wimbledon Town Centre and in close proximity to Wimbledon Underground and Railway Station and local bus routes. The site has a PTAL of 6b. The site is located within Controlled Parking Zone (W4) with restrictions in place between 830am and 11pm Monday through Saturday and between 2pm and 6pm on Sunday.
- 7.36 Given the good accessibility of the site, the existing parking pressures in the area and policy drive for car free developments, the development is considered acceptable subject to a restriction on on-street residential parking permits for occupiers. This is in accordance with advice received from the Council's Transport Planner.
- 7.37 12 no. of cycle parking spaces would be provided as part of the development which would be compliant with accordance with London Plan Standards.
- 7.38 Overall, the development is acceptable in respect of transport subject to conditions being met and the development being permit-free via Section 106 Agreement.

### **Refuse**

- 7.39 A suitable area for bins has been provided along the southern elevation of the site accessed by a side passageway. This would be within 10m of the public highway. Space has been allocated for 8 nos. of bins which would be sufficient

for capacity for the 9 units proposed.

### **Sustainability**

- 7.40 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the Policies in outlined in Chapter 5 of the London Plan (2016).
- 7.41 As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.
- 7.42 The development is supported by a sustainability report. The report recommends the use of solar panels which have been incorporated within the proposed plans. The report notes the development can achieve the CO<sub>2</sub> emissions reduction of 19.25% in the residential units over Building Regulations Part L 2013, once all measures at each Energy Hierarchy are taken into account. The report also notes that the total internal water consumption of 104.5 litres per day.
- 7.43 The development is therefore acceptable in respect of sustainability subject to a pre-occupation condition attached should planning permission be granted to ensure sustainability standards are met.

## **8. CONCLUSION**

- 8.1 The proposed development is considered acceptable in respect of character and appearance, standard of accommodation and sustainability subject to conditions being met. However, the daylight/sunlight/overshadowing report supplied by the applicant has demonstrated there would be harm to the amenity of 19a-19d Russell Road through loss of daylight through windows facing the development contrary to SPP Policy DM D2. Given this, the benefits of redeveloping the site must be weighed against the harm to the amenity of these properties.
- 8.2 The proposed development would provide a net increase of 6 units in a sustainable location in respect of transport accessibility and proximity to Wimbledon Town Centre helping to deliver homes in accordance with the London Plan and the Local Plan. The development would improve the visual appearance of the street providing a visual improvement on the existing properties which are in poor condition. The loss of daylight to the windows at 19a-19d Russell Road would be to bedroom and bathroom windows as opposed to principle living spaces located on the southern side of these properties. The presence of vegetation at the boundary would mean the daylight conditions following development would not be significantly different from the existing conditions (as tested in the daylight/sunlight report). Further, the proposal has a stepped the design so as to help reduce the impact and keep the tallest parts of the building furthest away from the south boundary. Given the above, on balance it is considered the benefits of the scheme would outweigh the impact to neighbouring amenity and therefore officers recommend permission be granted.

## 9. RECOMMENDATION

### 9.1 Grant permission subject to:

a) the completion of a Section 106 Agreement covering the following heads of terms:

1. Future Occupiers of the proposed development are restricted from obtaining residents parking permits for the CPZ.
2. The developer agreeing to meet the Councils costs of preparing (including legal fees) the Section 106 Obligations.

b) and subject to conditions:

1. A1 Commencement of development (full application)
2. A7 Approved Plans. The development hereby permitted shall be carried out in accordance with the following approved plans: 0193\_PLN\_001, 0193\_PLN\_002 (rev A), 0193\_PLN\_004 (rev A), 0193\_PLN003 (rev A), 0193\_PLN\_001 (rev A)  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. External Materials to be approved: No development shall take place until details of particulars and samples of the bricks and mortar to be used on external surfaces have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.  
Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
4. Access to the flat roof of the development hereby permitted (apart from designated outdoor terraces) shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
5. Construction Times: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.  
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
6. No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority

confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

7. A Non Standard Condition: The back gardens for both the existing and proposed dwelling shall be separated by a 2m high close boarded fence (or other means of enclosure as may be agreed in writing by the local planning authority) with the fence erected before occupation of the new dwelling and fence shall thereafter be permanently retained.  
Reason: To ensure the provision of suitably private and adequately sized gardens in the interests of the amenities of the occupiers of the existing and proposed dwellings and to comply with Sites and Policies Plan policy DM D2 and Merton LDF Core Planning Strategy policy CS14.
8. A Non Standard Condition: Due to the potential impact of the surrounding locality on the development a noise survey undertaken by a competent acoustic consultant is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise and residential noise acceptability standards. The survey shall include recommendations and appropriate remedial measures, including methods of ventilation and actions to minimise the impact of the surrounding locality on the development and shall be agreed and approved by the Local Planning Authority. Thereafter the recommendations shall be implemented prior to first occupation.
9. Obscure Glazing (windows and doors): Before the development hereby permitted is first occupied, the south facing windows of Flat 4, Flat 6 and Flat 7 shall be glazed with obscured glass and shall be maintained as such thereafter.  
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
10. Balcony Screening: The screening or enclosure to the balcony as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.  
Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
11. Construction and Logistics Plan (to be submitted): Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction and Logistics Plan should have regard to needs of surrounding commercial premises, notably Wimbledon Theatre whose load-in door is located opposite the application site. The approved measures shall be implemented prior to the first occupation of the

development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

12. Landscaping scheme

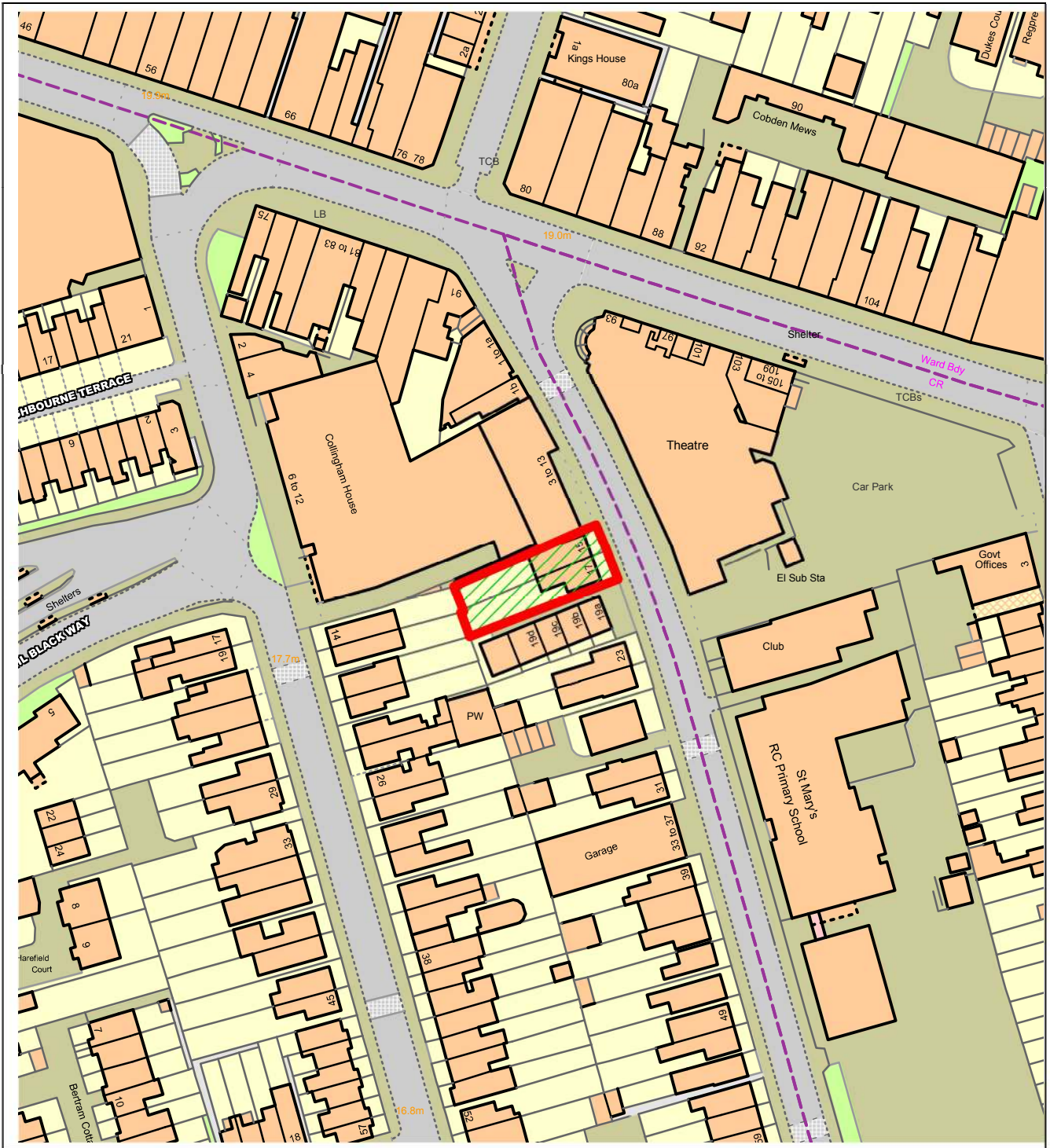
13. Cycle parking (details)

14. Boundary treatments (details)

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

# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE**  
**19 March 2020**

**APPLICATION NO.**

**DATE VALID**

(1) 19/P4266 &  
(2) 19/P4268

08/07/2019

**Address/Site**

Abbey Wall Works, Station Road, Colliers Wood,  
SW19 2LP

**Ward**

Abbey

**Proposal:**

(1) Demolition of existing buildings and redevelopment of site to provide a part three, part five and part six storey block of 70 flats and a commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1, & D1 uses) and an associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall.

&

(2) Listed building consent for demolition of existing buildings and redevelopment of site to provide a part three, part five and part six story block of 72 flats and A commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1, & D1 uses) and an associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall.

**Drawing Nos**

318\_GA-00 Rev 2, GA-01 Rev 2, GA-02 Rev 2, GA-03 Rev 2, GA-04 Rev 2, GA-05 Rev 2, GA-RF Rev 2, GE-01 Rev 2, GE-02 Rev 2, GE-03 Rev 2, GS-04 Rev 2 and BP-01 Rev 2.

**Contact Officer:**

Stuart Adams (0208 545 3147)

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**RECOMMENDATION**

**(1) GRANT Planning Permission subject S106 agreement and conditions.**

**(2) Grant Listed Building Consent subject to conditions.**

## **CHECKLIST INFORMATION.**

Heads of agreement: Affordable Housing, Permit Free, Car Club Membership, CPZ Consultation, Highway Works (double yellow lines & increased width of footpath), Restoration of Listed Lampposts, Travel Plan, Air Quality Contribution (3k), Carbon shortfall and Highway Works (raised table – contribution 15k).

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – Yes (pre-application stage)

Number of neighbours consulted – 210

External consultations – Historic England, MET Police, Environment Agency, Thames Water, Transport for London (TFL), Natural England, Greater London Archeology Advice Service and Canal & River Trust.

PTAL score – 3-4

Controlled Parking Zone (CPZ) – No (adjacent to CPZ SW)

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### 1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the number of objections received and the application has been called in by Cllr Stringer.

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

- 2.1 The application site is located between Station Road and Merantun Way (A24 road) to the west of the River Wandle and the east of High Path. The site is an irregular/triangular shape with an area of approximately 0.2ha.
- 2.2 The existing uses are a mix of B2 (General Industrial) and Sui Generis. The buildings in association with these are low scale industrial type buildings. The existing uses are garages/car wash and service/repair. The existing buildings occupy a gross internal area (GIA) of 1,297sqm and is considered, as an estimate, that there are currently 15 existing employees across the site.
- 2.3 The neighbouring houses to the north of the application site in Station Road, are two storey terraced housing. Many properties have converted their front gardens into car parking spaces.

Wandle Valley Conservation Area.

- 2.4 The subject site is located within Sub Area 3 (Merton Priory) of the Merton (Wandle Valley) Conservation Area. Sub area 3 is an area extending between Merton High Street to the north and Windsor Avenue to the South, it embraces part of the site of Merton Priory, and includes the present Merton Abbey Mills Craft Market. It has been the site of various industries since the dissolution of the Priory in the 16<sup>th</sup> Century.

Grade II statutorily listed wall

- 2.5 There is a Grade II statutorily listed wall along the northern boundary of the site. The grade II listed wall refers to the remains of a wall that was once part of the Merton Priory. The buildings fronting onto Station Road that are within the Conservation Area are set behind the section of wall that runs the length of the south side of the road. The wall is built of flint and random ashlar stone from the ruins of Merton Priory and incorporates corbelled brick courses beneath brick gabled copings. The east end of the wall has been re-built and terminates in a jamb to a re-built doorway which incorporates some 20th Century fragments. Sections of the wall have been re-built and repaired over time and the quality of repairs is varied.

Grade II listed lamp posts

- 2.6 There are two Grade II listed lamp posts along Station Road (opposite No. 12 and 34 Station Road). These are two early historic cast-iron street lamps.

Merton Abbey Mills

- 2.7 To the south east is the historic site Merton Abbey Mills. Merton Abbey Mills is a former textile factory near the site of the medieval Merton Priory, now the home of a variety of businesses, mostly retailers. The site contains two listed buildings; the Grade II listed Wheel House and the Grade II listed Colour House at Misters Liberty's Print Works.

Merton Priory Chapter House

- 2.8 The scheduled area of Merton Priory covers the site of the Church and domestic buildings of the former Augustinian Priory of St. Mary, which was founded in 1114 and demolished in 1538. The area was subsequently used for calico printing after demolition of the Priory, including the old Liberty Print Works.

Highways

- 2.9 To the north, the site is bound by Station Road, from which it is accessed, while to the south, the site is bound by the A24 Merantun Way, which

forms part of the Transport for London Road Network (TLRN). Established commercial properties border the site to the west, whilst an existing footway / cycleway link, which connects Station Road with Merantun Way, borders the site to the east, beyond which is the River Wandle. Station Road is essentially a 150m long cul-de-sac, forming a simple priority junction with High Path/Abbey Road to the west, terminating east of the River Wandle where it provides access to a children's play centre (42 Station Road).

- 2.10 The application site is not located within a Controlled Parking Zone (CPZ), but is to the south of CPZ SW with restrictions in place Mon - Sat 8:30 - 18:30. The site has a PTAL score of between 3 and 4 (good).

#### Other

- 2.11 The site is located within Flood Zone 1, which is considered to be at low risk of flooding from pluvial sources, groundwater, artificial sources, and sewer surcharge.
- 2.12 The site is located within an Air Quality Management Area
- 2.13 The site is located within the Wandle Valley / Colliers Wood Archaeological Priority Zone (Tier 2).
- 2.14 The Archaeological Priority Zone (Merton Place) was built around 1700, between village of Merton and River Wandle – possibly on site of earlier, medieval, moated structure. House is noted as being owned by Admiral Nelson who converted moat into garden feature and called it 'The Nile'
- 2.15 The application site is adjacent to the following ecological/open space designations:
- WVRP (Wandle Valley Regional Park) buffer 400m (Brangwyn Crescent),
  - Wandle Trail Nature Park and Lower River Wandle, Phipps Bridge and London Road Playing Fields Green Corridor,
  - WVRP (Merton Abbey Mills),
  - Open Space (Land Adjacent River Wandle),
  - Metropolitan Open Land (Wandle Valley).

#### Wider Regeneration

- 2.16 The site is located within an area that is currently experiencing wider regeneration, with the Harris Academy at 59-63 High Path (application reference 18/P1921) currently being delivered. This will deliver a sixth

form entry secondary school for approximately 1,150 pupils, with limited on-site car parking reserved for minibus and disabled parking, due to open September 2020.

- 2.17 The site is also located adjacent to the High Path Regeneration Scheme, which was granted planning approval in November 2017 (application reference 17/P1721) for a comprehensive redevelopment that will demolish approximately 600 existing residential units and deliver approximately 1,570 residential units, along with community and employment floorspace.
- 2.18 Station Road itself has also experienced recent redevelopment, with 40 Station Road benefiting from planning approval in November 2016 (15/P1156) for the demolition of a retail warehouse and the construction of 9 residential units supported by 4 off-street parking spaces.

### 3. **PROPOSAL**

- 3.1 Demolition of existing buildings and redevelopment of site to provide a part three, part five and part six story block of 70 flats and a commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1, & D1 uses) and an associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall (full planning permission and listed building consent).

#### Commercial

- 3.2 The applicant is seeking a flexible approach to the proposed commercial unit. The commercial unit, located at ground floor within the western section of the building would have a floor area of 204sqm. The proposed uses for the commercial unit are as follows:

Class A1 (Shops) - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes

Note – the applicant has agreed to remove supermarket from the proposed Class A1 use. A planning condition can ensure that supermarket is exempt from the proposed Class A1 use.

Class A2 (Financial and professional services) - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies.

Class A3 (Restaurants and cafés) - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes

Class B1 (B1 Business) – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:

- B1(a) Offices - Other than a use within Class A2 (see above)
- B1(b) Research and development of products or processes
- B1(c) Industrial processes

Class D1 (Non-residential institutions) - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres

### Entrances

- 3.3 The commercial entrance would be accessed directly from Station Road, via two pedestrian gates, one in the gap between the listed wall and one at the end of the wall towards Abbey Road.

### Residential

- 3.4 The residential accommodation would be provided within all parts of the proposed building. There would be 70 flats (5 studios, 21 x 1 bed, 35 x 2 bed and 9 x 3 bed). Each flat would have direct access to either a balcony or garden. In addition, communal amenity space is provide at ground floor level at the rear of the building via small garden and via two large roof top gardens at third floor level. 3 on-site disabled parking spaces are proposed to serve the residential flats.

### Design

- 3.5 The design of the building would be spilt into three distinctive elements, divided by two, recessed three storey links. The proposed building would have an industrial design approach with some art and crafts detailing reflecting on the historic nature of the area. This includes metal balustrading, window arrangements vary between arched and squared reveals and William Morris inspired reflect pattern in copper metal panelling to the surrounds of the residential entrances will reflect the areas arts and crafts character.

- 3.6 The proposed pitched roofs reflect the nature of the existing roofs in the area whilst maintaining habitable internal space. The direction of the pitch is orientated along the north-south axis.

#### Materials

- 3.7 The predominant material proposed is a yellow/buff brick which reflects the local context. A secondary material is copper panels, this will be used at roof level and within the three storey links.

#### Entrances

- 3.8 The two 'link' blocks will act as the principal entrances to the main blocks. They are located broadly opposite the existing breaks within the listed boundary wall. The plan form consists of three cores, accessed via two individual entrances (A and B) across the length of the facade.
- 3.9 The entrances have also been planned so that they run through the building and future access can be provided directly from Merantun Way once proposed cycle ways and footpaths are adopted within the adjacent carriage way (should that go ahead).

#### Landscaping

- 3.10 The proposed building line is set back from Merantun Way, to give space to the existing trees and provide areas behind the boundary wall. There is potential scope to provide a new tree adjacent to the proposed onsite disabled car parking spaces. This would be subject to further investigations by the applicant in regards to ground conditions and underground services. There would be two communal amenities at third floor level. Each space would include soft landscaping proposals and play space equipment.

#### Listed Wall

- 3.11 To mark the historic boundary line of the Abbey Wall the current openings along the Station Road elevation will be in filled with iron gates. This will provide a permeability between the pavement and amenity space but also security for the development. The posts for the gates will be isolated from the existing wall, to achieve a clear distinction between old and new. The gates will seek to provide visual openness to provide way finding to the building entrances.
- 3.12 Along Merantun Way, a 2m high boundary fence has been shown on the submitted details. However, following discussions with the Councils Design Officer, a planning condition will be required to secure a solid

boundary wall and railing/gates. The gates in the communal areas would provide future access onto Merantun Way if the proposed footpath/cycle line is delivered.

### Highways

#### Car Parking

- 3.13 The proposed scheme will be car-free, excluding three disabled bays which are located at the eastern part of the site.
- 3.14 The application includes creating a new parking bay with passing area on the southern side of Station Road. On the north side of Station Road, there will be new double yellow lines. The new car parking bays would be created by the introduction of two sets of 2m wide parallel parking bays totaling approximately 70m in length, which is sufficient to accommodate 12 vehicles. The bays are divided by a 21.2m long section of kerb subject to double yellow line with no waiting controls, which will act as a passing place for conflicting vehicle movements and a space from which refuse/service vehicles can access/serve the site.

#### Cycle Parking

- 3.15 The proposed scheme will provide 130 secure and sheltered residential cycle parking spaces. A total of 14 spaces have been accommodated via Sheffield stands. The development proposal also include a single sheffield stand at the front of the site, to meet the visitor cycle parking of 1 space per 40 units, therefore 2 spaces.

### Pedestrian

- 3.16 Pedestrian access to the building is directly from Station Road, either between the existing gaps in the listed wall or from new openings. The southern footpath on Station Road will be widened to provide a footpath that is 1.8m in width.

### Delivery and Service

- 3.17 Service and delivery vehicles will utilise the main access road i.e. Station Road, as existing. The original plans included a loading bay along the western section of Station Road, however, this has been removed from the scheme and replaced with double yellow lines following recommendations from the Councils Transport Planner.

### Refuse Storage



- 3.18 Two refuse storage areas are provided adjacent to entrance A and B within the residential blocks. The storage areas are located at the ground floor level of each block close to the gaps in the existing boundary wall.

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

- 4.1 17/P3992 - Application for listed building consent for the formation of a new opening in existing listed wall to facilitate improvements including new surfacing and widening to the roadway between station road and Merantun Way cycle paths – Grant - 29/05/2018.
- 4.2 15/P1909 - Application for advertisement consent for the display of non-illuminated business signs – Grant - 08/04/2016
- 4.3 05/P2007 - Repair to the listed 'priory wall' – Grant - 07/11/2005
- 4.4 88/P1613 - Formation and layout of a turning head in station road – Grant - 19/01/1989
- 4.5 88/P1610 - Erection of two timber huts and boundary wall enclosure – Grant - 19/01/1989
- 4.6 87/P1571 - Application for listed building consent for alterations to listed priory wall – Grant - 19/01/1989
- 4.7 M/M6865 - Erection of a covered way – Grant - 16/12/1954
- 4.8 M/M7183 - Extension to existing factory – Grant - 18/04/1956
- 4.9 M/M7381 - Erection of lavatory accommodation – Grant - 16/01/1957
- 4.10 M/M6735 - Extension to factory – Grant - 18/06/1954
- 4.11 M/M8455 - Addition to factory including demolition of store shed – Grant - 14/09/1960
- 4.12 M/M9205 - Extension to factory – Grant - 12/12/1962

#### Other relevant planning history

- 4.13 11/P2865 - 18/P1921 (59-63 High Path): Erection of a five storey building to provide a school, with sixth form facilities, associated parking, play area and landscaping, following demolition of existing community and commercial buildings on site – 17/01/2019;
- 4.14 17/P1721 (High Path Estate): Outline planning application (with all matters

reserved, except in relation to parameter plans) for the comprehensive phased regeneration of high path estate comprising demolition of all existing buildings and structures; erection of new buildings ranging from 1 to 10 storeys max, providing up to 1570 residential units (C3 use class); provision of up to 9,900 sqm of commercial and community floorspace (inc 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, incl. children's play space; public realm, landscaping, lighting; cycle parking (incl visitor cycle parking) and car parking (inc within ground level podiums), associated highways and utilities works – Grant - 29/04/2019.

- 4.15 15/P1156 (40 Station Road): Demolition of existing retail warehouse and the construction of 9 residential units including 2 four bedroom houses fronting Station Road arranged over two floors and the roof space and a part two storey, part three storey block of flats providing 2 one bedroom, 3 two bedroom and 2 three bedroom flats with 4 off street car parking spaces accessed from Station Road and associated amenity space – Permission granted subject to conditions 17/11/2016;

## 5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to the consultation, 36 letters of objection (including one from Wandle Heritage Ltd, Wandle Valley Forum, Merton Historical Society, Merton Priory Trust, Merton Green Party, Councillor Nick Draper, Councillor Eleanor Stringer, Wimbledon Society & Merton Cycling Campaign) plus a 98 signature petition against the scheme were received (objections to the original plans). 69 letters of support were also received.
- 5.1.2 The individual letters of objection raise the following points:

### Design

- Out of keeping
- Many of the flats are single aspect and north facing
- No outdoor space for children to play in, which considering these are meant to provide much needed housing for families would make the development no better than a tower block.
- Balconies are not large enough and will just be used for storage areas for bicycles, children's toys etc.

- The height of the proposal is considerably higher, not in line and will tower over the dwellings located opposite.
- The design and appearance is not in keeping with the rest of the dwellings on Station Road (in colour, with balcony's, design, materials and style).
- The density of the building is also a concern particularly when taking into account the potential number of inhabitants.
- Overdevelopment and over scale
- No green space for the development
- High Path Redevelopment shows that Clarion Housing needed to be amended in scale and appearance. This would be an acceptable guide for what is appropriate for Station Road residents who would like to be treated the same way.
- The façade treatment on the western edge, the positioning of balconies overlooking 1 Station Road, and the inclusion of windows and amenity space on the sixth floor, all reflect the lack of consideration of the potential development of 1 Station Road.
- The loss or alteration of the wall would be an act of vandalism.
- Required signage on the commercial unit would be a concern.

#### Impact on Neighbours

- Block views from neighbouring properties
- Eye sore
- Will make Merantun Way seem like one giant brick wall, especially when the new School and High Place development are considered.
- Noise and traffic
- Assumed that asbestos will be found in many of the buildings to be demolished, this creating a cause for concern.
- Loss of privacy and overlooked by several floors
- Reduced sunlight and overshadowing of neighbouring properties
- The development could negatively impact air quality.
- Do not share the view of the writer of the daylight report who seems to take the view that those living in Station Road should not have as much daylight as they currently do, because urban dwellers should have less light than rural dwellers.
- Request for a rights of light surveyor report on potential infringements or else request design amendments to mitigate this risk.
- Currently have a virtually unobstructed view from front of property

#### Use

- The existing businesses on Station Road are very much part of the community.

- Has a sequential test determined that there is a need for a further retail unit when there are a number of vacant retail units in Colliers Wood and South Wimbledon.
- The commercial unit will create unnecessary noise and disturbance in a predominantly residential area due to servicing and smells (smells dependent on the use i.e. A3)
- The development is driving out a number of successful businesses, some in operation for over 30 years.
- To add another empty commercial ground floor space to the area to go with the several along Merton High Street already. Another empty shop is not what the local area needs.
- Removal commercial unit and have residential

### Highways

- Not enough parking provided
- Lead to a controlled parking zone for residents, which presumably we would have to pay the privilege for and be an inconvenience if we have guests.
- C150 inhabitants living in the development will undoubtedly result in an increase in traffic and cars parking on both Station Road and neighbouring streets.
- Road access and Health and Safety. Station Road is effectively a cul de sac with no adequate turning unless cars use the footpath or private drive ways to reverse and turn which is a health and safety risk and will be made even more difficult with the increase in car traffic and cars parking.
- The increase in traffic and lack of parking also poses a health and safety risk to pedestrians.
- The increase in daily footfall and vehicular traffic on Station Road for delivery and servicing parking for 72 flats, plus ground level commercial users will be unmanageable as all but 2 of the existing houses now have off road parking with dropped kerbs needing clear access.
- Impact of site construction and site traffic
- Lack of parking in the area
- Car free does not reflect the need for over 70 households having deliveries, visitors, waste collection etc
- Construction of 40 Station Road. With Station Road only being accessible from one end, it meant lorries, diggers and all other construction vehicles needed to reverse up and down the street and, on regular occasions, they had no choice but to park in front of residents houses (blocking access for those residents) or leave their vehicles in the road (preventing traffic from flowing). The scale of Abbey Wall Works would be so much greater.
- Request that the applicants provide traffic flow reports, access

studies and a Highways Department review of road and pavement widths and also the proximity of the Abbey Road junction pedestrian island/vehicle width bollards or else review the scheme to reduce the vehicular impact on existing residents.

- Concerns about future access for customers, contractors and occupants of any proposed redevelopment of the Eddie Katz site if it proves not possible for it to connect to Sainsbury's access road or be allowed by TFL to connect to the Merantun Way roundabout and so increase traffic flow. This could further increase the traffic on a dead end of Station Road along with the current and proposed traffic currently envisaged.
- Impact on existing transport network
- Permit free can only be imposed if the street is made a controlled parking zone
- The narrowing of the footpath will make the already narrow road, narrower.
- The plans do not show how the commercial unit will be serviced in a safe manner.
- Abbey Road is already used as a rat run
- Combination of traffic from other developments in the area
- Impact on public transport

#### Other

- Lack of proper archaeology survey proposed. The site is within the grounds of an ancient Merton Abbey and if any development does go ahead, then a significant survey should be carried out.
- Communications from Indigo Scott has been poor and underhand.
- The garages commercial sites will have contaminated ground and drains from hydrocarbons, lead and solvents.
- A site management and security report for approval by the planners should be provided.
- Consultation period over Christmas holidays
- Part of the site contains the 12<sup>th</sup> century Abbey Wall remnants, a Grade II ancient monument. Any works must include provision for these to be excavated and preserved.
- The plaque describing the history of the abbey wall on Station Road has recently been removed. Why, it is an unusual coincidence occurring at this time of the planning application.
- Unclear how/why the plans/documents were amended at the start of the application?
- Request that the applicant does do a full site investigations (and not a desk study as per High Path Phase 1 saying they had no access to investigate).
- Concern about site security and safety of the separate garage sites after each and any leaseholder vacate their premises before

contractors start site works.

- Wall will need to be protected during construction
- Strain on local services
- Effect on the water table
- Lack of affordable housing

#### Petition (98 signatures)

5.1.3 The petition raises concern with scale, density, height, overlooking, overshadowing and increase in traffic.

#### Letters of Support (69)

5.1.4 The letters of support raise the following points:

- Will provide 72 desperately needed new homes
- Good mix of home sizes, ranging from one bed flats ideal for first time buyers to three bed flats for families.
- Much needed family sized social rented homes for people of Merton, delivering genuinely affordable homes
- High quality designed homes will mark a vast improvement on the current industrial buildings
- Makes a positive contribution to the Wandle Valley Conservation Area and setting of the Grade II listed boundary wall

#### Amended plans re-consultation

5.1.5 Following re-consultation with neighbours, 9 letters of objection received. The letters of objection raise the following points:

- The balconies on the southern elevation would materially affect the ability to develop the neighbouring site (could be overcome with screening).
- Original objections have not been overcome and therefore still stand
- The height should be restricted to 3 or 4 floors maximum.
- 70 flats is still ridiculous
- Still excessive overdevelopment
- Updated daylight report required.
- Should be like the recent development at 40 Station Road

## 5.2 Wandle Heritage Ltd

Wandle Heritage Ltd. was founded two decades ago and is the charity responsible for managing and maintaining the Grade II listed Merton

Abbey Mills Wheelhouse and its immediate surroundings within the Wandle Valley Conservation Area (Merton Priory Sub Area). We are writing to object to the proposed development for the following reasons:

*Suitability of the development in the conservation area*

The Conservation Area includes Merton Abbey Mills (the former Liberty silk printing works), the remains of Merton Priory (i.e. the Chapter House foundations, the Merton Abbey Mills Colour House, and the remaining stretches of the Priory precinct wall in Station Road, Windsor Avenue and the Pickle Ditch area), and in addition the present course of the Wandle (through the historic sites of both Liberty's and William Morris's works) as well as its original route via Bennett's Ditch and the Pickle Ditch.

As such the Area defines a complex of heritage attractions which has long been recognised as a key asset to the Borough. These features and their importance are comprehensively described in the Council's Post Consultation Character Appraisal dated February 2007.

The Character Appraisal is naturally concerned with the relationship of any new development with the Conservation Area and its potential negative impact, and it sets down clear criteria – somewhat after the event, indeed, for we have been here before. The development of the “2CV” land neighbouring Merton Abbey Mills in 2001-2003 produced a hotel, a fitness club, two fast-food outlets and a number of high-rise residential blocks, in a jarring variety of system-built designs, none of which blend with or reflect the sensitivity of their surroundings, and which fail as a group to achieve any consistency, in a site that could have been a gift to an imaginative architect as what is virtually a self-contained “island village”.

Most of these buildings were just outside the defined Conservation Area, though they inevitably impacted upon it; but for the two proposed blocks that lay within it planning permission was refused, and they were subsequently redesigned in a much more sympathetic and harmonious manner by specialist conservation architects Fielden Clegg Bradley.

The Council's own Character Appraisal, written four years afterwards, pulls no punches in its criticism (p.26) - not least in its reappraisal of “the detrimental impact” of Merantun Way (p.27) - and we strongly urge that the lessons of the unfortunate 2CV development should not be ignored, especially as the proposed scheme falls specifically within the Conservation Area, with which we suggest its scale and design are wholly out of keeping.

*The need for archaeological investigation*

The Character Appraisal makes particular reference (p.11) to the site of the proposed development as an “APZ” (Archaeological Priority Zone). We would suggest that any scheme to redevelop this extremely sensitive area should be preceded as a matter of course by a proper archaeological investigation, rather than relying, as we understand this one does, on a mere archaeological desk survey - whose surely inaccurate description of the Priory wall fragments in Station Road as “C17th” incidentally casts some doubt on its value.

In any case the remains of the Priory are so few and so precious that in our view any opportunity for further archaeology shouldn't be let go by default - we can't know if there's anything left of their foundations, but the walls of what was the main approach road to the West front of the great Priory church were certainly still extant in the above map, which dates from between 1870 and 1910.

#### Treatment of the listed wall

While we welcome the acknowledgement in the proposals of the importance of the remaining fragments of the wall, and the stated intention to restore them, we have two observations:

(i) the fragments should not be seamlessly blended into the overall boundary wall (which would simply mark a change of texture), but should stand noticeably out for what they are - i.e. historic remains which cry out for special recognition. A solution might, for example, be the use of railings either side of them rather than a solid wall; or else a treatment in which they stand well proud of any adjoining wall.

(ii) The fragments as they exist at present are not dominated by the low-rise buildings behind them; in the proposed scheme we feel they will be thoroughly dwarfed and their significance overlooked.

#### Excessive size of the scheme

The above considerations aside, in our view the visual size of the proposed scheme, the density of its accommodation, and its dominance over the houses in Station Road and the surrounding streets are quite unsuitable to a modest residential backwater. A particular concern is vehicular access - there is no scope for any additional approach roads or access from Merantun Way. Even in an explicitly car-free development as this is, one cannot simply wish away the considerable daily increase in delivery traffic that over 70 new dwellings would generate - let alone access for plant and traffic during construction. In our view this is a very narrow and circumscribed plot for so big a development, and the proposal should be rejected.



### 5.3 Wandle Valley Forum

Wandle Valley Forum provides support and an independent voice for 130 community groups, voluntary organisations and local businesses and for everyone who shares a passion for the Wandle. We have considered the proposals for redevelopment of Abbey Wall Works for 72 flats and 5,900 sq. m of commercial or retail use in the context of development plan policies, its location in Wandle Valley Conservation Area and within the Wandle Valley Regional Park buffer zone, the site's historic function and the Wandle Valley Forum Charter (<http://bit.ly/27Yal2m>). This development and the importance of this area confirm the benefit to be derived from preparing a wider masterplan.

Abbey Wall Works is an important location within the context of the Wandle Valley. It occupies a key site in the former estate of Merton Priory, the most significant historic site within the Wandle Valley, and a nationally listed stretch of the Priory Wall forms part of the boundary. The very name of the site recognises its historic role as the main approach to the precinct of Merton Priory. The eastern end is also adjacent to the Wandle river and the Wandle Trail. As can be seen, the boundary of the Wandle Valley Conservation Area was specifically drawn to include this gateway site:

We recognise the site currently has a poor quality environment and would benefit from appropriate investment and development which responds positively to the character and history of its location.

We dispute the claim on the application form that the site is more than 20m away from a watercourse. Various documents describe the Wandle as being 25m away when the site location map clearly shows that the middle of the Wandle is less than 20m away from the boundary.

This is a symptom of the central failure of the development to recognise and respect its important context and the relationship to both the river and the site's history.

The Statement of Community Involvement accompanying the proposals is unusually negative in its report of public views, showing that nearly half of those who provided comments did not support the scheme and only a quarter offered support. The changes made to the scheme to reduce its impact do not respond adequately to the feedback provided. We also note that the Statement also references a meeting with a MOLA archaeologist to discuss the "*historic, listed Roman wall on the site.*" The listed wall is mediaeval and post-dates the Romans by over 1,200 years. This lack of understanding and consideration for the site's heritage raises questions over the quality of both the information presented with the application and the community consultation.

We object to the proposed height, mass and design approach. This results in a development which draws attention to itself rather than sitting easily within the context of the Wandle Valley and its surroundings. This will have a particular impact on the listed Priory wall which currently runs alongside low rise industrial buildings that have a largely neutral impact. These will be replaced by an overbearing, dominating six storey development that will cause significant harm to this designated heritage asset.

The Design and Access Statement demonstrates the low rise nature of development along the course of the river, between the higher developments associated with High Path and beyond Merton Abbey Mills. The proposed development will disrupt this and be visually intrusive in a location which should be free of higher rise buildings. The gateway location to the Conservation Area does not require a “*landmark building*” of excessive height which will detract from rather than preserve or enhance its character.

The development will cause significant visual intrusion in key views from the Wandle Trail as it approaches Merton Abbey Mills and the Conservation Area from the south. As shown in the photo below there is currently a pleasing aspect, framed by trees and the river and screened from the low rise development on the opposite side of Merantun Way. This view would be replaced by the extensive south elevation of the new building extending significantly above the height of the trees shown. This key view is not addressed in the supporting information.

The scheme seeks to reference its context in the design detail. This is not extended to the top storey which presents as an incongruous rectangular block in the scheme drawings.

We share the view that the listed Priory Wall is “*underappreciated*” but do not believe its significance is addressed by the new proposals. We are concerned by the relationship between the new buildings and the listed Priory Wall, including the creation of a narrow passage running along the inside for most of its length. This will not serve well as a functional route and is largely a dead end along the main section of the listed Priory wall. It also serves as a poor outlook for the ground floor flats. The design approach fails to take this opportunity to increase appreciation of the extent and character of the listed structure. It is likely to become a neglected area and the buildings need to be pulled back and improved access provided to create a meaningful space.

The planning application includes a need for Listed Building Consent for work on the wall but this work is not described other than in the most general terms. There is a lack of a method statement or any clear

assurance that it will be undertaken to the standard necessary for such a significant structure.

We note that the scheme's ecological assessment of the potential impact on the Wandle concludes that "*construction could result in indirect effects, such as the introduction of waterborne pollutants and dust deposition etc. These effects have the potential to be significant*" and ask that, if the scheme were to be permitted, it is conditional on no such impacts occurring during construction.

Our central interest in the site relates to its historic value and the relationship to the Wandle and the Wandle Trail. We note, however, the poor quality of accommodation provided (with 42% of the flats being single aspect, despite London Plan (intend to publish) Policy D6 stating development should "*normally avoid the provision of single aspect dwellings*"), and the failure to meet policy requirements for affordable homes. We also question the suitability of the site as a location for a car parking free development and the lack of ambition in the sustainability approach that seeks to do no more than meet regulatory requirements.

National planning policy requires local planning authorities to take account of

- "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
- and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness"*

(NPPF, paragraph 192)

This requires prospective development actively to seek out ways to enhance heritage assets and their contribution. The proposals fail to do this. They are largely either passive in their approach or cause harm to designated heritage assets, including the listed Priory wall.

We ask that planning permission is refused for this scheme on grounds of unresolved conflicts with development plan policies CS1, CS5, CS8, CS14, DM D1, DM D2, DM D4 and harm to the Conservation Area and designated heritage assets. We would welcome the opportunity to work with the applicant on future development plans.

#### 5.4 Merton Historical Society

It is not the Society's remit to comment on the architectural quality of the proposed development on the Abbey Wall Works site, though we would have every sympathy with the residents of Station Road if they felt overwhelmed by the height of the new building. It is overbearing for the site and out of scale, too, with the Wandle Valley Conservation Area and Merton Abbey Mills, but of course a precedent for high residential buildings has already been set.

The Society's concerns are:

The Priory Wall The Conservation Management Plan for Merton Priory states that 'there appears to have been a secondary or inner precinct wall of which a section survives along the south side of Station Road', and although the wall was described on Listing in 1954 as 'C17 and later' (the justification for this has not been published), there has been no serious doubt that the line of the wall is medieval. The Listing opined that the wall was 'built of flint with random ashlar stone from the ruins of Merton Priory' (there is a detailed description of its present state in the supporting Heritage Impact Assessment report), and even if parts are a C17 rebuilding of a medieval original, they are still worth conserving now as the visible boundary of part of the Priory site.

The Heritage Impact Assessment report also claims that the scheme 'will allow the wall to be more plainly visible as a heritage asset within the context of Station Road ... The current condition of the wall on the southern face is, in places, very poor and these areas will be repaired and made good as part of the scheme.' We are pleased to note that all documents in the application show the older parts of the wall being conserved and made part of a modern boundary; it will still be a wall that has a function, even though it loses status from being close to a tall and dominating structure. Whether the apparently narrow channel between the inside of the wall and the building is a happy idea is another matter; people on the ground floor will look straight out on to a wall, and this 'tunnel' may well become a place where rubbish accumulates.

It is important that the wall be protected from damage when building works are going on in such close proximity, and that its foundations are not undermined or disturbed in any way. Such requirements could be conditions within any planning permission that is granted.

#### Archaeological Opportunity

Of course, the Society welcomes the opportunity that would arise to investigate and perhaps date the foundations of the wall. We can add nothing to the Desk-Based Assessment from Compass Archaeology, and we are pleased to note from it that 'it is possible that significant

medieval or early post-medieval remains may survive' within the study site and that 'further on-site investigation will be required, in the form of pre-development evaluation (trial trenching) to ensure that a proper mitigation strategy is in place'. We entirely endorse the proposal that this work be carried out 'under a condition attached to a successful planning application' [our emphasis]. We also strongly recommend that Museum of London Archaeology (MOLA) be invited to undertake any such investigative work. Specialists from MOLA have been conducting studies on the Merton Priory site since a major study in 1986–90, before the building of the Sainsbury's premises, and have continuity of knowledge of all things related to the Priory site.

## 5.5 Merton Priory Trust

We write in connection with the proposed development at Station Road, Colliers Wood, reference 19/P4266 and 19/P4268. The proposal is to replace mostly single storey garage buildings with a residential building containing 72 apartments and a commercial unit, part 3, part 5 and part 6 storeys high.

The site is in the Wandle Valley Conservation Area. It incorporates a wall, listed grade II, which formed an historic approach to the precinct of Merton Priory, a Scheduled Monument.

Our comments focus on two aspects of the scheme: The quality of the residential accommodation being provided. The effect of the proposed development on designated heritage assets. The quality of residential accommodation

There is always a tendency in speculative development to maximise the number of residential units at the expense of quality. Attempts have been made to define residential quality. The most relevant are the national policies contained in the National Planning Policy Framework 2019 [NPPF] and the regional policies set out in the Draft London Plan December 2017 [DLP].

The NPPF sets our general requirements at para 127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not*

*preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.* The requirement is to satisfy all these aims.

At para 130 the NPPF instructs Local Planning Authorities that:  
*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

The Draft London Plan states at Policy D4, para E, that: *Residential development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Policy D1 [London's form and characteristics] than a dual aspect dwelling and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.*

A single aspect dwelling is one whose windows all face the same way. A dual aspect dwelling is defined as one *'with openable windows on two external walls, which may be opposite or adjacent around a corner. One aspect may be towards an external access deck, courtyard, or ventilated atrium.'* [London Housing Design Guide July 2009.] This is an inclusive definition, so that flats which are essentially single aspect will qualify as dual aspect with an inset balcony and a side door or window leading on to it.

The proposals contain, by this definition, 15 single aspect dwellings. The Draft London Plan says such dwellings should 'normally be avoided'. It would be easy to avoid any single aspect dwellings in this development by providing additional inset balconies to those dwellings which are currently single aspect. It has not been demonstrated that policy D1, which relates to the form and characteristics of development, prevents the use of inset

balconies. It would be hard to argue this since they are employed liberally elsewhere within the submitted design.

Where single aspect dwellings are provided, the DLP requires the applicant to demonstrate that such units *'will have adequate passive ventilation, daylight and privacy, and avoid overheating.'* Whilst a daylight and sunlight assessment has been provided for surrounding properties, we have seen no analysis of the expected levels of daylight and passive ventilation within the flats, and in particular the single aspect flats. The Energy Statement says that LED lighting and mechanical ventilation with heat recovery will be used within the development but makes no comment about the adequacy of natural daylight or passive ventilation.

Many of the flats face due north. Those that are recessed will receive little or no direct sunlight during winter months. These can not be said to comply with the NPPF requirement to provide homes that *'promote health and well-being.'*

In summary there is no justification in this case for providing single aspect dwellings.

The quality of outlook for some of the ground floor flats is also poor. Those to the north look out onto a small pathway and the listed Station Road wall. The distance between ground floor bedrooms and the wall is approximately 1.8 metres, and the area is shown as a hard-paved. A narrow window box is proposed in front of the north facing bedroom windows to enhance privacy. At certain points a narrow planting bed is shown over the foundations of the listed wall itself. The ground floor level is shown the same level as the outside ground. There will be inadequate privacy for these units, and poor outlook.

Those residential units facing south at ground level are also approximately 1.8m from the site boundary, beyond which is a busy road and cycle path at Merantun Way. The boundary treatment appears to be a solid brick wall, with gated openings which will allow traffic noise to permeate. Again the flats will have a highly restricted outlook and poor acoustics.

Building new residential accommodation which is not of a good quality is not sustainable development because the buildings will need to be demolished or upgraded in future to provide a reasonable standard of accommodation. The effect of the development on Heritage Assets

The NPPF defines conservation as: *'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'* NPPF requires at para 192, that, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*  
*and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

At para 193, NPPF instructs local planning authorities as follows: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

In this case there are three designated heritage assets affected by the proposals: Merton Priory, a Scheduled Monument; The Wall running along the south side of Station Road, Grade II Listed; and The Wandle Valley Conservation Area, designated in 1990 and extended in 2000. 17. Merton Priory is one of the most unusual scheduled monuments in the country. 1 Although of very high heritage significance, most of the original structures exist only underground. Exceptions are fragments of the precinct wall, the exposed foundations of the Chapter House, elements of the Colour House Theatre, and the remaining parts of the Station Road approach wall. The paucity of remains above ground gives added significance to those that survive.

Merton Priory is on the heritage at risk register. The identified risk to heritage 2 is "Development requiring planning permission".

The Wall running along the south side of Station Road forms the northern 3 boundary of the application site. The proposed new building will be about 1.8m from the listed wall, and is some 15m higher than it.

The Wandle Valley Conservation Area was designated in 1990 for the 4 following reasons:

- 1. The area's historical background ...*
- 2. The significant numbers of high quality listed and locally listed buildings sited on or near the river;*
- 3. The area's archaeological importance,*
- 4. The area's topography deriving from the Wandle Valley,*
- 5. The special detailing of buildings;*



6. *The quality of open spaces and generally; and*
7. *The relatively low built area footprint and the way the built form fits into a wide area of predominantly open space.*

The conservation boundary was extended to include the application site in 2020, because of its significant relationship to Merton Priory. The buildings at Merton Abbey Mills, which include a high quality modern residential development by Fielden Clegg Bradley (2004), and the Merton Priory Chapter House enclosure 5 (2019), set a standard of architecture to which any new building in the conservation area should aspire. It is not enough to say that the new development will match the average standard of development outside the conservation area, such as the Harris Academy (under construction) or the proposed high density residential development to the north west of the site. These developments are not in the conservation area.

At present, the site is occupied by mostly single storey industrial units of little aesthetic value. The site's use reflects the historic industrial history of the area, and the buildings' small scale does not dominate or overbear the listed wall. In short the baseline condition is low key, if untidy. In contrast, the proposed development is highly assertive and noticeable. It will overbear the listed wall and is of a higher scale than the other buildings within the conservation area.

The quality and appearance of the buildings is also not of the same high standard as those of buildings within the conservation area. The building employs a motif of round brick arches, presumably to reflect the 19th century industrial heritage, a period of high achievement in brick engineering. However the detailed elevations show that the arches are not actually formed of brick, but are to be laid horizontally with cut bricks around the arch head. This arrangement is shown in two 1/20 details on drawing 319\_cE01 rev 1.

The heritage impact assessment submitted with the application concludes that the proposals will *'provide a significant enhancement to the setting of the listed wall and have negligible impact on the other nearby listed structures and the SAM.'* We do not agree.

Historic England guidance 'The Setting of Heritage Assets' [2011] defines the setting of an asset as *'the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'* Clearly the garages that currently occupy the site are part of the setting of the heritage asset. We suggest that their effect on the setting of the listed wall is broadly neutral. They allow the

wall to be appreciated clearly in its own right, but do not dominate or obscure it. The wall, when originally constructed, separated a pathway from surrounding cultivated land and gardens. It did not, and does not now, compete with large built structures.

Historic England publish a checklist to assist in assessing the effects of proposed development on the setting of an asset. This checklist includes: *Location and siting of development • Proximity to asset • Extent • Degree to which location will physically or visually isolate asset The form and appearance of the development • Prominence, dominance, or conspicuousness • Competition with or distraction from the asset • Dimensions, scale and massing • Proportions • Visual permeability (extent to which it can be seen through) • Materials (texture, colour, reflectiveness, etc) • Architectural style or design • Introduction of movement or activity • Diurnal or seasonal change Other effects of the development • Change to built surroundings and spaces • Change to skyline • Lighting effects and 'light spill' • Change to general character (eg Suburbanising or industrialising) • Changes to land use, land cover, tree cover.* The proposed development affects the setting in many of these respects.

In our view the setting of the listed wall is severely compromised by the tall building that is proposed adjacent to it, by virtue of its: proximity, extent, prominence, dominance, conspicuousness, competition and distraction from the asset, dimensions, scale and massing, materials, architectural design, change to built surroundings and spaces, changes to skyline, lighting effects, change to general character and land use. The new building will overbear the wall. This is harmful to its setting. If the new building were set further away from the wall and was lower where it nears the the wall, it would be less harmful. There is no such sensitivity on the southern side of the site, yet the design does not reflect this asymmetry and proposes a southern elevation the same as the north. It cannot therefore be said to respond to the setting of the listed structure.

British Standard 7913 [2013] publishes a table to assist in assessing the magnitude of impact plotted against the value of heritage assets. In this case, the heritage asset, listed Grade II, must be considered of high value. The amount of change to the setting is major. The resultant impact is very large. We conclude that there is a very large, negative, impact on the setting of the listed structure.

### Conclusion

The proposed development does not provide a good standard of residential accommodation. Many of the proposed units are single aspect, which should normally be avoided, unless there are other reasons to do

so. In this case there is no justification to provide single aspect dwellings, many of which are north facing. Some residential units have poor outlook and may be subject to excessive traffic noise. The development does not therefore provide good architecture, layout and appropriate and effective landscaping, nor does it promote health and well-being, with a high standard of amenity for existing and future users, as required by NPPF para 127.

The development is overbearing in relation to the listed wall on the south side of Station Road. This is harmful to the setting of the listed wall, to the character of the Wandle Valley Conservation Area, and to the setting of Merton Priory. No justification has been provided for this permanent harm, nor an assessment of the degree of harm, nor has any outweighing public benefit been identified. This is contrary to the requirements of NPPF paras 189-196.

For these reasons the proposed development in its current form should be refused.

#### 5.6 Merton Green Party

Policy CS8 in the council's core planning strategy sets a borough-wide affordable housing target of 40% for developments of 10 or more units. The applicant's application form states that 7 of 71 (not 72) units will be affordable housing - 10%. We ask the Council to require that its 40% target be met.

#### 5.7 Councillor Nick Draper

As a trustee of the Merton Priory Trust, I feel I need to voice my objections to application 19/P4266.

My objections centre around the proximity of the development to the Grade 2 listed Priory Wall as it runs along Station Road. There is a debate as to whether the wall dates from the 11<sup>th</sup> century, or whether it was reconstructed on the site of the original wall in the 17<sup>th</sup> century, but to my mind this is irrelevant – in either case it is both a construction of archaeological & heritage importance and, more important still, is situated on a site of archaeological importance. Any new construction near to the wall must therefore pay particular respect to both the wall and the area around it.

I regret that the submitted application does neither. I apologize for not using exact technical reasoning, but here are my objections:

The proposed development is massive, both in its actual size (on what is a very narrow site) and in its statement, particularly at ground level. I see the large arched windows and doorways of the ground floor speaking entirely for themselves, with no deference to, or even reference to, the wall directly in front of them. Graphic 10.3 of the Design Access Statement part 3 demonstrates this better than ever I could: we see the façade in its entirety, with an idealised version of the wall as a shadow in front of it. To my untrained eye, it looks like the wall is there as a reluctant afterthought.

Looking at it from the other side, a tenant or business in the new building, at ground floor level or above, will be looking out onto an ancient wall built for function rather than decoration: in some cases it will almost completely obscure their view. What would be acceptable to a new buyer would rapidly become an eyesore: from experience, ward Councillors would soon be plagued by requests to 'do something about the ugly wall'. That's not how Merton's heritage deserves to be treated.

The intention as expressed in the application is that the 4ft. wide gap between the wall and the building will be used as a kind of promenade. Frankly, this is a fantasy. I would see the gap being almost impossible to keep clean, let alone be a pleasant walking space.

Further to the above, I believe that in view of the clear archaeological importance of the site *any* application should include a full archaeological survey including trial trenches.

Our heritage in Merton is important but fragmented. What we have deserves proper recognition, not a token nod. This application is, as I've said, oversized, and I would expect its neighbours to comment on that; but I feel that it should be rejected for its disrespect to the Priory Wall.

## 5.8 Councillor Eleanor Stringer

- 5.8.1 As the local ward Councillors, we would like to raise some concerns about the proposed development on Station Road, Abbey Wall Works.

### Context

- 5.8.2 We want there to be new, high quality homes provided in our area. The area for proposed development will be a popular place to live, near to schools, public transport and shops, and important local cultural and heritage sites. However, we want to ensure that these homes help us to deliver on Merton and London's targets on affordable homes, and that

they do not contravene the rights of existing residents.

Our concerns reflect those raised by residents on three main issues:

Affordable Housing - The number of affordable homes proposed is only 5 of the 72 households, with a further two for shared ownership. Having looked at the financial viability assessment, we believe that there is scope for an increase in this. The applicant's Financial Viability Assessment states "We adopted an average market sales value of £665 per sq ft in our appraisal". This is quite different to the High Path development, metres away, where Savills estimate it at £780 psf. If different assumptions are made, there is potential for delivering on the 40% of affordable housing provision outlined in our planning policies.

Overlooking Residents - A number of residents have contacted us with concerns about the design, particularly the height which would affect the light and privacy of those both on Station and Dane Road. We recognise the developers have already reduced the number of storeys slightly in response to local feedback, but there are still legitimate concerns about the impact on other properties.

Heritage and archaeological impacts - We are proud to represent area of such historical importance. We echo some of the concerns raised by other conservation and heritage groups that the design does not make enough of these features, and instead risks overbearing them. We would also like to insist that if approved, there is a condition to allow archaeological investigations, led by professionals with expertise in the local history.

#### 5.9 Wimbledon Society

The application falls within the Wandle Valley Conservation Area. The proposals are not in scale with the smallscale housing opposite.

The applicant is only proposing a Desk top study in this archaeological sensitive area. Before any construction takes place a full independent excavation should be carried out. Should there be significant structural findings the proposed development must be re-designed to take account of these in order to leave them in situ. The Listed wall needs to be an integral part of any development and not just be "preserved and repaired".

Of the 72 flats in the proposed development, 42 are single aspect and therefore have no cross ventilation. Furthermore 26 of those 42 face north. How many of these flats are social housing? The communal corridors are internal which means there will have to be permanent artificial lighting. Some of the living rooms are 10m in depth from the single window which will result in permanent artificial light. Some of the living rooms and

bedrooms are very close to Merantun Way and will suffer from traffic noise.

The houses opposite this proposed development are 2 storeys high. The height of this development will prevent any sun getting to any PV panels of the roofs of the houses opposite. The high daylight angle for the centre line of Station Road is 60 degrees and 55 degrees from the centre line of Merantun Way. It is 20 degrees for the houses opposite.

The proposed development has 130 rooftop PV panels. This is less than 3 per flat, even less if the PV panels have to supply the power to the internal communal corridors and the 10m deep living rooms. There is very little in the proposal which addresses Green-ness.

Therefore we ask the Council to reject these two applications.

We are of the opinion that any future applications should:

- Respect and understand the nature of the history and archaeology of Merton Abbey and its remains
- Provide Green-ness on the eastern end of the site where the archaeology is likely to be found and which continues the strong tree line mass which is to the south
- Be of a height no greater than that which allows PV panels on local roofs to benefit from winter sun
- Be of a height which is compatible with local housing character
- Provide the full quota of Social Housing
- Ensure that all flats have dual aspect
- Ensure that the noise and poor air quality emanating from Merantun Way is dealt with
- Ensure that all internal communal spaces have natural lighting
- Provide car parking on the site

#### 5.10 Merton Cycling Campaign

This application maximises over 70 housing units on a site where only 3 car parking spaces are provided. Yet it does not offer a proper assimilation with 'active travel', as promoted by the London Mayor and Merton Council. Examples of this are:

- a. The shared –use cycle facility on the south side of Merantun Way continuing east of the Wandle Trail is unrecognized.
- b. The applicant's consultants refer to Station Road as a 'cul-de-sac' when in fact it needs to be acknowledged as a significant way through for 'active travel'.
- c. The Transport Assessment does not sufficiently acknowledge the Wandle Trail as an 'active travel' thoroughfare.

- d. The fact that Merton's LIP3 Infrastructure map shows that the Wandle Trail at this point is to be the start of the cycling 'Quietway' to Sutton, is unrecognised.
- e. The Townscape and visual impact statement considers only 'walkers and motorists'.
- f. The Bicycle storage submitted is not conducive to proper use.

We object to this application because, contrary to the Planning Consultant's claim, there are several Planning Policies that preclude the application's proposals: -Policies T5, DMT1, T2, CS8

### Cycle Parking

The rows of 2 tier cycle racks in this proposal are shown spaced 1.5 metres apart when 2.1 metres is a sensible minimum . The door accessing the facility we recommend should be wider. The racks are at 375mm centres when 400mm is more adaptable and there is not enough handle bar room beyond the end rack. Planning Policy T5 says larger and adapted bikes for disabled people should also be accommodated. This does not appear to be the case.

### Connectivity

This site is in fact on the most important active travel 'cross-roads' in the Borough. The junction of the only two established 'cross-borough' routes:- The Wandle Trail and the Kingston to Tooting/Mitcham cycleway. To this is added the potential for 130 more cycle journeys from this development.

Planning Policy DMT1 states the Applicant '*will be expected to enhance walking and cycling routes and provide and enable connections*'

Policy T2 states that the applicant should '*demonstrate how they will deliver improvements in permeability*'

In the light of the above this development should be responsible for delivering local 'active travel' improvements. In particular, carrying out the works to the listed wall, as the permission granted in May 2018, in order to create a new opening from Station Road to Merantun Way.

The applicant provides a drawing (19175-01-006 Rev B) of a 'cycleway' adjacent to the site on Merantun Way. This is of little use as a cycle facility and is perhaps titled 'indicative' to show that Merantun Way is wide enough without impinging on the applicant's site boundary. Various cycling scheme options covering this long western stretch of Merantun Way were given a full airing by Merton and TfL in 2011/2012. The preferred solution (Option 1 variation (ii) Drawing Number MMD-285813-C-DR-00-XX-0001

dated 03/05/2011) was to install on-carriageway mandatory cycle lanes, this was achieved by some carriageway widening in places. A footpath was also to be included along the southern side of Merantun Way.

### Affordability

In particular this site offers affordable accessibility due to its prime 'active travel' location. With proper assimilation of 'active travel' it would be expected that this would be a prime location for affordable housing. There is therefore every justification for this development to meet the Council's target of 40% affordable housing under Policy CS8. The current proposal offers only 10%.

#### 5.11 Historic England (original comments – dated 7<sup>th</sup> Jan 2020)

These proposals subject to planning permission and listed building consent are for the demolition of all structures within the Abbey Wall Works site in Merton, with the exception of the Grade II listed Abbey Wall, and the erection of a residential-led mixed use development.

Historic England was involved in brief pre-application discussions regarding these proposals last year. As set out then, our key areas of interest relate to the impact of the development on the Grade II listed Abbey Wall which forms the northern boundary to the site, and the Wandle Valley Conservation Area in which the site is located.

As set out in the Wandle Valley Conservation Area Character Assessment, the development site is located in Area 3, which is characterised by its vestiges of Merton Priory as well its industrial development following the Dissolution of the Priory in the 16th century.

Whilst the mid-20th century sheds and garages on site are of some modest local interest and reflect the long legacy of industrial and commercial activity in the area, it is the mills around the River Wandle (to the south east of the development site) that best represent the industrial character of this part of the conservation area. The inclusion of the development site within the conservation area essentially relates to the Abbey Wall which benefits from additional statutory protection by its Grade II listing.

However, despite its special architectural and historic interest, and extensive conservation work in the mid-2000s, the presentation of the wall is poor in part due to its immediate light industrial context.

Historic England therefore has no in-principle issue with the proposed demolition of buildings on site, and despite the large scale of the proposed



development in relation to the surround built environment, we recognise that there are opportunities to improve the presentation of the listed wall and the townscape in this peripheral part of the conservation area.

Historic England therefore strongly recommends that opportunities to improve the condition and appearance of the listed wall (and any other townscape improvements that could benefit the conservation area) are secured, potentially by condition, should your Council be minded to approve the applications. The detailed analysis of the wall that has been undertaken by Purcell as part of this submission should help to identify these opportunities, as should the advice provided by your Council's own Conservation Officer, Jill Tyndale.

### Recommendation

Historic England has no objection to these proposals subject to the advice set out above. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph of the NPPF, particularly in relation to paragraphs 196 and 200.

In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Finally, please note that as these proposals do not involve significant demolition of the Grade II listed Abbey Wall, the listed building consent application does not require Historic England's authorisation.

### Historic England - Comments following amendments (5<sup>th</sup> March 2020)

As set out in the submitted cover letter (Rapleys, 23 January 2020), these amendments are a result of discussions between your Council and the Applicant Team, and largely relate to proposed uses. We note that it is also proposed to slightly reduce the height of the proposed development which we hope will improve its relationship with the Grade II listed wall. Whilst this is considered an improvement by Historic England, we rest on the advice previously set out in our original consultation response.

#### 5.12 Historic England (Great London Archaeological Advisory Service (GLAAS))

Note – The original comments from GLAAS stated that they needed more information before they could advise on the effects on archaeological

interest and their implications for the planning decision. Following the original comments from Historic England, the applicant has been in contact with the Historic England. Historic England has updated their comments following discussions with the applicant.

Historic England – Updated comments (dated 3<sup>rd</sup> March 2020)

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the local plan: Wandle Valley/Colliers Wood. The site is inside the medieval precinct of the Augustinian priory of St Mary, Merton. A listed wall runs along the northern boundary of the site, ending towards the western end of the site. This wall is thought to date to the 17<sup>th</sup> century, but could have earlier foundations. Historic map evidence provided in the Archaeological Desk-Based Assessment (Compass Archaeology, November 2019) shows that this wall formerly extended across the western part of the site and incorporated some arches or recesses, suggesting the presence of an earlier building within the site, or a gateway across Station Road at this point. If well preserved buried masonry remains exist relating to a medieval building here, then they would be of high significance and may merit preservation in situ, and potential interpretation and presentation to the public.

The proposed development comprises a comprehensive redevelopment of the site. No basements are proposed, however lift pits, attenuation tanks, and pile caps will all be deep enough to have an impact on any archaeological remains on the site. It is understood that the perimeter of the site will be piles, and preservation of archaeological remains in situ could be achieved by careful pile placement and appropriate load-bearing spanning structures.

I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation and foundation positions. 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 two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. A planning condition relating to submission of foundation design details is also recommended, and is set out below.

NPPF paragraphs 185 and 192 and Draft London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants

should therefore also expect to identify enhancement opportunities.

I therefore recommend attaching a two-stage archaeological field work 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. Where appropriate, details of a programme for delivering related positive public benefits*
- C. 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 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.*

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works

begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

I also recommend the following 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.*

I envisage that the stage 1 archaeological fieldwork would comprise the following:

#### Evaluation

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

5.13 Councils Highways Officer – No objection subject to conditions on redundant crossovers, construction vehicles, washdown facilities etc and construction logistic plan.

5.14 Councils Transport Planning Officer

#### Location and Existing Use

The site is currently used for vehicle repair services, including garages, workshops and MOT services, with B2 (general industrial) and Sui Generis land use classification.

Station Road is essentially a 150m long cul-de-sac, forming a simple priority junction with High Path/Abbey Road to the west, terminating east of the River Wandle where it provides access to a children's play centre (42 Station Road).

The majority of properties in this road already benefit from dropped kerbs and off street parking.

As Station Road is a cul-de-sac, with a lack of turning facilities, existing delivery and servicing vehicles, including refuse collection vehicles tend to reverse from junction of High Path/Abbey Road; some, however, do use the open section of a private property at the end of the cul-de-sac. Given the low numbers of properties at the present time, there have not been any reported issues. The Council does not and cannot support vehicles, particularly service vehicles, reversing for such a length of public highway. As a rule, there is an expectation that any new development accommodate their servicing off the public highway; however, in this instance, due to the fact that the property line is subject to a listed wall, on-site servicing cannot be accommodated.

Prior to this application the Council and TfL had a proposal to introduce a shared surface and reinstate a small section of carriageway that is currently used as free parking to footway; given the potential increase in service vehicles due to the development, the Council proposes to retain this section of carriageway so as to provide a small turning area.

As a way of improving this section of the road it is proposed to introduce a shared surface that will provide a better facility for pedestrians and cyclists.

### Development Proposals

The development is 70 residential units, with 204sqm of flexible commercial use. The proposed commercial floor space is accommodated at ground floor level within the western most part of the site. The applicant have confirmed the proposed A1 category would exclude super market type retail uses which will reduce commercial vehicle activity within the site.

### Car Parking

The site is within an area of PTAL 3, which is considered to be a moderate rating. A moderate PTAL rating suggests that it is possible to plan regular journeys such as daily work trips or trips to and from school using public transport. The site is within a walking distance of Collierswood and South Wimbledon tube stations; the area is also well served by buses.

The proposals include no allocated car parking other than three disabled parking bays. The disabled parking bays should adopt Electric Vehicle Charging Points (EVCP).

There is great potential for improving the quality of the street in Station Road with the removal of cars parked on the footway. This footway should be widened slightly and resurfaced. Given the cul de sac nature of the road, it is not thought necessary to have a segregated cycle facility as this is a quiet route where on-street cycling should be safe. The northern footway accommodates crossovers for most part and as part of a parking and access parking on the northern side would need to be banned. The parking would need to be managed by either a CPZ or marked free parking along the southern side of the carriageway. Provisions should be given for car clubs, electric vehicles charging points and servicing.

The neighbouring roads are subject to a CPZ but Station Road is not. The Council will seek to secure funding via a S106 legal agreement to consult and implement a CPZ in Station Road. However, if CPZ were to be introduced no occupant within this development would be eligible to purchase or procure a parking permit.

The Council's policy is to discourage car ownership and promote sustainable modes of travel in high PTAL areas. Therefore all units must be permit free irrelevant of the number of bedrooms allocated per each unit or any parking capacity which appear to be assessed on current conditions. This requirement is consistent with all new developments in the borough. Additionally when considering a CPZ, it is for the Council to agree the extent of any Zone. In the event of the introduction of a CPZ, this development will be excluded from the zone.

Parking arrangements on the southern side as shown on the plan are indicative, i.e. for the purpose the consultation process, LBM will assess the on-street parking arrangements in more details and adopt a parking scheme as appropriate.

Double yellow lines are proposed on the southern side of Station Road to prevent parking on both sides of Station Road. It should be noted that the current situation in Station Road includes parking on both sides of the street which is problematic in terms of vehicles movement. Therefore regardless of the redevelopment of the application site, double yellow lines will be introduced along the northern section of Station Road for reasons of safety and access at all times.

#### Car Club Membership

The applicant to provide and secure free car club membership for all new residents for a period of three years.

#### Cycle Parking

The draft London Plan sets out the minimum residential cycle parking standards required, as follows:

The applicant is providing 130 cycle parking which is in line with the Draft London Plan cycle parking standards. Cycle parking provision is satisfactory.

#### Servicing and delivery

Servicing and delivery will take place on street as there is no allocated area within the site for servicing.

The site boundary includes an existing Grade II listed Abbey Wall which runs along the site frontage, to the rear of the Station Road footway, a constraint that has influenced the adopted access strategies.

Based on comments within the observations paragraph, the proposed servicing is acceptable.

#### Refuse:

Given there is an already established collection route along this road, it is not considered that proposal would have a detrimental impact on the waste collection services in the area. Due to density of the development and the length of time that would be required for collection, the appropriate length of parking restrictions will be introduced to accommodate this need; it will also serve as a passing gap in ensuring that flow of traffic and access to properties on the northern side is not impeded.

Details of number of refuse storage bins, collection and recycling arrangements needed for the proposal should be submitted to the LPA approval.

#### Travel Plan

The application includes a draft travel plan and this is broadly welcomed. The details of the travel plan should be subject to detailed agreement and monitoring over a five year period. A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section 106 process.

#### Recommendation:

The proposed development will not have a detrimental severe impact on the surrounding highway network in terms of capacity or highway safety. No objections are raised subject to:

- The applicant enters into a Unilateral Undertaking which would restrict occupiers of the units from obtaining an on-street residential parking permit to park in any existing or future controlled parking

zones to be secured by via S106 legal agreement.

- Disabled parking with EVCP maintained as shown on plan.
- Condition requiring cycle parking (secure & undercover).
- Condition requiring Refuse collection.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years, secured via the Section106 process.
- A sum of £18k for the consultation and implementation of a CPZ and / or the introduction of safe parking arrangements to be secured via Section106.
- 15k contribution toward the implementation of a shared surface at the location of an existing turning head on Station to be secured via Section 106.
- Provide free car club membership for all new residents for three years.
- To enter S278s for all necessary highway works. All costs including legal costs payable by the applicant.

Informative: Highways must be contacted regarding costings for carriageway widening/formation of footway and new crossings proposed. All works on the public highway are to be carried out by L B Merton and to Merton's specification. (Contact Martin Smith on 0208-5453136).

#### 5.15 Councils Urban Design Officer

Applicants had engaged in extensive pre-application discussions in helping the scheme evolve.

##### Generally

The alterations are considered steps in the right direction to a scheme that looks good on the outside and has benefitted from a thorough analysis of local context and attention to detail.

Compared to what I see as the main design issues, and to what the DRP notes state, I feel the changes represent 'tweaks' to the design and do not yet successfully address some more fundamental issues.

There are a number of aspects of the design that suggest the proposal is either over developed or the design, massing and layout is not as efficient as it could be.

##### Particularly



Interface with Kenton site: The proposal includes 5 of the 7 storeys having windows looking directly into this site. This is not an elevation to a street, but a boundary with an adjacent site. Windows on this elevation will prevent this adjacent site from being developed to its otherwise optimal potential. One of the first floor flats is north-facing, single aspect and lit only by two small windows. This issue is therefore far from successfully resolved and needs to find a solution that allows the adjacent site to be properly developed.

Linking Elements: The set-back parts of the building that link the main façade do not sufficiently separate the building into three discernible element and nor will they meaningfully allow any more sunlight/daylight through the building mass. Replacing a brick parapet with a glass screen is not reducing the height of the building. It is important to note that the people most affected by the proposals – on the opposite side of the street – will effectively see the development as a whole frontage and not from the usual oblique angle. Thus it is important that these sections are properly lower than the main elements – by a storey.

Cores: Additional cores have been included to aid the provision of dual aspect units. Unfortunately, the design changes show this is only going part way to achieving dual aspect – which many single aspect remaining – and a number of dual aspect flats being deep, narrow and having poor light levels. Having 5 cores in this comparatively shallow building is causing layout problems and the design would probably benefit from the removal of one core. Dual aspect should be aimed for as required by the London Plan, but individual site characteristics must also be taken into account and units must work well internally.

Entrances: Linked to cores and internal design. Whilst not particularly cramped, they are minimal and basic and do not reflect the amount of work put into making the external entrance attractive. The entrances need to provide for future extension through the building to allow for future access from Merantun Way, should the proposed foot/cycle way be implemented. This should further allow for the linking elements to be recessed further to provide more ground floor amenity space.

Internal design: There are awkward shaped flats with awkward shaped spaces which in places simply do not work. It is impossible to apply minimum space standards to an irregular shape and achieve a workable internal layout that is policy compliant. The internal layout of the building needs significant simplification.

Space Standards: Some units clearly do not meet space standards (eg. minimum width for a single bedroom is 2.15m). All units must comply with

minimum space standards as set out in the National Technical Standards, London Plan, Mayors Housing SPG and Part M of the Building Regulations, include all required furniture and demonstrate that layouts are workable and liveable.

Amenity Space: The entrances are definitely improved, but the pathway behind the wall remains narrow and there is no defensible space for habitable rooms facing onto it. This must be successfully addressed.

Dual/Single Aspect: A comparison between the dual and single aspect flats shows that increasing the number of cores has not led to a meaningful increase in dual aspect units. The building has 5 cores yet there remains 41% single aspect flats, with over half of these (22% of total) being north facing. (Dual aspect flats are defined as those that face two opposite or adjacent sides of a building – not where an indent into the elevation has been introduced solely to accommodate a small side window) The split is 41% single aspect flats (22% north facing, 19% south facing) and 59% dual aspect flats (22% with adjacent elevations and 37% with opposite or three elevations). A better arrangement of cores – possibly even with less, might even be able to improve this figure. Currently the development is not performing well in this regard.

Eastern Corner: The acute angle here looks better for having a curved balcony. However, it is looking incongruous with the ground floor cantilever effect. It would work better visually if the curved element met the ground. Block 5 (eastern end): The top floor isn't centrally placed and may look odd in relation to the adjacent block – and is also likely to look lop-sided when viewed end on from the east

The changes suggested by the DRP seem not to have been adopted fully, nor reasons given as to why.

The applicant has stated their aim to achieve the housing needs mix and type of units. How does provision of 12 studios (15% of total) fit into this?

#### Comments on Amended plans

The view from Station Road is certainly improved because it does two things:

- 1) Relates the left hand building more strongly to the lower middle and right hand building parts,
- 2) Emphasises the taller part on the corner more clearly, but less dominantly.

Normally I would not support individual buildings (or elements of buildings) changing height within their individual length, as this appears designed to 'fit in' with the surroundings at the expense of the building standing up for itself. No building should 'apologise for itself' as this just means that it doesn't fit in properly and is not of sufficient quality. This is why I do not support the lowering of the narrow east end. It doesn't work architecturally and it's narrowness needs to be a focus, and not hidden. This shape is a distinctive part of the site shape and local urban form which has developed over time.

The view from Merantun Way does not show a longer view from either end, so the benefit of removing a second 'quadrant' cannot be assessed accurately. I do not accept the 'stair core' reason for not doing this as it would appear that there is sufficient internal space to incorporate amendments to this, with a marginal reposition or turning through 90 degrees.

I do not feel these issues are show-stoppers, so cannot say they should be any reasons for refusal.

#### 5.16 Councils Conservation Officer

Abbey Wall Works is on the south side of Station Road. The south side of Station Road falls within the Wandle Valley Conservation Area. The Wandle Valley Conservation Area is an extensive conservation area which follows the course of the River Wandle. The River Wandle flows very close to the site crossing to the north just east of the site.

The north boundary of the Abbey Wall Works site is formed by a section of the Grade II Listed Priory Wall. To the east of the site is the Priory Chapter House ancient monument, the site of which extends up to the Abbey Wall Works site boundary. Generally this a very historic area having been the site of Merton Priory with extensive archaeology and historic connections. The Chapter House is the subject of a Heritage Lottery Fund Project which will make the highly significant Chapter House more accessible and is in the process of developing a visitors' centre. It is now open to the public on a more regular basis. Along with the Chapter House, on the south side, is the Abbey Mills which consists of Grade II Listed Buildings and Locally Listed Buildings. Adding to the significance of this conservation area is acumination of all the heritage assets.

The major consideration here is the impact of the proposed development at the Abbey Wall site on the collective setting of all the significant heritage assets in the close proximity. Merantun Way cuts through this part of the Conservation Area. Although not particularly positive, it gives views to Abbey Mills and some protection to the Chapter House. The new

visitors' centre will also be seen from here. The proposed development, due to its size and massing cannot help but be a major impact on the setting of the adjacent heritage assets. This development will dominate the views and settings weather approached from the east or west. It will also be viewed from the Mills. I welcome the possibility of reducing the height of the most western and highest block. It is the height and massing of the most eastern block, I feel has considerable impact on the setting the heritage assets. All the heritage assets are low rise of only one or two stories and will be dominated by this block. I would like to see this end block reduced in height. It will then step up to the highest western block and will be an acceptable progression out of the conservation area and away from the collective heritage assets.

I welcome the developers approach to the Priory Wall on the north side of the Abbey Wall Works site by setting the new development away from the wall and thus improving the setting of the wall. I welcome the intension to repair the wall by specialists. We will probably need a Listed Building Consent to carry out this restoration.

In a general way I support the design approach to the development and believe the roof gardens will be an asset to the development.

#### 5.17 MET Police (original comments)

The front elevation ground floor units have internal entrance doors, to promote an active frontage these should be relocated.

The railings and the balcony should be designed to remove the chance of a climbing aid to gain access into the units.

The design and access statement mentions gates and fencing, there is no apparent mention of security of the gates. If insecure the access pathway would be used as a gathering area by students attending the new school and attendees of the nearby probation office especially on the proposed seating by the entrances or the hidden area by the disabled car spaces

Crime Prevention and community safety are material considerations. If London Borough of Merton are to consider granting consent, I would seek that the following conditions details below be attached. This is to mitigate the impact and deliver a safer development in line with Merton Core Strategy, London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

Comments on amended plans

Having given due consideration to the details of the security and safety features from the information provided I have a concern regarding the changes with the bicycle storage.

The changes show covered Sheffield stands in the communal areas of entrance A and entrance B. Any external cycle storage should be in a lockable container only accessible to residents. 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.

Crime Prevention and community safety are material considerations. If London Borough of Merton are to consider granting consent, I would seek that the following conditions details below be attached. This is to mitigate the impact and deliver a safer development in line with Merton Core Strategy, London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

Suggested two part condition wording:-

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site ([www.SecuredbyDesign.com](http://www.SecuredbyDesign.com))

5.18 Environment Agency - No objection subject to conditions

5.19 Councils Flood Officer - No objection subject to conditions

5.20 Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

“No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide ‘working near our assets’ to ensure your workings will be in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

“A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

If you are planning on using mains water for construction purposes, it’s important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 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.

#### 5.21 Transport For London (TFL) – Original comments

It is proposed to widen the existing footway on Station Road, which is welcomed. To maximise the benefits to pedestrians, and in accordance with TfL's Streetscape Design Guidance, the width of the footway should be increased so that it is a minimum of 2m. It should also be noted that the current proposal shown in plan reference 19175-01-002 H would also provide a carriageway width between 3.81m-3.98m (excluding on-street parking) which is considered unsafe for cyclists as it increases the risk of collisions with vehicles attempting to overtake (see London Cycling Design Standards 4.4.2).

A plan submitted with the application demonstrates the provision of a shared footway/cycleway on the A24 Merantun Way (drawing reference 19175-01-006 B). The design does not meet the recommended criteria for the design of cycle tracks, and is unacceptable for the following reasons:

- a. London Cycling Design Standards (LCDS) require a minimum width of 2m for two-way on-carriageway cycle tracks, based on very low to low cycle flows. The proposed design would not provide sufficient space for a shared facility with pedestrians, especially without understanding the anticipated cycle flows.
- b. The proposed lane width at the junction with High Path is 3m which is below the minimum requirement of 3.2m to accommodate buses.
- c. It is not clear how users of the shared footway/cycleway would safely cross the junction with High Path, and this may need to be signalised.
- d. In order to accommodate a footway/cycleway that is compliant with recommended design standards, accessible and safe, a section of the grass verge will be required. To compensate for the loss of green infrastructure, the development should provide a net increase within the site boundary. This is important for sustainable drainage, and to provide a buffer between the proposed residential properties and the highway, to mitigate impacts from noise or air pollution.

An Arboricultural Report has been submitted with the application which suggests that some pruning is required for the trees located on the A24.



The applicant must obtain agreement with TfL's Green Infrastructure team prior to commencing any works to the trees.

It is proposed to provide 3 car parking spaces for Disabled persons, which is compliant with the Intend to Publish London Plan (December 2019). It is requested that residents are excluded from applying for parking permits in the local CPZ and that this is secured through the Section 106 agreement. In line with the Intend to Publish London Plan, all car parking spaces should be equipped with infrastructure for electric vehicle charging.

The applicant has suggested that the existing CPZ could be extended to incorporate Station Road, which would be supported by TfL.

A total of 130 long-stay cycle parking spaces are proposed for residents, which is compliant with the Intend to Publish London Plan. It is understood that all of these will be formed of two-tier racks, which is not acceptable. LCDS notes that two-tier racks are not suitable for all users, and therefore the proposed cycle parking for residents would not meet accessibility requirements under the 2010 Equality Act. It is requested that at least 5% of the cycle parking should be able to accommodate larger or adapted cycles for full compliance with Policy T5 of the Intend to Publish London Plan. For any remaining two-tier racks, the dimensions should be provided to confirm compliance with LCDS. The provision of short-stay cycle parking for visitors should also be confirmed.

For compliance with the Intend to Publish London Plan there should be 1 long stay cycle parking space and 10 short stay spaces provided for the commercial use, designed in accordance with LCDS.

The TA assumes a zero-low car mode share for future residents of the site and the commercial premises. Whilst no standard car parking is proposed on-site, and residents will be excluded from parking permits, there is parking available on-street which is not regulated. Therefore the number of vehicle trips anticipated in the TA is underestimated.

In addition, the forecast servicing and delivery trips is based on a combination of TRICS data and survey data from 3 individual sites. Both datasets are considered outdated, and it is likely that there would be a greater number of delivery trips, particularly by van, associated with the residential development.

It is proposed that large vehicles servicing the site would reverse along Station Road from High Path, as they currently do to access existing properties on Station Road. Although this may be the case, vehicles reversing along this section presents a hazard for vulnerable road users,

particularly cyclists. A Delivery and Servicing Plan (DSP) should be secured by condition.

TfL requests that a Construction Logistics Plan (CLP) is secured by condition and prepared in accordance with TfL's guidance.

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan towards the funding of Crossrail. The rate for Merton is £60 per square metre of floor space.

Based on the information currently provided, TfL is unable to support the application. Further information is requested to address the above points.

#### TfL Comments on amended plans

With respect to the proposed footway width on Station Road, it is accepted that the proposals would benefit pedestrians by removing the on-footway parking. A footway width of 1.8m is considered acceptable according to TfL's Streetscape Design Guidance, when 2m is not possible due to physical constraints. However by widening the footway to only 1.8m and providing formalised car parking on-street will create a carriageway width that is considered unsafe for cyclists (see diagram below). Whilst it is noted that the existing situation with informal car parking is not ideal for cyclists and that Station Road is currently promoted as a cycle route, the proposed highway design should ensure that it does not create new highway safety issues. As Highway Authority it is ultimately the decision of the Council, however TfL would encourage the Council to prioritise road safety in line with the Mayor's Vision Zero objective.

It is confirmed that the shared footway/cycleway on Merantun Way demonstrated by the applicant was only for indicative purposes to show that this could be achieved with the proposed development. As TfL does not support this proposed design it should be clear that this does not form part of any planning permission. However, as noted in TfL's initial comments to provide the shared footway/cycleway to the appropriate standards will require part of the existing verge. To compensate a loss of green infrastructure, the development should seek to provide a net increase on the southern boundary.

The provision of electric vehicle charging infrastructure in line with the intend to publish London Plan should be secured by condition.

Following changes to the proposed residential development, the total of 126 cycle parking spaces is accepted. This will include 14 Sheffield stands and include visitor cycle parking. It is noted that cycle parking for the commercial use is not provided at this stage since the specific use is not

confirmed. The intend to publish London Plan policy T5 states that “where the use class of a development is not fixed at the point of application, the highest potential applicable cycle parking standard should be applied”. It is requested that cycle parking compliant with the minimum London Plan standards is secured by condition and included in the tenant lease agreement.

The proposed trip generation is accepted, based on the intention to extend the CPZ which is supported by TfL.

With respect to servicing and deliveries, TfL raised concern about vehicles reversing along Station Road. An option has been suggested utilising the turning head, which although not ideal as it would still require some reversing manoeuvres, would be more suitable than reversing for a longer distance along Station Road.

#### 5.22 Design and Review Panel (25 September 2019)

The Panel commended the applicant on the level of research undertaken of the local history and context and how this had been evolved into the proposed design. The Panel generally liked the design, felt it was skilful and felt it had a number of good features. The pitched roof form was also liked though this needed to have a clear relationship with the rest of the building.

The main issues the Panel raised were that it felt the site was overdeveloped and, for the number of units, did not have sufficient amenity space. This was in contrast to the general architecture and appearance, which the panel liked and thought accomplished.

These issues were apparent in a number of ways. The physical presence of the elevation was felt to be uncompromising, despite its accomplished appearance. This needed to be addressed by ensuring the three elements of the form were clearly distinguishable. This should be done by recessing significantly further the intermediate forms and lowering them.

The building was also felt to be too close to the listed wall to enable any meaningful landscaping to take place. The building should therefore be set back further from the wall. These two changes would create a lot more space around the building that could be used for amenity space. Recessing the arched entrances would also be of benefit.

The Panel were supportive of the high number of dual aspect units, but felt that some units were becoming quite deep. In conjunction with other suggested changes, the Panel were relaxed about removing one of the five cores to create more flexibility in the design. It was also suggested

that the recessed intermediate forms should become solely cores and extend visually through the whole building – further reinforcing a sense of space. Once the amenity issues had been successfully addressed, the Panel had no objection in principle to some degree of upper floor cantilevering.

The general concerns about mass and imposing feel were also raised in the context of the effect on the houses to the north. Overall the building needed more breathing space and it was felt that it would not represent good quality family living given the number of families likely to live there. The proposals scores high on appearance, but poor on scale and how the development worked.

VERDICT: AMBER

#### 5.23 Councils Tree and landscape Officer

There is a row of Lime trees growing adjacent to Merantun Way and adjacent to this site. These trees were planted at the end of site works circa 1987, and have put on little growth since then. The arb expert is correct in thinking they were planted to enhance the appearance of the development as part of the overall landscaping. They remain important features along this busy road.

The setting back of the building to create an approx. 2m green communal border would be good for the trees and create a new rooting habitat for them to explore. However, this is likely to lead to increased growth, and in the event of this development being constructed, larger trees and larger problems. The arb expert does not think that these trees will present a problem in relation to shading, despite the fact this side of the development would be south facing. However, one comment cannot account for personal preferences of the future residents and in such close proximity to the tree, there is a likelihood of these trees growing to their full natural size, and so it is inevitable that this approach will change at some point. The arb expert recommends the canopy of these trees are cut back. It may be possible to accomplish this without affecting the overall shape and form of some of the trees. However, it may not be true for all of them. In such close proximity, the shape and form of the trees will become one sided as efforts are made to maintain the 2 m gap, and this could lead to a far harsher form of tree management in the future.

I would suggest that that a larger gap is created to protect against the future pressures of undesirable tree management.

#### 5.24 Councils Green Spaces Team – No response

- 5.25 Natural England – No objection
- 5.26 Canal and River Trust – No objection
- 5.27 Councils Daylight/Sunlight Consultant

We have been instructed to review the impact that the proposed development will have on the daylight and sunlight to neighbouring properties. We have also been instructed to undertake a review of the light levels within the development itself.

We have been provided a copy of the 3D model utilised for the purpose of Calford Seaden's analysis. From the spot checks we have undertaken we have found that both the model and the numerical data pertaining to it to be accurate. However, we do not entirely agree with Calford Seaden's interpretation of the BRE guidelines or the way they explain the numerical data. The main focus of this report is therefore to put forward our interpretation of the numerical results. In any event, this leads us to a similar conclusion to that reached by Calford Seaden albeit by a different route.

Our interpretation of the results is undertaken with reference to the recommendations laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair 2011.

The results confirm that the proposed development does not fully comply with the standard BRE numerical guidelines. However, the BRE guide notes that the numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design. Taking this into account, when considering the impact on existing neighbouring properties, we agree with Calford Seaden's opinion that the breaches of the daylight and sunlight guidance in the case of the Abbey Wall Works development are not too extreme or unreasonable.

We note that the results confirm that the majority of the proposed rooms achieve compliance with the BRE recommendations. However, to confirm the acceptability of the daylight/sunlight attainable by the proposed dwellings, we would recommend additional testing is adopted to account for the existing trees at the site.

Following a response from the applicant on the above, the Daylight/Sunlight Consultant states:

They have reviewed the addendum presented by Calford Seaden and understand that the findings confirm that the trees will not materially affect

the overall number of units being able to achieve satisfactory levels of daylight. Whilst it appears that the impact on direct sunlight has not been considered as part of this addendum, we assume a similar non material affect would apply.

Following the above, we agree with Calford Seaden's assessment that the majority of the proposed units will provide satisfactory levels of daylight and good access to direct sunlight.

5.28 Councils Climate Change Officer

Formal comments to be provided before committee

5.29 Councils Air Quality Officer

No objection subject to the following conditions and S106 agreement:

1. Construction Environmental Management Plan / Dust Management Plan

1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:
  - a) An Air quality management plan that identifies 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. To include continuous dust monitoring.
  - b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

2. Non-Road Mobile Machinery (NRMM)

All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the GLA 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning

Guidance (SPG) dated July 2014, or any successor document, shall comply with the emissions requirements therein.

Reason: To ensure the development does not raise local environment impacts and pollution.

### 3. Ultra-Low NOX Boilers

1. Unless otherwise agreed in writing with the Local Planning Authority, no boiler or Combined Heat and Power (CHP) shall be installed within the development hereby approved, other than one that incorporates and has installed abatement technology to reduce emissions to below 0.04 gNOx/kWh.

2. All systems shall be maintained in accordance with the manufacturer's instructions.

Reason: To minimise the NOx emission.

Other Conditions to note but that are likely to be picked up by Transport colleagues; Construction Logistic Plan, Delivery and Servicing Plan, Cycle provision and Electric Charging provision.

#### Request for Section 106 contribution to fund staffing

The Regulatory Service Partnership (RSP) currently have the responsibility to regulate the environmental impact of development in Merton including ensuring compliance with legal objects and the planning consent. It is a devolved service that has a number of responsibilities both proactive and reactive.

These responsibilities include, but are not limited to:

- Review and implementation of a number of important Site Management Plans including ensuring compliance and reporting.
- Dealing with complaints about, and requests for information about the site and its impact upon the surrounding areas.
- Monitoring and reporting activities during the development of the site.
- Compliance monitoring of site equipment in line with the NRMM requirements.
- Site liaison, communication and partnership working.

Largescale demolition and construction sites, particularly where these have attracted a large number of objections can have a significant impact on staffing in the RSP. Therefore we seek additional resourcing to deal

with the managing of any the environmental impact from the site that falls upon the local authority. This cost should fall to the developer and not the tax payer.

Based on the size of the site, we would recommend a contribution of £3K towards;

- the regulation of the site during the demolition and construction phases as defined above.
- actions within the Air Quality Action Plan.

## 6. **POLICY CONTEXT**

### 6.1 Merton Sites and Policies Plan – 2014 (SPP)

DM C1 Community facilities  
DM C2 Education for children and young people  
DM E1 Employment areas in Merton  
DM E3 Protection of scattered employment sites  
DM E4 Local employment opportunities  
DM H2 Housing mix  
DM H3 Support for affordable housing  
DM O2 Nature Conservation, trees, hedges and landscape features  
DM D1 Urban design and the public realm  
DM D2 Design considerations in all developments  
DM D4 Managing Heritage Assets  
DM EP2 Reducing and mitigating noise  
DM EP3 Allowable solutions  
DM EP4 Pollutants  
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T5 Access to the road network

### 6.2 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

CS1 Colliers Wood  
CS8 Housing Choice  
CS9 Housing Provision  
CS11 Infrastructure  
CS12 Economic Development  
CS13 Open Space, Nature Conservation, Leisure and Culture  
CS14 Design



CS15 Climate Change  
CS16 Flood Risk Management  
CS17 Waste Management  
CS18 Active Transport  
CS19 Public Transport  
CS20 Parking, Servicing and Delivery

### 6.3 London Plan (2016)

3.3 Increasing housing supply  
3.4 Optimising housing potential  
3.5 Quality and design of housing developments  
3.6 Children and young people's play and informal recreation facilities  
3.8 Housing choice  
3.9 Mixed and balanced communities  
3.10 Definition of affordable housing  
3.11 Affordable housing targets  
3.12 Negotiating affordable housing on individual private residential and mixed use schemes.  
3.13 Affordable housing thresholds  
4.1 Developing London's economy  
4.7 Retail and town centre development  
4.8 Supporting a successful and diverse retail sector and related facilities and services  
5.1 Climate change mitigation  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.7 Renewable energy  
5.10 Urban greening  
5.11 Green roofs and development site environs  
5.13 Sustainable drainage  
5.15 Water use and supplies  
5.17 waste capacity  
6.3 Assessing effects of development on transport capacity  
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.

- 7.21 Trees and woodland
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

#### 6.4 **Other**

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2017
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017
- National Design Guide (2019)

### 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relate to the principle of development, design, visual impact and heritage assets, neighbour amenity, standard of residential accommodation, flooding and drainage, transport and parking, biodiversity, contamination, sustainability, archaeology, air quality, trees and affordable housing.

#### 7.2 **Amendments**

7.2.1 The height and massing of the western section of the proposed building has been reduced. This design change has resulted in a reduction in the number of units from 72 to 70 (no reduction in the amount of affordable housing) and internal alterations to the layout of flats. Other changes include alterations to windows on the eastern end of the building, changes to the rooftop landscaping at third floor level, removal of supermarket from the proposed Class A1 usage, changes to the design/amount of on-street car parking bays, removal of loading bay (replaced with yellow lines) and an increase in cycle storage.

#### 7.3 **Principle of development**

7.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.3.3 NPPF - Paragraph 122 explains planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of

development, and the availability of land suitable for accommodating it; the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.

- 7.3.3 NPPF Paragraph 123 states that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Loss of employment land and provision of Commercial Uses

- 7.3.4 The existing industrial uses are considered as an existing scattered employment site as they are an employment generating use which is located outside of a designated town centre and designated employment area. In this instance, the proposal would result in the complete loss of the existing type of employment use on the site. It is however proposed to include an element of commercial within the redevelopment of the site. In considering the principle of the proposed development it is necessary to acknowledge Policy DM E3 (Protection of scattered employment sites) of the Council's Sites and Policies Plan which seeks to protect scattered employment sites (such as the application site). The loss of scattered employment sites is resisted by DM E3 (a) except where;

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;
- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,
- iii. It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months (2½ years).

Policy DM E3 (b) states that the council will seek measures to mitigate against the loss of employment land which may include;

- i. Providing employment, as part of a mixed use scheme on-site; or,
- ii. Providing alternative sites for employment use (for instance, 'land swaps').

- 7.3.5 The existing uses on the site offer a limited number of jobs given the type of uses currently taking place (car repair garages). In principle, the loss of the existing employment use on the site is considered to be acceptable as

it will be replaced with another type of employment use which is likely to offer a similar number of jobs.

- 7.3.6 The proposed commercial use would occupy a small commercial unit. The application seeks to provide some flexibility in the type of commercial use, to help ensure that the unit does not become vacant. There is a wide variety of different uses proposed that could take up the unit (see section 3.2 of committee report). The potential uses (for example hairdressers, dry cleaners, estate agents, offices, health centre or restaurants etc) will provide not only jobs but could provide useful services. These could directly benefit of both the existing population as well as the emerging uplift in residents with new developments being delivered, such as the High Path Estate regeneration. Sequentially this is a site that provides an opportunity to serve existing/proposed residents.
- 7.3.7 As such, it is considered that the principle of the proposed mixed use development, including the loss of the existing uses, is generally suitable given the number of jobs created, site characteristics, neighbouring residential properties and the existing use impacts.

#### Residential

- 7.3.8 The National Planning Policy Framework 2019 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the construction of additional dwellings at locations with good public transport accessibility.
- 7.3.9 Policy 3.3 of the London Plan states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.
- 7.3.10 Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.3.11 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:
- All the main housing targets have been met for 2017/18.
  - 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
  - 2013-18 provision: 2,686 net units (813 homes above target)

- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.

7.3.12 While a robust five years supply has been achieved in Merton, the housing need is increasing in London. The borough's Core Planning Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including development in 'sustainable brownfield locations' and "ensuring that it is used efficiently" (supporting text to Policy CS9). The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties.

7.3.13 Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the 'London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019', and which is expected to be adopted later this year. This significant increase will require a step change in housing delivery within the LBM.

7.3.14 The application seeks to create 70 residential units which will make a modest contribution to meeting housing targets and would provide a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies.

#### 7.4 **Design, visual impact and heritage assets.**

7.4.1 The National Planning Policy Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. It states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.4.2 The regional planning policy advice in relation to design is found in the London Plan (2016), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.4.3 Planning policy DM D2 (Design considerations in all development) of Merton's Site and Polices Plan 2014 seeks to achieve high quality design

and protection of amenity within the Borough. Proposals are required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of the surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

#### Demolition

- 7.4.4 The existing buildings on the site have little architectural merit. The existing buildings have been there for some time, however, these are industrial/warehouse in nature and do not make a positive aesthetic contribution to the visual amenities of the area. Therefore there is no objection to their demolition subject to a suitable development replacing them.

#### Form

- 7.4.5 The proposed building would be a part three, part four (plus roof), part five (plus roof) building. Due to the context of the site, the building has been spilt into three elements, divided by two, recessed link sections. These links, would have a subordinate design approach with the rest of the building, being three stories in height and set back from both the front and rear building lines. The overall form of the building seeks to make best use of the site, whilst having suitable visual breaks in the building.

#### Aesthetics

- 7.4.6 The overall design approach and detailing is considered to be of a high standard. The predominate use of brickwork is welcomed by officers as this responds to the main building material in the area and would ensure a high quality lasting finish to the building. The building would also include references to the arts and crafts movement with its brickwork detailing, delicate metal balustrade designs and copper metal paneling patterns to the surrounds of the residential entrances. Materials and detailing on the main sections of the building are considered to give the building a traditional character and appearance. The linked sections would incorporate copper panels and a more modern design approach. This contrasting approach is supported as it adds visual interest to the design and helps break up the massing of the building. Requirements relating to the buildings detailing, including materials, window reveals and metal cladding can be secured via planning condition to ensure that these elements as shown on the submitted plans and CGI's are delivered to a high standard.

#### Height

- 7.4.7 Consideration of matters of massing and height may reasonably be informed by the application of both London Plan and local planning policies and supplemented by the Council's Tall Building Background paper which helped shape core strategy design policy and its justification.
- 7.4.8 The London Plan defines tall and large buildings as those buildings that are 'substantially taller than their surroundings, cause a significant change on the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor'.
- 7.4.9 Considering the London Plan definition, any building that has a significant impact on the existing scale and character of an area through height can be considered a tall building. In the context of Merton, where most of the borough is characterised by 2 storey suburban houses, any building of 4 storeys or higher could be considered a tall building in these locations.
- 7.4.10 The London Plan requires that 'tall buildings should always be of the highest architectural quality, (especially prominent features such as roof tops) and should not have a negative impact on the amenity of surrounding uses'.
- 7.4.11 The LBM Tall Buildings paper indicates that "overall it is considered that suburban neighbourhoods in the borough are unsuitable locations for tall buildings, based on the distinct low scale and cohesive character of these areas, and their locations which are generally outside of centres in areas with low accessibility".
- 7.4.12 The site is considered to be within a urban area, with the site fronting the busy Merantun Way, and being located in close proximity to existing large scale developments, including the High Path Estate and the new Harris Academy School. The building replaces the existing low-level industrial units and would be located opposite two storey Victorian housing. Therefore any redevelopment of the site, which seeks to maximise its redevelopment potential, as required by NPPF, would naturally result in a more intensive and a taller form of development.
- 7.4.13 In regards to context of the site, it is acknowledged that two storey housing to the south of the application site is more domestic in scale, however the surrounding area (including the sites within the Conservation Area), includes a number of higher dense developments within close proximity of the application site. For example:
- 40 Station Road - comprises a two story building with accommodation at roof level.
  - 7 Abbey Road (Kemsscott House) - A four storey (10.8m high) block of flats is located opposite the application site to the north-

west at the junction between, Station Road, High Path and Abbey Road.

- Merton Abbey Mills - ranges from large single storey commercial units, 2 storey historical core and up to seven storey residential buildings.
- 42 Station Road (Eddie Katz) – A large single storey unit industrial unit located at the eastern end of Station Road
- Sainsbury - A large double height superstore building located to the east of the application site.
- 59-63 High Path (Harris Academy) - A five storey school (21m high) to the west of the application site. Currently under construction and within the final stages of completion.
- High Path Estate - The area is also defined by the emerging regeneration of the High Path estate. The outline planning approval has permitted a range of buildings of high density ranging from 1 to 10 stories in height.

7.4.14 Paragraph 22.20 of the Core Planning strategy states:

“Merton's Tall Buildings Background Paper (2010) advises that tall buildings are generally not appropriate within the borough due to its predominately suburban low rise character, and will be resisted in all areas of the borough where they will be detrimental to this valued character. Tall buildings may be suitable in areas of the borough where all of the following factors are present:

- Regeneration or change is envisaged
- Good public transport accessibility
- Existing higher building precedent”

7.4.15 In response to these criteria, officers conclude that:

- The site is within an area where change is envisaged, particularly given the higher housing targets of the draft London Plan.
- Public transport in the vicinity of the site is moderate but would be improved by the proposed development, given the contributions to improved walking/cycling facilities.
- Higher buildings (similar or taller than that proposed) already exist in the area, see section 7.4.13 of committee report for details. It should also be noted that the higher element of the proposed design is located at the western end of the application site in order to address the corner.

7.4.16 The height of the proposed development is therefore considered to respond satisfactorily to the context of the street scene and wider context, whilst helping the site deliver the optimum amount of much needed



housing.

### Massing

- 7.4.17 As stated above, the design has been split the building into three distinctive elements, all of which are separated by two recessed, links. This design approach is welcomed as the gaps and their recessed building lines will help reduce the overall massing of the building when viewed from neighbouring properties and within the street scene. The recessed design and change of materials of the roof levels are also considered to help deliver new housing whilst reducing the overall massing of the building.
- 7.4.18 During the application process, part of the western block was reduced in height and massing so that this part of the building (located opposite 2 – 6 Station Road), would appear (from street level and 2 – 6 Station Road) as per the remaining part of the development to the east. Officers consider that there is scope to retain the higher five storey element of the western block, as it sits on a wider section of highway and not directly opposite the frontages of adjacent housing. Further, the western section adds to the character of the development, providing a distinct bookend to the site.
- 7.4.19 On balance, whilst it is noted that the massing is clearly more substantial than the two storey houses on the opposite side of Station Road, the proposed massing would not appear out of keeping with existing larger buildings in the area and emerging redevelopment of neighbouring sites.

### Landscaping

- 7.4.20 The proposal includes two soft landscaped amenity spaces at third floor level, which is considered to be an effective design feature that has been well designed into the scheme considering the constraints of the site (size and shape of plot). The amenities areas have been designed to provide communal outdoor spaces (in addition to private balconies and gardens) with soft landscaping and provision of playspace equipment (secured via condition). The landscaping proposals have also been designed (planting beds) to move persons away from the edge of the building to help restrict views towards the houses on the opposite side of Station Road.
- 7.4.21 There is scope to provide two Cherry Trees in the rear amenity spaces fronting Merantun Way (one in each area) and a good quality tree (semi mature London Plain suggested) at the eastern end of the site, adjacent to the onsite disabled car parking spaces. The applicant has however stated that a tree in this location had been considered but could be problematic given ground conditions (underground services). A planning condition requiring full details of landscaping (including further investigation of a new

tree as per the above) can ensure that the site delivers high quality and successful landscaped areas.

#### Impact upon heritage assets

7.4.22 Merton's Site and Policies Plan policy DMD4 (Managing Heritage Assets) seeks to conserve and where appropriate enhance Merton's heritage assets and distinctive character. The policy states that proposals affecting a heritage asset or its setting should conserve and enhance the significance of the asset as well as its surroundings and have regard to the following:

i. The conservation, or reinstatement if lost, of features that contribute to the asset or its setting. This may include original chimneys, windows and doors, boundary treatments and garden layouts, roof coverings or shop fronts. In listed buildings, internal features such as fireplaces, panelling, ceilings, doors and architraves as well as the proportion of individual rooms may also be of significance.

7.4.23 The NPPF 2019 Part 16 outlines the importance of preserving heritage assets and key tests for a planning application.

7.4.24 NPPF 2019 states that a Heritage asset is:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

7.4.25 Paragraph 193 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7.4.26 Paragraph 195 of NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

7.4.27 Paragraph 195 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.4.28 Paragraph 200 of NPPF states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

7.4.29 Paragraph 201 of NPPF states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

7.4.30 In this instance, the heritage assets are as follows:

- Wandle Valley Conservation Area
- Grade II Listed Wall
- Listed Lampposts
- Merton Priory
- Merton Abbey Mills

#### Wandle Valley Conservation Area

7.4.31 The application site is located in the Wandle Valley Conservation, forming part of its western boundary. The Councils Character Assessment states that the origins and development of the Conservation Area are entwined with the River Wandle on which the designation of the area is based, and which has been a focus for settlement and industry from and before the

Roman period. The Wandle Valley Conservation Area has been split into 6 sub areas, the application site is located in sub area 3 – Merton Priory).

Sub area 3 is identified as:

“An area extending between Merton Once the site of several watermills, High Street to the north and Windsor one dating to Domesday. The Avenue to the south it embraces part of National Trust land is an important the site of Merton Priory, and includes riverine wet land area and is now the present Merton Abbey Mills Craft nature reserve. Market. It has been the site of various industries since the Dissolution of the Merton Council will take this character Priory in the 16th century”.

7.4.32 As set out above, the proposed development is considered to be a high quality design that responds positively to the character and appearance of the street scene and surrounding area. Whilst it is noted that the building would be a more intense form of the development, particularly when seen adjacent to two storey housing, it should be noted that the Conservation Area is identified as having rich industrial history which is reflected by larger non-domestic buildings.

7.4.33 The proposal use of brickwork, arched window designs and roof forms take inspiration from the industrial context in the Conservation Area and the building detailing (brick detailing, detailed balustrades and copper pattern panels) take inspiration from the arts and crafts movement in Merton Abbey Mills.

7.4.34 The Councils Conservation Officer is generally supportive of the design, however she raises concerns with the size and massing of the development and its major impact on the setting of the adjacent heritage assets. These concerns are noted. The proposed building would be visible from both the east and west, however officers note that the application site would be separated from these heritage assets by the evolution of the Conservation Area, including new development (including buildings of a similar or taller height) and the Merantun Way carriageway (plus roundabout). These elements define the area and provide a physical barrier between the application site and the adjacent heritage assets. Officers consider that the design will be high quality and the scale and massing of the development are appropriate. It is therefore considered that the proposed development would high quality, would respect the context of the area, would not appear out of keeping and is therefore would preserve the adjacent heritage assets, including the Wandle Valley Conservation Area.

Listed Wall

7.4.35 Heritage England raise no objection to the proposed works to the listed wall and the setting of the proposed development. They state that despite the walls special architectural and historic interest, and extensive conservation work in the mid-2000s, the presentation of the wall is poor in part due to its immediate light industrial context. The re-development of the site and works to the wall are therefore supported.

7.4.36 In general terms the proposals will allow the wall to be more plainly visible as a heritage asset within the context of Station Road, enhancing its primary role in the definition of the Conservation Area and re-instating its position as a boundary marker for the conservation area. The current condition of the wall on the southern face is, in places very poor and these areas will be repaired and made good as part of the scheme. The proposals will see the removal of the current gate fixings and replacement gates fitted. No new openings will be made and the gate piers will be repaired like-for-like were damaged.

7.4.37 The rhythm of the current spacing's between the various sections of the wall will be kept and the legibility of the wall enhanced by the opening up landscape. The new gates will provide a uniformity and visual clarity that is currently lacking along the length of the wall.

7.4.38 The existing industrial buildings and signage attached to the wall would be demolished/removed from the wall. This is considered to be a major improvement itself. The proposal would widen the southern footpath, address the poor parking in the street and the building would be set away from the wall to give it some breathing space. Overall, the proposal is considered to enhance the listed wall, which is supported by officers.

#### Listed Lampposts

7.4.39 The two listed lampposts located outside 12 and 34 Station Road would not be affected by the proposed development. In fact, the improvements to the listed wall, opening up of the southern footpath and formal arrangement of car parking on the southern side of the Station Road are considered to improve the setting of the listed lampposts.

#### Merton Priory

7.4.40 The importance of Merton Priory is acknowledged, however it must be noted that the ancient monument is predominately located underground. The application site is located to the west of the monument and some distance away from the main part of the monument. The design of the proposed building is considered to be acceptable and therefore there is no demonstrable harm caused to the ancient monument to justify refusal of

planning permission. Historic England have recommended suitable conditions in order to ensure that any archaeology remains discovered are captured.

#### Abbey Mills

7.4.41 To the south east is the historic site Merton Abbey Mills. Merton Abbey Mills is a former textile factory near the site of the medieval Merton Priory, now the home of a variety of businesses, mostly retailers. The site contains two listed buildings; the grade II listed Wheel House and the Grade II listed Colour House at Mistery's Print Works. A large public highway separates the application site from Merton Abbey Mills. A number of large trees also provide some screening between the two sites. Therefore the proposed development is partly screened and well distanced from Merton Abbey Mills. In any event, the design of the proposed development is considered to be high quality and in keeping with the existing and proposed context in the area. It is therefore considered that the proposal would preserve the character, appearance and setting of Merton Abbey Mills and the listed buildings on the site.

#### Heritage Assets Conclusion

7.4.42 As set out above, the design of the development is considered to be of high quality in terms of appearance and character and would be appropriate in terms of height and massing in this context. At street level, the proposed development is considered to improve the visual amenities of the street scene, with improvements to the setting/condition of the listed wall, formalisation of car parking on the southern section of Station Road only and widening of the public pavement. The proposed building would respect the context of the site, wider area and as such would preserve the setting and character of all the surrounding heritage assets.

#### Design, visual impact and heritage assets Conclusion

7.4.43 The proposal would replace the existing buildings on the site which have no architectural merit and given the light industrial uses poorly interact with the street scene in terms of urban design. The overall design approach to the proposed building is considered to be high quality.

7.4.44 Officers acknowledge that the proposed building would be larger than the two storey housing opposite in Station Road, however, the application site is located within an area where there already exist a mix of larger buildings, both in and outside the Wandle Valley Conservation Area. The existing site is considered to be capable of delivering a higher dense development than currently exists. The proposal is considered to be a more dense form of development, however its design approach is considered to be high quality and one that responds to the existing

development in the area and the evolving wider context. The development is considered to preserve the Wandle Valley Conservation Area and would also be inline with the objectives of the NPPF which seeks to deliver developments that make optimal use of the potential of each site. Overall, the proposal is considered to add to the character of the area in a positive form.

## 7.5 **Density**

- 7.5.1 Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating.
- 7.5.2 The area has a public transport accessibility level (PTAL) of 3-4, where 1 is poor and 6 is excellent. It is considered that the site is located within an urban area for the purposes of Table 3.2 of the London Plan, given the nature of surrounding built form and the criteria set out in the supporting text to Table 3.2 (density matrix) of the London Plan.
- 7.5.2 The proposed development would have a density of 985 habitable rooms per hectare.
- 7.5.3 The proposed density is above the relevant density range (45- 185 units per hectare and 200-700 habitable rooms per hectare), as set out in Table 3.2 for the setting (Urban) and PTAL 3.
- 7.5.4 In terms of the emerging London Plan, Policy D6 (Draft London plan Policy) sets out that:
- “Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:
1. the site context
  2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
  3. the capacity of surrounding infrastructure”
- 7.5.5 The emerging London Plan does not include a density matrix as it does not necessarily provide a consistent means of comparing proposals.
- 7.5.6 Whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable; London Plan paragraph 3.28 states that it is not appropriate to apply the density range mechanically. The potential for additional residential development is better considered in

the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.

7.5.7 The London Plan states that development at densities outside table 3.2 will still be considered, however require particularly clear demonstration of exceptional circumstances. In this instance, it is considered that the proposed residential quality is of an high enough standard to justify the higher density proposed in this medium PTAL location.

**7.6 Housing mix**

7.6.1 Planning policy DM H2 (Housing Mix) of the Sites and policies Plan state that to create socially mixed communities, creating for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the Borough. In assessing development proposal the Council will take account of Merton’s Housing Strategy (2011-2015) borough level indicative proportions of 33% (one bed), 32% (two bed) and 35% (three plus bed). The proposed development would have a housing mix as follows:

Housing Mix	Number	Percentage	Merton’s policy
Studio	5		
1 bed	21	37.14%	33%
2 bed	35	50%	33%
3 bed	9	12.86%	33%

7.6.2 Whilst the proposal does not strictly meet the housing mix requirements, the Borough level is indicative having regard to the site circumstances, site location and economic provision such as financial viability. The proposal is considered to offer a good range of unit sizes, including 62.86% of family sized accommodation. With regards to the affordable housing, these units would all be located in the eastern section of the building. The five London Affordable Rent would all be three bedroom flats served by core 3. The Council welcomes the affordable units being the three bedroom flats as these offer affordable family sized accommodation.

**7.7 Neighbour Amenity**

7.7.1 London Plan policies 7.6 and 7.7, CS policy 14, and SPP policy DM D2 seek to ensure new developments do not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that



proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.

### Sun and Daylight

- 7.7.2 The Building Research Establishment (BRE) numerical guidelines should be considered in the context of the National Planning Policy Framework (NPPF), which stipulates that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. The NPPF states:

“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

- 7.7.3 The applicant has submitted an independent sun, daylight and overshadowing report produced by GIA. The report confirms that daylight, sunlight and overshadowing are compliant with BRE Guidelines. The report has been independently assessed by Right of Lighting Consulting (as instructed by the Council). The independent assessor confirms that they agree that the retained levels of daylight to existing neighbouring properties is acceptable when considering the context of the site. The impact on daylight distribution and direct sunlight to existing properties can also be considered acceptable.

- 7.7.4 It should also be noted that the above sun and daylight assessment was carried out on the original design. Since then, the scheme has been reduced in scale. Therefore presenting an improvement on sun and daylight factors already considered acceptable under the original design.

### 2 – 38 Station Road

- 7.7.5 These neighbouring properties are located to the north of the application site. These neighbouring properties would be located opposite the 4/5 storey elements of the proposed building. The proposed building would be separated from the application site by Station Road carriageway (approximately 5.7m (min) wide). There would be a separation distance of approximately 22m (max) and 20m (min) between the frontage of these neighbouring properties and the frontage of the proposed building. These neighbouring properties also have good sized front gardens/driveways, of approximately 9m in depth.

- 7.7.6 The design of the building includes two, recessed three storey links and recessed top floors within the roof design. These are considered to be affective design tools which help reduce the overall massing of the building.
- 7.7.7 It is acknowledged that the proposed building would be taller and more dominant in the street scene, however it must be noted that the application site is separated from these neighbours by a public highway and the proposal would face the front of the houses. Having larger buildings opposite existing domestic scaled housing is not an uncommon relationship in urban areas. In addition, these neighbouring houses have good sized front gardens and front driveways, which helps provide some physical separation from the highway and further beyond to the application site. As set out above, the Councils indepdacnt assessor has confirmed agreement with the conclusions of the applicant's sun and daylight report and officers do not consider the proposal would be overbearing or have a harmful impact on outlook.
- 7.7.8 The development would include windows and balconies facing towards the houses in Station Road. Whilst a degree of overlooking would take place, the application site and these neighbours are separated by a public highway. This relationship in an urban area is common place and as such it would be difficult to argue that there would be no undue loss of amenity to warrant refusal of planning permission.
- 7.8.9 It should also be noted the application will bring some urban design benefits to both the general public and these neighbouring properties with the removal of the existing commercial units (with no architectural merit, impact on street car parking and overspill working onto the highway), improved setting of the listed wall/lampposts, formalised car parking (south side of Station Road only) and increased width of the southern pavement along Station Road.

#### 1 Station Road (Brook Farm House)

- 7.7.11 The adjoining site directly to the west of the application site is currently in a commercial use. The proposed development would therefore have no undue impact upon this neighbouring building. However, it is anticipated that the adjoining site could come forward for redevelopment, particularly if the application site secures planning permission. The scheme has been amended to remove the side facing windows in the roof of the western block and removal of the side amenity spaces to safeguard the potential redevelopment of this neighbouring site.

#### 70 – 72 Abbey Road

7.7.12 These neighbouring properties are orientated at a right angle to the application site. Station Road itself provides a physical barrier between the application site and these neighbouring properties. The property does include some side facing windows, however these appears to be secondary openings or serving non-habitable rooms. In any event, the proposed development is considered to be located far enough away from this neighbouring property to ensure that there would be no undue loss of amenity in this urban area. Officers acknowledge that the rear outdoor garden of 70 – 72 would have visual interaction with the proposal, however, in the urban context, officers do not consider this would be harmful.

#### 57 High Path (Car Wash)

7.7.13 The neighbouring site located to the west of the application site is currently being used as a car wash. Like the relationship with 1 Station Road, the development has been amended to ensure that the proposal does not prejudice future redevelopment of this neighbouring site. The neighbouring site is within a commercial use and is well distanced away to ensure that there would be no undue loss of amenity.

### **7.8 Standard of Residential Accommodation**

7.8.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 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.

7.8.2 Planning policy CS 14 (Design) of Merton's Core planning Strategy seeks to encourage well designed housing in the Borough by ensuring that all residential development complies with the most appropriate minimum space standards. The most up-to-date standards are the housing standards, minor alterations to the London Plan (March 2016).

7.8.3 In terms of the quality of the accommodation proposed, it is considered that the proposed flats would provide a satisfactory standard of accommodation for future occupiers. The proposed flats would exceed/meet minimum London Plan Gross Internal Area, room size and amenity space standards. Each habitable room would receive suitable light levels and adequate outlook. Given the shape of the site, some of the units have an unconventional layout, however each unit would meet minimum space standards.

Proposed GIA standards:

Flat No.	Level	Type	Proposed GIA (sqm)	Required GIA (sqm)	Compliant
Flat 1	Ground	2B/4P	72	70	Yes
Flat 2	Ground	2B/4P	73	70	Yes
Flat 3	Ground	2B/4P	70	70	Yes
Flat 4	Ground	2B/3P	61	61	Yes
Flat 5	Ground	2B/4P	71	70	Yes
Flat 6	Ground	3B/5P	87	86	Yes
Flat 7	Ground	3B/5P	90	86	Yes
Flat 8	Ground	Studio	38	37	Yes
Flat 9	Ground	2B/4P	72	70	Yes
Flat 10	First Floor	2B/4P	71	70	Yes
Flat 11	First Floor	2B/4P	73	70	Yes
Flat 12	First Floor	1B/2P	50	50	Yes
Flat 13	First Floor	Studio	38	37	Yes
Flat 14	First Floor	2B/4P	70	70	Yes
Flat 15	First Floor	2B/4P	70	70	Yes
Flat 16	First Floor	2B/4P	73	70	Yes
Flat 17	First Floor	2B/3P	62	61	Yes
Flat 18	First Floor	3B/5P	88	86	Yes
Flat 19	First Floor	1B/2P	51	50	Yes
Flat 20	First Floor	1B/2P	52	50	Yes
Flat 21	First Floor	1B/2P	50	50	Yes
Flat 22	First Floor	2B/4P	74	70	Yes
Flat 23	First Floor	Studio	37	37	Yes
Flat 24	First Floor	1B/2P	50	50	Yes
Flat 25	First Floor	1B/2P	53	50	Yes
Flat 26	First Floor	1B/2P	53	50	Yes
Flat 27	First Floor	3B/5P	88	86	Yes
Flat 28	Second Floor	2B/4P	73	70	Yes
Flat 29	Second Floor	2B/4P	73	70	Yes
Flat 30	Second Floor	1B/2P	50	50	yes
Flat 31	Second Floor	Studio	38	37	Yes
Flat 32	Second Floor	2B/4P	70	70	Yes
Flat 33	Second Floor	2B/4P	70	70	Yes
Flat 34	Second Floor	2B/4P	73	70	Yes
Flat 35	Second Floor	2B/3P	62	61	Yes
Flat 36	Second Floor	3B/5P	88	86	Yes
Flat 37	Second Floor	1B/2P	51	50	Yes
Flat 38	Second Floor	1B/2P	52	50	Yes
Flat 39	Second Floor	1B/2P	50	50	Yes
Flat 40	Second Floor	2B/4P	74	70	Yes
Flat 41	Second Floor	Studio	37	37	Yes
Flat 42	Second Floor	1B/2P	50	50	Yes
Flat 43	Second Floor	1B/2P	53	50	Yes
Flat 44	Second Floor	1B/2P	53	50	Yes
Flat 45	Second Floor	3B/5P	88	86	Yes
Flat 46	Third Floor	2B/4P	72	70	Yes
Flat 47	Third Floor	2B/4P	73	70	Yes
Flat 48	Third Floor	2B/4P	71	70	Yes
Flat 49	Third Floor	2B/3P	61	61	Yes

Flat 50	Third Floor	2B/4P	71	70	Yes
Flat 51	Third Floor	3B/4P	89	86	Yes
Flat 52	Third Floor	2B/3P	65	61	Yes
Flat 53	Third Floor	1B/2P	50	50	Yes
Flat 54	Third Floor	2B/4p	74	70	Yes
Flat 55	Third Floor	1B/2P	52	50	Yes
Flat 56	Third Floor	1B/2P	55	50	Yes
Flat 57	Third Floor	3B/5P	88	86	Yes
Flat 58	Fourth Floor	2B/4P	71	70	Yes
Flat 59	Fourth Floor	3B/5P	91	86	Yes
Flat 60	Fourth Floor	3B/4P	74	74	Yes
Flat 61	Fourth Floor	2B/4P	70	70	Yes
Flat 62	Fourth Floor	1B/2P	51	50	Yes
Flat 63	Fourth Floor	2B/3P	68	61	Yes
Flat 64	Fourth Floor	2B/4P	71	70	Yes
Flat 65	Fourth Floor	2B/3P	61	61	Yes
Flat 66	Fourth Floor	2B/4P	72	70	Yes
Flat 67	Fourth Floor	3B/5P	88	86	Yes
Flat 68	Fifth Floor	2B/3P	61	61	Yes
Flat 69	Fifth Floor	1B/2P	51	50	Yes
Flat 70	Fifth Floor	2B/4P	70	70	Yes

### Private Amenity Space

7.8.4 The London Plan 2016 (London Housing Design Guide) states that all dwellings should provide a minimum of 5 sq m private outdoor space for 1-2 bedroom dwellings and an extra 1 sq m for each additional occupant. The Policy also stipulates that the minimum depth and width for all balconies and other private external spaces should be 1.5m. All new flats would have direct access to appropriate private amenity space in addition to outdoor communal areas at ground and third floor levels. Some flats would have conventional balconies and some would have winter gardens/balconies. Some balconies would have an irregular shape due to the site constraints and shape of proposed building. However, overall it is considered that a good balance is struck between the provision of private outdoor space and size/shape of individual units.

### Proposed external (private) amenity space

(this does not include the communal amenities areas at third floor level):

Flat No.	Level	Type	Proposed external amenity space (sqm)	Required external amenity space (sqm)	Compliant
Flat 1	Ground	2B/4P	7	7	Yes
Flat 2	Ground	2B/4P	8	7	Yes
Flat 3	Ground	2B/4P	7	7	Yes
Flat 4	Ground	2B/3P	7	6	Yes
Flat 5	Ground	2B/4P	7	7	Yes

Flat 6	Ground	3B/5P	8	8	Yes
Flat 7	Ground	3B/5P	22	8	Yes
Flat 8	Ground	Studio	5	5	Yes
Flat 9	Ground	2B/4P	7	7	Yes
Flat 10	First Floor	2B/4P	9	7	Yes
Flat 11	First Floor	2B/4P	8	7	Yes
Flat 12	First Floor	1B/2P	5	5	Yes
Flat 13	First Floor	Studio	5	5	Yes
Flat 14	First Floor	2B/4P	7	7	Yes
Flat 15	First Floor	2B/4P	7	7	Yes
Flat 16	First Floor	2B/4P	8	7	Yes
Flat 17	First Floor	2B/3P	6	6	Yes
Flat 18	First Floor	3B/5P	8	8	Yes
Flat 19	First Floor	1B/2P	6	5	Yes
Flat 20	First Floor	1B/2P	6	5	Yes
Flat 21	First Floor	1B/2P	5	5	Yes
Flat 22	First Floor	2B/4P	7	7	Yes
Flat 23	First Floor	Studio	5	5	Yes
Flat 24	First Floor	1B/2P	5	5	Yes
Flat 25	First Floor	1B/2P	5	5	Yes
Flat 26	First Floor	1B/2P	5	5	Yes
Flat 27	First Floor	3B/5P	8	8	Yes
Flat 28	Second Floor	2B/4P	7	7	Yes
Flat 29	Second Floor	2B/4P	8	7	Yes
Flat 30	Second Floor	1B/2P	5	5	yes
Flat 31	Second Floor	Studio	5	5	Yes
Flat 32	Second Floor	2B/4P	7	7	Yes
Flat 33	Second Floor	2B/4P	7	7	Yes
Flat 34	Second Floor	2B/4P	8	7	Yes
Flat 35	Second Floor	2B/3P	6	6	Yes
Flat 36	Second Floor	3B/5P	8	8	Yes
Flat 37	Second Floor	1B/2P	6	5	Yes
Flat 38	Second Floor	1B/2P	6	5	Yes
Flat 39	Second Floor	1B/2P	5	5	Yes
Flat 40	Second Floor	2B/4P	7	7	Yes
Flat 41	Second Floor	Studio	5	5	Yes
Flat 42	Second Floor	1B/2P	5	5	Yes
Flat 43	Second Floor	1B/2P	53	50	Yes
Flat 44	Second Floor	1B/2P	5	5	Yes
Flat 45	Second Floor	3B/5P	8	8	Yes
Flat 46	Third Floor	2B/4P	7	7	Yes
Flat 47	Third Floor	2B/4P	8	7	Yes
Flat 48	Third Floor	2B/4P	7	7	Yes
Flat 49	Third Floor	2B/3P	7	6	Yes
Flat 50	Third Floor	2B/4P	7	7	Yes
Flat 51	Third Floor	3B/4P	8	8	Yes
Flat 52	Third Floor	2B/3P	6	6	Yes
Flat 53	Third Floor	1B/2P	5	5	Yes
Flat 54	Third Floor	2B/4p	7	7	Yes
Flat 55	Third Floor	1B/2P	5	5	Yes
Flat 56	Third Floor	1B/2P	5	5	Yes
Flat 57	Third Floor	3B/5P	8	8	Yes
Flat 58	Fourth Floor	2B/4P	7	7	Yes

Flat 59	Fourth Floor	3B/5P	8	8	Yes
Flat 60	Fourth Floor	3B/4P	16	7	Yes
Flat 61	Fourth Floor	2B/4P	8	7	Yes
Flat 62	Fourth Floor	1B/2P	27	5	Yes
Flat 63	Fourth Floor	2B/3P	25	6	Yes
Flat 64	Fourth Floor	2B/4P	25	7	Yes
Flat 65	Fourth Floor	2B/3P	23	6	Yes
Flat 66	Fourth Floor	2B/4P	29	7	Yes
Flat 67	Fourth Floor	3B/5P	8	8	Yes
Flat 68	Fifth Floor	2B/3P	16	6	Yes
Flat 69	Fifth Floor	1B/2P	27	5	Yes
Flat 70	Fifth Floor	2B/4P	17	7	Yes

### Children's Play Space

7.8.5 The strategic planning policy requirement to provide for children's play space is set out at Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities) of the London Plan 2016. This policy uses the Mayor's child yield calculator to determine what amount of play space is required.

7.8.6 The proposed development would create a potential child yield of 23.9 children and 239.2 sqm of the associated playspace. With the low yield of children expected, the only requirement is to cater for under 5s within the site. The proposed development would provide 262 sqm of on-site doorstep playable space for the under 5s. There would be 2 areas of doorstep playable space (each no smaller than 100 sqm) on separate podium decks, including:

- Amenity lawns with localised mounding and bespoke naturalistic play features for toddler play;
- Feature planting including multi-stem trees, hedgerows and feature shrubs to perimeter to add sensory value
- Decking and feature paving encouraging interactive play;
- Playful seating elements set within hard landscape

### Facilities for ages 5 to 11 (off-site within 400m).

7.8.7 The nearest existing play facilities are at Abbey Recreation Play Area, which is located 600m to the west of the Site. The Approved High Path Scheme is located within 400m and will provide a central new neighbourhood park with play facilities.

### Facilities for 12+ (off-site within 800m)

7.8.8 Wandle Park and Abbey Recreation Ground are located within 800m to the north east and west respectively. The Approved High Path Scheme is located within 400m and will provide a central new neighbourhood park

with play facilities.

- 7.8.9 A planning condition requiring full details of playspace equipment can be secured to ensure that the development provides the appropriate onsite facilities.

#### Bin and Recycling Storage

- 7.8.10 The residential units would have access to three internal bin storage areas. Two large bin storage areas are located adjacent to entrance A and one smaller bin storage area adjacent to entrance B. The proposed amount of bin/recycling storage is considered to be acceptable. The proposal would include a 21.5m wide area on street for loading. The bins would be accessed through the gaps in the wall and out to the service lorry.

#### **7.9 Flooding and Drainage**

- 7.9.1 The NPPF and London Plan policies 5.12, 5.13, Merton's policy CS 16 and SPP policies DMF1, DM F2 and DMD2 all seek to ensure that adequate flood risk reduction measures, mitigation, and emergency planning are in place to ensure there is no increase in flood risk offsite or to the proposed development.
- 7.9.2 The application site is located within flood zone 1, which is considered to be at low risk of flooding from pluvial sources, groundwater, artificial sources, and sewer surcharge.
- 7.9.3 The applicant has provided an independent Flood Risk Assessment & Drainage Strategy by Markides Associates. The report stated that in the preparation of this FRA, all sources of flooding were considered which may affect the development proposals and the surrounding areas, in accordance with the requirements of the current flood risk legislation and policy of the NPPF.
- 7.9.4 The proposed development will incorporate a Sustainable Drainage Systems (SuDS) as part of the surface water management strategy to increase biodiversity, provide amenity for residents and users, control discharge volumes and manage water quality. The proposal will include a drainage strategy that will incorporate SuDS within the roof gardens and permeable paving in the parking areas
- 7.9.5 The surface water drainage strategy will seek to connect to the existing Thames Water sewer in Station Road. A total of 61m<sup>3</sup> attenuation storage will be provided to allow surface water runoff to be restricted to 14 l/s for



all rainfall events up to and including the 1 in 100 year critical event. This will provide an 88% reduction compared to the pre-development scenario.

- 7.9.6 The Councils Flood Officer and the Environment Agency have both confirmed no objection to the proposal subject to conditions.

## 7.8 **Transport and Parking**

- 7.8.1 Policy 6.1 of the London Plan (2016) states that the Mayor will support developments, which generate high levels of trips at locations with high levels of public transport accessibility and which improves the capacity and accessibility of public transport, walking and cycling.
- 7.8.2 At a local level Policy CS.19 of the Core Planning Strategy states that the Council will ensure that all major development demonstrates the public transport impact through transport assessments. Travel plans will also be required to accompany all major developments. Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 7.8.3 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management.

### Existing Situation

- 7.8.4 The site is currently used for vehicle repair services, including garages, workshops and MOT services, with Class B2 (general industrial) and Sui Generis land use classification. The existing buildings occupy a gross internal area (GIA) of 1,297sqm.
- 7.8.5 The site is served by 5 separate vehicle crossovers from Station Road, which provide access to the workshop areas. Each of the current tenants are however observed to be heavily reliant on the use of Station Road as an extended parking area for vehicles prior to and after they have been serviced, as well as associated vehicle manoeuvring.
- 7.8.6 Furthermore, the adopted car parking practice along the site frontage is for vehicles to straddle the footway and carriageway, essentially making the adjacent footway inaccessible for pedestrians.

### Cycle parking

- 7.8.7 The London Plan currently requires 1 space per studio and 1 bedroom unit

and 2 spaces are required for all other dwellings. One short term space is required per 40 units.

- 7.8.8 The cycle parking provision now totals 130 residential spaces. A total of 14 spaces have been accommodated via Sheffield stands. The development proposals also include a single Sheffield stand at the front of the site, to meet the visitor cycle parking standard of 1 space per 40 units, therefore 2 spaces. The proposed level of cycle parking is in accordance with the London Plan.
- 7.8.9 The chosen commercial space would need to comply with the London Plan standard for each use. It should be noted that all of the proposed commercial uses would only require a small level of cycle parking for each different use class. In the event, the proposed commercial unit cannot meet London Plan cycle standards, then the London Plan requires that for all land uses in all locations a minimum of 2 short-stay and 2 long-stay spaces must be provided. Officers are confident that this can be provided in the space to the front of the commercial unit.

#### Car parking

- 7.8.10 The proposal seeks to provide 3 disabled car parking spaces onsite. The level of disabled car parking is in accordance with London Plan standards.
- 7.8.11 On street car parking is proposed with the introduction of two sets of 2m wide parallel parking bays totaling approximately 70m in length, which is sufficient to accommodate 12 vehicles. The final designation of the car parking spaces as shown on the drawings would be subject to the consultation process with neighbours on a potential CPZ.
- 7.8.12 Should the CPZ be introduced (following consultation with neighbours), then the permit free requirement for the proposed development would ensure that future occupiers would not be able to obtain a car parking permit to use in the CPZ. If Station Road is not changed to a CPZ, then the new on-street bays would have an unrestricted availability for all road users (as per the existing situation). Regardless of the above outcome, the development would still be a permit free development (this would safeguard any future adoption of the Station Road as a CPZ).
- 7.8.13 As part of the planning application, the applicant has confirmed their agreement to consult existing neighbours on the possibility of including Station Road within a CPZ. The applicant has agreed to make a financial contribution to the consultation process. This can be secured within the S106 agreement.

7.8.14 Double yellow lines are proposed on the northern side of Station Road to prevent parking on both sides of Station Road. It should be noted that the current situation in Station Road includes parking on both sides of the street which is problematic in terms of vehicle movement. Therefore regardless of the redevelopment of the application site, double yellow lines will be introduced along the northern section of Station Road for reasons of safety and access at all times.

7.8.15 The proposal seeks to formalise parking in a formal manner with proposed parking bays on the south side of Station Road. This would create a more manageable car parking arrangement in the street and one that is inline with London Plan maximum parking standards. A 21.1m wide double yellow line area is to be provided on the south side of Station Road to allow for servicing vehicles so that they do not halt traffic movement.

#### Car Club Membership

7.8.16 There is an existing, operational car club bay located on Mill Road, which is around 300m north of the site. This space is operated by ZipCar and currently provides access to a large, 5-door car.

7.8.17 The applicant has agreed to fund three years car club membership for new residents of the proposed development. The promotion of free car club membership will help inform new residents of sustainable modes of travel which is welcomed. The three year free Car Club Membership can be secured within the S106 agreement.

#### Pedestrians

7.8.18 Station Road itself does benefit from footway provision on both sides of the carriageway; however, on the southern side of the carriageway the footway widths are narrow to the west of the site, with a minimum width of approximately 1.3m, confounded by an existing practice of footway parking, essentially making this footway redundant. The proposals seek to increase the width of the footpath to 1.8m which is welcomed. The combination of the increased footpath width, formal arrangement of car parking, removal of industrial units and restoration of the listed wall are considered to improve pedestrian movement and experience within Station Road.

#### Construction Phase

7.8.19 The Council can limit impact on neighbours and the highway by agreeing details of the construction phase by planning condition (construction logistics plan).

### Servicing

7.8.20 The commercial unit can be serviced directly in front of the building, via the double yellow lines which would allow loading. In addition, the passing area between the proposed parking bays on the southern section of Station Road can also accommodate loading. The double yellow lines would allow loading for all users. The proposed servicing arrangements are therefore considered to be acceptable.

### Refuse

7.8.21 The proposals includes the introduction of two sets of 2m wide parallel parking bays totalling approximately 70m in length, which is sufficient to accommodate 12 vehicles. The bays are divided by a 21.1m long section of kerb subject to double yellow line no waiting controls, which will act as a passing place for conflicting vehicle movements and a space from which refuse/service vehicles can access the site, supported by drop-kerb access to move bins from the footway to carriageway. It is noted that the collection of refuse from 70 flats would take some time, however this would not be a frequent event and the design of the parking bays would allow the refuse truck to not obstruct the public highway during collection.

### Merantun Way

7.8.22 The development proposals do not preclude aspirations to introduce a potential shared use footway/cycleway facility along the Merantun Way (joint TFL and Merton aspiration project). The applicant has demonstrated that any such proposal could be accommodated without reliance on any land within the control of the applicant. The applicant has agreed to make a 15k contribution towards the implementation of this potential project. This would be secured in the S106 agreement. This will help encourage sustainable modes of transport (walking/cycling) for future occupiers of the development.

### Trip movement

7.8.23 In terms of vehicle trips, compared to the existing land use, the site would attract a significant reduction, amounting to 225 fewer vehicle trips during the day and approximately 20 fewer trips during each of the peak hours. This is based on the residential development being car free.

### Travel Plan

7.8.24 The planning application is supported by a residential Travel Plan, which sets out a range of measures and management strategies to support and encourage the use of the most sustainable forms of travel,

walking and cycling, thereby facilitating low car ownership levels. The Travel Plan can be secured within the S106 agreement.

### Turning

7.8.25 The applicant has stated that they have observed vehicles reversing along the length of Station Road due to a lack of a turning facility. In order to improve turning in the street, the Council has recently introduced double yellow lines in the small turning area at the eastern end of Station Road. Previously cars would be parked in this location so vehicles would not be able to use this space. The introduction of the double yellow lines would ensure that this space is kept clear. Whilst it would take some larger vehicles multiple turns to navigate this turning area, it is considered to be an improvement on the current practice (vehicles reversing along Station Road). Reversing along Station Road cannot be supported by the Council given concerns relating to highway safety. The turning facility would therefore help alleviate vehicle movement during the construction process as well as long term improvements for all road users (including servicing the application site).

7.8.26 The Council has agreed with the applicant that this turning area will be kept free, however once the development is complete, a shared surface will be introduced to reduce to retain a turning area and improve pedestrian and cycle movement. A financial contribution towards these works can be secured within the S106 agreement.

### 7.9 **Biodiversity**

7.9.1 The site is boarded by roads and residential/commercial land uses to the north, west and south. The Wandle Meadow Nature Park and the Lower River Wandle Sites of Importance for Nature Conservation (SINC) runs to the east of the site with an associated tree line that connects the site to Morden Hall Park and Deen City Farm SINC to the south of the site.

7.9.2 Planning Policy DMO2 (Nature Conservation, Trees, hedges and landscape features) of Merton's Sites and Policies Plan seeks to protect and enhance biodiversity, particularly on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to secure suitable replacements in instances where their loss is justified

7.9.3 The applicant has provided an independent ecology report with the planning application by Tyler Grange Ltd. The report:

- Uses available background data and results of field surveys to describe and evaluate the ecological features present within the likely 'zone of influence' (Zol)<sup>2</sup> of the proposed development;
- Describes the actual or potential ecological issues and opportunities that may arise as a result of the sites' future redevelopment;
- Where appropriate, makes recommendations for mitigation of adverse effects and ecological enhancement, to ensure conformity with policy and legislation; and
- Identifies further work required to inform a future planning application if relevant.

7.9.4 The report concludes that as the site is predominantly hardstanding and buildings associated with the industrial units, the majority of the habitats to be lost as a result of the proposed development (buildings, hardstanding, introduced shrub) are of negligible ecological importance and no specific mitigation is required. Some habitats of ecological importance within the context of the site only (scrub and trees) will likely be lost as a result of the proposals. It is considered that this can be mitigated through suitable replacement planting, namely within the proposed green roof planting.

7.9.5 Tyler Grange Ltd state that where possible, existing habitats of ecological importance will be retained and enhanced, and new habitat created on-site, in line with local and national planning policy. In addition, enhancements for specific species groups could be provided, including bird boxes to increase the number of nest sites across the site and native planting on the green roof to increase foraging opportunities for bats and birds. As such, a net-gain in biodiversity is considered likely to be easily achievable as part of the development.

7.9.6 Those valuable ecological resources that exist, or could exist, at the site, could be accommodated by the adoption of design principles. Where impacts may occur, these could be more than mitigated through better management of retained habitats (notably scattered trees and scrub) and habitat creation within the site (namely green roof planting). In conclusion, officers consider that there are positive opportunities to enhance biodiversity on the site through soft landscaping and appropriate mitigation measures as recommended.

## 7.10 **Contamination**

7.9.1 Merton's Sites and Policies Plan Policy DM EP4 (Pollutants) aims to reduce pollutants and reduce concentrations to levels that will have minimal adverse effects on people and the natural and physical environment.

7.9.2 The applicant has provided an independent phase 1 Geo-environmental desk study by Wardell Armstrong LLP with the planning application. The purpose of the report is to identify and examine in broad terms readily available information relating to the:

- Past and current uses of the site and surrounding area;
- Environmental setting including geology, mining, hydrogeology and hydrology;
- Potential contamination sources, pathways and receptors as part of a preliminary conceptual model;
- Potential stability and contamination constraints and liabilities that may arise in connection with the present use or proposed use of the site; and
- The requirement or otherwise for future studies including potential intrusive site investigation prior to redevelopment.

7.9.3 The report concludes that based on available information the application site is considered to present an overall Moderate risk from historical land use and current site use.

7.9.4 Due to the industrial nature of the current and historical site use and surrounding area, along with site observations as chemical storage and staining, Wardell Armstrong LLP state that there is a potential for soil contamination which could impact the proposed development. Therefore, it is considered that appropriate investigation should be carried out at a detailed design stage in order to determine the presence of contaminants within the soils. This assessment can be conditioned within the planning process.

7.9.5 Wardell Armstrong LLP state that asbestos may be present within the buildings on site and within the made ground associated with current and previous buildings. If not already undertaken, Wardell Armstrong LLP state it would be prudent to carry out an asbestos survey of the buildings and to investigate the potential for asbestos containing materials (ACMs) within the soils.

7.9.6 The site is recorded to be in an area where there is a moderate risk of unexploded ordnance in reference to the London Bombing Density Zetica UXO risk map. However, due to the site history and ground conditions beneath the site, there is considered to be a reduced risk of unexploded ordnance being present. Wardell Armstrong LLP state it would however be prudent to obtain a Preliminary UXO Assessment for the site prior to intrusive investigations at the site or undertaking any sub-surface construction.

7.9.7 Following site investigation works, and subject to any remedial works being undertaken in accordance with any planning conditions, Wardell Armstrong LLP state that it is anticipated that the site would be suitable for the proposed development.

7.9.8 The Councils Environmental Health Officer confirms no objection subject to conditions.

## 7.10 **Sustainability**

7.10.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.

7.10.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

7.10.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that the development should achieve a 35 % improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy CS15 (2011) and Policy 5.2 of the London Plan (2106). A planning condition requiring evidence of compliance with CO2 reductions and water consumption can be imposed on the planning approval.

7.10.4 As the proposal is for a major residential development a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the updated energy statement. In this instance, the carbon off-set shortfall is (£TBA), would be secured within the S106 agreement.

## 7.11 **Archaeology**

7.11.1 The site is located within the Wandle/Colliers Wood Archaeology priority zone. The Wandle/Colliers Wood archaeology priority zones has particular focus for riverside industry from medieval period onwards with several corn mills being located during medieval period. Supplanted in post-medieval period by textile processing and finishing industries.



7.11.2 The proposed development comprises a comprehensive redevelopment of the site. No basements are proposed, however lift pits, attenuation tanks, and pile caps will all be deep enough to have an impact on any archaeological remains on the site. It is understood that the perimeter of the site will be piles, and preservation of archaeological remains in situ could be achieved by careful pile placement and appropriate load-bearing spanning structures.

7.11.3 GLAAS advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation and foundation positions. 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 two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. A planning condition relating to submission of foundation design details is also recommended by GLASS.

7.11.4 GLAAS have confirmed that archeology matters can be suitability controlled via planning condition.

## 7.12 **Air Quality**

7.12.1 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development:

a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.

b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.

7.12.2 Planning policy 7.14 (Improving Air Quality) of the London Plan 2016 recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. The London Plan states that the Mayor will work with strategic partners to ensure that the spatial, climate change, transport and design policies of the London Plan support implementation of Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimize public exposure to pollution.

7.12.3 In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur.

7.12.4 To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA). Therefore, development that may result in an adverse air quality including during construction, may require an Air Quality Impact Assessment in order for the Council to consider any possible pollution impact linked to development proposals.

7.12.5 The applicant has provided an air quality assessment with the application. The independent air quality assessment states that:

During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the Mayor of London's methodology. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout activities was predicted to be not significant.

The proposal has the potential to expose future occupants to elevated pollution levels. Dispersion modelling was therefore undertaken using ADMS-Roads in order to predict concentrations as a result of emissions from the local highway network. Results were subsequently verified using monitoring data collected by LBoM.

The results of the dispersion modelling assessment indicated that predicted concentrations of NO<sub>2</sub> and PM<sub>10</sub> were below the relevant AQOs at all locations across the development. Pollutant levels at the boundary were categorised as APEC - A in accordance with the London Councils Air Quality and Planning Guidance. As such, the site is considered suitable for the proposed use from an air quality perspective.

Potential emissions from the development were reviewed in the context of the air quality neutral requirements of the London Plan. This indicated an acceptable level of building and transport emissions from the scheme.

Based on the assessment results, air quality factors are not considered a constraint to planning consent for the development.

7.12.6 The Councils Air Quality Officer has raised no objection subject to conditions.

### 7.13 **Trees**

7.13.1 There are no trees on the application site worthy of retention. There is a row of trees long the parcel of land between the application site and Merantun Way. Whilst the existing trees would be located close to the proposed building, it is not considered that these would result in undue loss of amenity for future residents of the development. The trees fall under the control of TFL and should works be required to the trees, the applicant would require permission from TFL's Green Infrastructure team prior to commencing any works. A planning informative is attached to make the applicant aware of this requirement.

7.13.2 As set out above, it is proposed to replace the timber boundary fence along Merantun Way with a brick wall and section of railings. Details of the boundary treatment can be controlled via planning condition. Following this change, the Councils Tree Officer has confirmed that the proposed wall appears to be in the same position as the wall of the existing building. This means that there are foundations already in place, and therefore constructing a new wall should be fairly straightforward. The excavation of the foundations and erection of the new wall should be included in the arboricultural method statement and tree protection plan. This would, as with the other work, require arboricultural monitoring/supervision.

## 8 **Affordable Housing**

8.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision, the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.

8.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following discussions, the Councils independent viability assessor (Altair) has confirmed that the scheme can deliver 6 affordable units on site. This is 8.6% of the total number of units on the site. These homes would be best targeted at a small Registered Provider given the number of affordable homes.

- 8.1.3 Altair recommend that Merton Council seeks five London Affordable Rent (units 0.08, 0.09, 1.18, 2.18 and 3.12) and one Shared Ownership home (unit 0.006) as proposed by the applicant as part of the 70 home scheme and secured via an appropriate legal agreement.
- 8.1.4 Altair also recommends that Merton apply the viability review mechanisms at early and late stages of development, as outlined within the Draft London Plan and Mayor's Affordable Housing and Viability SPG based on Altair appraisal.
- 8.1.5 The provision of on-site affordable housing contribution has been based on the viability of the scheme. The Councils independent assessors have concurred with the applicant's level of affordable housing that can be provided. The level of affordable housing is considered to be acceptable.

## 9. Local Financial Considerations

- 9.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

## 10. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 10.1 The proposal is for major residential development and an Environmental Impact Assessment is not required in this instance.
- 10.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

## 11. **CONCLUSION**

- 11.1 NPPF paragraph 118 (c) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

- 11.2 The delivery of this site for housing would provide a good contribution towards Merton's housing need, including the provision of affordable housing. The proposed development will provide 70 new residential dwellings and a 204sqm commercial unit at ground floor level. The principle of development is considered to be acceptable with a mixed use development retaining a source of employment and providing much needed new homes.
- 11.3 The standard of residential accommodation is considered to offer good accommodation that would meet the needs of future occupiers. Each unit would have direct access to private amenity space as well as communal areas at third floor level which would exceed minimum standards. The proposed housing mix is considered to offer a good range of unit types. The level of affordable housing is agreed due to viability considerations.
- 11.4 The design of the development is considered to be of high quality in terms of appearance and character and would be appropriate in terms of height and massing in this context. At street level, the proposed development is considered to improve the visual amenities of the street scene, with improvements to the setting/condition of the listed wall, formalisation of car parking on the southern section of Station Road only, widening of the public pavement and the applicants agreement to financial contributions towards improved pedestrian and cycling projects in both Station Road and Merantun Way. The proposed density range is considered acceptable in this instance given the quality of the design. The proposed building would respect the context of the site, wider area and as such would preserve the surrounding heritage assets (including the Wandle Valley Conservation Area).
- 11.5 The letters of objection from neighbouring properties have been assessed, however it is considered that the proposed development would not result in undue loss of neighbouring amenity. It is acknowledged, that the proposed building would result in a noticeable uplift in development on the site, however this is an urban area where it is not unusual for larger buildings to face each other across a public carriageway. The level of separation between the site and neighbours is considered to be reasonable to protect neighbouring amenity. In addition, the neighbouring properties opposite in Station Road have good sized front gardens/driveways which will help create some breathing space between developments. The Councils independent sun and daylight consultant has confirms that daylight, sunlight and overshadowing is acceptable.
- 11.6 There would be no undue impact upon flooding, transport, biodiversity, contamination, sustainability, archaeology, air quality or trees.
- 11.7 The proposal is considered to be in accordance with Adopted Sites and

Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions and S106 agreement.

## **RECOMMENDATION**

- (1) GRANT PLANNING PERMISSION
- (2) GRANT LISTED BUILDING CONSENT

- (1) Subject to the completion of a Section 106 Agreement covering the following heads of terms:-
  - 1. Affordable housing (on-site units) - viability review mechanisms at early and late stages of development
  - 2. Designation of the development as permit-free and that onstreet parking permits would not be issued for future residents of the proposed development.
  - 3. Car Club Membership (3 year free membership)
  - 4. Financial contribution toward CPZ Consultation (£18, 000)
  - 5. Highway Works (double yellow lines, parking bays & increased width of footpath)
  - 6. Restoration of Listed Lampposts (details to be agreed with Conservation Officer)
  - 7. Carbon shortfall Contribution – (TBA).
  - 8. Highway Works contributions (Station Road shared surface (15k) and Merantun Way pedestrian and cycle way)
  - 9. Air Quality Contribution (3k)
  - 10. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

- 1. A1 Commencement of Development (full application)
- 2. A7 Approved Plans
- 3. B.1 Materials to be approved, including detailed plans at a scale of

1;20 of some of the typical details

4. B.4 Details of Surface Treatment
5. B.5 Details of Walls/Fences
6. C07 Refuse & Recycling (Implementation)
7. D09 No External Lighting
8. D11 Construction Times
11. E05 Restriction – Use of Premises (no supermarket)
12. F01 Landscaping/Planting (scheme)
13. F02 Landscaping (Implementation)
14. F05 Tree Protection
15. F08 Site Supervision (trees)
16. F09 Hardstandings
17. H03 Redundant Crossovers
18. H06 Cycle Parking (details to be submitted)
19. H07 Cycle Parking (Implementation)
20. H10 Construction Vehicles, Washdown Facilities etc
21. H13 Construction Logistic Plan
22. H14 Garages doors/gates
21. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

22. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

23. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide ‘working near our assets’ to ensure your workings will be in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures.

24. 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. Where appropriate, details of a programme for delivering related positive public benefits
- C. 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.

Reason - To safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.

25. 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.

Reason - To safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme.

26. Service and Delivery Plan

27. Suds condition

29. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new plant/machinery from the commercial units across the site use shall not exceed LA90-5dB at the boundary with the closest residential property.

30. Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing system and

ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

31. Details of commercial unit - noise, hours of opening, odour control, cycle parking, refuse storage etc to be submitted and approved prior to occupation of any use.
32. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary
33. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

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

34. Details of playspace
35. Details of biodiversity measures (including bird/bat boxes and planting on the green roofs).
36. A deskstudy, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the

intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.

37. The approached remediation shall be completed prior to development. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA. Reason: To protect the health of future users of the site in accordance with policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's sites and policies plan 2014.
38. 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:

- 1) A site investigation scheme, based on the PRA, 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 & within SPZ2 and it is understood that the site may be affected by historic contamination.

39. 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.

40. 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 Environment Agency 3rd Floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF Telephone: 03708 506 506 Email: enquiries@environment-agency.gov.uk Website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency) 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.

41. 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: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

42. 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.

43. Signage

44. Disabled parking retention as disabled spaces

45. Construction Environmental Management Plan / Dust Management Plan

1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:

- a) An Air quality management plan that identifies 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. To include continuous dust monitoring.
- b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.

46. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

47. Non-Road Mobile Machinery (NRMM)

All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the GLA 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any successor document, shall comply with the emissions requirements therein.

Reason: To ensure the development does not raise local environment impacts and pollution.

48. Ultra-Low NOX Boilers

1. Unless otherwise agreed in writing with the Local Planning Authority, no boiler or Combined Heat and Power (CHP) shall be installed within the development hereby approved, other than one that incorporates and has installed abatement technology to reduce emissions to below 0.04 gNO<sub>x</sub>/kWh.

2. All systems shall be maintained in accordance with the manufacturer's instructions.

Reason: To minimise the NO<sub>x</sub> emission.

49 Electric Charging Vehicles

Planning Informatives

1. An Arboricultural Report has been submitted with the application which suggests that some pruning is required for the trees located on the A24. The applicant must obtain agreement with TfL's Green Infrastructure team prior to commencing any works to the trees.

2. INF9 Works on the Public Highway

3. INF12 Works Affecting the Public Highway

4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he

will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 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.
  6. Written schemes of investigation will need to be prepared and implemented by a suitably 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.
  7. Asbestos survey
  8. Preliminary UXO Assessment
- (2) **Grant listed building consent subject to conditions.**
1. A5 Listed Building Consent
  2. Drawing Numbers
  3. Method statement for works (including protection measures during construction) to the wall and lampposts.

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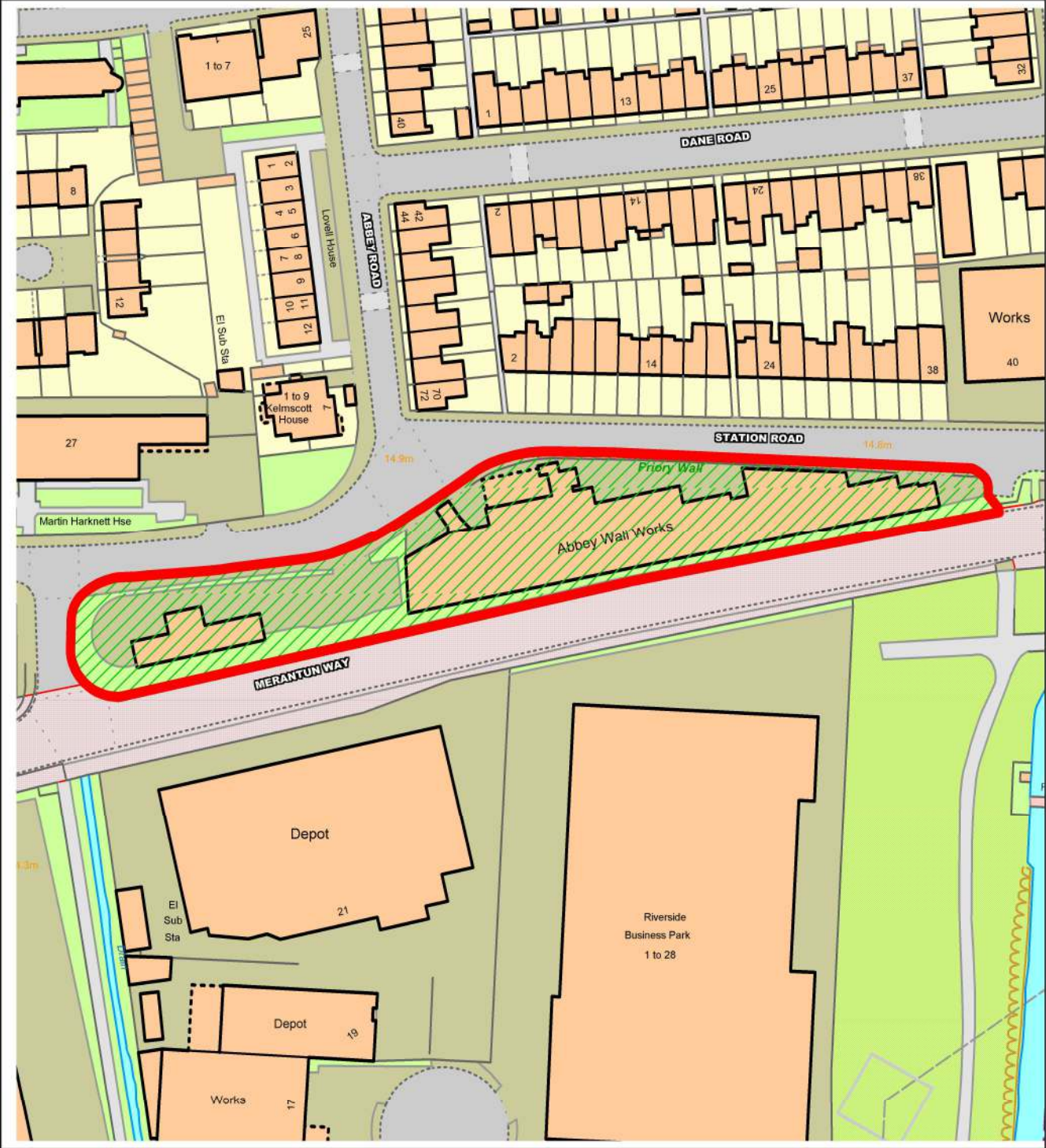
[Click Here](#) for full plans and documents related to the Planning Permission application

[Click Here](#) for full plans and documents related to the listed building application

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# NORTHGATE SE GIS Print Template



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Committee: Planning Applications

Date: 19<sup>th</sup> March 2020

## **Subject: Planning Appeal Decisions**

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

**Recommendation: That Members note the contents of the report.**

### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report but can be viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

### [LINK TO COMMITTEE PAGE](#)

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#### **DETAILS**

Application Numbers: **19/P1079**  
Site: 150 Melrose Avenue, Wimbledon Park SW19 8AX  
Development: Demolition of the existing side garage and erection of a two-storey side extension  
Recommendation: Refuse (delegated decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 24<sup>th</sup> February 2020

### [Link to Appeal Decision Notice](#)

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Application Numbers: **19/P2248**  
Site: 2 Dahlia Gardens, Mitcham CR4 1LA  
Development: Retention of existing outbuilding  
Recommendation: Refuse (delegated decision)  
Appeal outcome: **WITHDRAWN**  
Costs Decision: **ALLOWED**  
Date of Appeal Withdrawal: 18<sup>th</sup> February 2020

### [Link to Appeal Decision Notice](#)

### [Link to Costs Decision](#)

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Application Numbers: **19/P2807**  
Site: 21 Linkway, Raynes Park SW20 9AT  
Development: Retention of existing decking area in rear garden  
Recommendation: Refuse (delegated decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 18<sup>th</sup> February 2020

## [Link to Appeal Decision Notice](#)

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Application Numbers: **19/P2833**  
Site: 68 Shaldon Drive, Morden SM4 4BH  
Development: Demolition of existing outbuilding and erection of new outbuilding to provide a self-contained annexe  
Recommendation: Refuse (delegated decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 14<sup>th</sup> February 2020

## [Link to Appeal Decision Notice](#)

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### Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is redetermined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

### 1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

## **2 TIMETABLE**

2.1. N/A

## **3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

## **4 LEGAL AND STATUTORY IMPLICATIONS**

4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

## **5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

## **7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

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## Planning Applications Committee

19 March 2020

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** CABINET MEMBER FOR REGENERATION, HOUSING AND  
TRANSPORT COUNCILLOR MARTIN WHELTON COUNCILLOR  
LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact Officer** Ray Littlefield: 0208 545 3911

Ray.Littlefield@merton.gov.uk

### Recommendation:

That Members note the contents of the report.

### 1. Purpose of report and executive summary

This report details a summary of casework being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

<b>Current Enforcement Cases:</b>	<b>388</b>	<sup>1</sup> (551)	<b>New Appeals:</b>	(0)	(5)
<b>New Complaints</b>	37	(40)	<b>Instructions to Legal</b>	<b>0</b>	(0)
<b>Cases Closed</b>	<b>163</b>		<b>Existing Appeals</b>	<b>5</b>	(5)
No Breach:	15		<hr/>		
Breach Ceased:	7		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>68</b>	<b>(48)</b>
Other	141		<b>% Determined within time limits:</b>	<b>98%</b>	
<b>Total</b>	<b>163</b>	<b>(110)</b>	<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
<b>New Enforcement Notices Issued</b>			<b>New Tree Preservation Orders (TPO)</b>	<b>3</b>	<b>(1)</b>
Breach of Condition Notice:	0		<b>Tree Replacement Notice</b>	<b>0</b>	
New Enforcement Notice issued	0	(0)	<b>Tree/High Hedge Appeal</b>	<b>0</b>	<b>(0)</b>
S.215: <sup>3</sup>	0				
Others (PCN, TSN)	0	(0)			
<b>Total</b>	<b>0</b>	<b>(0)</b>			
<b>Prosecutions: (instructed)</b>	<b>0</b>	<b>(0)</b>			

Note (*figures are for the period from 1<sup>st</sup> February 2020 to 10<sup>th</sup> March 2020*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## **2.0 New Enforcement Actions**

**283 Galpins Road CR7 6EY.** This is concerning a s215 notice served on untidy land. A s215 notice was issued on 23 December 2019. This notice will require compliance at the end of February 2020 requiring the Land to be tidied up / cleared, unless an appeal is made.

**31 Edgehill Road, Mitcham, CR4 2HY.** This is concerning a raised platform/garden that has been raised by approximately 90cm. An enforcement notice has been served to remove the raised platform and reduce the garden level by 90cm. The notice would have taken effect on 18/12/19, with a compliance date of 18/03/20, however an appeal has been submitted and is underway.

**193 London Road CR4 2TJ.** This is concerning untidy land to the side and rear of 193 London Road. An initial site visit was carried out, multiple letters have been sent to the property asking for compliance and for them to contact the Council to confirm a compliance schedule of works. Correspondence from the owner has been received. A further visit was made to confirm the site has not been tidied. A s215 enforcement Notice for untidy land has been drafted and is due to be reviewed and signed off by a manager authorising the service of a s215 Notice.

**155 Canterbury Road, Morden, SM4 6QG.** This is concerning an outbuilding in the rear garden that has had a retrospective planning application refused. An enforcement notice has been served on the property for the outbuilding to be demolished, the notice would have taken effect on 9th December 2019 and the compliance period would have been two months. However it has now been appealed to the Planning Inspectorate. The appeal is now ongoing.

**208 Bishopsford Road, Morden, SM4 6DA.** This is concerning the erection of a single storey rear extension onto an existing extension on the ground floor. A Planning Enforcement Notice has been issued requiring the demolition of the Extension. The Notice was issued on 4<sup>th</sup> October 2019, the Notice came into effect on 10<sup>th</sup> November 2019 with a compliance period of 3 months, unless an appeal was made before 10<sup>th</sup> November 2019. An appeal was submitted but rejected by the Planning Inspectorate as it was received by The Planning Inspectorate one day late. Compliance date was 10<sup>th</sup> February 2020. Further action is under consideration

**The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ.** Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. A Planning Enforcement Notice was issued on 11th October 2018 requiring either the demolition of the development or building to the approved scheme. The Notice took effect on 18th November 2018 with a compliance period of 12 calendar months. An appeal was made but subsequently withdrawn the following day. The owner decided to comply with the approved permission and is in the process of returning some the residential units back to their authorised office use. Bath and shower units have been removed; the office units are currently being advertised for let. The garage flat is no longer being used for residential and is in the process of being returned to a garage. Planning Application 19/P1527 for Discharge of Conditions has been submitted and is currently being considered. Revised scheme re-submitted and is currently under consideration.



**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 2)** This is regarding a side extension not built in accordance with approved plans and being used as a self contained unit of accommodation. A planning Enforcement Notice was subsequently issued on 24th September 2019 and took effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months.

### **Some Recent Enforcement Actions**

#### **7 Streatham Road, Mitcham, CR4 2AD**

The Council served two enforcement notices on 6<sup>th</sup> June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices came into effect on 8<sup>th</sup> July 2019 unless appeals were made before this date. No appeals were lodged. The compliance date of the Enforcement Notice relating to the outbuilding to be demolished and to clear debris and all other related materials has now passed without compliance. The second enforcement notice was not complied with and now prosecution proceedings are being undertaken.

The plea hearing has now taken place at Lavender Hill Magistrates Court, where the defendant pleaded not guilty and the second hearing is due on the 14th January 2020.

A second hearing was held on 14<sup>th</sup> January 2020, and adjourned until 4<sup>th</sup> February 2020 in order for the defendant to seek further legal advice.

The defendant again appeared in court and pleaded not guilty, a trial date was set for 21<sup>st</sup> May 2020.

### **3.00 New Enforcement Appeals – 1**

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1)** This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24th September 2019 and would have taken effect on 24th October 2019. The notice requires the demolition of the rear extension. This Notice has a compliance period of 3 calendar months. An Appeal was electronically submitted, and has now started.

**183A Streatham Road CR4 2AG.** An Enforcement Notice was issued on 1<sup>st</sup> May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice would have taken effect on 4<sup>th</sup> June 2019, with a compliance period of 2 months. An Appeal to The Planning Inspectorate has been made and the Appeal is in progress.

**47 Edgehill Road CR4 2HY.** This is concerning a rear extension not being built to the dimensions provided on the prior approval application. A Planning Enforcement Notice was subsequently issued requiring the demolition of the single storey rear extension. The Notice would have taken effect took effect on 16th September 2019, with a compliance period of 3 calendar months. An Appeal has started.

**33 HASSOCKS ROAD, LONDON. SW16 5EU:** This was regarding the unauthorised conversion from a single dwelling into 2 x self contained flats against a refusal planning permission. A planning Enforcement Notice was subsequently issued on 10th September 2019 and would have taken effect on 15th October 2019. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been submitted, and has started.

**6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1)** This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 24th September 2019 and takes effect on 24th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect. An Appeal has been submitted, and now started.

**76 Shaldon Drive, Morden, SM4 4BH.** An enforcement notice was served on 14th August 2019 relating to an outbuilding being used as a self-contained unit. The notice requires the removal of all kitchen facilities, fixtures, fittings, cooker, worktops, kitchen units. The notice takes effect on 16th September 2019, with a compliance period of 1 month. An Appeal has been electronically submitted, but not yet started.

1.1.1. **Existing enforcement appeals - 5**  
**Appeals determined - 0**

**3.4 Requested update from PAC - None**

**4. Consultation undertaken or proposed -**

None required for the purposes of this report

**5 Timetable - N/A**

**6. Financial, resource and property implications – N/A**

**7. Legal and statutory implications – N/A**

**8. Human rights, equalities and community cohesion implications – N/A**

**9. Crime and disorder implications – N/A**

**10. Risk Management and Health and Safety implications. – N/A**

**11. Appendices – the following documents are to be published with this report and form part of the report Background Papers - N/A**

**12. Background Papers - none**